

## **Civilian Police Oversight Agency Board**

*Chantal M. Galloway, Chair*

*Jesse Crawford*

*Patricia J. French*

*Dr. William J. Kass*

*Eric Nixon*

Diane McDermott, Interim Executive Director

**Monday, January 31, 2022 - 5:00 p.m.**

### **Members Present:**

Chantal M. Galloway, Chair  
Jesse Crawford  
Patricia French  
Dr. William Kass  
Eric Nixon (Late)

### **Members Absent:**

### **Others Present:**

Diane McDermott, CPOA  
Katrina Sigala, CPOA  
Valerie Barela, CPOA  
Tina Gooch, Atty  
Elizabeth Martinez, DOJ  
Acting Cdr. Jason Sanchez, APD  
Lt. Chris Patterson, APD  
Carlos Pacheco, Sr. Managing City Atty  
Paul Haidle, City Legal  
Chris Sylvan, City Council  
Kelly Mensah, CPC  
Marteessa Billy, CPC  
Darryl Neier, APD EFIT  
Richard Necelis  
Bill Hurlock  
Karen Douglas, LWVNM  
Rowan Wymark, CPC  
Jean Zachariasiewicz  
Roy Turpen, CPC

Attendance: In response to the Public Health Emergency, the Civilian Police Oversight Agency (CPOA) Board meeting on Monday, January 31, 2022 at 5:00 pm will be held via Zoom video conference.

Viewing: Members of the public will have the ability to view the meeting through GOVTV on Comcast Channel 16, or to stream live on the GOVTV website at: <https://www.cabq.gov/culturalservices/govtv>, or on YouTube at: <https://www.cabq.gov/cpoa/events/cpoa-board-special-meeting-public-input-on-ordinance-changes-01-31-2022>. (Please note that the link for YouTube has not yet been generated, however, the link could easily be found on the link provided above prior to the start of the meeting). The GOVTV live stream can be accessed at these addresses from most smartphones, tablets, or computers.

The video recording of this and all past meetings of the CPOA Board will also remain available for viewing at any time on the CPOA's website. CPOA Staff is available to

help members of the public access pre-recorded CPOA meetings on-line at any time during normal business hours. Please email [CPOA@cabq.gov](mailto:CPOA@cabq.gov) for assistance.

Public Comment: The agenda for the meeting will be posted on the CPOA website by 5:00 p.m., Friday, January 28, 2022 at [www.cabq.gov/cpoa](http://www.cabq.gov/cpoa).

The CPOA Board will take general public comment and comment on the meeting's specific agenda items in written form via email through 4:00 pm on Monday, January 31, 2022. Submit your public comments to: [POB@cabq.gov](mailto:POB@cabq.gov). These comments will be distributed to all CPOA Board members for review.

Virtual Public Comment: We welcome the public to join the CPOA Board to provide **Public Input on Ordinance Changes**. We will enable all those wishing to speak and participate.

Join Zoom Meeting

<https://cabq.zoom.us/j/87930721903?pwd=a3pqU0ZHd2N1NXJWVk5UTm4yNGtLdz09>

Meeting ID: 879 3072 1903

Passcode: 773577

One tap mobile

+16699006833,,87930721903# US (San Jose)

+12532158782,,87930721903# US (Tacoma)

Dial by your location

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

Meeting ID: 879 3072 1903

Find your local number: <https://cabq.zoom.us/u/kcJmhbrOSa>

## **Special Meeting Minutes**

- I. Welcome and call to order.** Chair Galloway called to order the special meeting of the Civilian Police Oversight Agency Board at 5:03 p.m.
- II. Mission Statement** – Chair Galloway read aloud the Civilian Police Oversight Agency Board's mission statement.
- III. Approval of the Agenda**
  - a. Motion.** A motion by Member Dr. Kass to approve the agenda as amended. Roll call vote taken. Motion passed.

**For: 4 - Crawford, French, Galloway, Kass**

Civilian Police Oversight Agency Board  
Special Meeting Minutes – January 31, 2022

**IV. Public Comments**

- a. Geraldine Amato. (see attached)

**V. Review and Approval of Minutes.** For more information about minutes from prior CPOA Board meetings, please visit our website here:

<http://www.cabq.gov/cpoa/police-oversight-board/pob-agenda-meeting-minutes>

- a. **Review and Approval of Minutes from January 13, 2022.** Draft minutes from the Civilian Police Oversight January 13, 2022 special meeting was distributed to each Board Member electronically via a weblink.
- b. **Motion.** A motion by Member Dr. Kass to approve the minutes as written. Roll call vote taken. Motion passed.

**For: 4 - Crawford, French, Galloway, Kass**

**VI. Discussion and Possible Action:**

**a. Draft Ordinance Recommendations – Patricia J. French and Eric Nixon**

1. Member French presented the draft CPOA Ordinance changes recommended by the Case Review Subcommittee and the CPOA Board had discussions and voted on the recommended changes. (see attached)
2. The CPOA Board discussed § 9-4-1-4.
3. **Motion.** A motion by Member Dr. Kass to accept the proposed language deletion in § 9-4-1-4 line item 10, 11, and 12 as drafted. Roll call vote taken. Motion passed.

**For: 4 - Crawford, French, Galloway, Kass**

4. The CPOA Board discussed § 9-4-1-4 (A) (2).
5. **Motion.** A motion by Chair Galloway that a minimum of 1% of APD's budget be allocated to the Civilian Police Oversight Agency. Roll call vote taken. Motion passed.

**For: 4 - Crawford, French, Galloway, Kass**

**\*\*\*Member Nixon joined the meeting at 5:37 p.m.\*\*\***

6. The CPOA Board discussed § 9-4-1-4 (C) (3).
7. **Motion.** A motion by Chair Galloway to change the language “independently investigate” to “shall direct and oversee” on line item 33 page 4. Roll call vote taken. Motion passed.

**For: 5 - Crawford, French, Galloway, Kass, Nixon**

8. **Motion.** A motion by Chair Galloway to strike the word “officer” and replace with “APD personnel” on line item 33 page 4. Roll call vote taken. Motion passed.

**For: 5 - Crawford, French, Galloway, Kass, Nixon**

9. **Motion.** A motion by Member French to leave current language as drafted in line item 33 page 4 and line item 1 page 5 as it relates to what is investigated. Roll call taken. Motion passed.

**For: 5 - Crawford, French, Galloway, Kass, Nixon**

10. The CPOA Board discussed § 9-4-1-4 (C) (3) (g).
11. **Motion.** A motion by Member French to use language currently in CASA paragraph 285 throughout paragraph (g) to match CASA paragraph 285 and replace the words “Director” with “Board approval”. Roll call vote taken. Motion passed.

**For: 5 - Crawford, French, Galloway, Kass, Nixon**

12. The CPOA Board discussed § 9-4-1-4 (C) (3) (h).
13. Ms. Martinez noted that consent decree does not permit mediation and the decree was modified twice temporarily with court approval to test drive a mediation program.
14. The CPOA Interim Director also noted that the Agency intends to make third request for mediation.
15. **Motion.** A motion by Member French to accept the additional language as drafted in paragraph (h). Roll call vote taken. Motion passed.

**For: 5 - Crawford, French, Galloway, Kass, Nixon**

16. **Motion.** A motion by Member French to strike “and the status of board members having satisfied their training requirements.” from Civilian Police Oversight Agency Board Special Meeting Minutes – January 31, 2022

line item 9 and 10 in § 9-4-1-4 (C) (4). Roll call vote taken. Motion passed.

