CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT BOARD

Thursday, February 14, 2019 – 5:00 PM
Vincent E. Griego Chambers, Basement Level
City/County Government Center – One Civic Plaza NW
Albuquerque, New Mexico

Members Present:
Leonard Waites, Chair
Chantal M. Galloway, Vice-Chair
Joanne Fine
Valerie St. John
Chelsea Van Deventer

Members Absent:
Dr. William Kass

Others Present
Edward Harness, CPOA
Katrina Sigala, CPOA
Julian Moya, City Council
Tina Gooch, Atty
Cdr. Mark Velarde, APD
James Lewis, Mayor's Office
Esteban Aguilar, City Atty
Rowan Wymark, CPC
Chris Sylvan, CPC
Vicky Williams, CPC

Meeting Minutes

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

I. **Welcome and call to order.** Chair Waites called to order the regular meeting of the Police Oversight Board at 5:00 p.m.

II. **Pledge of Allegiance.** Member St. John led the meeting in the Pledge of Allegiance.

III. **Mission Statement.** Chair Waites read the Police Board's mission statement.

IV. **Approval of the Agenda.**

a) **Motion.** A motion was made by Vice-Chair Galloway to approve the agenda with the changes of removing section 1. Selection Criteria and 2. Candidate Scoring from item VII. d) City Attorney and place under b) City Council. Also remove item VII. b) Policy and Procedure from the agenda. Member Fine seconded the motion. The motion was carried by the following vote:

For: 5 – Waites, Galloway, Fine, St. John, Van Deventer

V. **Public Comments**

1. Holland Sylvester

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

a) **Approval of the Minutes from January 10, 2019**

1. Copies of the draft minutes from the January 10, 2019 POB meeting were distributed to each member in their packets.
2. **Motion.** A motion was made by Vice-Chair Galloway to approve the minutes as written. Member Fine second the motion. The motion was carried by the following vote:

For: 5 – Waites, Galloway, Fine, St. John, Van Deventer

VII. Reports from City Staff

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

1. **Statistical Data.** Commander Velarde read the Statistical Data for the month of January 2019. A document titled *Police Oversight Board, APD Internal Affairs: Statistical Data for the Month of January 2019* was distributed to the POB members. (see attached)

b) **Mayor's Office-**

1. **Mayor's Office Representative. -** James Lewis presented his report.

c) **City Attorney-**

1. **City Attorney –** Esteban Aguilar presented his report.

d) **City Council-**

1. **City Council Representative –** Julian Moya presented his report.
2. No information provided on the Selection Criteria or Candidate Scoring.

e) **Community Policing Council**

1. **CPC Representative.** Rowan Wymark, Chris Sylvan and Vicky Williams presented their report.

f) **Albuquerque Police Officer's Association**

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

g) **Civilian Police Oversight Agency**

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

VIII. Reports from Subcommittees

a) **Community Outreach Subcommittee – *Joanne Fine* -**

1. Met January 22, 2019 at 1:00pm
2. Member Fine Voted Chair for Community Outreach Subcommittee

3. Next meeting February 26, 2019 at 1:00pm

b) **Case Review Subcommittee – *Valerie St. John* –**
1. Met January 22, 2019 at 11:30am
2. Next meeting February 26, 2019 at 11:30pm

c) **Personnel Subcommittee – *Chantal Galloway* -**
1. Met February 1, 2019 at 9:30am
2. Update on the process of the employment agreement, job description and the evaluation tool for Executive Director's annual review.
3. Next meeting February 22, 2019 at 9:30am

IX. Discussion

a) **2017 Annual Report**
1. 2017 Annual Report has been provided to all Subcommittees for review and feedback and is now ready for City Council's approval.
2. **Motion.** Motion by Chair Waites to defer to March 14, 2019 POB meeting. Second by Vice-Chair Galloway. The motion was carried by the following vote:

For: 5 – Waites, Galloway, Fine, St. John, Van Deventer

b) **053-18 Non-Concurrence.**
1. **Motion.** Motion by Member Van Deventer to send a receipt be noted on CPC 053-18 to Chief Geier. Second by Vice-Chair Galloway. The motion was carried by the following vote:

For: 5 – Waites, Galloway, Fine, St. John, Van Deventer

c) **132-18 Chiefs Memo.**
1. Director Harness gave his report on Chief Geier's memo regarding 132-18.
2. **Motion.** Motion by Member Van Deventer to make a request to review Internal Affairs file. Second by Vice-Chair Galloway. The motion was carried by the following vote:

For: 5 – Waites, Galloway, Fine, St. John, Van Deventer

d) **Oversight Ordinance CS/2 O-18-23.** Board voted on a series of recommendations to be submitted to City Council.

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

a) Administratively Closed Cases

169-18	**201-18**	**217-18**	**233-18**	**256-18**
276-18	**278-18**	**279-18**		

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

For: 5 – Waites, Galloway, Fine, St. John, Van Deventer

b) Sustained

229-18

1. **Motion.** Vice-Chair Galloway motioned to approve Sustained Case presented. Member Fine seconded the motion and there was no discussion of the case. The motion was carried by the following vote:

For: 5 – Waites, Galloway, Fine, St. John, Van Deventer

c) Unfounded and Not Sustained

085-18

1. **Motion.** Member Fine motioned to approve the Unfounded and Not Sustained Case presented. Member Van Deventer seconded the motion and there was no discussion of any cases. The motion was carried by the following vote:

For: 5 – Waites, Galloway, Fine, St. John, Van Deventer

XI. Non-Consent Agenda.

a) Unfounded and Not Sustained

186-16

1. Motion. Motion by Member Van Deventer to defer CPC 186-16 and place on March's POB agenda for Garrity Material. Member St. John second the motion. The motion was carried by the following vote:

For: 5 – Waites, Galloway, Fine, St. John, Van Deventer

b) Exonerated/Sustained not based on original complaint

128-18

1. Motion. Member Van Deventer motioned to approve the Exonerated/Sustained not based on original complaint case presented. Member Fine seconded the motion and there was no discussion of any cases. The motion was carried by the following vote:

For: 5 – Waites, Galloway, Fine, St. John, Van Deventer

XII. Non-Concurrence Cases.

a) There was no Non-Concurrence Cases to present

XIII. Review of Appeals

a) There was no Review of Appeal Cases to present

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

a) Director Harness reported the findings on C-45-2018 and I-6-2017 to the board.

1. C45-2018. Board accepted the Concurrence finding letter.

2. I-6-2017. Motion by Member Fine to accept Director Harness's report on the serious use of force and officer involved case. Second by Vice-Chair Galloway. The motion was carried by the following vote:

For: 5 – Waites, Galloway, Fine, St. John, Van Deventer

XV. POB's Review of *Garrity* Materials.

a) There was no Garrity Materials to present

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

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

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

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

D-202-CV-2018-08758

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

i.Executive Director's contract

a) **Motion.** Motion by Member Van Deventer to take a member by member vote to move into a closed session for the limited purpose of discussing a personnel matter. Vice-Chair Galloway seconded the motion. The motion was carried by the following vote:
b) **Roll call vote by board members.**
c) **For: 5 – Waites, Galloway, Fine, St. John, Van Deventer**

---- Meeting on Personnel issues began at 8:04 p.m. and the meeting reconvened at 8:40 p.m. ---

a) Vice-Chair Galloway stated that the only discussion in closed session were the listed agenda items.
b) **Motion.** Vice-Chair Galloway motioned to reconvene the POB meeting into regular session. Member Van Deventer seconded the motion. The motion was carried by the following vote:
Roll call vote by board members.
For: 5 – Waites, Galloway, Fine, St. John, Van Deventer
c) **Motion.** Motion by Member Van Deventer that the Board take a position regarding the Executive Director's employment language within the ordinance that it mirrors the language found in the contract which reads that the - Executive Director is a full time unclassified contractual city employee. Chair Waites second the motion. The motion was carried by the following vote:

For: 5 – Waites, Galloway, Fine, St. John, Van Deventer

XVII. Other Business.

No other business.

XVIII. Adjournment – A motion was made by Vice-Chair Galloway to adjourn the meeting. Member Van Deventer second the motion. The motion was carried by the following vote:

For: 5 – Waites, Galloway, Fine, St. John, Van Deventer

The meeting adjourned at 8:41pm

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

Attachments

POLICE OVERSIGHT BOARD

PUBLIC COMMENT
SIGN IN

DATE: 2/14/2019

NAME (PLEASE PRINT)

1. Holland Sylvester
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POLICE OVERSIGHT BOARD
INTERNAL AFFAIRS
STATISTICAL DATA FOR THE MONTH OF JANUARY 2019

APD 911 Communications Center
Dispatched calls for Service for JANUARY 2019: 41959 (increase from JANUARY(1548)

INTERNAL CASES FOR THE MONTH OF JANUARY 2019

Total Internal Cases Completed the Month of JANUARY:
Comprised of:

- 6-Internal Affairs Investigations
- 0-Area Command Investigated case

Internal Cases Administratively Closed: 0

Internal Cases Mediated: 0.

Discipline imposed for Internal Cases JANUARY 2019

1: Letter of Reprimand
2: Suspension-8 hours
Letter of Reprimand
3: Suspension-80 hours
4: Letter of Reprimand
Suspension-8 hours

EIRS FOR JANUARY 2019: 50 alerts distributed

Pending IA Cases for the Month of JANUARY 2019: 19

IA/IAC Cases opened in the month of JANUARY 2019: 13

Civilian Police Oversight
Program # 1500001

1500001 - CP-Civilian Police OS Agency

:COUNT_GROUP2	COMPLETE_ACCOUNT2	YTD BALANCE	CC_ORG_BUD 2019	Dec Projection	Balance	Oct Projection
50 Personnel	500101 Regular Wages	231,120	497,230	447,729	49,501	447,304
	500301 - Wages - Overtime	200		400	(400)	1
	514400 - F/B - PERA	44,861	96,648	86,904	9,744	86,822
	514800 - F/B - FICA	17,456	38,088	34,027	4,061	34,059
	515600 F/B Other Employee Benefits	32,130	68,460	61,660	6,800	61,793
	515700 - F/B - Retiree Health Care	4,623	9,960	8,955	1,005	8,946
50 Personnel Total		**330,389**	**710,386**	**639,675**	**70,711**	**638,924**
52 Operating	520500 Professional Services	76,565	146,000	146,000	0	146,000
	521000 Other Services		2,000	-	2,000	-
	521540 Telephones	1,036	1,491	2,398	(907)	1,491
	522000 Supplies	3,228	17,700	11,456	6,244	17,700
	522500 Travel	29,543	25,500	40,000	(14,500)	30,000
	523000 Training			-	0	-
	523400 Dues and Memberships		500	-	500	-
	523800 Repairs and Maintenance	816	4,800	4,800	0	4,800
	527500 Contractual Services	13,600	44,000	27,199	16,801	44,000
52 Operating Total		**124,788**	**241,991**	**231,853**	**10,138**	**243,991**
59 Transfers	594053 - Telephone Operations (VOIP)	736	1,348	1,348	0	1,348
	594105 - Insurance - Workers Comp	712	1,304	1,304	0	1,304
	594107 - Insurance - Tort & Other Liab	110,712	202,971	202,971	0	202,971
59 Transfers Total		**112,160**	**205,623**	**205,623**	**-**	**205,623**
Grand Total		**567,337**	**1,158,000**	**1,077,151**	**80,849**	**1,088,538**

Encumbrance

PEIFER HANSON & MULLINS PA	1,000
UNIVERSITY OF NEW MEXICO - REGENTS	70,465
	71,000

February 12, 2019

FUND_DESCRIPTION	General Fund
ORGANIZATION	(All)
COMPLETE_PROGRAM	(All)
COMPLETE_DEPARTMENT	(All)

Sum of POSTED_TOTAL_AMT		LEDGER	FISCAL_YEAR						
		CC_ORG_BUD				ACTUALS			
ACCOUNT_GROUP2	COMPLETE_ACCOUNT2	2019	2018	2017	2016	2019	2018	2017	2016
50 Personnel	500101 Regular Wages	(497,230)	(483,661)	(483,722)	(484,907)	231,120	435,374	472,133	430,580
	500301 - Wages - Overtime					200	136		405
	514400 - F/B PERA	(96,648)	(93,876)	(94,022)	(94,171)	44,861	84,291	91,498	80,017
	514800 - F/B FICA	(38,088)	(36,996)	(37,046)	(37,112)	17,456	32,395	34,996	31,828
	515600 FB Other Employee Benefits	(68,460)	(61,320)	(61,797)	(81,030)	32,130	52,943	60,369	55,986
	515700 - F/B Retiree Health Car	(9,960)	(9,672)	(9,683)	(9,700)	4,623	8,686	9,428	8,245
50 Personnel Total		(710,386)	(685,525)	(686,270)	(706,920)	330,389	613,825	668,424	607,061
52 Operating	520500 - Professional Services	(146,000)	(75,000)	(150,000)	(110,000)	86,428	38,686	29,737	142,880
	521000 Other Services	(2,000)	(2,000)	(2,000)	(2,000)		18		
	521540 Telephones	(1,491)	(590)	(1,956)	(2,880)	1,036	1,294	2,364	2,719
	522000 Supplies	(17,700)	(17,700)	(17,700)	(23,900)	2,919	11,402	10,623	22,140
	522500 Travel	(25,500)	(25,500)	(25,500)	(25,500)	29,543	28,983	2,783	53,383
	523000 Training			(25,000)			5,983	762	7,867
	523400 Dues and Memberships	(500)	(500)	(500)	(500)				470
	523800 Repairs and Maintenance	(4,800)	(4,800)	(4,800)	(4,800)	816	3,852	5,014	771
	527500 Contractual Services	(44,000)	(44,000)	(44,000)	(172,500)	13,600	24,522	5,743	40,167
52 Operating Total		(241,991)	(170,090)	(271,456)	(342,080)	134,342	114,739	57,026	270,396
59 Transfers	594053 - Telephone Operations (VOIP)	(1,348)	(1,256)	(1,256)		736	1,256	1,256	
	594105 - Insurance - Workers Comp	(1,304)	(980)	(829)		712	980	829	
	594107 - Insurance - Tort & Other Liab	(202,971)	(2,149)	(24,189)		110,712	2,149	24,189	
59 Transfers Total		(205,623)	(4,385)	(26,274)		112,160	4,385	26,274	
Grand Total		(1,158,000)	(860,000)	(984,000)	(1,049,000)	576,891	732,949	751,723	877,457

COMPLETE_DEPARTMENT	(All)
COMPLETE_ACCOUNT	(All)
ACCOUNTING_MONTH	(All)
JRNL_HDR_STATUS_DESCRI	(All)
ACCOUNT_GROUP2	(All)

Sum of LINE_AMOUNT			FISCAL_YEAR		
COMPLETE_ACCOUNT2	VENDOR_NAME	LINE_DESCR	2017	2018	2019
520500 - Professional Ser	PEIFER HANSON & MULLINS PA		29,737	29,641	621
	SANDIA LIGHTWAVE LLC			363	
	SUTIN THAYER & BROWNE				40,495
	UNIVERSITY OF NEW MEXICO - REGENTS				44,131
	(blank)				9,863
		1RLY0		8,682	(8,682)
520500 - Professional Services Total			**29,737**	**38,686**	**86,428**
523800 - Repairs and Ma	XEROX CORPORATION		5,014	3,852	816
523800 - Repairs and Maintenance Total			**5,014**	**3,852**	**816**
527500 - Contractual Serv	ADELANTE DEVELOPMENT CENTER INC			35	
	ALL RITE CONSTRUCTION INC			13,775	9,184
	EMPLOYBRIDGE HOLDING COMPANY		1,041		
	FARAH COUNCIL			800	
	NEW MEXICO CAPTIONING LLC		4,293	4,635	4,416
	PRIMETIME THERMOGRAPHICS INC		79	48	
	RIVENROCK STAFFING LLC			4,781	
	SANDIA LIGHTWAVE LLC		53		
	VINRO INC		242		
	(blank)	Overnight Parking	35	447	

AN EQUAL OPPORTUNITY / REASONABLE ACCOMMODATION EMPLOYER

Civilian Police Oversight Agency
Director UN

Class Code: U00405

Bargaining Unit: No Union

CITY OF ALBUQUERQUE
Established Date: May 29, 2015
Revision Date: May 29, 2015

SALARY RANGE

$0.00 Hourly
$0.00 Biweekly
$0.00 Monthly
$0.00 Annually

FLSA:

Exempt

POSITION SUMMARY:

Under the direction and supervision of the Police Oversight Board (POB), the Director supervises and directs the operations of the Civilian Police Oversight Agency (CPOA). The Director oversees, monitors, and reviews all citizen police complaints or complements, serious uses of force including officer-involved shooting cases, and claims directed against officers and employees of the Albuquerque Police Department (APD). The Director will act as lead investigator and supervise the investigative and administrative staff of the CPOA; as well as assigning citizen police complaints to CPOA staff for investigation. The Director will provide recommendations and advice regarding Departmental policies and procedures to the POB; the Director will also provide advice, as appropriate, to the APD, the City Council, and the Mayor. The director is responsible for the performance of the CPOA staff's duties in line with policy, guidance, and city ordinance.

This is an unclassified at-will position.

Job descriptions are intended to present a general list of tasks/duties performed by employees within this job classification. Job Descriptions are not intended to reflect all duties performed within the job.

SUPERVISION RECEIVED AND EXERCISED:

Receive direction from, reports to, and is responsible to, and is evaluated by the Police Oversight Board (POB).

Exercise direct supervision over the investigative and administrative staff of the Civilian Police Oversight Agency (CPOA), and manages the agency, in accordance with the Police Oversight Ordinance; is primarily responsible for all investigations and work product of the CPOA Agency and

Agency Staff.

ESSENTIAL AND SUPPLEMENTAL FUNCTIONS:

ESSENTIAL FUNCTIONS: (Essential functions may include, but are not limited to the functions listed below)

1. Oversees, reviews, and investigates all citizen police complaints against the officers and employees of the APD and delegates work as necessary to CPOA staff.
2. Analyzes citizen police complaints and assigns complaints for investigation by CPOA staff in accordance with policy, guidance, and city ordinance.
3. Monitors and conducts supervisory oversight of all of the investigations above, makes thorough and objective findings or disposition for each complaint, and reports these findings or other disposition of these citizen police complaints to the POB.
4. May refer cases to impartial mediation or other alternative dispute resolution as appropriate.
5. Provides recommendations and advises the APD, the City Council, and the Mayor in police department policies and procedures, as directed by the POB.
6. Monitors all claims of excessive force and lawsuits against the APD, acting as an ex-officio member of the Claims Review Board.
7. Reviews and reports on the investigations on all officer involved shootings to the POB as well as to the Chief of Police and other appropriate parties. Is available for response to officer involved shootings, or other incidents as appropriate.
8. Compiles data for the analysis of applicable areas of concern within citizen complaints. Coordinates with CPOA staff to provide recommendations, analysis, and comment to the POB from collected data.
9. Collects and compiles information so as to satisfy all reporting requirements under the Oversight Ordinance for the POB.
10. Participates in budget preparation, attends related meetings, monitors expenditures, recommends budgetary adjustments, and makes quarterly budget reports to the POB.
11. Plays an active role in providing pro-active outreach to the community regarding police oversight. Responsible for the development of an outreach plan with the goals to educate the public and publicize the citizen complaint process.
12. Develops recommendations to the POB regarding the APD on specific training, changes in policy, or standard operating procedures (SOPs).
13. Provides staff support and technical assistance to the POB. Ensures the appropriate support for the POB, its subcommittees, and meetings.
14. Oversees the creation and maintenance of a public website for the posting of POB-related material, to include social medial presence in coordination with the POB's Community Engagement Subcommittee and the Community Outreach Coordinator.
15. Works collaboratively with the POB, the APD, the community and other stakeholders in order to facilitate communication between the POB, APD, the community and other groups.
16. Promote a spirit of accountability and communication between citizens and the APD, while working to improve community-police relations.

SUPPLEMENTAL FUNCTIONS:

1. Attends and participates in professional group meetings related to police oversight; stays abreast of new trends and innovations in the field of police oversight, police professionalism and police-community relations.
2. Performs other related duties and responsibilities as required or requested by the POB.

MINIMUM EDUCATION AND EXPERIENCE REQUIREMENTS:

Whether an applicant is qualified for the position of Director shall be determined by the Police Oversight Board (POB). However, the minimal qualifications shall include the following:

1. Must posses a professional law degree (J.D. or LL.B) from an ABA accredited law school.
2. Must be active members in good standing of the bar of an US State or Territory, or the District of Columbia.
3. Experienced in criminal investigation.
4. Knowledge of administrative and judicial processes, policies and procedures.
5. Knowledge of employment contract interpretation.
6. Proven track record of effective management experience.

ADDITIONAL REQUIREMENTS:

1. Possession of a New Mexico Driver's License (Class D), or the ability to obtain by date of hire.
2. Must undergo and pass background check
3. May require working non-traditional hours, including being on-call.

PREFERRED KNOWLEDGE:

- Effective interpersonal communication skills
- Standard investigative techniques
- Pertinent Federal Law, State Statues, City Ordinances, City and State Traffic Codes, APD SOPs and Albuquerque Police Officers Association contract
- Investigative and procedural standards and guidelines that pertain to the CPOA Office
- Principles and practices of policy development and implementation
- Data collection and data related software
- Knowledge of Board dynamics; compliance with NM Open Meetings Act and NM Inspection of Public Records Act
- Experienced with conflict resolution and mediation.

PREFERRED SKILLS AND ABILITY:

- Develop and administer program goals, objectives, policies and procedures
- Plan, organize, direct and coordinate the work of staff
- Select, supervise, train and evaluate staff
- Analyze and assess Investigative Review program, policies and operational needs and make appropriate adjustments
- Establish and maintain effective communication within the Agency, the community and the APD, as well as other stakeholders
- Prepare administrative reports; analyze factual trends
- Prepare business correspondence and reports
- Prepare and make public presentations
- Ability to develop collaborative working relationships with a variety of stakeholders and community members
- Maintain confidentiality
- Communicate clearly and concisely
- Explain complex procedural processes and analysis in common language

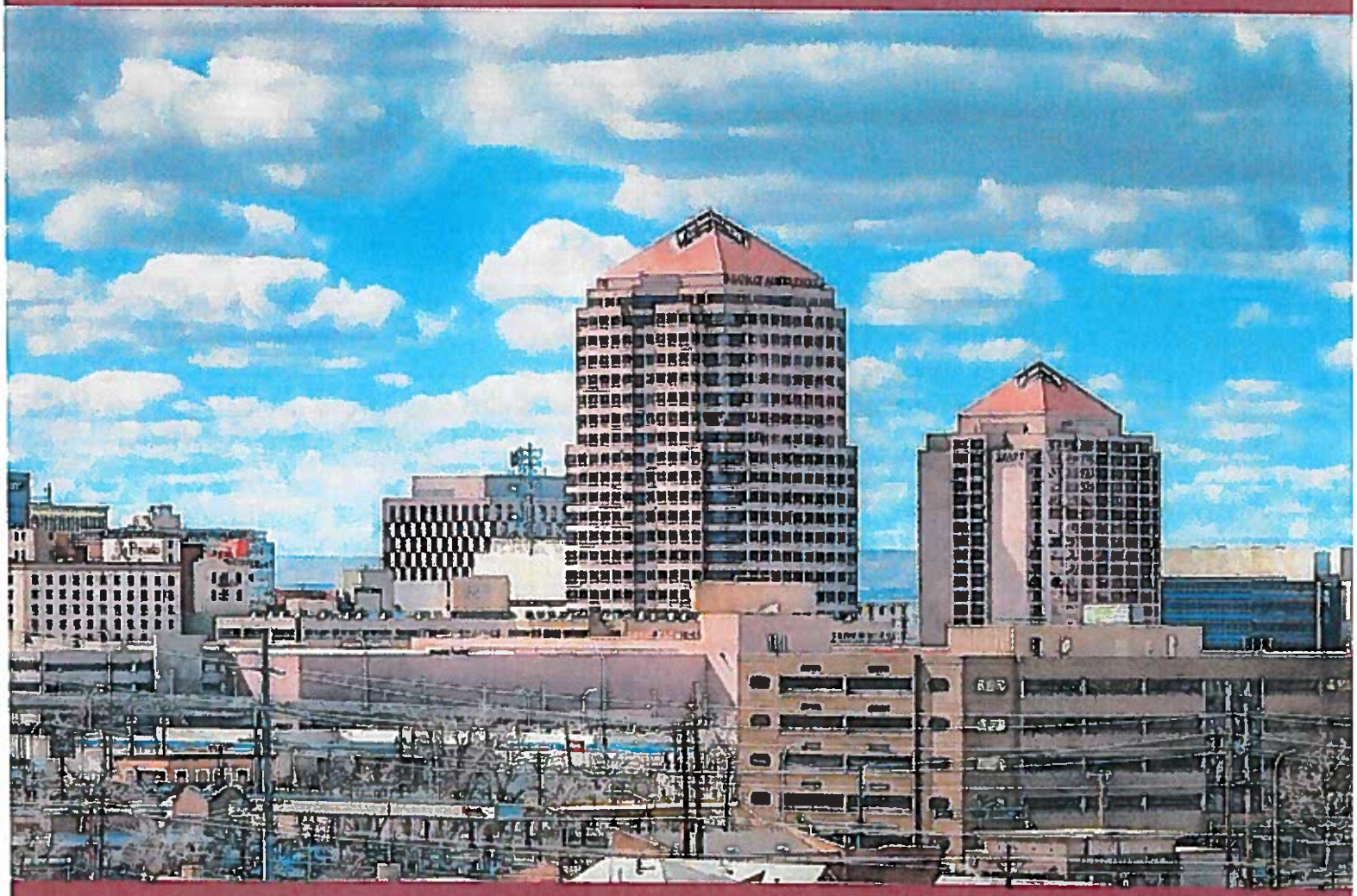
- Perform the essential functions of the job with or without reasonable accommodation
- Develop and maintain positive, productive internal and external professional relationships
- Demonstrated effective management skills

WORKING CONDITIONS:

Environmental:
Office environment; exposure to computer screens.

Physical:
Essential and supplemental functions may require maintaining physical condition necessary for sitting for prolonged periods.

Civilian Police Oversight Agency
ANNUAL REPORT 2017



Edward Harness, ESQ.
CPOA Executive Director

Joanne Fine
Police Oversight Board Chair

Leonard Waites
Police Oversight Board Vice Chair

ALBUQUERQUE
CIVILIAN POLICE
OVERSIGHT

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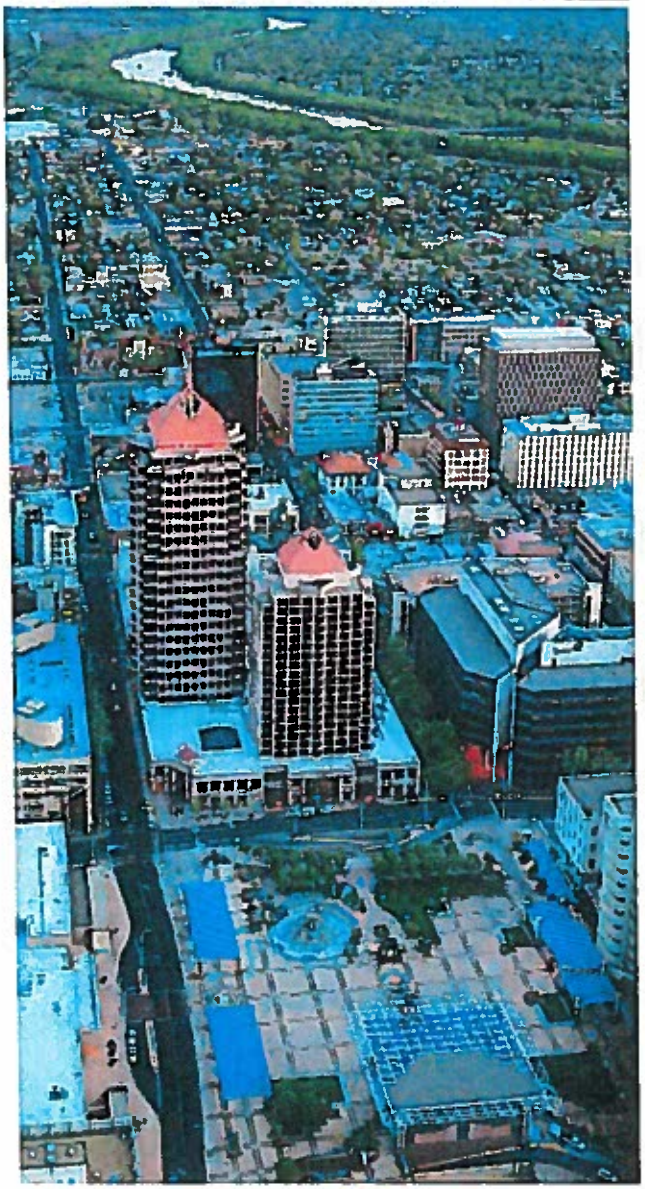
Trends and Highlights



The Civilian Police Oversight Agency (CPOA) received 268 complaints in 2017, a 35% increase compared with 2016 but comparable to the number of complaints received in prior years. The CPOA also received 519 citizen police commendations in 2017, submitted by 187 individuals acknowledging outstanding acts of service by 283 officers and employees.

The CPOA completed 116 citizen police complaint investigations, representing 215 allegations of police misconduct in 2017. The 116 complaints represent a 65% decrease since the 331 complaints completed in 2016, which is partially a consequence of the backlog in cases the CPOA had to address that year. Among completed complaints, 68 were Administratively Closed and 48 had other findings. These complaints were submitted by 109 complainants, involved 105 APD sworn and civilian staff members, and resulted in 133 findings.

Officers with Sustained findings for violating Standard Operating Procedure were referred to the Chief of Police, who has sole disciplinary authority over APD personnel. Sustained findings are made part of the officer's permanent record. Out of 133 overall findings, the Chief of Police sustained 16 findings (11 total cases) and disciplined 14.

The CPOA and the Chief did not concur on four findings. The national average sustained findings rate in police misconduct is 8% (CATO Institute's National Police Misconduct Reporting Project, 2010). This ranks the Albuquerque Police Department's rate of sustained findings 12% above average.

The CPOA will continue to work towards compliance with the court approved settlement agreement and collaborate with the Internal Affairs Division to investigate civilian complaints fully and fairly. The CPOA will also continue working with the community to enhance accountability and transparency at the Albuquerque Police Department. We strive to improve not only the oversight process but also the relationship between the public and the police force as a whole.

Introduction

This report describes the activities of the Civilian Police Oversight Agency (CPOA), which provides civilian oversight of the Albuquerque Police Department, for calendar year 2017. "Civilian oversight" refers to persons who are not sworn police officers having input on police department policy and handling of misconduct allegations[1] This typically involves, at a minimum, citizen participation in the review of complaints about police. The CPOA is a type of external civilian investigatory agency whereby civilians employed by an independent governmental institution are authorized to accept, investigate, and make recommendations concerning the resolution of complaints against police. The external civilian investigatory agency is one of four generally recognized models of civilian oversight that vary in their independence from and capacity to influence police department policy and discipline.[2] Table 1 on the following page describes each of these models; the strengths and weaknesses of each.[3] Although there is no accepted "best practice" for civilian oversight, practitioners argue that oversight agencies should go beyond complaint disposition by attempting to identify the broader problems that underlie community dissatisfaction with police.[4]

The process utilized by the CPOA for reviewing complaints, as well as the findings they recommend to the Chief of the Albuquerque Police Department, are described in the sections that immediately follow. This report then provides contextual information encompassing background on the Police Oversight Ordinance, evaluation by the independent monitor for the court approved Settlement Agreement; a description of the purpose of civilian oversight; the process for mediation of civilian complaints; progress made on problem-oriented oversight projects; and policy changes recommended.

Next, the report presents quantitative data on the number of complaints received and completed by the CPOA during 2017, including the number of allegations investigated or administratively closed and the CPOA's recommended findings for these allegations. Finally, the report provides demographic and multiple or repeat allegation information for persons involved in complaints, first for civilians and then for police department officers and employees.

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[1] Miller, Joel and Cybele Merrick. 2002. *Civilian Oversight of Policing: Lessons from the Literature*. New York: Vera Institute of Justice.

[2] For a review of civilian oversight models and a similar classificatory scheme, see Clarke, Stephen. 2009. "Arrested Oversight: A Comparative Analysis and Case Study of How Civilian Oversight of the Police Should Function and How it Fails." *Columbia Journal of Law and Social Problems* 43: 1-49.

[3] Strengths and weaknesses adapted from National Association for Civilian Oversight of Law Enforcement (NACOLE). N. d. "FAQs: Oversight Models: Is One Model Better than Another?" Retrieved July 26, 2018 (https://www.nacole.org/faqs).

[4] Livingston, Debra. 2004. "The Unfulfilled Promise of Citizen Review." *Ohio State Journal of Criminal Law* 1: 653-669.

Table 1. Models of Civilian Oversight of Police

	Description	Strengths	Weaknesses
Internal Civilian Investigation	Civilians are hired to conduct complaint investigations for the internal affairs unit of a police department	Financial and political support for a separate oversight agency is not necessary; civilians replace sworn officers as investigators	Employees have incentives to appease department employers and are unlikely to develop uniquely "civilian" viewpoints
External Civilian Review or Appeal	An independent civilian review board reviews police investigations or civilian appeals; board can make finding or disciplinary recommendations	Can provide greater transparency of complaint handling by internal affairs and incline department to act on recommendations	Relies on data from police investigators; if composed of volunteers they may only be able to review a limited number of cases
External Civilian Investigation	Agency can accept and investigate complaints; make finding or disciplinary recommendations; advise policy; and administer alternative dispute resolution	Authority to reach independent judgment regarding merits of a complaint; identify issues in policy, supervision or training; and oversee officer-citizen mediation	Insufficient resources can rapidly undermine effectiveness; limited ability to address problems not brought to its attention via citizen complaints
External Civilian Auditor	Auditor is granted full access to police department records and given broad authority to report on all aspects of departmental policy	Augmented ability to discover patterns of problematic police behavior or policies unlikely to be addressed through traditional complaint processes	Necessary resources may be out of reach for most communities; success is highly dependent on individual skill of auditor and his or her staff

Process for Reviewing Civilian Police Complaints and Findings Categories

The process for reviewing civilian police complaints starts with a person filing a complaint against the Albuquerque Police Department (APD) via the internet or in writing. The CPOA will mediate complaints, whenever appropriate and agreed upon by the parties. If the case is not appropriate for mediation, the Civilian Police Oversight Agency (CPOA) will open a case and assign it to an investigator. The assigned investigator will interview witnesses, obtain evidence, and interview the APD personnel involved. Once the investigation of the complaint is completed, the Executive Director of the CPOA will review the complaint and results of the investigation to determine if there are any violations of Albuquerque Police Department Standard Operating Procedures (SOPs). SOPs are the Police Department's rules regulating employee conduct. The Executive Director of the CPOA will draft a letter indicating his conclusions and findings, which the POB will accept, reject, or modify. The Executive Director may send the completed investigation to the Department in order to meet discipline deadlines. The members of the Police Oversight Board (POB) will review the complaint and approve the Executive Director's findings and conclusions. After the POB has approved the Executive Director's findings, the CPOA will send the findings to the person who filed the complaint via Certified Mail and to the Albuquerque Police Department. The person who filed the complaint may appeal the POB's findings. The Civilian Police Oversight Agency can only recommend discipline. The Chief of Police retains sole authority to impose discipline to an Albuquerque Police Department employee for violations of the Albuquerque Police Department Standard Operating Procedures. The person who filed the Complaint may appeal the POB's findings and the Chief's disciplinary findings. The Civilian Police Oversight Agency does not conduct criminal investigations.

There are six possible findings that the APD and the CPOA use. These six are: Sustained, Not Sustained, Exonerated, Unfounded, Sustained Violation Not Based on Original Complaint (Sustained/NBOOC), and Administratively Closed. The following are the definitions for those findings.

SUSTAINED – Where the investigation determines, by a preponderance of the evidence that the alleged misconduct did occur.
NOT SUSTAINED – Where the investigation is unable to determine, by a preponderance of the evidence, whether the alleged misconduct occurred.
EXONERATED – Where the investigation determines, by a preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures, or training.
UNFOUNDED – Where the investigation determines, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officer.
SUSTAINED VIOLATION NOT BASED ON ORIGINAL COMPLAINT (SUSTAINED/NBOOC) – Where the investigation determines, by a preponderance of the evidence, that misconduct did occur that was not alleged in the original complaint but that was discovered during the misconduct investigation.
ADMINISTRATIVELY CLOSED – Where the policy violations are minor, the allegations are duplicative, or investigation cannot be conducted because of the lack of information in the complaint.

Background

In compliance with the 2014 Court Approved Settlement Agreement (CASA) between the United States Department of Justice and the City of Albuquerque, the City Council adopted the Police Oversight Ordinance (§ 9-4-1-1 through 9-4-1-14). This ordinance created a Civilian Police Oversight Agency (CPOA) consisting of a Police Oversight Board (POB) and an Administrative Office led by an Executive Director. The Administrative Office investigates all civilian complaints regarding police conduct and monitors police internal affairs matters. The POB is tasked with reviewing and amending or approving the findings of Administrative Office investigations and providing policy recommendations for the Albuquerque Police Department (APD).

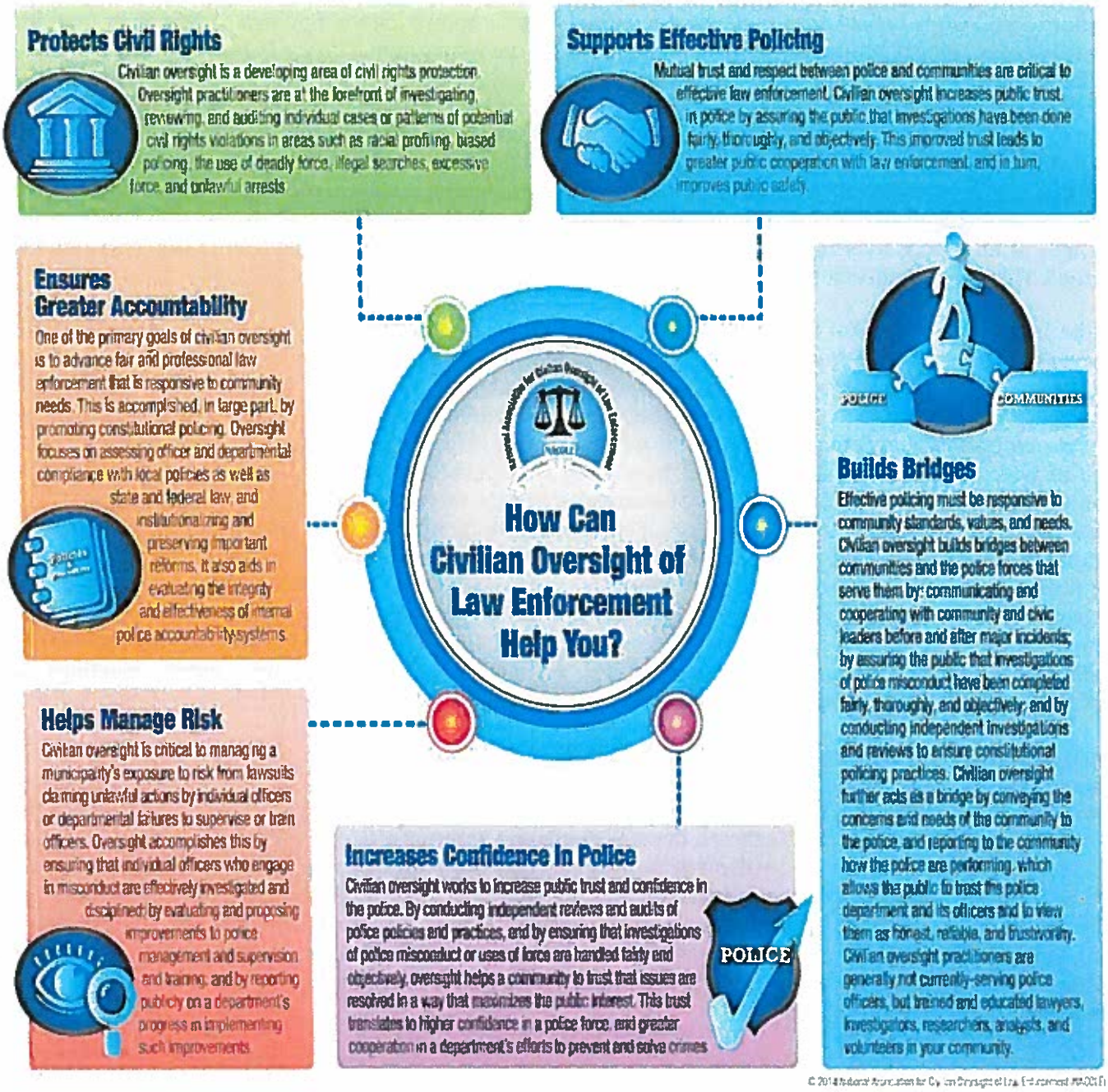
The Police Oversight Ordinance also specifies that the CPOA will publish semi-annual written reports presenting data on the number, kind and status of civilian complaints received; suggested policy and/or procedural changes; statistical race/ethnicity of subject officers and complainants; the CPOA's investigative findings; the Chief of Police's issuance of discipline on those findings; information on outreach initiatives; the quantity of time allocated by the POB to policy activities; and identification of any issues that may necessitate changes to the Police Oversight Ordinance. These semi-annual reports are submitted to the Mayor and City Council. This report addresses the period of January 1, 2017 through December 31, 2017.

In the Independent Monitor's Sixth Report, Dr. James Ginger evaluated the CPOA's compliance levels with relevant requirements of the CASA for the period covering February through July of 2017. The Monitor highlighted areas in which the CPOA was not fully compliant. For example, the Monitor noted that the CPOA occasionally closed cases that did not meet the technical definition for administrative closure or took more than seven business days to assign a case to Administrative Office investigators. The Monitor identified one case in which additional evidence should have been considered before a finding was recommended. The monitor identified two cases that were not completed within the required 90 days. These identified issues were based on a randomly selected sample of eight complaints. However, the Monitor found the CPOA was compliant with most of the pertinent standards set forth in the paragraphs of the CASA. These include requirements concerning: accessibility of complaint/commendations forms; use of a centralized tracking system for complaints; diversity, competence and training of personnel; staffing levels; timely investigation of complaints and serious uses of force; recommendations of disciplinary action and policy changes to the Chief of Police; provision of meaningful opportunities for appeal of CPOA findings; public meetings and implementation of a community outreach program; and submission of semi-annual reports to City Council.