**For: 5 - Crawford, French, Galloway, Kass, Nixon**

17. The CPOA Board discussed § 9-4-1-5 (D)

18. **Motion.** A motion by Member French to strike the remaining language after the word “Director.” on line item 33 page 10. Roll call vote taken. Motion passed.

**For: 5 - Crawford, French, Galloway, Kass, Nixon**

19. **Motion.** A motion by Chair Galloway that the proposed deletion of the last sentence from the first paragraph of § 9-4-1-5 (C) remain in the Ordinance. Roll call vote taken. Motion passed.

**For: 5 - Crawford, French, Galloway, Kass, Nixon**

20. The CPOA Board discussed § 9-4-1-5 (E) (1).

21. **Motion.** A motion by Dr. Kass to restore the Ordinance’s original language in paragraph (E) (1). Roll call vote taken. Motion passed.

**For: 5 - Crawford, French, Galloway, Kass, Nixon**

22. The CPOA Board discussed § 9-4-1-5 (F) (2).

23. **Motion.** A motion by Chair Galloway that items (F) (2) (e) (g) (j) and (l) if not part of the Citizens Police Academy, remain in the Ordinance as required training for the CPOA Board. Roll call vote taken. Motion passed.

**For: 5 - Crawford, French, Galloway, Kass, Nixon**

24. The CPOA Board discussed § 9-4-1-5 (F) (3) and (4).

25. **Motion.** A motion by Member French to add a provision to this section and that on-going training may be satisfied by attending NACOLE and that any training not listed as required, be left in recommended training. Roll call vote taken. Motion passed.

**For: 5 - Crawford, French, Galloway, Kass, Nixon**

26. The CPOA Board discussed § 9-4-1-5 (H).

27. **Motion.** A motion by Member French to eliminate the provision “and no Board member shall serve on any more than two committees

at any given time.” from paragraph (H). Roll call vote taken.

Motion passed.

**For: 5 - Crawford, French, Galloway, Kass, Nixon**

28. The CPOA Board discussed § 9-4-1-5 (I) (1).

29. **Motion.** A motion by Member French to strike the last sentence from paragraph (I) (1). Roll call vote taken. Motion passed.

**For: 4 – French, Galloway, Kass, Nixon**

**Against: 1 – Crawford**

30. The CPOA Board discussed § 9-4-1-6 (C).

31. **Motion.** A motion by Member French to reinstate the language “review by the Board for” in paragraph (C). Roll call vote taken. Motion failed.

**Against: 5 - Crawford, French, Galloway, Kass, Nixon**

32. The CPOA Board discussed § 9-4-1-6 (C) (3).

33. **Motion.** A motion by Member French to replace the language in the first sentence of paragraph (1) to “If mediation is appropriate, it may be an option for resolution of Civilian Police complaints.” Roll call vote taken. Motion passed.

**For: 5 - Crawford, French, Galloway, Kass, Nixon**

34. **Motion.** A motion by Member French to replace the language “independently investigate and make findings” to “Shall direct and oversee” in paragraph (C). Roll call vote taken. Motion passed.

**For: 5 - Crawford, French, Galloway, Kass, Nixon**

35. The CPOA Board discussed § 9-4-1-7 (A).

36. **Motion.** A motion by Member Dr. Kass to leave a Law Degree as a requirement for the Director position and add the language “or a Master’s Degree in a related field”. Roll call vote taken. Motion passed.

**For: 4 - Crawford, Galloway, Kass, Nixon**

**Against: 1- French**

37. The CPOA Board discussed § 9-4-1-6 (C) (3).

38. **Motion.** A motion by Member Crawford to strike the language “the mediation is considered successful and” from line item 2 page 18.

Roll call vote taken. Motion passed.

**For: 5 - Crawford, French, Galloway, Kass, Nixon**

**\*\*\* A fifteen-minute break began at 7:45 p.m. and  
the meeting reconvened at 8:00 p.m.\*\*\***

39. CPOA Counsel noted that the current language in § 9-4-1-8 (D) (3) of Ordinance states the following “Nothing in this paragraph shall be interpreted as preventing a subcommittee from reviewing and making recommendations on the resolution of a case” as is missing from the draft.

40. The CPOA Board discussed § 9-4-1-9 (A)

41. **Motion.** A motion by Member French to replace the language “investigation report” with “Findings letter” on line item 29. Roll call vote taken. Motion passed.

**For: 5 - Crawford, French, Galloway, Kass, Nixon**

42. **Motion.** A motion by Member French to strike the language after the words “investigation report.” on line item 29 page 23 and 24 up to the word “evidence.” Roll call vote taken. Motion passed.

**For: 5 - Crawford, French, Galloway, Kass, Nixon**

43. The CPOA Board discussed § 9-4-1-8 (F)

44. **Motion.** A motion by Chair Galloway to update the provision in paragraph (F) to only require approval of formal discipline.

**For: 5 - Crawford, French, Galloway, Kass, Nixon**

45. **Motion.** A motion by Chair Galloway to allow CPOA Counsel to finalize the document and draft a letter and will work the Chair on a recommendation for City Council. Roll call vote taken. Motion passed.

**For: 5 - Crawford, French, Galloway, Kass, Nixon**

46. CPOA Counsel screen shared the City Council's floor amendment § 9-4-1-5 THE CPOA POLICE OVERSIGHT BOARD (A) and (G) related to the CPOA Ordinance that was heard at the January 19, 2022 City Council meeting and the Board discussed the amendment. (see attached)

47. City Council Liaison noted that the floor amendment to reduce CPOA Board membership may be revisited at City Council.

48. **Motion.** A motion by Chair Galloway for non-voting Chairperson to be selected by the Board. Roll call vote taken. Motion failed.

**Against: 5 - Crawford, French, Galloway, Kass, Nixon**

49. **Motion.** A motion by Chair Galloway to support reduction of the CPOA Board from 9 to 7 voting members. Roll call vote taken. Motion passed.

**For: 3 - Crawford, Kass, Galloway**

**Against: 2 - French, Nixon**

50. **Motion.** A motion by Member Crawford to support the provision of 2-3 members addition of Community Policing Council experience be considered as part of consideration for CPOA Board appointment. Roll call vote taken. Motion failed.

**Against: 5 - Crawford, French, Galloway, Kass, Nixon**

51. The CPOA Board discussed the City Council's floor amendment § 9-4-1-5 THE CPOA POLICE OVERSIGHT BOARD (F) and (K) Stipend, related to the CPOA Ordinance that was heard at the January 19, 2022 City Council meeting. (see attached)

52. **Motion.** A motion by Member French that the CPOA Board not receive any compensation or stipends of any sort and that the Board remain as volunteers. Roll call vote taken. Motion failed.

**For: 2 – Crawford, French**

**Against: 3 - Galloway, Kass, Nixon**



**53.** The CPOA Board reviewed the City Council’s floor amendment § 9-4-1-5 THE CPOA POLICE OVERSIGHT BOARD (K) Job Description, related to the CPOA Ordinance that was heard at the January 19, 2022 City Council meeting. (see attached)

**54. Motion.** A motion by Chair Dr. Kass to support the floor amendment as drafted. Roll call vote taken. Motion failed.

**For: 2 - Crawford, Kass**

**Against: 3- French, Galloway, Nixon**

**55.** Chair Galloway read aloud the floor Amendments sponsored by City Counselor Sanchez § 9-4-1-5 THE CPOA POLICE OVERSIGHT BOARD (F) (3) Orientation and Training. (see attached)

**56. Motion.** A motion by Member Crawford to recommend against the provision “with at least one ride-along to be completed each quarter.” Roll call vote taken. Motion passed.