Appointed by the City Council, the POB is comprised of nine volunteer citizen's representative of Albuquerque's demographic diversity and police oversight process stakeholders. Members serve a maximum of two three-year terms and receive initial and ongoing training in a variety of areas, including instruction in civil rights, ride-a-longs with APD officers, firearm simulation, internal affairs, use of force, equity and cultural sensitivity, the Court Approved Settlement Agreement, and the Police Oversight Ordinance. Currently, the Administrative Office has an executive director, four investigators, one community engagement specialist, one data analyst, and one administrative staff. The CPOA will continue to work towards complete compliance with the CASA. Additionally, the CPOA will continue to collaborate with the Internal Affairs Division and the citizens of Albuquerque to fully and fairly investigate allegations of misconduct by the Albuquerque Police Department.

The Purpose of Civilian Oversight

This infographic was developed by the National Association for Civilian Oversight of Law Enforcement (NACOLE) to better explain the purpose of Oversight. NACOLE is a non-profit organization that brings together individuals or agencies working to establish or improve oversight of police officers in the United States.



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Mediation

During the intake process the CPOA Director may suggest voluntary mediation to resolve complaints if both the complainant and the employee agree. Mediation is potentially an option for complaints involving apparent miscommunication or misperception between officers and members of the public. Mediation is not considered for complaints involving particularly egregious allegations, such as use of force, possible violations of law, etc. The CPOA has found the experience of both complainants and employees who participate in mediation encouraging.

Community-Police Mediation is an alternative to the traditional way of resolving complaints about police misconduct. Complainants have the opportunity to sit down with the officer in a neutral and confidential setting, with the assistance of a professional mediator. Research has found that mediation is far more likely to lead to satisfaction among complainants and officers than the traditional complaint-handling process. It also is more likely to result in fewer future citizen complaints against a particular officer than traditional methods and is more likely to result in a timely resolution when compared to formal investigations.[5] It is important to note that several models of best practice for mediation assert that mediation, while an important and useful tool, should not be used in all cases. Most expert officials in mediation of civilian complaints agree that the seriousness of an allegation is one factor in the determination of whether to mediate. For example, in nearly all mediation programs use of force is considered ineligible for mediation. Furthermore, research on eligibility for mediation asserts that cases involving criminal charges, officers with a history of citizen complaints, officers who have been named in three citizen complaints in the past 12 months, or officers with a similar misconduct allegation within the previous 12 months should not be referred to mediation. [6]

[5] Proctor, Jon; Clemmons, AJl and Rosenthal, Richard. 2009. "Discourteous Cops and Unruly Citizens: Mediation Can Help" Community Policing Dispatch. COPS.

[6] Walker, S., C.A. Archbold, and L. Herbst. Mediating Citizen Complaints against Police Officers: A Guide for Police and Community Leaders. Web Version. Washington, D.C.: Office of Community Oriented Policing Services, 2002.

Policy Development and Recommendations in 2017

The CPOA Ordinance provides a guideline of what is to be expected from the Agency. During the first year of its existence the POB created a set of operating procedures designed to meet their obligations per the Ordinance. One of these obligations is to spend 51%, of their time on policy review and policy recommendations. This has been interpreted to include creating processes to guide policy development. The resulting policy recommendations should be supported by research and have defined goals. The development process can be used to track both APD SOPs and POB generated policy recommendations through the APD policy development process. Primary responsibility for this policy activity has been assigned to the Policy and Procedures Subcommittee (P&P).

Many of the policy recommendations generated by the P&P were generally thwarted by APD during 2017. When fundamental requests were made to Chief Gordon Eden to allow greater access to the APD policy development process, these requests were firmly rejected in a letter written by the Chief dated on April 17, 2017. The CPOA and POB followed this letter with a letter to independent monitor Dr. James Ginger pointing out that APD's response did not meet their requirements under the CASA. APD was resistant to oversight efforts and generally denied attempts through the OPA and PPRB channels to make policy changes. Little to no record of OPA meetings were made and public input was limited by to a form created by APD. A critical function of the CPOA and POB is to be a conduit of information regarding the APD policy process to the public. This function is improved when CPOA / POB participates directly in the policy development process at APD and reports the results to the public. While this report is for calendar year 2017, it is being written in 2018 after a change in APD hierarchy following the election of a new mayor. The change since this new APD and city administration have taken office is dramatic. CPOA and POB members' recommendations and suggestions are given consideration in the APD policy process and a new era of cooperative relations has begun.

ORDINANCE CHANGES

In response to the problem of overcoming APD reluctance to give access to the policy development process and necessary associated resources and data, the CPOA developed and the POB voted to recommend several changes to the city ordinance establishing the CPOA that would give more weight to CPOA oversight of APD. One change treats the CPOA's ability to comply with certain CASA requirements by giving subpoena power to the POB to facilitate investigations. Other recommended changes deal with POB access to raw data; addition of language requiring APD to take policy input from the CPOA and POB including seats on the policy writing bodies; adding Data Analysist and Community Engagement positions to the ordinance; requiring APD to participate in a hearing on non-concurrences for policy and investigation findings; addition of language requiring the Chief of Police to notify the CPOA and the complainant of final findings and discipline. These ordinance changes are pending approval by the Albuquerque City Council.

ORDINANCE ANALYSIS – SOP CHANGES

During the second half of 2017, POB focus was to develop processes that would create a framework for making policy recommendations. This framework depended on creating a better understanding of the relationship between the CPOA and its oversight role of APD as stated in the ordinance. Although, the ordinance specifies the roles and responsibilities of the CPOA and POB in oversight and APD's obligation to cooperate by giving the CPOA access to APD resources and information, in many cases these obligations have not been written into APD's SOPs. The POB Policy and Procedures Subcommittee started a project to analyze the mention of APD obligations and identify the SOPs which could be modified to acknowledge and accommodate CPOA/POB needs. The ordinance requires that POB members receive training important to their understanding of governmental and legal requirements to serve on a city board. Additionally, APD has imposed additional training to educate POB members about APD operations. Because this training was delayed for new board members, the POB had to make a considerable effort to influence APD to furnish the training they, themselves, had considered important. This activity was not completed until March 2018 when the modified version of the Citizen's Police Academy was compressed into four days of class time held over two consecutive weekends. Much credit needs to be given to the Northeast Area Command Community Policing Council members who had attended an earlier version of the CPA and made several recommendations to improve and shorten it for volunteer board members who are required to take it.

POB POLICY DEVELOPMENT PROCESS

The P&P continued development of their own process (P&P Process) that describes how to generate self-initiated policy recommendations. This process relies on incorporating best practices principles for public policy development. These principles include: identify the issues, propose a solution, identify measurables for policy evaluation, implement the policy, review the policy periodically against the measured data to determine the effectiveness of the policy, and repeat this process on a regular basis. These same principles have been presented and enthusiastically received by APD in working group meetings with APD policy development personnel.

INTEGRATE POB PROCESS TO APD PROCESS

The CASA requires a periodic review of CASA-related SOPs on a six-month basis and all APD SOPs yearly. The CPOA / POB are obligated to participate in these reviews and this activity has dominated the workload of the P&P for the last half of 2017 especially after the change in city administration in December 2017. As a result, the P&P has worked closely with APD to develop a process that integrates with the APD SOP review process.

The P&P participated in creation of SOP 3-52 Policy Development Process through joint meetings with the City Attorney staff, the United States Attorney staff, and APD personnel assigned to policy development. The SOP utilizes the Office of Policy Analysis (OPA) to present new SOPs and SOP changes for review by APD and the public. Public representation is primarily provided by CPOA and POB membership on this committee at periodic OPA meetings. OPA can approve the policy to move to the next step or send it back for further edits and modifications. The modified SOP is available for further public review for about seven days. The Policy and Procedures Review Board (PPRB) meets and review the recommendations made to that point. If PPRB approves, the finalized policy may be further reviewed

by the POB for a thirty-day period and then sent to the Chief of APD for approval. If the SOP is a CASA-related policy, the Independent Monitor Team (IMT) reviews it, as well.

In 2018, the P&P initiated a program to have important APD policies presented at a regularly scheduled POB meeting to air the policy in a more publicly accessible venue.

POB POLICY RECOMMENDATIONS

A good policy recommendation has several characteristics:

1. It identifies a problem and proposes a solution
2. It is supported by data
3. It is transparent to the community
4. it is acceptable to APD (clear, understandable, trainable)
5. It has a good chance of being adopted

When these conditions are met, the process allows positive working relationships between the civilian oversight, the police, and the general public.

Formal POB policy recommendations may start with an idea for a new policy by a POB member who has an idea stemming from insight into APD operations or by input from the public through community outreach or citizen complaints. After that research must be done to support the proposal and it must be vetted by the P&P. The policy recommendation is submitted to the POB who approves it by a majority vote and then directly forwards the recommendation to the Chief of APD for approval. While this process may be successful, experience from the previous APD administration suggests that it depends primarily on the Chief for acceptance.

We have not forgotten that APD has ownership of its SOPs and has developed a process that relies on significant input from APD subject matter experts who may not be experienced writing SOPs. This process also includes input at OPA where a dozen APD officer-members can represent the views of their division and/or the APOA during reviews of an SOP. A similar situation holds at PPRB. If an external policy recommendation attempts to bypass this process, its chance of successful adoption is significantly reduced.

An alternative to the formal POB process is to influence the existing APD process which allows APD to retain ownership. This method deals with potential objections by APD early in the process rather than waiting for the Chief to cite lack of APD input.

Here are a couple of examples that hopefully will illustrate the point.

Example 1: Code 3 response to priority 1 calls. As a result of a conversation with a former APD officer and an EMT, a proposal was made to suggest that emergency call for service be responded to by obeying the normal speed limits. Research was conducted that says the danger to the public would be reduced and slower response times rarely have a negative effective on the survival of victims. Further information was gathered from the APD officer who teaches driver safety courses at the APD academy. This proposal was not put through the formal process based on the perceived lack of receptiveness of APD to consider POB proposals. The alternative will be to present this information when this SOP (SOP 2-6 Use of Emergency Warning Equipment) comes up for periodic review.

Example 2: Crimes against children investigations. Following the tragic killing of Victoria Martens, and the ensuing APD investigation a citizen complaint was filed that allowed the CPOA to further investigate. The CPOA investigation showed that there were deficiencies in the original APD investigation. These findings resulted in scrutiny of investigative techniques, the CACU and the communication with CYFD. APD has initiated review of these techniques and SOPs which will certainly result in significant changes to several SOPs. The CPOA and POB will provide feedback and a forum for the public to see the results.

Neither of these examples constitutes a formal recommendation but the expected result is that improvements to policies and processes will be made.

2017 Complaint Data

Table 2 shows the number of complaints received, administratively closed, completed investigations, and appealed complaints heard by the CPOA in 2017 in comparison to the previous four years. In 2017, the CPOA received 268 complaints (a 35% increase since 2016) and completed 116 complaints (a 65% decrease since 2016). The 116 complaints represented 215 unique allegations of police misconduct. Of those complaints completed in 2017, 68 were administratively closed and 48 were completed investigations. It is also important to note that investigations opened in a particular year may not be completed until the subsequent year, (i.e. a complaint received in November will not be completed during the calendar year or a deadline extension was requested).

Table 2. Case Summary and Status of All Complaints Received and Complaints Investigated in 2017

Yearly Statistics	2013	2014	2015	2016	2017
Total Complaints Received	259	233	256	198	268
Administratively Closed Complaints	131	106	69	104	68
Investigations Completed	84	188	22	227	48
Appealed Complaints Heard	6	10	0	1	0

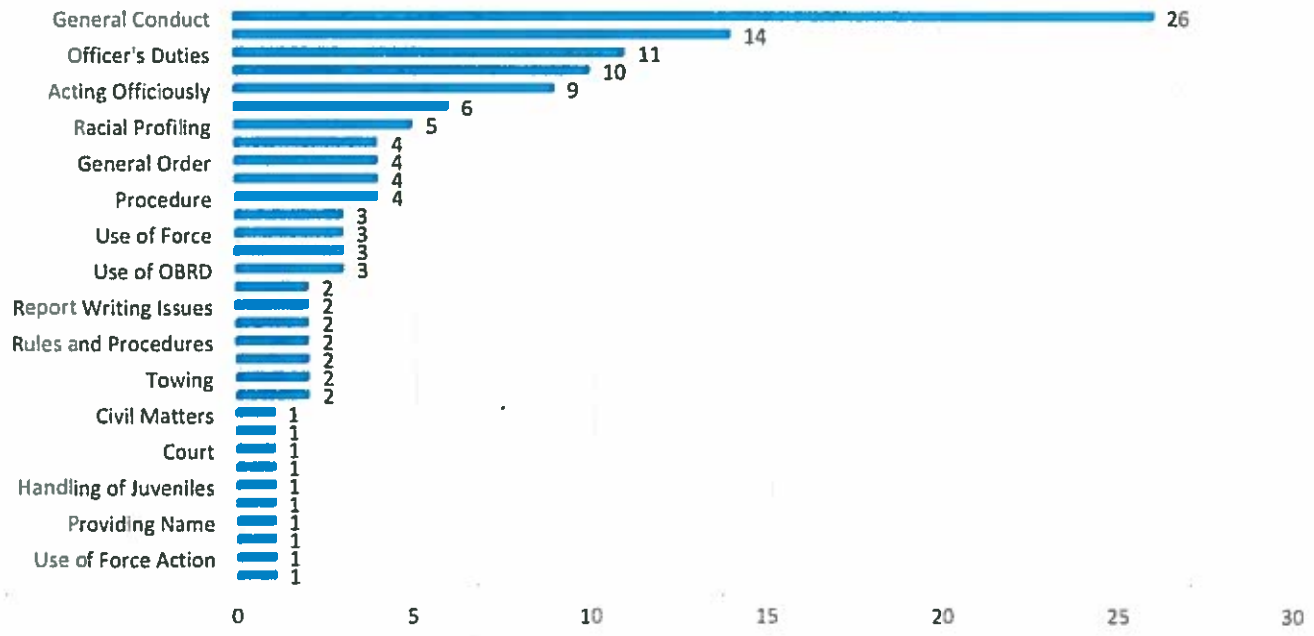
Findings, Discipline, Non-Concurrences, Sustained Cases and Administratively Closed Complaints

The section below will describe the disposition of complaints completed in 2017, the type of discipline imposed, and the types of complaints that were investigated.

INVESTIGATED ALLEGATIONS

There were 133 total allegations investigated by the CPOA in 2017, which are presented by type and frequency in Figure 1. Allegations regarding "General Conduct" were the most frequent kind (26 allegations, or 20%), but allegations concerned with "Investigations/Documentation" (14 or 11%), "Officer's Duties" (11 or 8%), or "Searches/Seizures" (10 or 7%) were also common. The wide variety of complaint types suggests a method for triaging complaints according to severity may be appropriate. Providing the options of mediation and small complaint resolution to civilians with minor allegations might effectively address their grievances while allowing some investigative resources to be used to identify misconduct problems that underlie patterns of more serious complaints.[7]

Figure 1: Total Allegations Investigated by the CPOA in 2017, by Type and Frequency



[7] Livingston, Debra. 2004. "The Unfulfilled Promise of Citizen Review." *Ohio State Journal of Criminal Law* 1: 653-669.

To determine whether allegation types and frequencies varied by gender, Figures 2 and 3 depict the same information presented in Figure 1 separately for females and males, respectively. The array of allegation types represented among males is somewhat more varied (21 types, compared with 17 types for females), but otherwise the two charts are generally similar. In both, allegations regarding "General Conduct," "Investigations/Documentation," and "Searches/Seizures" are among the most frequently cited concerns with police conduct.

Figure 2: Allegations Investigated by the CPOA in 2017, Submitted by Females

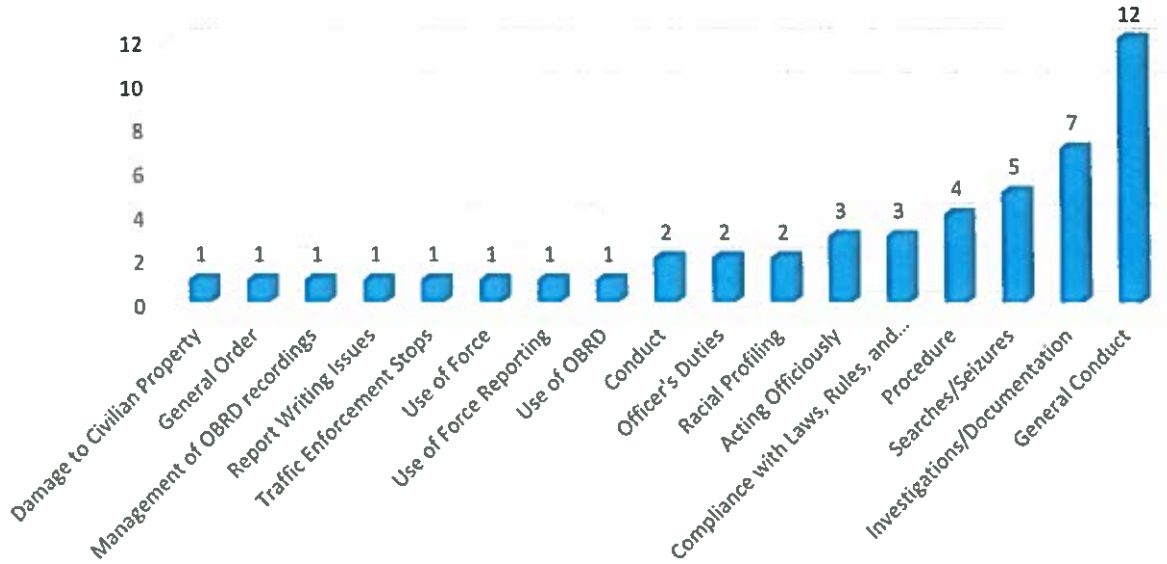


Figure 3: Allegations Investigated by the CPOA in 2017, Submitted by Males

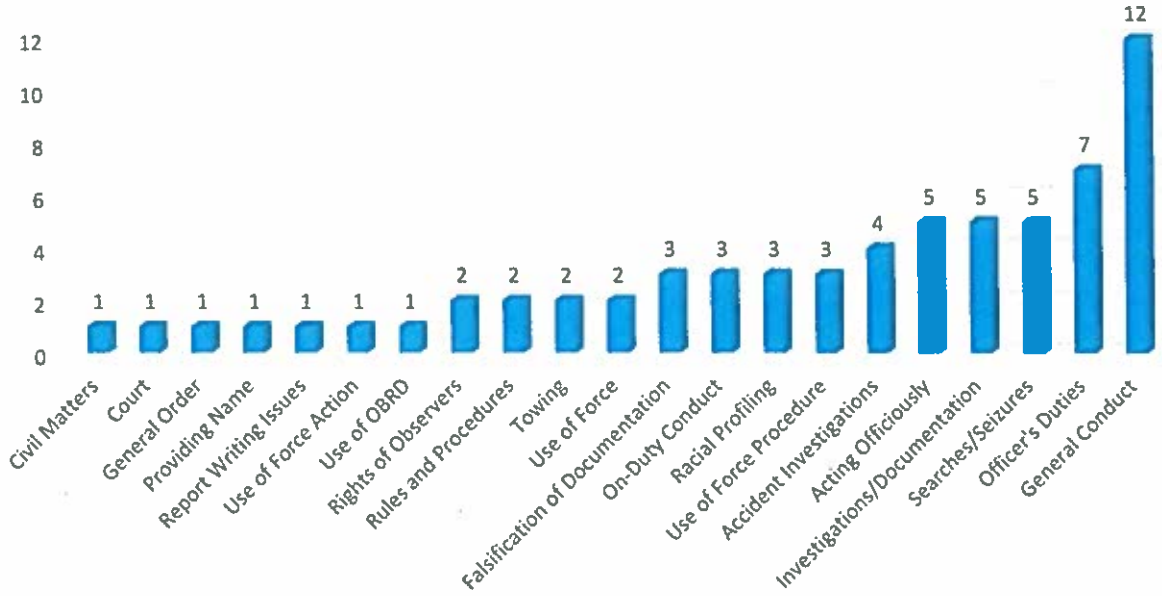


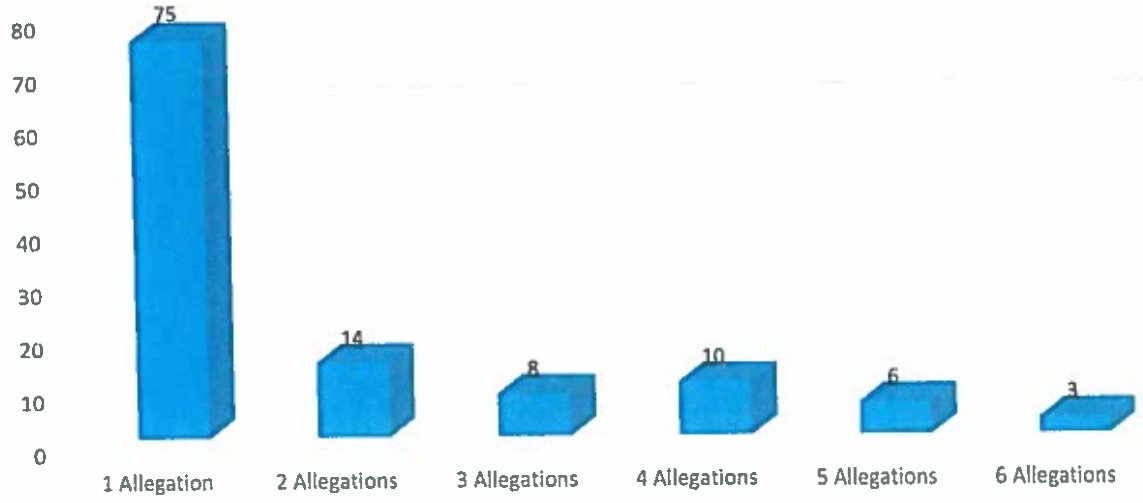
Table 3 displays findings by allegation cross-tabulation for the ten most common allegations in 2017. Although "General Conduct" represents the category with the highest number of allegations, it also contains the largest number of unfounded findings (18). The largest number of exonerated findings were recommended for the "Investigations and Documentation" category (12), while "General Conduct" and "Acting Officiously" share the highest frequencies for not sustained findings (3). The largest number of sustained recommendations was given for the "Compliance with Laws, Rules, and Regulations" category (3).

Table 3. Findings by Allegation Cross-tabulation for the 10 Most Frequent Allegations

	Unfounded	Sustained	Not Sustained	Exonerated	Sustained NBOOC	**Total**
General Conduct	18	0	3	5	0	**26**
Investigations & Documentation	1	0	0	12	1	**14**
Officer's Duties	2	2	0	7	0	**11**
Searches & Seizures	0	1	0	9	0	**10**
Acting Officiously	5	0	3	1	0	**9**
Compliance with Laws, Rules, & Regulations	2	3	1	0	0	**6**
Racial Profiling	5	0	0	0	0	**5**
Accident Investigations	2	0	0	2	0	**4**
General Order	1	1	1	1	0	**4**
On-Duty Conduct	3	0	0	1	0	**4**
Total	**39**	**7**	**8**	**38**	**1**	**93**

Figure 4 charts the total number of complaints closed in 2017 with one or more allegations. Of the 116 complaints completed, 41 (35%) contained two or more allegations and 27 (23%) represented three or more allegations. The majority only included a single allegation (75 complaints, or 65%). In total, these complaints accounted for 215 separate allegations of misconduct against APD officers and employees.

Figure 4: Complaints with Multiple Allegations in 2017

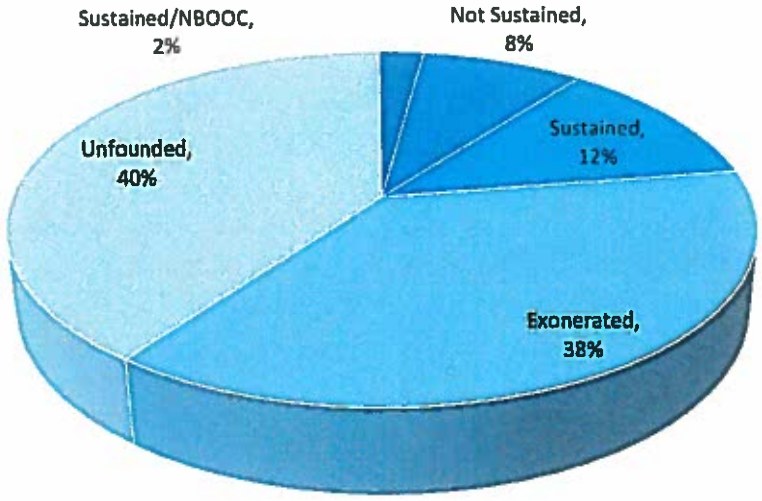


INVESTIGATION FINDINGS

The 48 investigated complaints represented 133 allegations of misconduct. Figure 5 describes the percentage of exonerated, sustained, not sustained, and unfounded findings for these allegations. Of the total findings, 53 were unfounded (40%), 11 were not sustained (8%), 50 were exonerated (38%), 16 were sustained (12%), and 3 were sustained/NBOOC (sustained violation not based on original complaint) (2%). According to the Cato Institute the national average for sustained findings in police misconduct is 8%, putting the Albuquerque Police Department above average in its sustained findings (CATO Institute's National Police Misconduct Reporting Project, 2010).[8]

Complaint Disposition Standards: Civilian Police Oversight investigators investigate complainant claims of officer misconduct and make findings regarding alleged misconduct based upon available evidence and requirements of APD's Standard Operating Procedures (SOPs). The Executive Director reviews all investigations and determines a final finding 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. If the credible evidence is 50-50, the proper finding is Not Sustained.

Figure 5: Findings for Completed Investigations into Complainant Allegations in 2017



[8] There may be some problems with using agency sustain rates as a reliable performance indicator. Due to a lack of across agency standards for sustained findings, the diverse type of complaints filed in different agencies, and the fact that findings are just one indicator of agency performance researchers have cautioned strongly against using findings as a lone indicator of oversight function and performance (Walker 2001: 120-122 and 134-135; De Angelis, Joseph et. al. 2016).

De Angelis et.al. 2016. Civilian Oversight of Law Enforcement: Assessing the Evidence. NACOLE, U.S. Department of Justice

Walker, Samuel and Betsy Wright Kreisel. 2001. Police Accountability: The Role of Citizen Oversight. Belmont, CA: Wadsworth Publishing

To explore whether findings may have differed significantly between male and female complainants, Figures 6 and 7 present allegations by gender for the 113 findings for which gender of complainant was reported. Together the figures indicate broad similarity by gender, with a slightly higher proportion of not sustained and exonerated findings for allegations submitted by female complainants (13% and 40%, respectively compared with 6% and 35% for males) and a slightly higher proportion unfounded findings for allegations submitted by male complainants (51% compared with 38% for females).

Figure 6: Findings for Allegations Submitted by Females and Completed in 2017

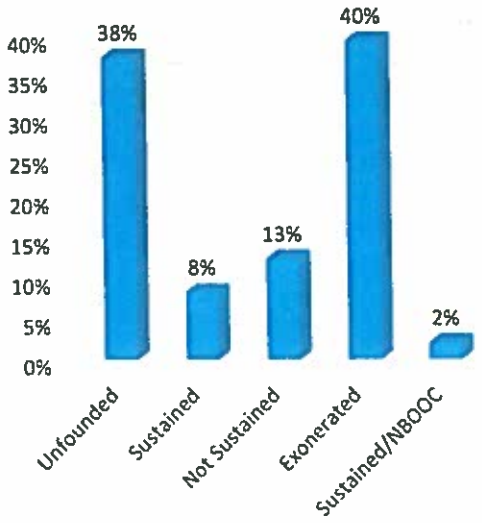
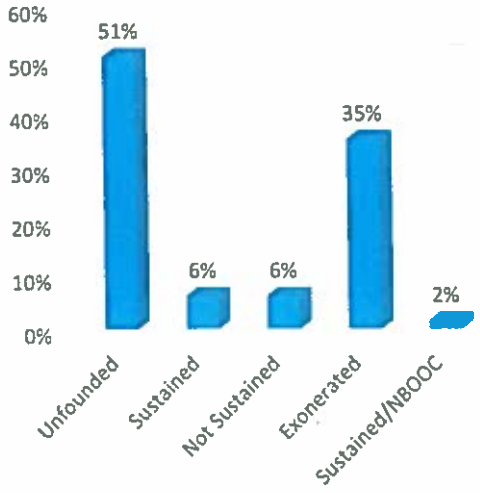


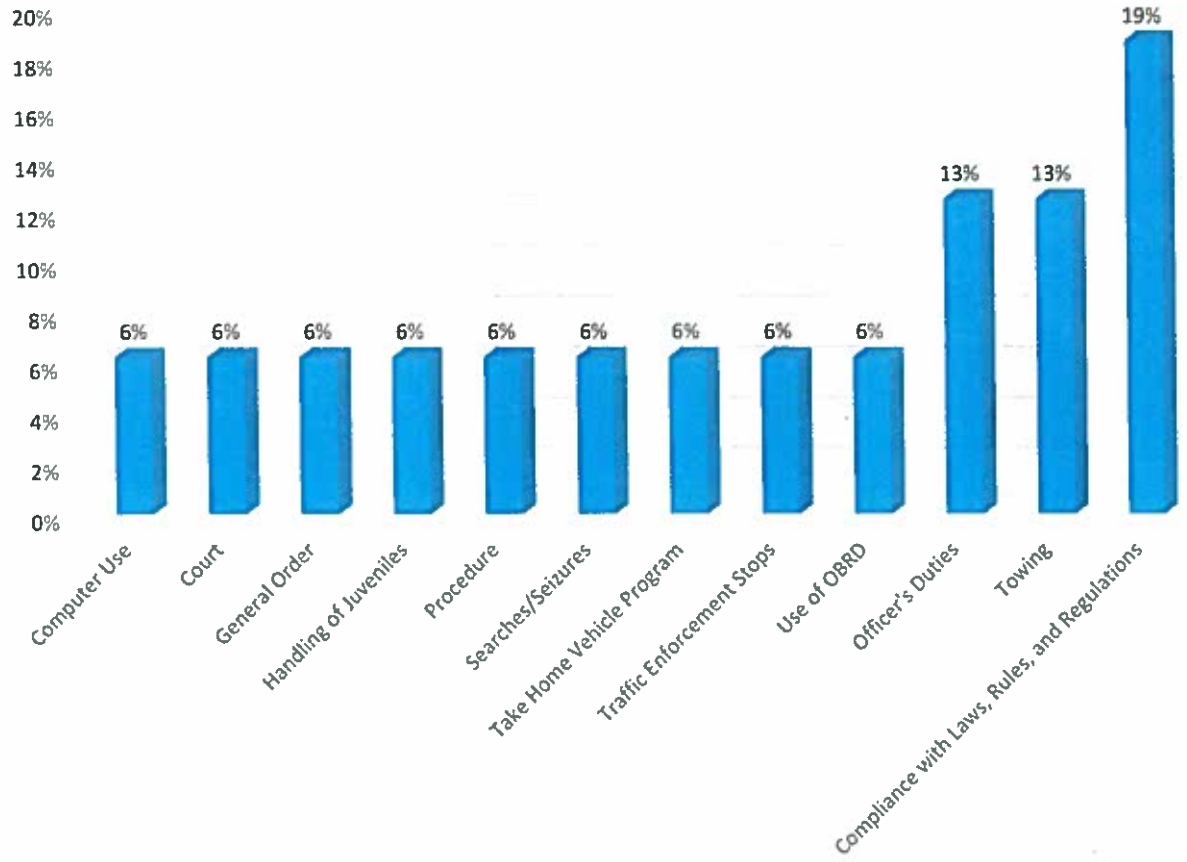
Figure 7: Findings for Allegations Submitted by Males and Completed in 2017



TYPES OF SUSTAINED FINDINGS BY THE CPOA

As Figure 8 indicates, the 16 sustained findings varied over 12 different allegation types in 2017. The three most common allegations among those sustained were: Compliance with Laws, Rules and Regulations (3 complaints, or 19%); Towing (2 cases, or 13%); and Officer's Duties (2 cases, or 13%).

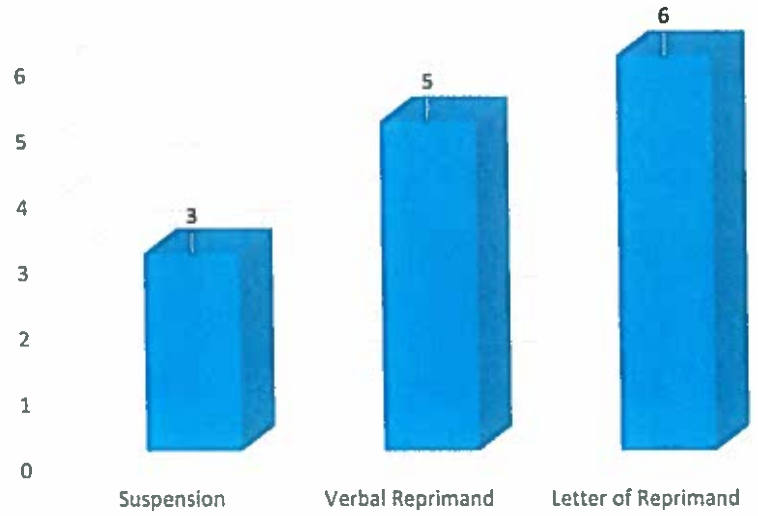
Figure 8: Allegations Sustained, by Type and Frequency



DISCIPLINE ON SUSTAINED FINDINGS

Figure 9 presents the disciplinary actions imposed on officers who received a sustained complaint in 2017. Albuquerque Police Department Officers with Sustained findings of standard operating procedures violations were referred to Chief of Police for discipline. The Chief of Police has sole disciplinary authority over APD personnel for findings of misconduct, including findings of misconduct made by the CPOA and the POB. The APD Chief of Police imposed disciplinary action on 14 of the sustained findings in 2017 resulting in 3 suspensions, 5 verbal reprimands and 6 letters of reprimand.

Figure 9: Disciplinary Actions Imposed on APD Officers for Sustained Findings in 2017



NON-CONCURRENCES IN FINDINGS

The next few charts describe the non-concurrences in findings between APD and the CPOA. Once the CPOA makes findings and discipline recommendations the case is sent to APD in order to review CPOA recommendations and make final findings and discipline. In 2017, there were 4 allegations regarding 3 types of misconduct for which the CPOA and the Chief of Police did not concur on the finding. Two were sustained by the CPOA and given an exoneration by APD (Procedure); one was sustained not based on original complaint by the CPOA and sustained by APD (Use of On-Body Recording Device); and one was considered unfounded by the CPOA and not sustained by APD (Compliance with Laws, Rules, and Regulations). Figure 10 shows these discrepancies put the non-concurrence rate between the CPOA and the APD chain of command at 3%.

Figure 10: Percentage of Non-concurrences on Sustained Findings between the CPOA and the Chief of Police in 2017

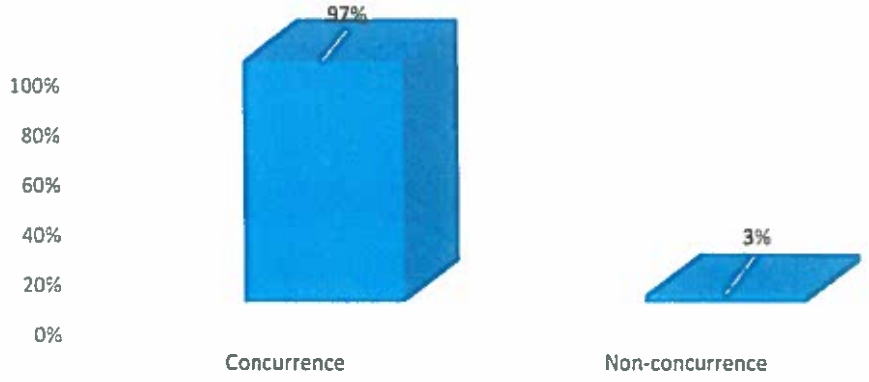


Figure 11 presents the total number of findings by type for the CPOA and APD. The CPOA and APD generally agreed on the findings for each of the 133 investigated in allegations in 2017, with the CPOA recommending slightly more sustained, sustained/not based on original complaint, or unfounded findings and slightly fewer not sustained or exonerated findings than APD.

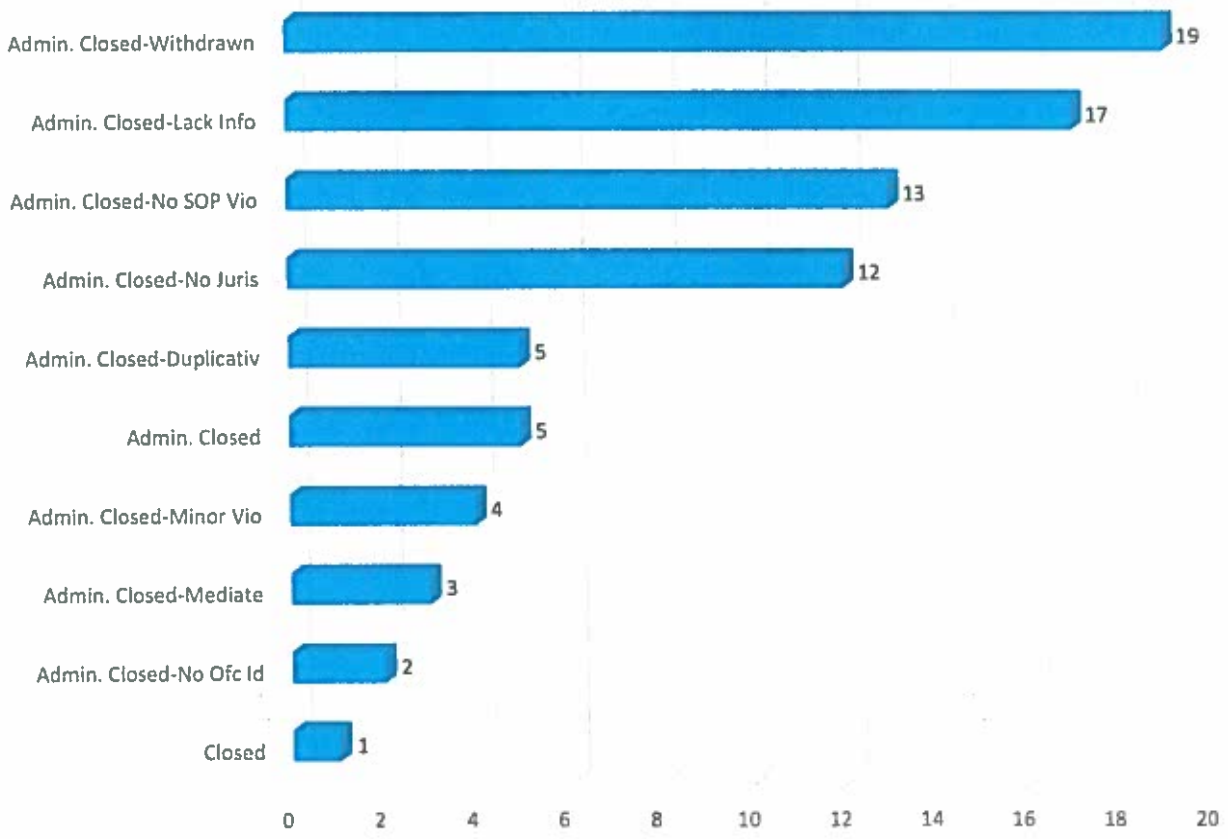
Figure 11: Findings Recommended by the CPOA and APD in 2017, by Frequency and Type

ADMINISTRATIVELY CLOSED ALLEGATIONS

Some complaints received by the CPOA can or should be dealt with outside of the investigatory context. Some conflicts that arise for example can be better navigated with a carefully mediated face to face conversation. Sometimes conflicts brought to the attention of the CPOA can be mitigated by providing information to the complainant about how to contact the officer or how to access their property being held by the police department. Some complaints are duplicative meaning that a complaint about that subject from that civilian has already been received. There are cases where civilians withdraw their complaint on an officer or where their complaint is outside of the jurisdiction of the CPOA. In these cases, it is imperative that the CPOA has the authority to informally resolve a complaint or administratively close it if an administrative investigation would not have an effect on the outcome of the conflict.

Figure 12 presents the allegations administratively closed in 2017 by reason for closure. More than three-quarters (61 of 81 allegations, or 75.3%) were administratively closed because they were withdrawn, lacked sufficient information, did not violate a standard operating procedure, or were located outside the jurisdiction of the CPOA.

Figure 12: Administratively Closed Allegations



Demographics of Complainants In 2017

For complaints completed in 2017, Figures 13 and 14 present the number of complainants with one or more allegations or complaints, respectively. Documenting individuals with multiple allegations or repeat complaints is the first step in identifying persons who may need further support or resources. The majority of complainants had only one complaint and three-fifths had only one allegation of misconduct per complaint. In total, 109 individuals accounted for 116 complaints representing 215 allegations in 2017.