**For: 5 - Crawford, French, Galloway, Kass, Nixon**

**b. IMR-14 and Letter to the Court – *Chantal Galloway and Tina Gooch, CPOA Counsel***

**1.** The CPOA Board did not discuss the IMR-14 and Letter to the Court.

**c. Appointment of February 10, 2022 CPOA Board Meeting Chairperson – *Chantal Galloway***

**1.** Chair Galloway announced that Member Dr. Kass will Chair the February 10, 2022 CPOA Board regular scheduled meeting.

**VII. Other Business**

a. None.

**VIII. Adjournment.**

**a. Motion.** A motion by Chair Galloway to adjourn the meeting. Roll call vote taken. Motion passed.

**For: 5 - Crawford, French, Galloway, Kass, Nixon**

**b.** The meeting was adjourned at 9:36 p.m.

ATTACHMENTS

DRAFT

Please FAX# 505 768 3019 Mayor  
FAX# 505 924 3775 CPOA

Official Use ONLY: Date/Time Received: \_\_\_\_\_ Received by: \_\_\_\_\_ CPC #: \_\_\_\_\_ Assigned to: \_\_\_\_\_

Albuquerque Police Department Complaint or Commendation Form

NOV 30 2020  
CITY CLERK  
19 REPORTS

ALBUQUERQUE CIVILIAN POLICE OVERSIGHT

JAN 2022

36

2  
59 24653  
943653

This form must be delivered to the CPOA office via the following ways:  
Hand-Delivered: Plaza Del Sol Building, 600 2nd St. NW Room 813, Albuquerque, NM 87102  
Office: 505-924-3770  
Fax: 505-924-3775  
Email: cpoa@cabq.gov  
Mail: CPOA, P.O. Box 1293 Albuquerque, NM 87103  
TTY (800) 659-8331

From Geraldine

Please complete as much information as possible below. The CPOA only accepts complaints and commendations for the Albuquerque Police Department (APD). You may file this form anonymously; however, keep in mind that an anonymous complaint is extremely difficult to investigate.

In order to make sure your accessibility needs are being met, such as sign language interpretation or help completing this form; please contact the CPOA at 505-924-3770. I await your RESPECTFUL RESPONSE TO MY Particular "ACCESSIBILITY" NEEDS!  
I want to file a:  Complaint  Commendation  ~~Intervention/Mediation~~  ~~Request for more information~~

What outcome are you seeking? (Please describe what happened on the back of this page)

THAT ALL THE REPORTS I HAVE GIVEN TO VARIOUS APD AGENTS WILL BE TRUTHFULLY RECORDED AND LOGGED IN "LIVE" & "ACTIVE" FILES.

Information about you: AND THAT I MAY HAVE SOME POSSIBLE  
First: Geraldine Last: Amato Middle: Mary (Geraldine)  
Home: message phone when land line not available Best time to Call: 330 644-1937  
Email: VIA Preferred Language: \_\_\_\_\_ Date of Birth: 11/28/40

Street: \_\_\_\_\_ Apt: 36  
City: \_\_\_\_\_ State: NM Zip Code: 87104

Information about the incident(s) SEVERAL PREVIOUSLY REPORTED  
Date: \_\_\_\_\_ Time: \_\_\_\_\_ AM/PM

Address/Location: \_\_\_\_\_ Street Apt. City State Zip Code

Information about the Albuquerque Police Department employee(s) involved:  
Name: NONE OF MY STOLEN PROPERTY REPORTS HAVE BEEN ACTIVIZED!  
Name: \_\_\_\_\_  
Are you submitting this form for someone else?  Yes  No

Did you witness this incident?  Yes  No  
Name of the person you are submitting this form for: \_\_\_\_\_ Phone: \_\_\_\_\_

Additional Witness:  
Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: HAPPY NEW YEAR! TO ALL OF GOOD WILL!  
Street Apt. City State Zip Code

PROPERTY OF STOLEN PROPERTY BEING RETURNED



Cuyahoga County  
Public Library

**PUBLIC FAX COVER SHEET**

HAPPY NEW YEAR AND GREAT GODS!

\*Please note this is a public fax machine. The Cuyahoga County Public Library is not responsible for the content or the privacy of the information transmitted. This fax number does not receive faxes.

SPEED!

Date: JAN 2022 Time: PM

Send to: BOARDS, COUNCILS,

Attention: COMMISSIONS; GOVT OFFICIALS  
Please

Fax Number: \_\_\_\_\_

From: GERALDINE AMATO

Total Pages (including cover sheet): PHONE ONLY

NOTES / COMMENTS FOR RECIPIENT:

SEEK FEEDBACK, AND/OR  
ACKNOWLEDGMENT +  
RECEIPT

---

AM AVAILABLE FOR CLASSIFICATION  
AND THE FURTHER SHARING  
OF WHAT I'VE LEARNED

DESPITE THE CONTROLLED CURRICULAS  
AND "INFO" "MEDIUMS"

AMATO PUBLIC COMMENT <sup>THU FEB 2022</sup>  
COUNCILS, BOARDS, COMMISSIONS,  
PUBLIC OFFICIALS, "RELIGIOUS" CONGREGANTS...

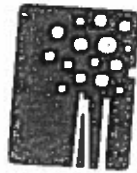
# TREACHERY RUNS RAMPANT

TODAY IN "AMERICA" AND THERE IS NO  
SERIOUS OPPOSITION BEING DEPLOYED  
TO OPPOSE TREACHERY. THE VERY SAME  
REPROBATES THAT ASSERT TREACHERY CONTROL  
ALL "MEDIUMS" OF PUBLICITY, REPORTERSHIP,  
RELIGIOUS AND POLITICAL AND EDUCATIONAL  
LEADERSHIP. THE HELM OF THE STATE: MASONIC

NO SO-CALLED "FOUNDING FATHER" IS PERFECT BUT  
THERE WERE THOSE WHO HAD INTEGRITY AND HONOR  
ONE WHOSE WORDS ARE STILL "THERE"  
TO REVIEW IS PATRICK HENRY  
3 SPEECHES HIS FAMOUS PHRASE - WHICH  
WAS THE ONLY WORDS REPORTED TO ME IN  
CONTROLLED CURRICULAS: UNIVERSITIES + SCHOOLS  
**"GIVE ME LIBERTY OR GIVE ME DEATH."**  
WAS THE CLOSING PHRASE TO HENRY'S CALL TO ARMS  
IN THE FIRST CONTINENTAL CONGRESS IN 1770s BEFORE  
THE DECLARATION OF INDEPENDENCE

TWO OTHER SPEECHES JUNE 3 AND 7 1789 IN  
THE SURREPTIOUSLY CONVENED VIRGINIA  
CONSTITUTIONAL CONVENTION  
WHEREIN THE FEDERAL GOVT'S ESTABLISHMENT  
WAS CREATED UPENDING THE ARTICLES OF CON-  
FEDERATION, ONE CAN FIND MOST OF THE WORDS  
OF **PATRICK HENRY VEHEMENTLY**  
**PROTESTING** THE ADOPTION OF  
THE GOVT WE NOW HAVE IN  
"WASHINGTON, D.C." GEORGE  
WASHINGTON, THE NAMESAKE, SIGNED  
INTO "LAW" (FOR ONE SALIENT EXAMPLE): THE  
FIRST JUDICIARY ACT SETTING  
UP THE BRITISH LEGAL-JUDICIAL "SYSTEM."