Figure 13: Individuals with Multiple Allegations in 2017

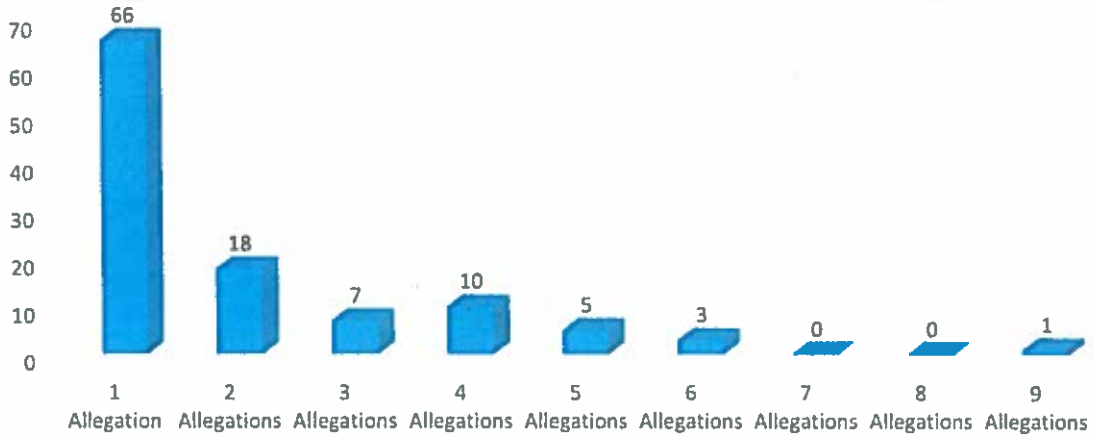
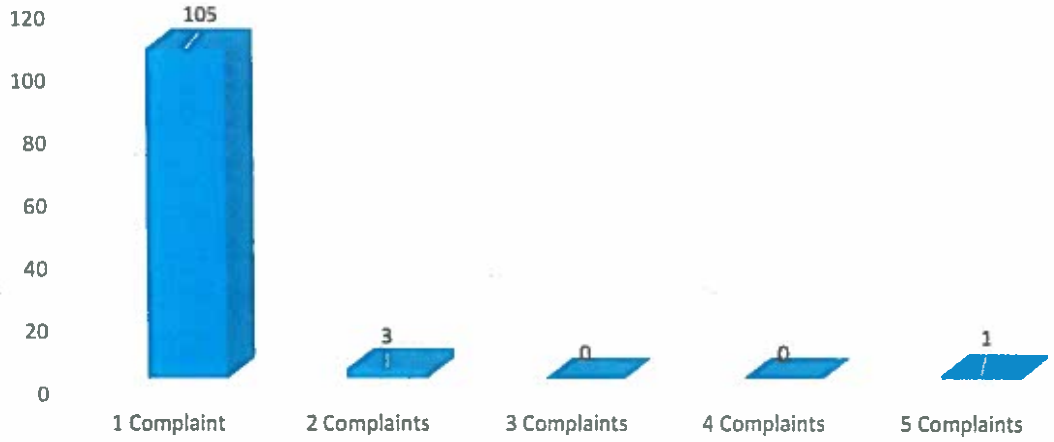


Figure 14: Individuals with Multiple Complaints in 2017



Figures 15 and 16 depict the gender demographics of complainants in 2017 and the overall Albuquerque population in 2016, while Figures 18 and 19 present the racial/ethnic composition for each of these groups.[9] A somewhat larger percentage of complainants in 2017 were male (44%) than female (40%), while the gender makeup of the remaining complainants (16%) was not known. It is therefore not possible to determine whether either sex is disproportionately represented among complainants relative to the proportion they comprise of the city population, but research suggests that in customer service settings women, on average, tend to be more vocal about their dissatisfaction with service than men.

Figure 15: Gender Composition of Complainants in 2017

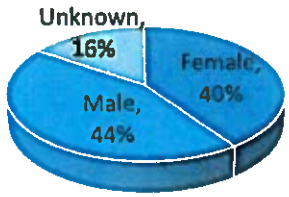
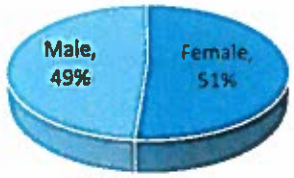


Figure 16: Gender Composition of Albuquerque City Residents in 2016



Although respondents originally reported race and Hispanic ethnicity information separately, the authors assigned "Hispanic" as a racial category if respondents chose "Hispanic" as their ethnicity (unless they chose "Mixed Race" for their racial group). This decision makes the racial categories presented in Figure 17 mutually exclusive. Most complainants were White and there is some overrepresentation of Black complainants relative to the Albuquerque population. However, about one-third of the race/ethnicity data for complainants are missing or unknown and the categories used by the CPOA and U.S. Census are not identical. Therefore, comparisons between complainant demographics and the larger Albuquerque population demographics are difficult to make.

Figure 17: Racial/Ethnic Composition of Complainants in 2017

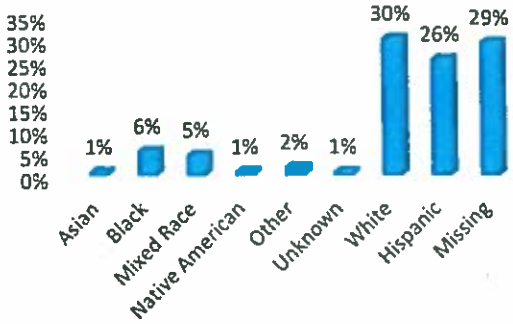
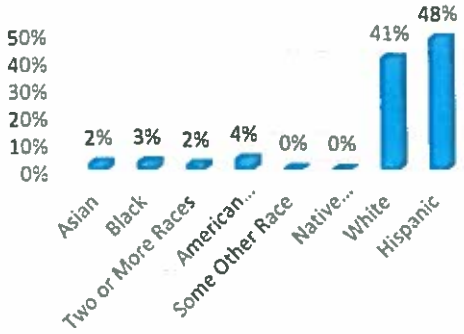


Figure 18: Racial/Ethnic Composition of Albuquerque Residents in 2016



[9] Gender (Figure 17) and race/ethnicity (Figure 19) composition for Albuquerque obtained from American Community Survey's 2012-2016 5-Year Estimates via the U.S. Census Bureau's American FactFinder tool. Retrieved July 2, 2018 (https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml).

The Department of Justice mandated changes to collected demographic information concerning mental illness, homelessness, gender, sexual orientation, and proficiency in the English language. These changes were made to the online complaint form on April 1, 2015 and to the paper complaint form on May 1, 2015. It should be noted that many complainants are reluctant to answer these questions, which may call into question the veractity of the data and its usefullness in shaping APD policy.

Figure 19 summarizes complainants who identified a specific sexual orientation on the complaint form. Unfortunately, with 60% of the sample of citizen complainants not identifying their sexual orientation it is challenging to come to conclusions about what this means in terms police interaction with the LGBTQ community.

Figure 19: Sexual Orientation of Complainants in 2017

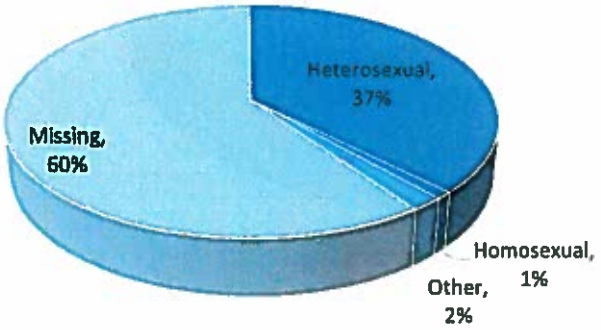


Figure 20 charts the mental health status of complainants in 2017. Complainants were asked to identify whether they have had a specific experience with mental health issues and Figure 21 summarizes their answers. This is important data to collect, as it can allow us to better understand how police officers might be interacting with individuals with mental health issues. Unfortunately, with 58% of the sample of citizen complainants not reporting or having an unknown mental health status, it is difficult to come to clear conclusions about what this means in terms police interaction with the mental health community.

Figure 20: Mental Health Status of Complainants in 2017

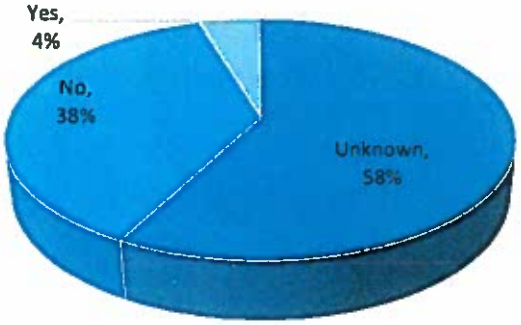


Figure 21 summarizes the English proficiency status of complainants in 2017. Unfortunately, with approximately half of the sample of citizen complainants not identifying or having unknown English language proficiency, it is a challenge to come to conclusions about what this means in terms police interaction with non-English speaking communities or communities with limited English proficiency.

Figure 21: English Proficiency Status of Complainants in 2017

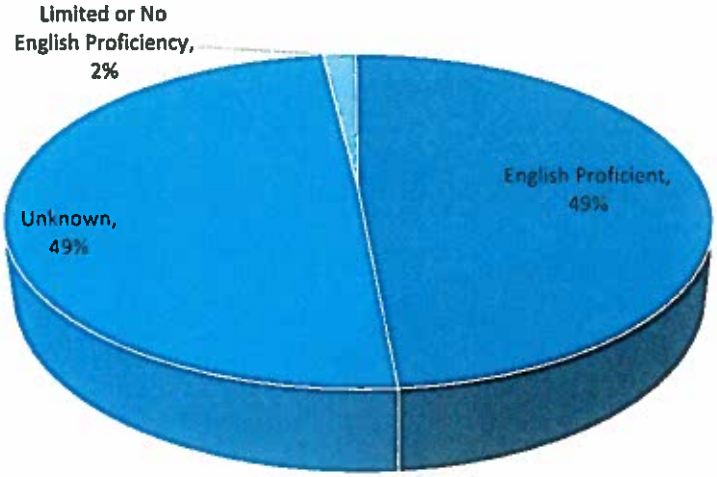
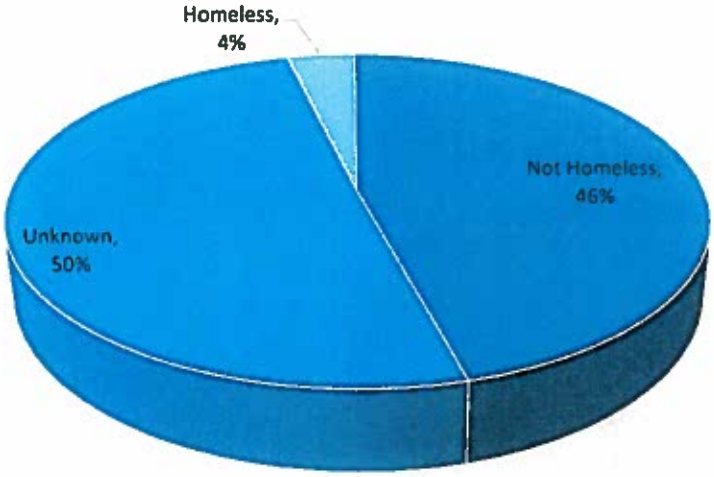


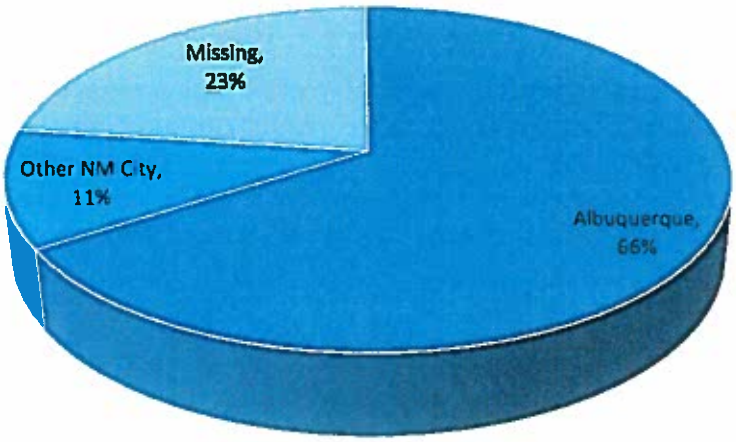
Figure 22 summarizes complainants who identified as being homeless or not. Unfortunately, with 50% of the sample of citizen complainants not identifying whether they are homeless or having an unknown homelessness status, it is a challenge to come to conclusions about what this means in terms police interaction with homeless individuals in Albuquerque.

Figure 22: Homelessness Status for Complainants in 2017



Of the 109 individuals for whom complaints were completed in 2017, Figure 23 shows that two-thirds were from Albuquerque. Another 11% resided in other New Mexico cities, including 4% from Rio Rancho, 2% from Santa Fe, and less than 1% each from Alamogordo, Bernalillo, Edgewood, Moriarty, Placitas, and Sandia Park. The remaining 23% did not specify their residency.

Figure 23: Residency of Complainants in 2017



Demographics for Officers in 2017

In total, 105 APD sworn and civilian staff were represented in civilian police complaints investigated by the CPOA in 2017. Figure 25 indicates that males made up 85% (N=89) of the officers named in resolved cases whereas females constituted only 15% (N=16) of such cases. For comparison, Figure 26 on the following page presents the overall APD demographic breakdown by gender for all sworn officers in 2016.[10] This comparison is not perfect because Figure 25 includes both sworn and civilian employees; however, only 18 of the 105 officers (or 17%) subjected to civilian complaints in 2017 were not sworn officers.

Comparing Figures 24 and 25 suggests that the gender composition of APD personnel subjected to civilian complaints in 2017 is approximately proportionate to the gender composition of the full sworn staff of APD in the preceding year. Nevertheless, some research suggests that gender is a predictor of some issue's officers face. For example, being male makes an officer more likely to use force, receive a citizen complaint, and be subject to lawsuit pay outs for police departments across the country.[11]

Figure 24: Gender Composition of APD Officers and Employees Involved in Complaints in 2017

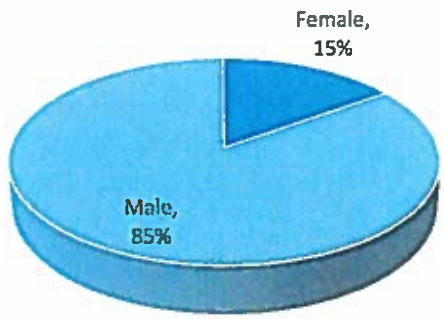
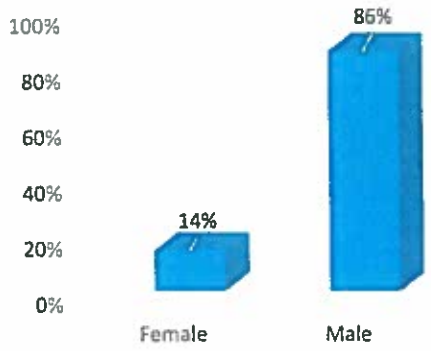


Figure 25: Gender Composition of APD Sworn Officers in 2016

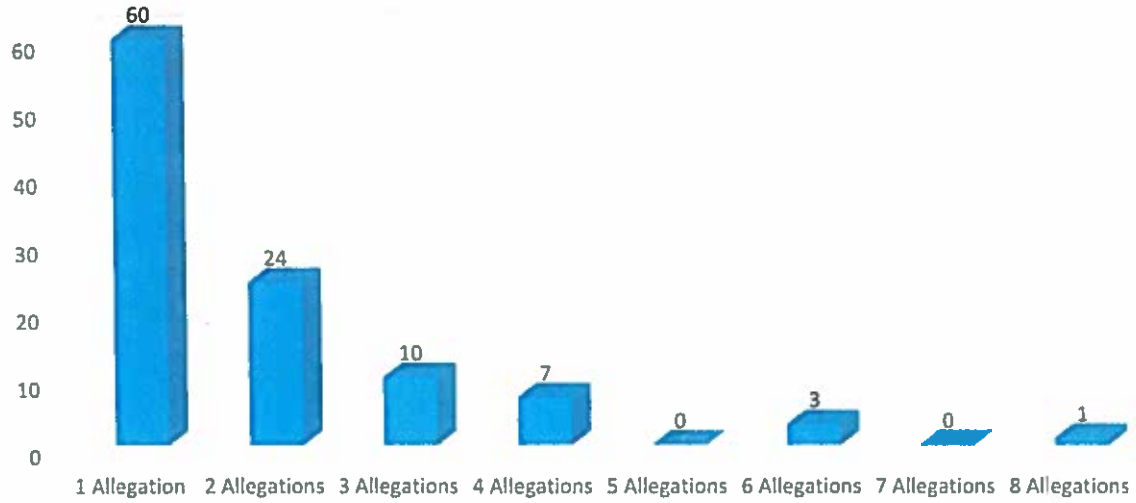


[10] Gender (Figure 26) and racial/ethnic (Figure 32) composition data for APD sworn officers obtained from the Albuquerque Police Department's 2016 Annual Report. Retrieved July 2, 2018 (https://www.cabq.gov/police/documents/2016-annual-report-final.pdf).

[11] Michelle Lersch, Kim, and Tom Mieczkowski. "Who are the problem-prone officers? An analysis of citizen complaints." *American Journal of Police* 15.3 (1996): 23-44.

Figure 26 shows the number of APD personnel with one or more allegations in 2017. In total, 105 officers and employees accounted for 192 allegations across 93 complaints; it was not unusual for multiple officers to be named in a single complaint. Research suggests that on average a small fraction of officers are responsible for a majority of complaints (Brandl et al. 2001).[12] For example in Figure 26, 57% of sworn and civilian staff members were the subject of only one allegation of misconduct, whereas just 11 individuals were responsible for more than half of all allegations directed against APD in 2017. These data points might suggest a need to identify officers with multiple complaints, identify issues they are having, and recommend training they need.

Figure 26: Officers and Employees with Multiple Allegations in 2017



[12]Brandl, Steven G., Meghan S. Stroshine, and James Frank. "Who are the complaint-prone officers?: An examination of the relationship between police officers' attributes, arrest activity, assignment, and citizens' complaints about excessive force." *Journal of Criminal Justice* 29.6 (2001): 521-529.

Figure 27 shows the rank of officers and employees for whom complaints were completed in 2017. The figure shows that Police Officer 1-Cs comprises nearly two-thirds of all APD personnel subject to complaints. The main reason Police officer 1-Cs have the most complaints is because this group of officers is in the field working with and interacting with citizens more than other groups of officers and therefore are more likely to receive both negative and positive feedback from citizens. Only 104 staff members are represented in Figure 28 because one employee did not have a valid rank at the time of the complaint.

Figure 27: Rank of APD Officers and Employees Involved in Complaints in 2017

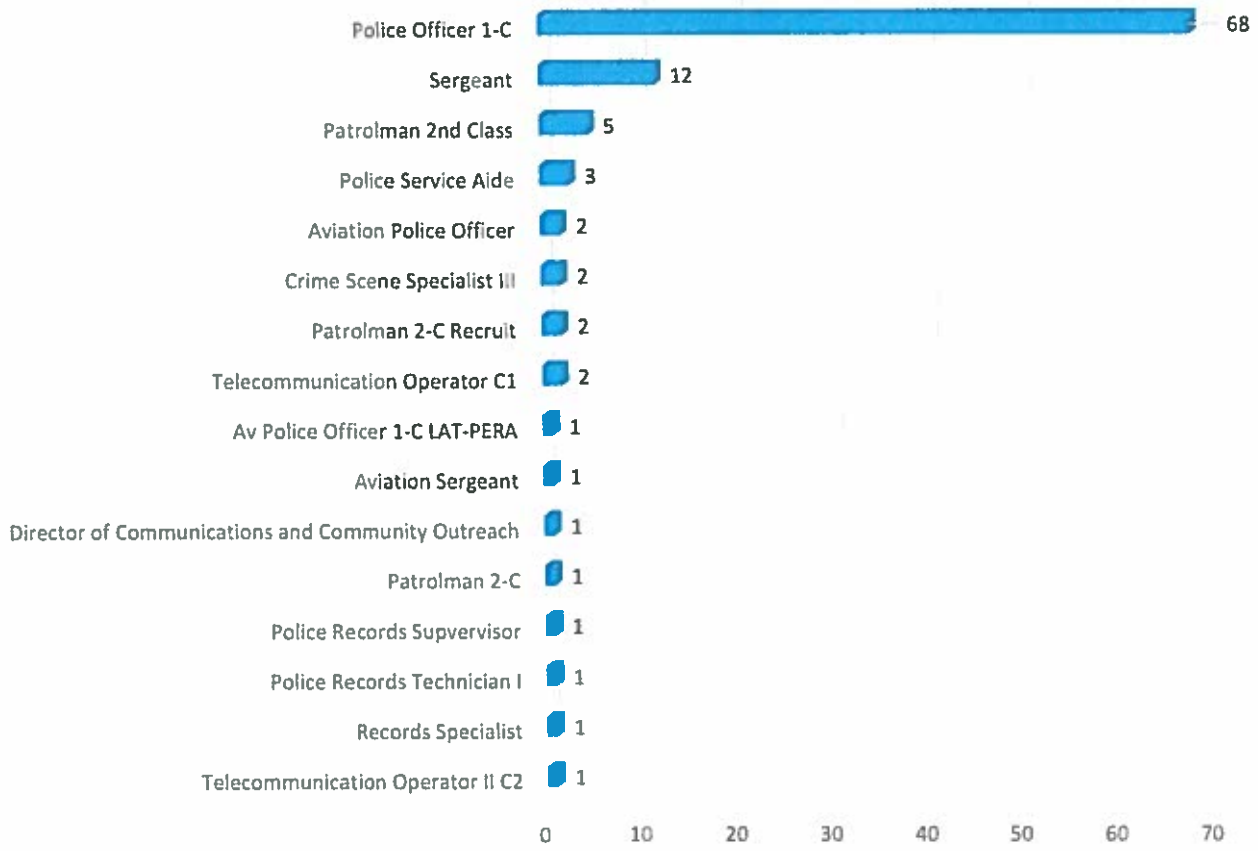


Figure 28 presents the percentage of officers and employees subject to complaints in 2017 by their length of service with APD. Comprising nearly one-third of all involved staff, officers and employees with 10-12 years of experience had the highest frequency of complaints. Compared with the overall number of officers in each length of service category in 2016 presented in Figure 29, complaint-involved officers are overrepresented in the 4-6, 10-12, and 13-15 years of service categories, while they are underrepresented in the 1-3 years of service category. This maybe an indication of a need for an additional round of training at about 10 years of service as officers may become less vigilant about following training on compliance with SOP.

Figure 28: Length of Service for Officers and Employees Involved in Complaints in 2017

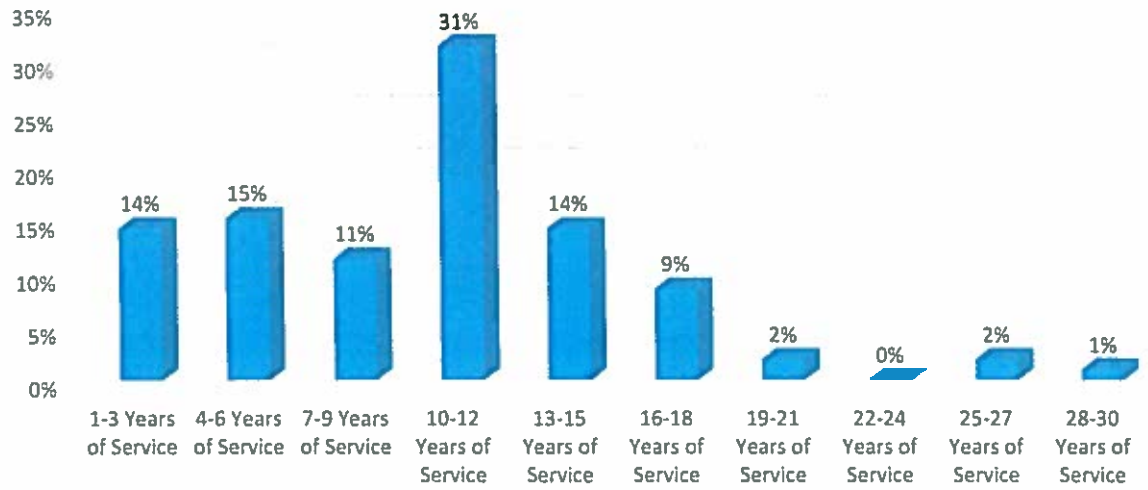


Figure 29: Length of Service for Officers and Employees in APD in 2016

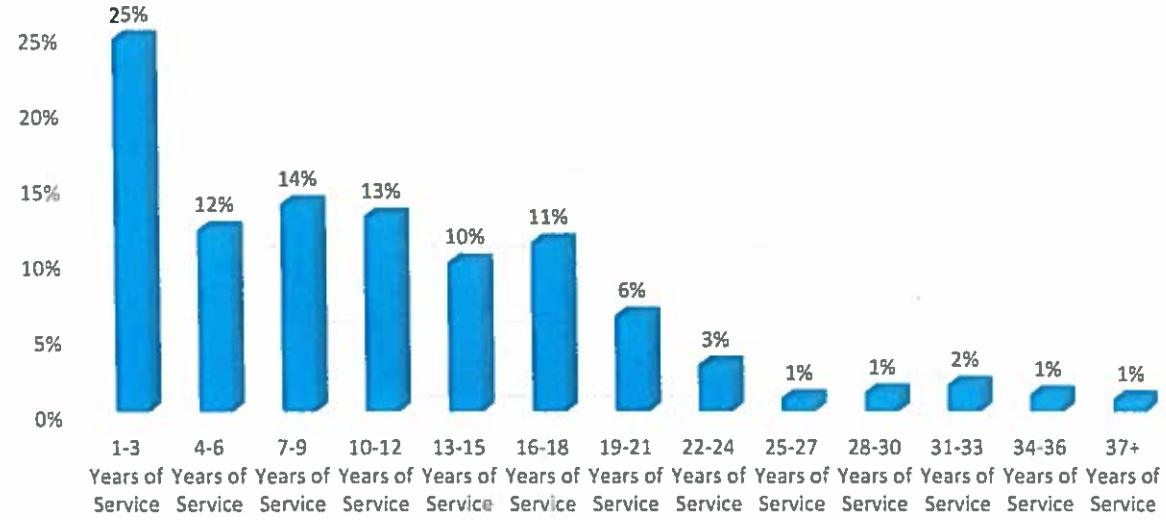
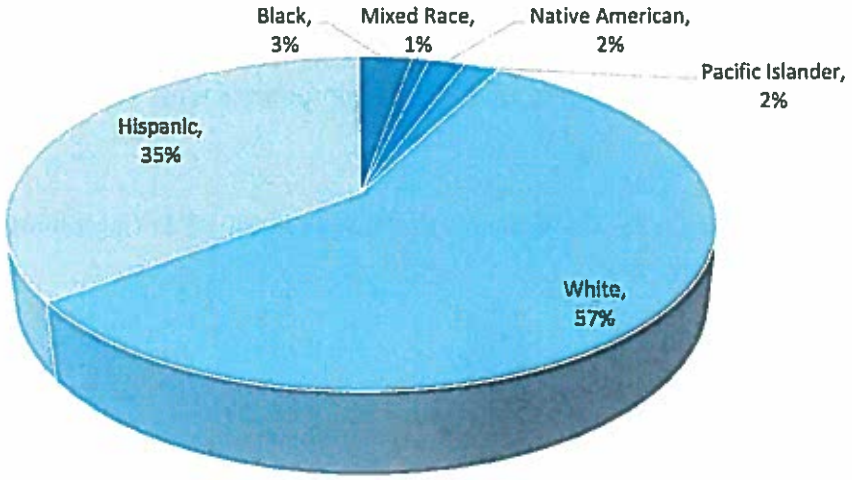


Figure 30 shows the racial composition of APD personnel represented in complaints completed in 2017. The data show that the majority of resolved complaints were made against officers who were White (57%).

Figure 30: Racial/Ethnic Composition of APD Officers and Employees Involved in Complaints in 2017



For comparison, Figure 31 charts the racial and ethnic composition of all APD sworn officers in 2016. It is difficult to determine whether any racial/ethnic group is disproportionately represented in civilian complaints relative to their composition of all APD staff because Figure 31 only indicates the racial/ethnic composition of sworn staff, and the categories used by the CPOA and APD are not identical. Yet Figure 32 still indicates that the majority of APD employees in 2016, as those subject complaints in 2017, are White (59%).

Figure 31: Racial/Ethnic Composition of APD Sworn Officers in 2016

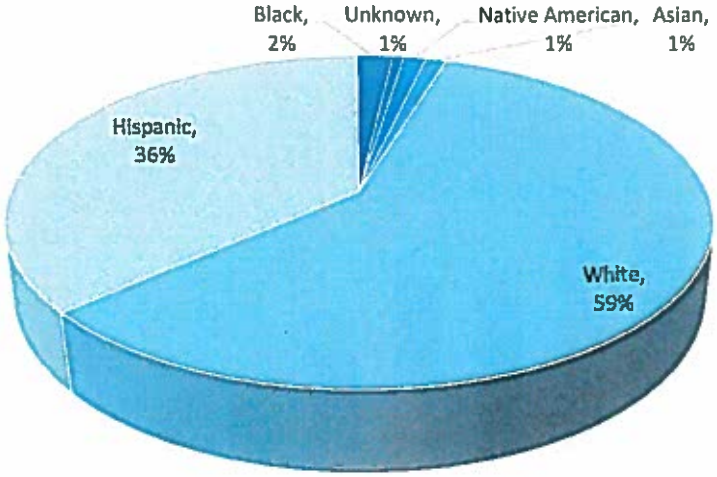


Figure 32 shows that the CPOA office completed complaints representing 73 officers with an identified APD Area command in 2017. There were 32 APD staff members with no area command identified because the employee was in a unit not associated with one of these six area command posts (see Figure 33). For example, the employee may have been working in the Real Time Crime Center, Records Division, or the Metro Traffic Division. The highest number of officers with alleged misconduct in known areas occurred in the area of the Northeast area command (17 officers, or 16% of all complaint-involved officers). In order to better track area command the CPOA has started to collect area command data on incident as well as officer. This will allow CPOA to have data on where complaint incidents occur in the city.

Figure 32: APD Officers Involved in Complaints in 2017 by Area Command

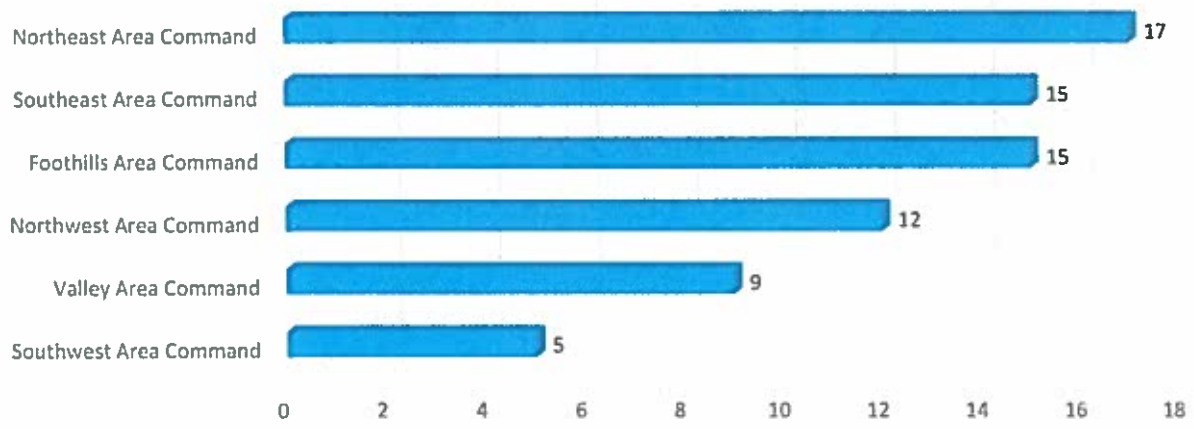


Figure 33: City of Albuquerque APD Area Commands

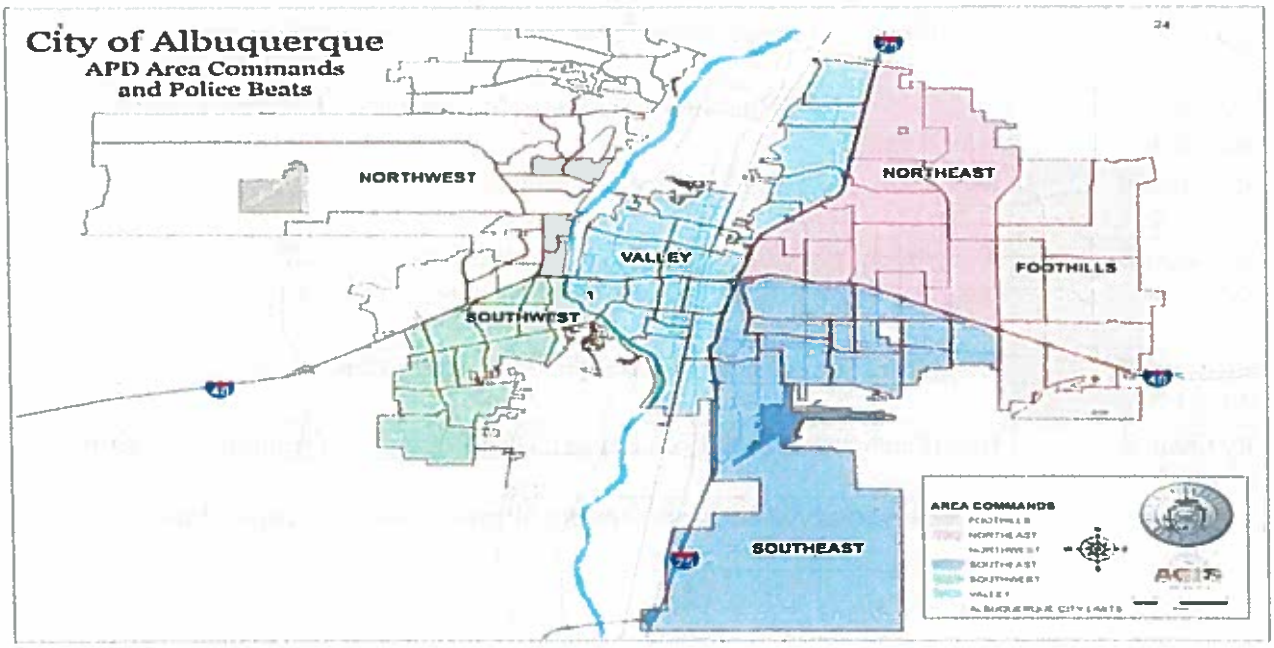


Figure 34 shows that the CPOA office completed complaints representing 66 officers (or 63%) with an identified district in 2017. There were 39 officers (37%) who did not have an identified district. Unknown districts include complaints referring to phone encounters, unspecified incidents, addresses without district, or complaints without location information.

Figure 34: APD Officers and Employees Involved in Complaints in 2017 by City Council District

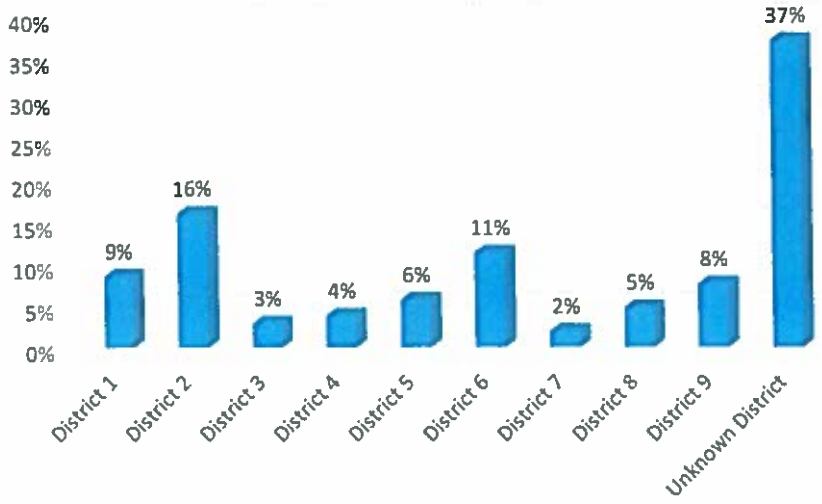


Table 4. Neighborhood Associations and Locations

City Council District 1:	Neighborhood Association: Los Volcanes; West Mesa; Ladera West; Taylor Ranch
City Council District 2:	Neighborhood Association: Barelas; Silver Hill, Summit Park; Santa Barbara Martineztown; Raynolds Addition; Greater Gardner; Sycamore; Near North Valley; Downtown; Near North Valley
City Council District 3:	Neighborhood Association: Route 66 West; Westgate Heights
City Council District 4:	Neighborhood Association: Nor Este; Academy Acres North; Alameda North Valley
City Council District 5:	Neighborhood Association: Cottonwood;
City Council District 6:	Neighborhood Association: Highland Business; Nob Hill; Southeast Heights; Trumbull; La Mesa; South San Pedro; University Heights
City Council District 7:	Neighborhood Association: Quigley Park; Jerry Cline Park
City Council District 8:	Neighborhood Association: Pepper Tree Royal Oak; Comanche Foothills
City Council District 9:	Neighborhood Association: Singing Arrow; Princess Jeanne; Onate

Table 5. Type of Allegations by City Council District

City Council District 1:	Acting Officiously, Compliance With laws, Rules, and Regulations, conduct, Investigations/Documentation, Officer's Duties, On-Duty Conduct, Procedure, Searches/Seizures, Use of Force Reporting, Admin. Closed
City Council District 2:	Acting Officiously, Civil Matters, general Conduct, General Order, Investigations/Documentation, Rights of Observers, Use of Force, Use of Force Procedure, Use of OBRD, Admin. Closed
City Council District 3:	Court, General Conduct, Investigations/Documentation
City Council District 4:	Falsification of Documentation, General Conduct, Report Writing Issues, Search/Seizures, Admin. Closed
City Council District 5:	Acting Officiously, General Conduct, Handling Juveniles, Providing Name, Admin. Closed
City Council District 6:	Acting Officiously, Compliance with Laws, Rules, and Regulations, Damage to Civilian Property, Falsification of Documentation, General Conduct, Investigations/Documentation, Officer's Duties, On Duty Conduct, Procedure, Rules and Procedures, Traffic Enforcement Stops, Use of OBRD, Admin Closed
City Council District 7:	General Conduct, Racial Profiling, Searches/Seizures, Use of Force, Admin. Closed
City Council District 8:	Falsification of Documentation, Searches/Seizures, Admin. Closed
City Council District 9:	Accident Investigations, Acting Officiously, General Conduct, Investigations/Documentation, Officer's Duties, Racial Profiling, Report Writing Issues, Supervisor Duties, Towing, Admin. Closed

APD Praises and Acknowledgements

Albuquerque residents also contact the CPOA to express gratitude or commend APD employees for acts of service or their response to a particular incident. These commendations were received in the form of phone calls, letters, e-mail messages and numerous face-to-face comments of appreciation. Beginning in January 2013, the CPOA initiated a form via the website for citizens to express praises and acknowledgements to APD officers, employees, and the department as a whole. All forms were submitted to APD Administration to pass along to the employee's supervisors, including the Chief of Police, for acknowledgement, and a letter of commendation was sent to the officer.

Figure 35 indicates March had the highest frequency of commendations at 73, comprising 14% out of a total of 519 commendations received during 2017. Examining the commendations that could be linked to unique citizens and APD staff members revealed that 187 citizens acknowledged 283 APD officers and employees in 2017. However, the originating citizen could not be identified for 148 commendations while the receiving officer could not be identified for 47 commendations, so the numbers of involved citizens and APD staff reported here are likely lesser than were actually involved.

Figure 35: Job Well Done Forms Received in 2017 by Month

Figure 36 presents the numbers of officers and employees who received multiple commendations during 2017. Of the 283 identifiable staff members who received a commendation, 84 (or 30%) received two or more commendations and 44 (16%) received three or more. Just 15 personnel received at least five commendations and accounted for more than one-fifth of the total number of commendations that could be linked to staff members (98 commendations out of 472). Most officers and employees received one commendation during the year (199 individuals or 70%).

Figure 36: APD Officers and Employees with Multiple Job Well Done Forms Received in 2017

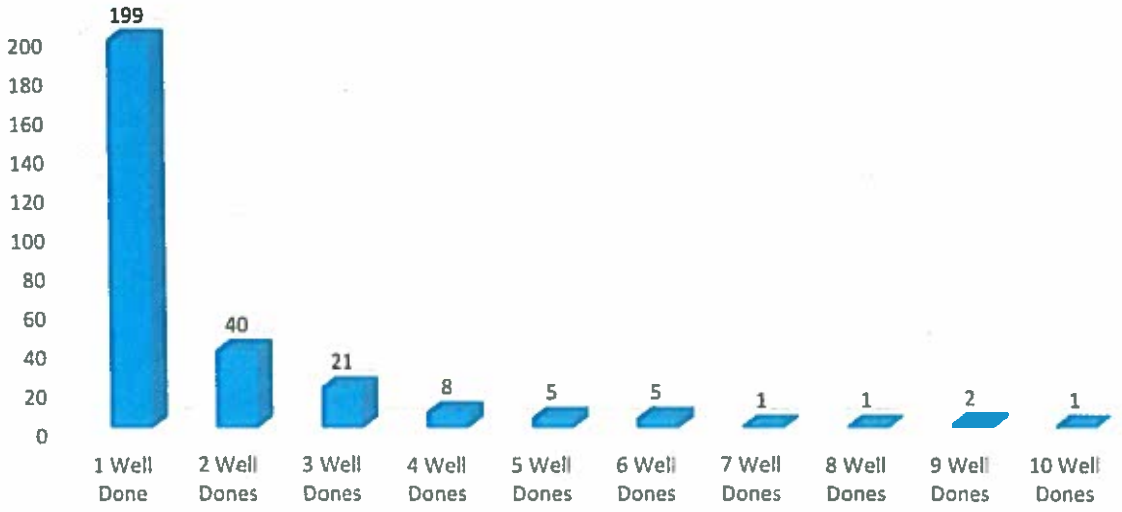
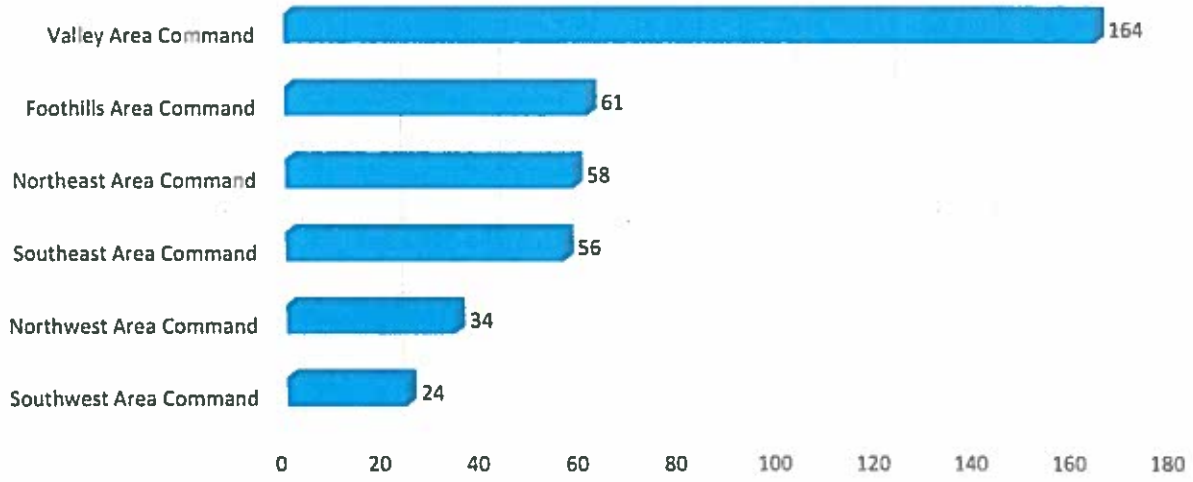


Figure 37 charts the number of commendations received by area command. Recall that only a subset of APD officers and employees are associated with one of the six area command posts (shown in Figure 35). Thus, only 397 of the 519 total commendations received in 2017 could be linked to the area commands. Figure 38 shows that job well done forms were most frequently received for officers and employees assigned to the Valley Area command (164 out of 397, or 41%), followed by the Foothills Area Command (61 or 15%). APD personnel assigned to the Southwest Area Command received the fewest commendations (24 or 6%) in 2017.