READ THE <sup>JUN 5 & 6 1789</sup> TWO (THREE) SPEECHES OF HENRY'S  
**KEEP YOUR MIND IN GEAR** IN ORDER  
TO CORRECTLY TRANSLATE THE ENGLISH OF  
THE 1700'S TO "MODERN" "AMERICAN"  
AND YOU WILL "SEE" THE PROPHECIES OF A  
**TRUE MILITANT** UNFOLDING BEFORE YOUR "EYES."



Cuyahoga County Public Library

7 PAGES (INCLUDING PUBLIC FAX COVER SHEET)

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Date: JAN 24 2022 MONDAY

Send to: POLICE REPORTS (SABOTAGED)

Attention: PERTINENT OFFICERS OF GOVT.

BY THE WAY: IF ANYONE HAS MY ONLY RELATIVELY EXPENSIVE STOLEN "JEWELRY" A 14 KARAT GOLD FULL BODIED HORSE SET EASILY USED AS PENDANTS RSUP EARRINGS AND MY FAVORITE "COWBOY" HAT DISPLAYED IN THE MUSEUM. SHELBY FBI 2 CARD ROSTER

From: Geraldine Amato

Total Pages (including cover sheet):

NOTE: COMMENTS FOR RECIPIENT

REQUESTING MY STOLEN PROPERTY REPORTS PUT IN A "LOOKING-FOR-IT" ACTIVE FILE

IN 2020 I WAS INFORMED BY IPRA/CITY STAFF THAT THERE WERE "18" CRIMINAL REPORTS FILED AGAINST ME, AMATO, (WHEN I INQUIRED) I REQUESTED COPY. NEVER RECEIVED COPY AFTER REPEATED ASSURANCES THAT THEY WERE FORTH COMING. IT IS MY BELIEF THAT THE CITY CLERK WAS "LEANED ON" NOT TO RELEASE THEM.

JANUARY 2022  
FROM: GERALDINE AMATO  
TO: OFFICIALS "IN CHARGE"

TWO AND ONE HALF YEARS HAVE  
ELAPSED AND NO RECORD HAS  
BEEN DULY ENTERED INTO ADD  
RECORDS FOR MY STOLEN

PROPERTY / A MOTOR VEHICLE  
AND TWO PERSONAL  
PROTECTION GUNS PARTICULARLY  
(ALTHO OTHER PROPERTY LIKE I.D.,  
PAPERS, JEWELRY, ETC WAS ALSO)

YEAR 2000 RX300 V6 LEXUS  
VIN #

MVD REPORTED A  
BILL OF SALE FOR \$500  
IN THEIR RECORDS

STURM RUGER 38 CALIBER  
SPEED SIX REVOLVER  
SERIAL #

POCKET SIZE 22 CALIBER  
REVOLVER SERIAL #

GERALDINE AMATO

JAN 2022

RECORD SEARCH

WHEN REQUESTING RECORDS ON POLICE REPORTS I DETERMINED FALSE REPORTS UNDER JOHNNIE YARA'S SE COMMAND WERE HIDDEN BY SUBSEQUENT INSTRUCTIONS TO COPS CALLED ON FOLLOW UP REPORTS. ONE EXAMPLE, A MOLINA #6320 ... CLR IS MANAGER STATES FEMALE SUBJECT WHO CT'D FROM 20 FOR 37ING ITEMS IS BACK AND REFUSING TO LEAVE. SUBJ IS TELLING AT EMPLOYEES - REQING 34s REMOVE SUBJ - NO I NOD."

FABRICATED REPORT

FABRICATED REPORT

DESPITE THE CODE USED WHICH IS NOT EXPLAINED I KNOW

THIS IS A FABRICATED ACCOUNT, AND I DID NOT KNOW IT EXISTED. A COP # 5550 JOHNSON WHEN I SUMMONED TO MAKE A REPORT ABOUT THE ASSAULT ON MY PERSON BY COOP EMPLOYEES TOLD ME THERE WAS NO REPORT IN APD RECORDS AND WHEN I SAID I AMATO WANT TO MAKE MY REPORT JOHNSON #5550 REFUSED TO TAKE IT. AFTER WAITING HOURS FOR 15550 TO SHOW UP.

AND THERE WAS A FALSE "COVER-UP" REPORT FROM MY 911 CALL WHEN A WOMAN DRESSED AS A PROSTITUTE ASSAULTED ME ON CENTRAL AVENUE IN CLOSE PROXIMITY TO THE FOOD COOP (AMHERST SE) ON SEPT 4, 2019 SEPT 5 AND #3102 SHELEY WAS NAMED IN THAT APPARENT "COVER UP" THAT AN UNDERCOVER COP WAS THE ASSAILANT A PAID ACCOMPLICES PHONE # AT THE TIME, A JEREMIAH CRISPIN; A WITNESS WAS ELIMINATED FROM THE RECORD WHOSE PHONE WAS USED (A.M.R.) TO MAKE THE CALL/911; ETC. ETC.

JOHNSON



# CITY OF ALBUQUERQUE

Albuquerque Police Department



Harold J. Medina, Interim Chief of Police



October 29, 2020

January 2022  
to Date,  
NOTHING!  
Geraldine

Dear Ms. A,

I am writing to let you know that yes, we have received all of your written correspondence here in the Internal Affairs Professional Standards Division of APD. Because your correspondence is considered a Citizen Police Complaint (CPC), all of your <sup>COMPLAINTS</sup> correspondence has been forwarded to the Civilian Police Oversight Agency as they are the Agency charged with investigating Citizen Police Complaints. I'm sure if you contact Director Harness or CPOA Assistant Lead Investigator Diane McDermott at the CPOA, they will be able to tell you the status of your complaint(s). I hope they are able to provide you with some answers. Thank you for reaching out.

400 Roma NW

Godspeed,  
Paul

Albuquerque

New Mexico 87102

**PAUL SKOTCHDOPOLE**  
MANAGER  
ALBUQUERQUE POLICE DEPARTMENT  
INTERNAL AFFAIRS PROFESSIONAL STANDARDS  
400 Roma Ave. NW | Albuquerque, New Mexico 87102  
Office: 505-768-2820 | Cell: 505-313-4662  
[pskotchdopole@cabq.gov](mailto:pskotchdopole@cabq.gov)

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

25<sup>th</sup> Jan 2022  
Neither Harness  
nor McDermott  
ever contacted  
me. In fact

Don't know  
if "Scotch"  
made and  
kept copy,  
more'n likely  
Not.

← It is my  
conclusion that  
they colluded in  
destroying my  
complaint "originals"  
as they never even  
acknowledged  
receipt.