Figure 37: Job Well Done Forms Received in 2017 by Area Command



Risk Management Claims Paid for APD in 2017

Understanding when financial payments are made for settlements for issues with APD is important information for police oversight and the citizens of Albuquerque. Understanding how much is paid out and for what types of issues calls attention potential training or policy recommendations. Figure 38 shows the dollar amount paid out by APD department in 2017. A total of $12,080,894 was paid with more than three quarters of this amount being paid by the Metro Traffic Department. However, $8,017,000 of the Metro Traffic Department's money was settled for a single case in which a motor vehicle accident with an APD unit resulted in a wrongful death. If this case is removed from the data, the payout for the Metro Traffic Department falls to $1,105,353, making it slightly less than the quantity paid by the APD Area Commands at $1,563,410.

Figure 38: Risk Management Claim Payments in 2017, by APD Department

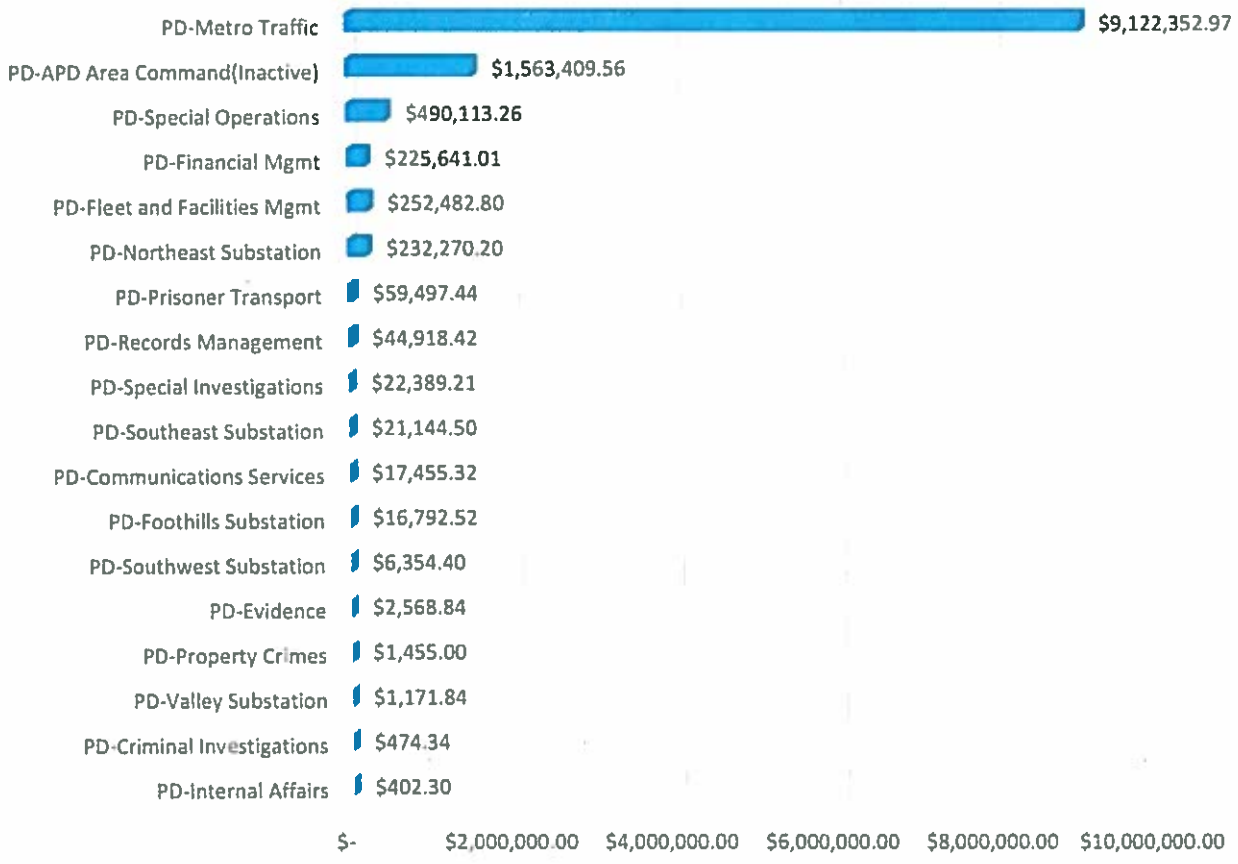
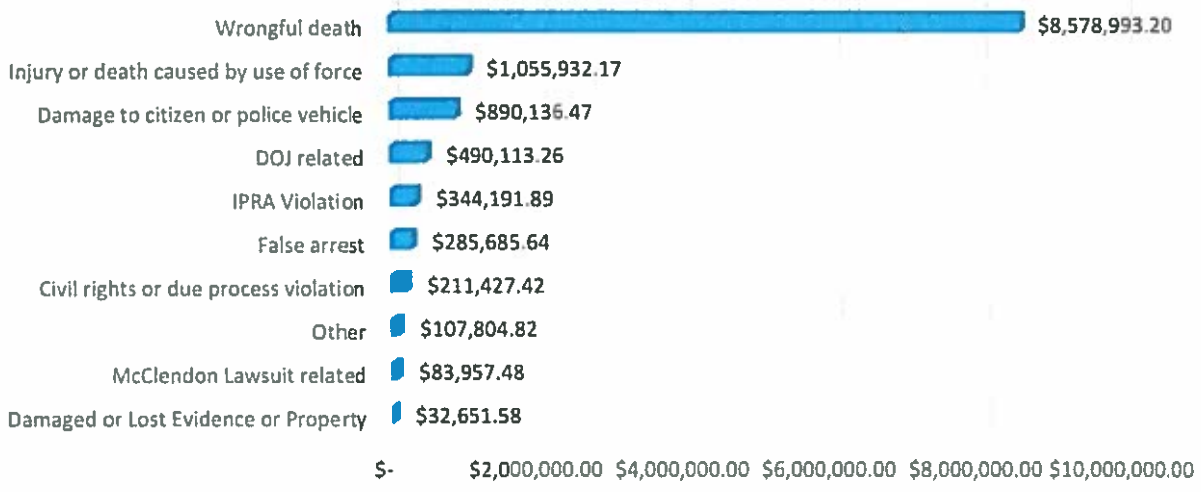


Figure 39 presents the dollar amount paid out in 2017 by claim type. The largest quantity was paid out for wrongful death claims, but the majority was for the single case mentioned in the previous paragraph. Other than for wrongful death claims the largest payouts were for injuries or deaths caused by use of force ($1,055,932 or 9% of the total) and damage to citizen or police vehicles ($890,136 or 7%).

Figure 39: Risk Management Claim Payments in 2017, by Claim Type



Appendix

I. Civilian Police Oversight Agency (CPOA) Staff

Edward Harness, Esq.
CPOA Executive Director

Chris Davidson
Civilian Police Oversight Investigator

Erin E. O'Neil
Civilian Police Oversight Investigator

Amanda Bustos
Community Outreach Engagement Specialist

Paul A. Skotchdopole
CPOA Assistant Lead Investigator

Diane L. McDermott
Civilian Police Oversight Investigator

Michelle D. Contreras
Civilian Police Oversight
Senior Administrative Assistant

A. CPOA EXECUTIVE DIRECTOR

EDWARD HARNESS, ESQ. was selected as the top candidate by the POB for the Executive Director position and confirmed by the City Council as Executive Director of CPOA in September of 2015. Edward Harness is a graduate of Marquette University Law School. He completed his undergraduate degree in Management of Criminal Justice Operation at Concordia University, where he graduated Cum Laude. As a private practice attorney, focused on consumer rights and advocacy, Mr. Harness was recognized as one of Milwaukee's Top-Rated Attorneys 2012 – 2015. He also served as a Police Commissioner 2007 – 2015.

Prior to attending law school Mr. Harness was a City of Milwaukee Police Officer and served in the U.S. Army as a Military Policeman.

B. DUTIES AND RESPONSIBILITIES OF THE EXECUTIVE DIRECTOR

Under the amended Ordinance, the Executive Director reports directly to the Police Oversight Board. The CPOA Executive Director's duties are as follows:

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

(2) Review and monitor all Internal Affairs investigations including but not limited to officer involved shooting investigations. The Director shall prepare and submit findings and recommendations to the POB relating to officer involved shootings, and shall report on general trends and issues identified through monitoring or auditing of Internal Affairs;
(3) Provide staffing to the Police Oversight Board and ensure that the duties and responsibilities of the CPOA are executed in an efficient manner, and manage the day-to-day operations of the CPOA.

(4) The CPOA will receive and process all civilian complaints directed against the Albuquerque Police Department and any of its employees.

(5) The Director shall independently investigate and make findings and recommendations for review by the POB for such civilian complaints, or assign them for independent investigation by CPOA staff or an outside independent investigator. If assigned to staff or an outside investigator, the Director shall oversee, monitor, and review all such investigations and findings for each.

(6) All findings relating to civilian complaints and police shootings shall be forwarded to the POB for its review and approval. For all investigations, the Director shall make recommendations and give advice regarding Police Department policies and procedures to the POB, as the Director deems advisable.

(7) The Director shall report directly to the POB and lead the CPOA; independently investigate or supervise all investigations of civilian complaints, audit all IA investigations of complaints, recommend and participate in mediation of certain complaints, and supervise all CPOA staff.

C. CPOA STAFF

PAUL SKOTCHDOPOLE (ASSISTANT LEAD INVESTIGATOR): Paul Skotchdopole has been a Civilian Police Oversight Investigator for 11 years. Over that time, Paul has conducted over 700 administrative investigations into alleged police misconduct. Paul has 28 years of experience in conducting administrative investigations. Paul retired from law enforcement after serving almost twenty-one years. He started his law enforcement career as a Campus Security Officer at New Mexico State University in 1981, and later joined the Albuquerque Police Department in 1982 serving in the capacity of a Police Service Aide. In 1983, he became a Police Officer with the Las Vegas, NM Police Department where he served over 16 years in progressively responsible positions, leaving in 1999 as the Deputy Chief of Police. In 1999, Paul became Chief of Police in Belen, NM where he served for over 3 years, before retiring in 2003. During his tenure as a police officer, Paul conducted numerous Internal Affairs Investigations.

Paul was a General Police Adjunct Instructor at the New Mexico Law Enforcement Academy for many years, he has over 1000 hours of advanced training, and he holds an Executive Level Certificate of Training from the New Mexico Law Enforcement Academy. He also holds a Bachelor of Arts degree in Criminology with a Minor in Political Science from New Mexico Highlands University. Paul is a Certified Practitioner of Oversight (CPO), a Less Lethal Use of Force Instructor, and a certified paralegal.

DIANE MCDERMOTT (INVESTIGATOR): Ms. McDermott has been with the former Independent Review Office and current Civilian Police Oversight Agency since November of 2006. Ms. McDermott is a Certified Practitioner of Oversight (CPO) issued by the National Association for Civilian Oversight of Law Enforcement (NACOLE). Ms. McDermott completed additional certifications in interviewing and interrogations, mediation, online investigations, constitutional policing, use of Tasers, and Officer Street Survival. Prior to her position with the CPOA, Ms. McDermott worked in both public and private sectors as an investigator, manager, and trainer. Ms. McDermott earned Bachelor of Arts degrees in Psychology and Criminology from the University of New Mexico and a Master of Arts degree in Security Management from Webster University. Ms. McDermott is a certified paralegal.

CHRISTOPHER DAVIDSON (INVESTIGATOR): Chris Davidson started his Investigation career as an Internal Investigator for one of the largest financial institutions in the country in 1997. Chris continued in Investigations becoming part of Private Industry Organized Crime Investigations. During that time Chris had the opportunity to further his investigative knowledge by training and partnering with some of the best Law Enforcement agencies in the country, including the FBI, ATF, United States Postal Service, United States Secret Service and local and national police departments.

Chris was an integral part of establishing Albuquerque Retail Assets Protection Association, which combined the Police Department, Retailers, Construction, and Hotel/Motel industry to fight organized crime. Chris was one of four civilians selected to the local USSS Financial Crimes Task Force.

Chris also served in the United States Navy and deployed during Operation Desert Storm and Operation Desert Watch. Chris joined the CPOA in February of 2013.

ERIN O'NEIL (INVESTIGATOR): Erin O'Neil has a diverse background, which includes Telecommunications Project Management, Staff Management, and Crime Scene Investigation. Erin began her Investigations career in 2005 as a Forensic Evidence Technician with a law enforcement agency in Southern California. She moved to Colorado in 2008 to advance her career in Crime Scene Investigation and worked as a Crime Scene Analyst for a local agency in the Denver Metro area before becoming a Crime Scene Supervisor at the Denver Police Department Crime Lab.

Erin has an A.S. in Forensic Technology from Grossmont College and a Bachelor of Science in Criminology from Regis University. Erin is a U.S. Marine Corps veteran. She joined the CPOA in January 2015.

AMANDA BUSTOS (COMMUNITY ENGAGEMENT SPECIALIST): Born and raised in Albuquerque, NM, a graduate from New Mexico Highlands University and the University of New Mexico, Amanda Bustos joined the Civilian Police Oversight Agency as the Community Engagement Specialist in December 2015. With a dual Master's degree in Social Work and Business Administration: HR Government Non-Profit Management, as well as, an undergraduate degree in Family Studies and Spanish, Mrs. Bustos brings diversity in experience and education to the team.

MICHELLE CONTERAS (SENIOR ADMINISTRATIVE ASSISTANT):
Born and raised in Albuquerque, New Mexico, Ms. Contreras obtained her Associate of Applied Science Degree in the field of Administrative Assistant in 1998. Ms. Contreras previously worked for the Metropolitan Court and Albuquerque District Attorney's Office for a combined experience of 18 years before joining the Civilian Police Oversight Agency in June 2014. In December 2015, Ms. Contreras graduated from the City of Albuquerque Public Service University's Pre-Management Development Program where she obtained a management certificate.

D. COMMUNITY ENGAGEMENT AND OUTREACH EFFORTS

In 2014, the Civilian Police Oversight Agency Ordinance was amended to include a Community Outreach component to the police oversight efforts. As stated in the Ordinance (O-13-2016), the CPOA shall develop, implement, and from time to time amend as necessary, a program of community outreach aimed at soliciting public input from the broadest segment of the community in terms of geography, culture, ethnicity, and socio-economics. The CPOA shall employ or designate a full-time staff member within the Administrative Office dedicated to community outreach efforts. The CPOA shall report its community outreach efforts to the City Council on an annual basis (Section 9-4-1-4-C-1).

Of the many efforts made to improve the community engagement component, the CPOA's active and consistent involvement with APD's Community Policing Council's (CPCs) initiative was by far one of the most successful outreach efforts made by the Agency. The CPC's were created by Mayor Richard J. Berry in 2014 to serve as a communication bridge between the police department and the community in the aftermath of the incident involving community member, James Boyd. The CPC's are designed to be independent bodies of people organized and ran by community volunteers who live and work in various area commands throughout the City of Albuquerque. During this time, the CPC's were administratively supported by Nicole Chavez-Lucero, the CPC Community Outreach Coordinator for APD.

Director Harness saw the need and opportunity for an independent third-party, like the CPOA, to be involved in the process of Community Policing. As an effort to support and engage the community, the CPOA hosted four Quarterly Summits to provide an opportunity for CPC members to network, collaborate, and learn more about the CASA compliance related issues/topics. As a result, this empowered community members to actively participate and engage in meaningful policy recommendation conversations with organizations like the ACLU/APD Forward and the Police Oversight Board, as well as, leaders like Dr. Steve Rickman from the Independent Monitor's Team and Elizabeth Martinez from the Department of Justice.

By the end of 2017, the Police Oversight Agency saw an overall increase in the number of community partnerships and collaborations due to the efforts of both the CPOA administrative office and the police oversight board members. In total, the CPOA office and the POB members attended approximately 72 CPC meetings, hosted 2 CPC Summits with over 60 community members per Summit, participated in at least 27 community events and/or meetings with stakeholders, accepted multiple invitations for media interviews regarding Agency related materials, lead 4 CPOA training meetings for Emergency Communication Center employees, and lead 2 CPOA introduction trainings at the Police Academy for incoming cadets, as well as, attended the respective APD Police Academy graduations. The CPOA was also an active member of NACOLE and participated in monthly conference calls throughout the year to nurture national networks in police oversight throughout the United States.

The Outreach Mission Statement is: "Outreach will promote the mission of the POB and be the bridge for communication with the community". Throughout 2017, members of the Agency actively sought community input, which lead to monumental collaborations with stakeholders and community leaders, thus truly fostering the mission statement.

Appendix
II. Police Oversight Board (POB)

A. VOLUNTEER BOARD MEMBERS

DR. SUSANNE B. BROWN - Dr. Susanne Brown is a retired physician. Dr. Brown has worked with numerous community organizations including: Healthcare for the Homeless, APS Board of Education, Enlace, Albuquerque Community Foundation, the Indian Health Service, Voices for Children, Juvenile Justice Advisory Committee. She currently volunteers with the Bio Park as a docent for the Botanic Garden. Dr. Brown's experience in the community and experience working for the State Legislature as a legislative analyst will be an asset to the POB.

ERIC H. CRUZ - Mr. Eric Cruz is currently the Acquisition Program Manager at Kirtland Air Force Base. Mr. Cruz's unique set of knowledge, skills, and abilities can be an asset to the POB. They include program management experience of setting and executing goals, working in a government setting, working with a team to achieve common goals, working in groups with dissenting opinions, education and training in leadership and communication skills. He is a resident of an area of Albuquerque that has high police activity.

JOANNE FINE - Ms. Joanne Fine has served as a member of the APD Public Safety Partnership for several years, which worked on creating partnerships between the community and APD. Ms. Fine also served as Project Director for developing and opening the Family Advocacy Center, which is a partnership between APD and United Way that serves victims of interpersonal violence. Her experience in developing the Family Advocacy Center provided her with the opportunity to work with human service providers, the courts, the DA's office, underserved communities, and law enforcement, which can be an asset to the POB.

CARLOTTA GARCIA - Ms. Carlotta A. Garcia is currently the Director of the Department of Health's Office of Health Equity. Ms. Garcia's interest in serving on the POB comes from her experience working with at risk and culturally and linguistically distinct communities and from her position as Director of Health Equity. Improvements that Ms. Garcia would like to work on are to ensure that the POB's work is informed and driven by data to the greatest extent possible.

DR. LISA M. ORICK-MARTINEZ - Dr. Lisa M.Orick-Martinez is currently a professor of Communications Studies at CNM and a member of the Albuquerque Community Emergency Response Team (CERT). Dr. Orick-Martinez's interest stems from her education, training, and familiarity with chain of command, small group communication. As a social scientist she understands the importance of reaching an informed decision. Dr. Orick-Martinez is particularly interested in improving communication between APD and the Albuquerque community.

REV. DR. DAVID Z. RING III - Dr. David Z. Ring III is a retired Pastor from United Methodist Church and a retired Electrical Engineer from Sandia National Labs. Dr. Ring III is a former Police Chaplin in Odessa, TX and Los Alamos, NM and upon returning to Albuquerque, he wanted to be involved in serving the City and APD. Dr. Ring III believes the POB presents a unique opportunity to serve his community in a new and challenging way.

LEONARD WAITES - Mr. Leonard Waites is a lifelong resident of Albuquerque, which drives his interest in serving on the POB. Mr. Waites wants to ensure the safety of the City and assist in making the POB a fair and impartial system for the citizens of Albuquerque and the Albuquerque Police Department. Mr. Waites is a member of the NAACP and previously served on the Police Oversight Task Force. His areas of interest include mending the relationship between the community and police department and building a relationship between the Board and Chief of Police, as it will be important to correcting and implementing policies and procedures.

CHANTAL M. GALLOWAY - Ms. Chantal M. Galloway is currently a Vice-President of Business Services. Ms. Galloway holds a BBA from the University of Arkansas at Little Rock, as well as an MBA from the University of New Mexico. Ms. Galloway's interest in serving the POB comes from her desire to be active and serve her community. Ms. Galloway has a background with for-profit and non-profit organizations and hopes to bring her skills of obtaining outcomes wherein vested partied have their concerns or opinions heard and acted upon.

VALERIE ST. JOHN - Ms. Valerie St. John is currently self-employed with V. St. John Investigations, performing pre-employment background checks, contract work for an immigration and self defense attorney, among other legal and investigative duties. Ms. St. John previously worked in the District Attorney's Office as a Prosecution Assistant. Ms. St. John's community activities have included serving as President of Spruce Park Neighborhood Association, volunteering at Catholic Charities, and membership of the Cesar Chavez Committee.