Unique Insurance Company

Unique Insurance Company  
7400 N. Caldwell Ave., Niles, IL 60714  
Phone: (866) 426-8842 Fax: (773) 299-7501  
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Identification Cards  
Personal Auto Policy

NOTES: 2014 Oct 3  
MAN/BAY 3102

ABA Police Dept  
K

SEARCHED  
i

<b>Policy Number</b> NMP3018623	<b>Effective Date - Expiration Date</b> 03/20/2019 - 04/20/2019 12:01 AM Standard Time
<b>Insured Name and Address</b>	<b>Contact Name and Address - (505)265-9772</b> Western Pioneer Insurance Agency 30143 1112 SAN PEDRO DR NE ALBUQUERQUE, NM 87110-0000

MARCH 3/20  
EPP  
H/W

APD FAX 256 2044

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25th  
January  
2022

Unique Insurance Company  
7400 N. Caldwell Ave. Niles, IL 60714  
Phone: (866) 426-8842

NEW MEXICO INSURANCE CARD

Policy Number: NMP3018623  
Effective Date: 03/20/2019  
Expiration Date: 04/20/2019 12:01 AM

Contact: Western Pioneer Insurance Agency  
Phone: (505)265-9772  
Policyholder(s):

Excluded Drivers:

Insured Vehicle  
2000 LEXUS

RX300

reporting on VIN  
submitting to

N.A.I.C. No. 10655

UNQMHCARD (04/12)

For reporting a loss, call : (866) 426-8842

THIS CARD MUST BE CARRIED IN THE INSURED MOTOR VEHICLE AT ALL TIMES AND PRESENTED UPON DEMAND

What to do in the event of an auto accident loss:

1. Immediately report accidents to the proper authorities.
2. Obey laws and cooperate with the police, but do not discuss the accident with anyone else.
3. Write down information from the people involved in the accident. Identify names, addresses, phone numbers, drivers license numbers and witnesses' names and contact information.
4. Photos from the scene of the accident can be emailed to NMP3018623@claims.uniqueinsuranceco.com.
5. Call for medical attention if necessary.

(Note: In some areas, police officers may restrict contact between parties.)

New Mexico law requires this card to be kept in the insured motor vehicle for presentation upon demand.

Examine policy exclusions carefully. This form does not constitute any part of your insurance policy.

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THIS EVIDENCE OF THE CAR STOLEN  
MVD REPORTED A BILL OF SALE (FORGED) \$5000

# COPY TO CITY COUNCILORS

Official Use ONLY: Date/Time Received: \_\_\_\_\_ Received by: \_\_\_\_\_ CPC #: \_\_\_\_\_ Assigned to: \_\_\_\_\_

## Albuquerque Police Department Complaint or Commendation Form

AMATO  
 SUMMARY OF **ALBUQUERQUE CIVILIAN POLICE OVERSIGHT** **DECEMBER 2020**  
**2019 & 2020 (13)**  
**MEETINGS WITH APDCOPS**  
**SOUTHEAST COMMUNITY**

JOHNNY YARA'S COMMAND

JULY 18 2019	M				FL
OCT 2 2019	X	S			W
NOV 19 2019	J				#
OCT 27 2019	-		E		#
2020 SEPT 16	C				#
2020 SEPT 15	BI				#

ALSO AN APP/ IPRA REPEAT INDICATED **STELLER** WAS INVOLVED IN "COVER UP" REPORT OF SEPT 5 #3102

I want to file a:  Complaint  Commendation

I need more information  
911 call subject

What outcome are you seeking? **A JUST OUTCOME**

**TO DATE STOLEN CAR AND STOLEN REVOLVERS**

**IDENTITY PAPERS, VULNERABLES NOT**  
 SUBMITTED **RECORDED & INDEXED** SUBMITTED BY  
~~FOR 550 2304~~ **GERARDINE AMATO**

# RECORDED A COMPLAINT AGAINST AMATO BY ASSAILANTS AND DID NOT ACCEPT AMATO'S REBUTTAL OF LIES.  
 M REFUSED TO ACCEPT AMATO'S CRIMINAL COMPLAINT VS FOOD  
 MI **JOB ASSAILANTS** OF AMATO COLLABORATED TO THE  
 # **PROSECUTORS** AND **REFUSED TO AMEND #6320'S** REPORT AND LIED TO AMATO AND SAID THERE WAS NO REPORT. (ONLY A CAD#)  
 # REFUSED TO ACCEPT STOLEN CAR REPORT AND MALIGNED AMATO AS MENTALLY DEFICIENT.  
 S REFUSED TO AMEND CORRECT  
 #  
 S  
 #  
 S

3(3)

AMATO STATEMENT OCTOBER 2020

#  
 REFUSED TO RECORD AMATO'S  
 CRIMINAL COMPLAINT AGAINST  
 FOUR (SIN) FOOD COOP  
 EMPLOYEES.  
 REFUSED TO AWARD THE  
 SEPT 5 911 REPORT  
 (REFUSED TO TAKE INTO CON  
 STOLEN CAR REPORT)

#  
 REFUSED TO TAKE CRIMINAL  
 COMPLAINT VS BRIAN KIETH  
 AND SON REDMOND KIETH  
 ACCEPTED K IS LYING  
 TESTIMONIES AND DESTROYED  
 AMATO'S AUDIO TAPED  
 ACCOUNT OF ASSAULT  
 AMATO THE 911 CALLER.

#  
 INTERVIEWED AMATO'S  
 ASSAILANTS TO PROTECT  
 ON AMATO THEIR VERSION OF  
 REFUSED TO RECORD CRIMINAL  
 COMPLAINT VS K  
 REFUSED TO RECORD STOLEN GUNS  
 ENCOUNTER

If you wish to submit this form anonymously, please type "ANONYMOUS" on the signature line.  
 I acknowledge that the information provided in this statement is true and factual to the best of my knowledge and will become public record once filed.  
 I understand I may be required to appear in the Civilian Police Oversight Agency office for an interview or to provide other investigative assistance, as necessary.  
 I understand that if I file a complaint, it is unlawful and against APD Policies for anyone to retaliate against me for the filing of this complaint.

Heraldine Amato Dec 1 2020  
 Signature Date

OFFICE USE ONLY: APD Personnel who receive misconduct complaints must notify a supervisor immediately. Supervisor shall submit complaint to Internal Affairs by the end of the shift following the shift in which the complaint was received.

APD Supervisor Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Time Received: \_\_\_\_\_ AM / PM



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

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

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

15 (D) On April 10, 2014, the city also received findings from the  
16 United States Department of Justice that in part concluded that the city's  
17 external oversight system contributed to overall systemic problems with the  
18 Police Department's use of force in encounters with civilians.

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

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

26 **§ 9-4-1-4 CIVILIAN POLICE OVERSIGHT AGENCY.**

27 There is hereby created a Civilian Police Oversight Agency (the  
28 "CPOA") as an independent agency of city government, not part of either the  
29 city administration or City Council consists of the Civilian Police Oversight  
30 Agency Board (the "Board") and an Administrative Office led by the CPOA  
31 Executive Director [(the "Director" or the "Executive Director")]. The CPOA is  
32 a critical component of police reform and oversight in Albuquerque. This  
33 Ordinance is intended to comprehensively establish and set forth the CPOA.

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1 but the CPOA is also contemplated within and bears significant duties and  
2 obligations within the 2014 DOJ Settlement Agreement with the City of  
3 Albuquerque (or any subsequent agreements), and Findings Letter of April 10,  
4 2014 (or any subsequent findings letters)]. In addition to any other duties, the  
5 Administrative Office, through the Executive Director ~~[and staff,]~~ shall  
6 ~~[investigate direct and oversee the investigation of]~~ all civilian complaints  
7 relating to police ~~[conduct misconduct]~~, monitor and report on police internal  
8 affairs matters, provide staffing to the Board, and manage the day to day  
9 operations of the CPOA. The Board shall provide policy guidance for, and  
10 civilian oversight of the Albuquerque Police Department ~~[and review and~~  
11 ~~approve or amend the findings and conclusions of all investigations~~  
12 ~~completed by the Administrative Office]~~. Board members shall rely on the  
13 CPOA professional investigative staff to perform the investigations called for  
14 under this article, and shall not independently investigate any matters before  
15 the Board.

16 (A) Independence. The CPOA is accountable to, but independent  
17 of the Mayor's Office, the City Council, and the Albuquerque Police  
18 Department with respect to the performance of its oversight role and duties  
19 under §§ 9-4-1-1 through 9-4-1-14.

20 (1) Facility Location. The CPOA shall be housed in a facility  
21 that is separate from any police presence and is located outside of the  
22 Albuquerque ~~[- Bernalillo Government Center~~ City Hall], the Police Department  
23 and/or all of the police substations.

24 (2) Budget. The CPOA shall have a dedicated and  
25 independent source of funding, administer its own budget in compliance with  
26 state and local laws, and supervise its own staff in compliance with the city's  
27 Merit Ordinance and contractual services policies and procedures. The CPOA  
28 shall recommend and propose its budget to the Mayor and City Council during  
29 the city's budget process to carry out the powers and duties under §§9-4-1-1  
30 through 9-4-1-14, including itemized listings for the funding for staff and all  
31 necessary operating expenses.

32 (3) Professional Legal Services. The CPOA may retain or  
33 employ independent legal counsel on a contractual basis to advise and

**Commented [TMG1]:** Committee discussed this item and the CRC and audit function in connection with this item.

**Commented [TMG2]:** Review complaint trends and provide policy guidance, necessary to approve every case? Take higher level views, create ability for Board to update its policies and procedures with a broader Ordinance.

**Commented [TMG3]:** Board voted in favor of this deletion.

**Commented [TMG4]:** Tie this to APD budget like it once was? Was 1/2% but that would be a reduced budget as of today.

**Commented [TMG5]:** A minimum of 1% of APD's budget be allocated to the CPOA.

**Commented [TMG6]:** Board voted on this proposed addition 4-0 in favor.



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1 represent the CPOA. If so retained, the CPOA's legal counsel shall represent  
2 the CPOA in the courts, and shall advise the CPOA as to any legal matters  
3 relating to §§ 9-4-1-1 through 9-4-1-14 and the CPOA's duties, responsibilities,  
4 and procedures except for CPOA personnel matters which shall remain under  
5 the authority of the City Attorney's Office.

6 (4) Applicability of City Policies and Ordinances. The CPOA  
7 shall comply with all city ordinances and policies dealing with administrative  
8 functions including but not limited to those dealing with personnel, the merit  
9 system, and procurements.

10 (B) Staff. The CPOA shall employ such staff as necessary to carry  
11 out its functions as prescribed by this Article, including but not limited to an  
12 executive director, professional investigative staff and other staff as may be  
13 necessary, subject to budget sufficiency and city personnel policies and  
14 procedures.

15 (C) Responsibilities. The Civilian Police Oversight Agency is  
16 responsible for civilian police oversight and has the following powers and  
17 duties:

18 (1) Community Outreach. The CPOA shall develop,  
19 implement, and from time to time amend as necessary, a program of  
20 community outreach aimed at soliciting public input from the broadest  
21 segment of the community in terms of geography, culture, ethnicity, and  
22 socio-economics. The CPOA shall employ or designate a full time staff  
23 member within the Administrative Office dedicated to community outreach  
24 efforts. The CPOA shall report its community outreach efforts to the City  
25 Council as part of its reporting under § 9-4-1-10.

26 (2) Promotion of Accountability and Impartiality. The CPOA  
27 shall promote a spirit of accountability and communication between the  
28 civilians and the Albuquerque Police Department while improving community  
29 relations and enhancing public confidence. The CPOA shall also promote a  
30 spirit of impartiality in its review of police conduct, and shall ensure that  
31 officer conduct is judged fairly and objectively.

32 (3) Investigations. The Administrative Office shall  
33 independently investigate all civilian complaints [alleging officer misconduct];

Commented [TMG7]: Board moved to change this to "shall direct and oversee". Vote passed 5-0.  
Commented [TMG8]: Motion to strike officer and replace with "APD personnel".

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1 shall audit and monitor ~~[a representative sampling of]~~ all incidences of use of  
2 force by police and all matters under investigation by APD's Internal Affairs  
3 (IA) or other APD personnel tasked with conducting administrative  
4 investigations related to a use of force incident; and shall prepare proposed  
5 findings and recommendations on all officer involved shootings and serious  
6 uses of force as defined by Article III, Paragraph 12, Subsection (qq) (or as  
7 subsequently amended) of the court-approved DOJ Settlement Agreement  
8 with the City of Albuquerque ("Serious Uses of Force").

9 (a) Where an officer has engaged in conduct that may  
10 reasonably lead to a criminal charge against the officer, IA and the CPOA have  
11 a shared interest in exercising care to avoid interfering with the criminal  
12 process while simultaneously maintaining the integrity of the disciplinary  
13 process for officers. Consistent with this shared interest, IA and the CPOA will  
14 regularly confer and take reasonable steps to coordinate the handling of  
15 investigations into matters that reasonably may lead to a criminal charge  
16 against an officer. Before taking action related to a serious use of force or  
17 officer involved shooting, the Director shall confer with the relevant  
18 prosecuting agency and/or federal law enforcement agency to assess the  
19 likelihood of an officer being criminally prosecuted based on the incident. The  
20 Director may delay or decline to proceed with any action related to a serious  
21 use of force or officer involved shooting until completion of the criminal  
22 investigation unless, after consultation with the prosecuting agency, the  
23 Director determines that proceeding is appropriate and will not compromise a  
24 criminal investigation. If the Director seeks to proceed with investigating or  
25 presenting to the Board a serious use of force or officer involved shooting  
26 despite a prosecuting agency or federal law enforcement agency indicating  
27 that doing so would interfere with a criminal investigation, the Director may  
28 proceed only after obtaining approval to do so through a 2/3 vote of the Board.  
29 The Board shall provide notice of any such vote permitting the Director to  
30 proceed in such circumstances to APD and the police officer involved.

31 (b) APD shall provide Board members, the Director,  
32 and CPOA staff with reasonable access to APD premises, files, documents,  
33 reports and other materials that are reasonably necessary for the agency to

**Commented [TMG9]:** Need a definition of what this term "representative sampling" means

**Commented [TMG10]:** Suggest defined as 10% sampling of all cases, or cases not administratively closed, and allowing for more frequent than annual audits that are limited to UOF cases. What about CASA paragraph 271

**Commented [TMG11]:** Board motion to leave current language, as is in line 33 and 1 re: changes to what is investigated. Vote passed 5-0.

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1 perform thorough, independent investigations of civilian complaints and  
2 reviews of serious uses of force and officer-involved shootings. However, any  
3 material protected from disclosure by law shall remain within the custody and  
4 control of APD at all times and will be handled in accordance with the  
5 applicable legal restrictions.

6 (c) All complaints filed by police officers will be  
7 investigated by Internal Affairs. Internal Affairs shall provide a weekly update  
8 to the Director on all open internal investigations. The Director's investigation  
9 report and findings shall indicate whether within the past year there were any  
10 IA investigations or supervisor generated complaints against the officer(s)  
11 involved in the incident being investigated or that are otherwise relevant to the  
12 subject matter of the investigation, the general nature of the prior  
13 investigations or complaints, and whether they resulted in any discipline.  
14 Redacted personnel records including those of the Internal Affairs Unit shall  
15 be made available to the Board on demand.