CHELSEA N. VAN DEVENTER - Chelsea Van Deventer has both a bachelor's degree in political science and a law degree from the University of New Mexico. Ms. Van Deventer brings with her a background in criminal defense, policy work, and community organizing.

DR. WILLIAM J. KASS - Dr. William J. Kass is currently a retired physical scientist. As a private citizen, he has been active in following Albuquerque Police Department reform efforts for nearly five years. He has met with victim's family members; attended meetings with the Department of Justice, the Independent Monitor Team, the City of Albuquerque Council, the Mayor's Initiative, the Police Oversight Task Force and former and current versions of the Police Oversight Board. He has also attended several area Community Policing Councils. His interests are primarily in policy and community outreach. He serves as the chair of Policy and Procedure Review Committee and is a member of the Community Outreach subcommittee. He believes that police policy is public policy and the community should have a voice in creating that policy. That can only be done if the community is informed and engaged and Albuquerque Police Department responds positively to their concerns.

B. POLICE OVERSIGHT BOARD DUTIES AND MEETINGS

The Police Oversight Board (POB) is tasked with the following functions:

1. Promote a spirit of accountability and communication between the citizens and APD while improving community relations and enhancing public confidence;
2. Oversee the full investigation of civilian complaints; audit and monitor all investigations and/or police shootings under investigation by APD's Internal Affairs;
3. Continue cooperation with APD and solicit public input by holding regularly scheduled public meetings;
4. Review all work of the CPOA with respect to quality, thoroughness, and impartiality of investigations;
5. Submit all findings to the Chief of Police;
6. Review and analyze policy suggestions, analysis, studies, and trend data collected or developed by the Administrative Office, and shall by majority vote recommend polices relating to training, programs and procedures or other matters relating to APD. The POB's policy recommendations shall be submitted to APD and to the City Council. The POB shall dedicate a majority (more than 50%) of its time to the functions described in this subsection.

POLICE OVERSIGHT BOARD MEETINGS

The regular meetings of the Police Oversight Board (POB) for the City of Albuquerque were held in accordance with the New Mexico Open Meetings Act (NMSA 1978), Section 10-5-1 through 10-15-4. Meetings were open to the public and held in the City Council/Commission Chambers, Albuquerque/Bernalillo County Government Center. During the year 2017, the POB held meetings on:

- Jan. 12, 2017
- Feb. 9, 2017
- March 16, 2017
- April 13, 2017
- May 18, 2017
- June 8, 2017
- July 13, 2017
- Aug. 10, 2017
- Sept. 21, 2017
- Oct. 12, 2017
- Nov. 9, 2017
- Dec. 14, 2017

C. POLICE OVERSIGHT SUBCOMMITTEES

CASE REVIEW COMMITTEE (CRC)

MEMBERS

LEONARD WAITES (CHAIR)
JOANNE FINE
DR. CARLOTTA GARCIA

The Case Review Subcommittee held meetings on:

January 9, 2017	July 11, 2017
February 6, 2017	August 1, 2017
March 3, 2017	September 5, 2017
April 4, 2017	October 3, 2017
May 16, 2017	November 7, 2017
June 5, 2017	December 5, 2017

The Case Review Subcommittee reviews Civilian Complaints alongside the CPOA Executive Director.

COMMUNITY OUTREACH SUBCOMMITTEE

MEMBERS

REV. DR. DAVID Z. RING III (CHAIR)
DR. LISA M. ORICK-MARTINEZ
JOHNNY J. ARMIJO

The Community Outreach Subcommittee held meetings on:

January 30, 2017	June 20, 2017
February 27, 2017	July 18, 2017
March 27, 2017	October 17, 2017
May 1, 2017	November 14, 2017
May 30, 2017	December 7, 2017

Members of the Outreach Committee discuss community outreach and engagement efforts.

PERSONNEL SUBCOMMITTEE

MEMBERS

ERIC CRUZ (CHAIR)
JOANNE FINE
LEONARD WAITES

The Personnel Subcommittee held meetings on:

November 13, 2017 December 5, 2017

Members of the Personnel Committee discuss personnel matters with the Executive Director.

POLICY AND PROCEDURE SUBCOMMITTEE (P&P)

MEMBERS

DR. WILLIAM KASS (CHAIR)
DR. SUSANNE BROWN
VALERIE ST. JOHN
ERIC CRUZ

The Policy and Procedure Subcommittee held meetings on:

February 23, 2017
June 15, 2017
July 20, 2017
August 17, 2017
September 28, 2017
October 26, 2017
November 30, 2017
December 21, 2017

The Policy and Procedure Subcommittee reviews APD's policies and procedures and makes recommendations on changes to ensure that compliance and consistency align with the CPOA's Mission.

Appendix

III. Creation of the Civilian Police Oversight Agency

On August 18, 2014, City Council passed legislation, which suspended the Police Oversight Commission (POC), Ordinance O-14-15. This legislation became effective on September 5, 2014.

On September 18, 2014, the City Council passed amendments to the Police Oversight Ordinance through Ordinance O-14-13. On October 6, 2014, Mayor Richard J. Berry signed the legislation. The new amendments replaced the prior Police Oversight Commission and the Independent Review Office with the Civilian Police Oversight Agency, one body consisting of the Police Oversight Board, the CPOA Executive Director, and the CPOA Administrative Office.

Under the amended Police Oversight Ordinance, City Council is responsible for selecting and confirming nine members of a Police Oversight Board (POB). The amended Ordinance made several changes to the existing Civilian Police Oversight system. These changes to the Police Oversight process included change from two independent bodies, the former Independent Review Office and Police Oversight Commission, into a one-body system, the Civilian Police Oversight Agency (CPOA). The CPOA consists of a Council-appointed Board which oversees an Executive Director. The Executive Director manages the day-to-day operations of the CPOA's Administrative Office. The CPOA must also:

- Physically be located outside of City Hall
- Manage its own budget - Minimum Budget: ½% of APD Budget (±750k/yr.)
- May Hire its own Contract Legal Counsel
- Fulfill its duty to:
  - Perform Community Outreach
  - Promote Accountability within APD
  - Investigate Citizen Complaints
  - Make APD Policy Recommendations

The Police Oversight Board (POB) consists of nine At-Large, Council-appointed members, who are representative of the City as a whole. The Board Members may be removed for cause by 2/3 vote of either the Council or POB. Members will hold three-year, staggered terms. The amended Ordinance increased training requirements. The Board is tasked with, among other things, developing policy recommendations and reviewing Citizen Police Complaint Investigations.

The CPOA's Executive Director is required to hold a law degree and have experience in investigations. City Council appoints the Executive Director upon recommendation from the POB. The position has a three-year term. The Executive Director leads the Administrative Office and reviews Citizen Police Complaint investigations. He or she reports to the POB. City Council may remove the Executive Director upon recommendation of 2/3 of POB.

The Executive Director also prepares and submits recommended findings in officer involved shooting cases to the POB for their approval. The Executive Director has access to any APD information or documents that are relevant to a civilian's complaint, or to an issue, which is

ongoing at the CPOA. The Ordinance also requires the Executive Director to play an active public role in the community, and whenever possible, provide appropriate outreach to the community to publicize the civilian complaint process.

Under the amended Ordinance, the CPOA is staffed with classified City employees who provide staff support to the POB. The CPOA staff performs all administrative functions of the Agency. The CPOA staff is required to receive and investigate all Citizen Police Complaints and to review and monitor APD Internal Affairs. The CPOA creates semi-annual reports, which include general trends and issues at APD.

The Amended Ordinance also changed the process for reviewing Civilian Police Complaints against the Albuquerque Police Department:

1. A person may file a Complaint against the Albuquerque Police Department (APD) via the internet or in writing.
2. The CPOA will mediate Complaints, whenever appropriate and agreed upon by the parties.
3. If the case is not appropriate for mediation, the Civilian Police Oversight Agency (CPOA) will open a case and assign it to an investigator. The assigned investigator will interview witnesses, obtain evidence, and interview the APD officers involved.
4. Once the investigation of the Complaint is completed, the Executive Director of the CPOA will review the Complaint and results of the investigation to determine if there are any violations of Albuquerque Police Department Standard Operating Procedures. Standard Operating Procedures are the Police Department's rules regulating police and employee actions and conduct.
5. The Executive Director of the CPOA will draft a letter indicating his conclusions and findings, which the POB will accept, reject, or modify. The Executive Director may send the completed investigation to the Department in order to meet discipline deadlines.
6. The members of the Police Oversight Board (POB) will review the Complaint and approve the Executive Director's findings and conclusions.
7. After the POB has approved the Executive Director's findings, the CPOA will send the findings to the person who filed the Complaint via Certified Mail and to the Albuquerque Police Department.
8. The person who filed the Complaint may appeal the POB's findings.

The Civilian Police Oversight Agency can only recommend discipline. The Chief of Police retains sole authority to impose discipline to an Albuquerque Police Department employee for violations of the Albuquerque Police Department Standard Operating Procedures. The person who filed the Complaint may appeal the POB's findings and the Chief's disciplinary findings.

A. HOW TO FILE A COMPLAINT/COMMENDATION

Written complaints may be submitted via the following:

- CPOA's website: www.cabq.gov/cpoa
- CPOA office at Room 813, Plaza del Sol, 600 2nd Street NW (8th Floor);
- PO Box 1293, Albuquerque, NM 87103;
- Over the phone, CPOA Main Office, 505-924-3770;
- Any APD substation or facility; or any APD officer on duty;
- Any Supervisor at a City of Albuquerque public library or community center

The Civilian Police Oversight Agency can only recommend discipline. The Chief of Police retains sole authority to impose discipline to an Albuquerque Police Department employee for violations of the Albuquerque Police Department Standard Operating Procedures. The person who filed the Complaint may appeal the POB's findings and the Chief's disciplinary findings.

Any person may file a written complaint against APD officers or employees. Anonymous complaints are also welcomed. The CPOA website contains an electronic complaint form. Written forms are obtainable at the CPOA office, all City of Albuquerque public libraries, community centers, and all of the APD substations or facilities.

After a formal complaint is submitted, the following process takes place:

1. When the Executive Director (Director) receives a written complaint, the complaint is entered into the CPOA's case management database and assigned a Citizen Police Complaint (CPC) number.

2. The Director reviews the complaint for jurisdiction and then assigns the case to a CPOA investigator.

3. The Investigator interviews the complainant, obtains evidence, and conducts a Garrity interview of the target officer.

4. Upon completion of the investigation, the Director reviews the investigation for thoroughness, impartiality, and fairness.

5. The Director makes proposed findings and conclusions based on the evidence developed in the investigation as to whether the alleged misconduct violates the rules governing APD employees' conduct called Standard Operating Procedures (SOPs). All findings are based on a preponderance of the evidence. The preponderance is based on the more convincing evidence and its probable truth or accuracy, not the quantity of evidence (to be able to show one side's contention is more likely true than the other). The Director writes a draft letter to the person who filed the complaint, outlining his findings and conclusions.

6. APD Chain of Command reviews the findings of the Director prior to POB review only to ensure timeliness to impose discipline under the Union Contract. (90 days).

7. POB Board hears the complaint and approves or modifies findings, or remands for further investigation by the CPOA.

8. If the person who filed the complaint is dissatisfied with the findings, they may appeal the decision to the Police Oversight Board. Appeals are to be heard during POB's monthly meetings, which are televised and open to the public.

9. The Chief of Police has sole disciplinary authority over APD personnel for findings of misconduct, including findings of misconduct made by the CPOA.

The Civilian Police Oversight Agency does not conduct criminal investigations.

Appendix

IV. Department of Justice Settlement Agreement

On April 10, 2014, the Department of Justice (DOJ) issued a Findings Letter regarding the Albuquerque Police Department (APD). The DOJ found that there was reasonable cause to believe that APD engaged in a pattern or practice of use of excessive force, including deadly force, in violation of the Fourth Amendment. The DOJ further determined that structural and systemic deficiencies contributed to the use of unreasonable force.

On November 10, 2014, the City of Albuquerque (City) and the Department of Justice (DOJ) submitted a proposed Settlement Agreement to resolve the matter of United States v. City of Albuquerque.

Key elements of the Settlement Agreement include:

1. Use of Force- policy reforms, reporting, reviewing and investigating
2. Additional Training- for use of force situations, crisis intervention, and Field Officers
3. Staffing and Accountability- including additional accountability measures and a Monitor
4. Recruiting, Selection, and Promotions- adding layers of evaluations into the promotion process
5. Community Engagement and Oversight
6. Implementation/Compliance Timeline

Appendix

V. Definitions of Types of Administratively Closed Complaints

1. Mediation (Supervisor Solution): The complaint against the officer has been satisfactorily resolved in an informal manner with the help of the officer's supervisor.
2. No SOP allegation: The complaint did not allege any unprofessional behavior on the part of the officer(s).
3. Complaint withdrawal: The citizen did not wish to proceed with any further investigations.
4. Preliminary investigation did not find any SOP violation: The CPOA reviewed the officer's actions and the evidence indicated that the officers followed APD Standard Operating Procedures.
5. Complaints of unidentified officer: The CPOA could not determine if the complaint mentioned any officers or identifiers to further investigate the case or could not determine if the officers complained about were employed by the Albuquerque Police Department.
6. Complaints filed without IRO jurisdiction to investigate: The CPOA does not have legal authority to investigate into the complaint.

Following the settlement agreement with the DOJ, the CPOA is now required to accept and investigate anonymous complaints and complaints regardless of the date of the alleged misconduct. Administratively closed complaints may be re-opened if additional information becomes available.

Appendix

VI. Frequently Used Acronyms

CPOA	Civilian Police Oversight Agency
POB	Police Oversight Board
APD	Albuquerque Police Department
IA	Internal Affairs
APOA	Albuquerque Police Officer Association
DOJ	Department Of Justice
IMT	Independent Monitor Team
CASA	Court Approved Settlement Agreement
SOP	Standard Operating Procedure
OPA	Office of Policy Analysis (APD)
PPRB	Policy and Procedures Review Board (APD)
JWDs	Job Well Done(s) (Commendation)
P&P	Policy and Procedure (POB Subcommittee)
CRC	Case Review Committee (POB Subcommittee)
CPC	Citizen Police Complaints (Context of Case #'s)
CPC	Community Policing Council's (Context of APD's Community Policing Efforts)
NACOLE	National Association for Civilian Law Enforcement
ACLU	American Civil Liabilities Union

MISSION

The Mission of the Civilian Police Oversight Agency and purpose of new revisions to Police Oversight pursuant to City Law Sections 9-4-1-1 through 9-4-1-14 are to:
(A) Foster and perpetuate policing policies and practices that effectively maintain social order and which at the same time foster mutual trust and cooperation between police and civilians;
(B) Ensure that the civilian police oversight body functions as independently as possible from the executive and legislative branches of government of the City of Albuquerque;
(C) Provide civilians and police officers a fair and impartial system for the investigations and determinations on civilian police complaints;
(D) Gather and analyze data on trends and potential issues
(E) Provide policy guidance to the City Council, the Mayor and the Chief of Police

Contact Information:
Civilian Police Oversight Agency
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Albuquerque NM 87102
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ALBUQUERQUE
CIVILIAN POLICE
OVERSIGHT

CIVILIAN POLICE OVERSIGHT AGENCY
Police Oversight Board *Leonard Waites, Chair* *Chantal M. Galloway, Vice Chair*
Joanne Fine *Dr. William J. Kass* *Valerie St. John*
Chelsea Van Deventer
Edward Harness, Executive Director

December 27, 2018

Jeff Parsons

Re: CPC #053-18

Dear Mr. Parsons:

On December 13, 2018, the Police Oversight Board held an Appeal Hearing. The Board heard your presentation and the presentation of the Civilian Police Oversight Agency. It then went into a closed session to deliberate and reach it's conclusions.

The Board recommended as follows:

1. The findings of the CPOA are upheld
2. Officer V. should be sustained for a violation of APD Policy 2-19-5 and 2-19-7

As with all recommendations from the POB, the final decision to sustain findings is the decision of the Chief of Police.

Sincerely,
The Civilian Police Oversight Agency by

Ed Harness
Executive Director

CIVILIAN POLICE OVERSIGHT AGENCY
Police Oversight Board *Leonard Waites, Chair* *Chantal Galloway, Vice Chair*
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Chelsea Van Deventer
Edward Harness, Executive Director

February 14, 2019

Michael Geier, Chief of Police
C/O Internal Affairs Unit
Albuquerque Police Department
400 Roma NW
Albuquerque, NM 87102

Re: C45-2018

Dear Chief Geier:

We concurred on our findings in this case. This investigation will be presented to the Police Oversight Board for final review. These findings are now considered final. If any changes to these findings are ever contemplated, inform the POB and the CPOA immediately.

Please ensure the findings are placed in the officer's retention file.

Please contact me if there are questions or concerns.

Sincerely,

Edward Harness, Esq.
Executive Director
Civilian Police Oversight Agency
(505) 924-3770

CIVILIAN POLICE OVERSIGHT AGENCY
Police Oversight Board *Leonard Waites, Chair* *Chantal M. Galloway, Vice Chair*
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Edward Harness, Executive Director

Edward Harness, Esq., Executive Director

February 14, 2019

Michael Geier, Chief of Police
C/O Internal Affairs Unit
Albuquerque Police Department
400 Roma NW
Albuquerque, NM 87102

Re: I-6-17

Dear Chief Geier:

The shooting occurred on July 22, 2014. The Multi-jurisdictional Investigative team concluded its investigation March 1, 2015. The Bernalillo County District Attorney ruled there was not probable cause to issue criminal charges on March 8, 2018. Internal Affairs completed their review on October 18, 2018.

As to the officers who used Deadly Force,

The published Use-of-Force policy in July 2014 stated:

A. ***The decision to use Deadly Force still falls under the general requirements for all uses of force as outlined in 2-52-3 of this policy. Additionally, the reasonableness of the officer's decision will include:***
    a. ***Reasonable belief the subject presents an immediate threat to cause serious physical injury to the officer, another officer, or another member of the public OR ¬***
    b. ***Probable cause for the officer to believe the subject has just committed a crime involving inflicted/threatened infliction of serious physical injury to another and deadly force is necessary to prevent the escape of the subject in order to protect the public or another officer(s).***

Immediate Threat is defined as:

> ***An articulable threat that currently exists or may happen within moments, with or without warning. The "immediacy" of a threat may be assessed through the following legal standards: Intent:***
>
> ***c. The suspect demonstrates his/her intent to resist being controlled or to inflict physical injury e.g., gives pre-assault indicators.***
>
> ***d. Means and Opportunity: The subject is physically capable of carrying out the perceived threat and is in a position to do so.***

Finding: The CPOA finds Officer O.'s conduct **EXONERATED** regarding the allegation of a violation of this SOP, which means the investigation determined, by a preponderance of the evidence that the alleged conduct did occur but did not violate APD policies, procedures, or training.

Finding: The CPOA finds Officer S.'s conduct **EXONERATED** regarding the allegation of a violation of this SOP, which means the investigation determined, by a preponderance of the evidence that the alleged conduct did occur but did not violate APD policies, procedures, or training.

On July 24, 2104 officers from APD sought to arrest Jeremy Robertson. He had multiple arrest warrants, additionally he was facing charges in Sandoval County of Aggravated Assault on a Peace Officer with a Deadly Weapon, and Aggravated Battery on a Peace Officer with a Deadly Weapon. During this event he evaded arrest by smashing his car into the officers' vehicles.

Information was developed and a plan was devised by the ROP unit to arrest Robertson. Originally the arrest was to take place at a trailer park off of Eubank NE. However, Robertson was on the move before they could make the arrest. APD in undercover vehicles followed Robertson as he went to sell scrap at a local yard.

Robertson then drove to the Giant Gas Station on Central and Eubank and put gas in the stolen van he was driving. When Robertson entered the building to pay, officers blocked the van and waited for him in the parking lot. Upon Robertson exiting the building Detectives. V and E., both in plain, clothes approached him. Robertson recognized them as the police and fled on foot. As he fled he pulled a pistol from a holster concealed under his shirt. Detectives commanded he drop the gun and Robertson responded "F..k You'. Detective V. discharged his electronic control weapon, it failed to attach and had no effect.

Robertson ran across the intersection of Central and Eubank in a northwesterly direction. He hopped over a chain link fence into a vacant lot, and continued running north. Officers O. and S. were approaching the scene from the north. They observed Robertson hop the chain link fence. They exited their vehicles. Officer O. commanded Robertson to "drop the gun".

Robertson ignored the command and continued fleeing toward another chain link fence. On the other side of that chain link fence was a residential neighborhood.

As Robertson reached the top of the fence, Officers O. and S. both discharged their weapons at Robertson. Each fired two rounds. All four rounds struck Robertson. He fell on the other side of the fence. He died at the scene.

Officers O. and S. stated they feared for the safety of any resident he might encounter on the other side of the fence. Both were aware of his violent history when evading arrest. Both observed the hand gun he was carrying as he fled.

The weapon Robertson possessed was a 9 mm Ruger loaded with 13 rounds. It is clearly visible in the lapel video of officers arriving contemporaneously on the scene.

Based upon the Use of Force policy in place, July 2014, this use of force is within policy.

Please contact me if there are questions or concerns.

Please ensure the findings are placed in the officer's retention file.

Sincerely,
The Civilian Police Oversight Agency by

Edward Harness, Esq.
Executive Director
(505) 924-3770

cc: Albuquerque Police Department Chief of Police