16 (d) Information that is covered by Garrity will be  
17 treated as confidential to the extent permitted by law and may only be  
18 reviewed by members of the Board by application in writing, and by majority  
19 vote of the Board. If the Board votes to review Garrity material, members of  
20 the Board may only do so on APD property. The Board may not remove or  
21 make copies of such statements. If the Board desires to discuss the specific  
22 content of statements protected by Garrity, such discussion will occur only in  
23 closed session as permitted under the New Mexico Open Meetings Act, NMSA  
24 1978, § 10-15-1 (H)(2). The Board shall only summarize conclusions reached  
25 after a review of a Garrity statement, but shall not disclose the statement. The  
26 Board shall maintain the confidentiality of any Garrity material or records that  
27 are made confidential to the extent permitted by law and is subject to the same  
28 penalties as the custodian of those records for violating confidentiality  
29 requirements. In addition to any other penalty, any Board member or other  
30 person who violates the confidentiality provisions of this section shall be  
31 removed from the Board, and shall be subject to prosecution for a  
32 misdemeanor subject to the penalty provisions set forth in § 1-1-99. This  
33 provision shall apply to all aspects of the Board's work.

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

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

15 (g) **Disciplinary Recommendations.** The **Board**  
16 **Director** may ~~in its discretion,~~ recommend officer discipline from the Chart  
17 of Sanctions for investigations that result in sustained civilian police  
18 complaints; and may also recommend discipline based on any findings that  
19 result from review of internal affairs investigations of officer involved  
20 shootings and serious uses of force. Imposition of the recommended  
21 discipline is at the discretion of the Chief of Police. However, if the Chief of  
22 Police does not follow the disciplinary recommendation of the **Board**  
23 **Director**, the Chief of Police shall respond in writing, within 30 days of the  
24 department's final disciplinary decision, with a detailed explanation of the  
25 reason as to why the recommended discipline was not imposed. The Chief  
26 shall identify the specific findings of the ~~Board~~ **Director** with which the Chief  
27 disagrees, or any other basis upon which the Chief declined the ~~Board's~~  
28 **Director's** disciplinary recommendation.

29 **(h) Summary Disposition of Complaints. The Director**  
30 **shall develop and implement a policy that specifies those complaints other**  
31 **than misconduct that may be resolved informally or through mediation.**  
32 **Administrative closing or inactivation of a complaint investigation shall be**  
33 **used for the most minor policy violations that do not constitute a pattern of**

Commented [TMG12]: Use language currently in CASA, paragraph 285. Motion to change throughout to match paragraph 285. Vote passed 5-0.

Commented [TMG13]: , with Board approval,

Commented [TMG14]: With Board approval,

Commented [TMG15]: Board voted to approve this additional language because it tracks with CASA paragraph 184. Vote passed 5-0.

1 misconduct, duplicate allegations, or allegations that even if true would not  
2 constitute misconduct.]

3 (4) Reports to Mayor & Council. The CPOA shall submit a  
4 semi-annual written report to the Mayor and City Council according to § 9-4-1-  
5 10 herein. The CPOA Executive Director shall provide a quarterly oral report to  
6 the City Council at a regular or special meeting. The oral report shall at a  
7 minimum address community outreach efforts, agency progress and  
8 initiatives, [any outstanding Board vacancies and the most forthcoming term  
9 expiration(s) of any Board member(s), and the status of board members  
10 having satisfied their training requirements,] together with any of the agency's  
11 issues or concerns.

12 (5) CPOA Policy Recommendations. The CPOA shall  
13 engage in a long-term planning process through which it identifies major  
14 problems or trends, evaluates the efficacy of existing law enforcement  
15 practices in dealing with the same, analyzes and evaluates data (including  
16 APD raw data), innovative practices, national trends, and police best practices,  
17 and establishes a program of resulting policy suggestions, recommendations,  
18 and studies each year. APD shall provide Board members, the Director, and  
19 CPOA staff with reasonable access to APD premises, files, documents,  
20 reports, data (including APD raw data), and any other materials that are  
21 reasonably necessary for this purpose. For purposes of this article, "APD raw  
22 data" includes but is not limited to any facts and statistics or other data  
23 gathered, obtained, or that are otherwise within the possession of APD before  
24 being processed or analyzed; "police best practices" refers to law  
25 enforcement methods or techniques based upon the experiences and  
26 outcomes in other police departments or law enforcement agencies that have  
27 documented superior results compared to other practices, and to  
28 recommendations by recognized research and policy development groups,  
29 forums, consortiums, or similar. The CPOA shall redact any personal  
30 identification information from any APD raw data within its possession as  
31 permitted by law prior to its release to the public. The CPOA's policy  
32 recommendation process shall be as follows:

33 (a) Policy Recommendations Originating from the

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Commented [TMG16]: Already later in the Ordinance as part of the semi-annual report. Motion to strike all of the highlighted language passed 5-0.

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1 CPOA. The Board shall review and analyze policy suggestions, analysis,  
2 studies, and trend data collected or developed by the Administrative Office,  
3 and shall by majority vote recommend policies relating to training, programs  
4 and procedures or other matters relating to APD. Any such policy  
5 recommendations shall be supported by specific, written findings of the Board  
6 in support of the proposed policies. The Board's policy recommendations  
7 shall be submitted to APD and to the City Council. The Board shall dedicate a  
8 majority (more than 50%) of its time to the functions described in this  
9 subsection.

10 (b) Policy Proposals by APD. APD shall provide all  
11 policy proposals passed by the APD Policy and Procedures Review Board to  
12 the Board for its review, comment, and recommendations prior to final  
13 adoption.

14 (c) The Chief of Police or designee shall respond to  
15 policy recommendations made by the CPOA pursuant to paragraphs 'a' or 'b'  
16 above in writing within 45 days of final action on a policy by APD. As part of  
17 this response, APD shall indicate whether the Board's policy recommendation  
18 will be followed through standard operating procedures or should be adopted  
19 as policy by the City Council, or specifically explain any reasons why such  
20 policy recommendations will not be followed or were not adopted.

21 (d) Within six months of its appointment, the Board  
22 shall draft and approve policies, rules and procedures that ensure that the  
23 Board is effectively accomplishing its duties under this Article.

24 (e) The chair of the Board shall designate one Board  
25 member to serve on each APD policy development committee. The Director  
26 and the Board member designated by the Chair shall each serve as voting  
27 members and representatives of the Board on such committees, and shall  
28 report back to the Board about the outcomes and votes cast at the next  
29 regularly scheduled meeting of the Board.

30 § 9-4-1-5 THE CPOA POLICE OVERSIGHT BOARD.

31 (A) Composition. The Board shall be composed of nine at-large  
32 members who broadly represent the diversity and demographics of the city by  
33 way of, including but not limited to, cultural, gender and geographic diversity;

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1 and who are representative of the stakeholders of the police oversight  
2 process, and who reside within the City of Albuquerque.

3 (B) Qualifications. In addition to the composition standards set  
4 forth above, the following are the minimum qualifications for members of the  
5 Board:

- 6 (1) Have not been employed by law enforcement for one  
7 year prior to appointment; and
- 8 (2) Successfully pass a background check; and
- 9 (3) Personal history lacking any pattern of unsubstantiated  
10 complaints against APD; and
- 11 (4) A demonstrated ability to engage in mature, impartial  
12 decision making; and
- 13 (5) A commitment to transparency and impartial decision  
14 making; and
- 15 (6) Residency within the City of Albuquerque.

16 (C) Appointment of Members. The City Council shall establish a  
17 well-publicized, fair and equitable application process for appointment to the  
18 Board, and for filling vacancies. The City Council, through its staff, shall  
19 accept applications from prospective Board members. Staff shall formulate  
20 recommendations for appointments based on evaluation of the qualification  
21 criteria listed in subsections (A) and (B) above and submit recommendations  
22 for appointment(s) to the City Council for its approval. Staff shall establish  
23 written policies and procedures for its administration of this process. If a  
24 member is eligible for reappointment, that member may request  
25 reappointment without a formal application process and the City Council may  
26 reappoint accordingly. ~~The City Council shall report out its progress on filling~~  
27 ~~CPOA Board vacancies on a quarterly basis.~~

28 (D) Timeline for Filling of Vacancies. The Director shall notify the  
29 President of the City Council of a forthcoming vacancy on the Board at least  
30 sixty days prior to the expiration of a Board Member's term, and within five  
31 days of the resignation of a Board member. The City Council shall act on an  
32 appointment to fill the vacancy within sixty days of the Council President's  
33 receipt of notice from the Director. In the event that the City Council fails to act

Commented [TMG17]: Motion to suggest this remain in the Ordinance, passed 5-0.

Commented [TMG18]: Having Mayor's office involved in selecting the Board poses concerns to subcommittee members. Board voted to strike this provision (highlighted language). Passed 5-0.

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1 within this timeframe, the Council's staff shall transmit the pending  
2 applications of the qualified candidates to the Mayor, and the Mayor shall  
3 make an appointment to fill the vacancy from amongst the candidates.]

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4 (D) Membership Term. Board members shall serve a maximum of  
5 two three-year terms on a staggered basis so that no more than three of the  
6 members are eligible for reappointment or replacement each year.

7 (E) Removal of Members. Any Board member may be removed for  
8 cause by a two-thirds majority vote of either the Board itself or the City  
9 Council. In addition to any other reasonable cause, any conduct inconsistent  
10 with the requirements and provisions of this article, or a demonstrated  
11 inability to objectively adjudicate civilian police complaints, shall constitute  
12 cause for removal. [

13 (1) ]The appointment of any member who has been absent  
14 and not excused from ~~[three two]~~ consecutive regular or special meetings  
15 ~~[shall]~~ automatically ~~[expire effective terminates]~~ on the date the ~~[fact of such~~  
16 ~~absence is reported by the Board to the City Clerk. second absence occurs.~~

Commented [TMG19]: Board motion to restore the Ordinance's original language in this paragraph passed 5-0.

17 (2) The appointment of any member who has not completed  
18 the training required by subparagraph '(F)(2)', below, automatically terminates  
19 if all initial training is not fully completed within an additional 30 day grace  
20 period from the expiration of the six month deadline. However, if any training  
21 is not completed because the training was not made available by the City, the  
22 30-day grace period is extended to include the timeframe within which the  
23 training is offered and can be reasonably completed.

Commented [TMG20]: Subcommittee had no issue with this section.

24 (3) The appointment of any member who has not completed  
25 the training required by subparagraph '(F)(3)', below, automatically terminates  
26 if the eight hours of required on-going training is not fully completed within an  
27 additional 30 day grace period of the anniversary date of the member's  
28 appointment. However, if any training is not completed because the training  
29 was not made available by the City, the 30-day grace period is extended to  
30 include the timeframe within which the training is offered and can be  
31 reasonably completed.

32 (4) ~~The [City Clerk Director]~~ shall notify any member whose  
33 appointment has automatically terminated and ~~[shall within five days]~~ report to

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1 the City Council [President] that a vacancy exists requiring an appointment for  
2 the length of the unexpired term. [The appointment of a new member to fill the  
3 resulting vacancy is subject to the timelines established by paragraph 'D',  
4 above.]

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

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

- 10 (a) Be trained by the CPOA staff or CPOA legal  
11 counsel on CPOA policies, and procedures; and
- 12 (b) Attend at least one Board meeting as an observer  
13 (except for reappointed members).

14 (2) Required Training. The city shall provide, and each POB  
15 member shall complete, ~~[a training program~~ twenty-four hours of training  
16 within the first six months of the member's initial appointment that consists, at  
17 a minimum, of the following:

- 18 (a) Training on the 2014 DOJ Settlement Agreement  
19 with the City of Albuquerque (or any subsequent agreements), and Findings  
20 Letter of April 10, 2014 (or any subsequent findings letters);
- 21 (b) Training on this ordinance and the duties,  
22 obligations, and responsibilities that it imposes on Board members and the  
23 CPOA;
- 24 (c) Training on State and local laws regarding public  
25 meetings and the conduct of public officials, including but not limited to  
26 inspection of public records, governmental transparency, ethics;
- 27 (d) Training on civil rights, including the Fourth  
28 Amendment right to be free from unreasonable searches and seizures,  
29 including unreasonable uses of force;
- 30 (e) ~~[Training on all APD policies related to use of~~  
31 ~~force, including policies related to APD's internal review of force incidents;~~
- 32 (f) Training provided to APD officers on use of force;
- 33 ~~[(g) Completion of these portions of the APD-Civilian~~

Commented [TMG21]: Motion to suggest to City Council that items e, g, j, and l (it not part of the CPA) remain as required training for the Board. Passed 5-0.

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1 ~~Police Academy that APD determines are necessary for the POB to have a~~  
2 ~~sound understanding of the Department, its policies, and the work officers~~  
3 ~~perform. For purposes of this training requirement, APD shall identify those~~  
4 ~~portions of the standard APD Civilian Police Academy Program that are~~  
5 ~~optional for POB members and shall make other aspects of the program~~  
6 ~~available for POB members to complete independently;~~  
7 ~~\_\_\_\_\_ (h) (f) At least two APD ride-alongs;~~  
8 ~~\_\_\_\_\_ (i) Annual firearms simulation training;~~  
9 ~~\_\_\_\_\_ (j) Internal Affairs training;~~  
10 ~~\_\_\_\_\_ (k) Equity and Cultural Sensitivity training; and~~  
11 ~~\_\_\_\_\_ (l) A briefing that identifies and explains the~~  
12 ~~curriculum of all training currently received or anticipated to be received by~~  
13 ~~APD officers, including any outside training not provided by the city].~~

14 (3) Required On-Going Training. Board members shall  
15 receive eight hours of annual training ~~[on to include but not be limited to]~~ any  
16 changes in law, policy, or training in the areas outlined under subsection (2)  
17 above, as well as developments in the implementation of the 2014 DOJ  
18 Settlement Agreement (or any subsequent agreements) until such time as the  
19 terms of the agreement are satisfied. Board members shall also participate in  
20 at least two police ride-alongs for every six-months of service on the Board.

21 (4) Recommended Training. Board members are  
22 encouraged to attend conferences and workshops relating to police oversight,  
23 such as the annual NACOLE conference at city expense depending on budget  
24 availability. ~~[The Director, in collaboration with the City and APD, shall~~  
25 ~~maintain ongoing training opportunities for members that includes:~~

26 (a) Training on all APD policies related to use of  
27 force, including policies related to Completion of those portions of the APD  
28 Civilian Police Academy that APD determines are necessary for the POB to  
29 have a sound understanding of the Department, its policies, and the work  
30 officers perform. For purposes of this training requirement, APD shall identify  
31 those portions of the standard APD Civilian Police Academy Program that are  
32 optional for POB members and shall make other aspects of the program  
33 available for POB members to complete independently

Commented [TMG22]: This on-going training may be satisfied by attending NACOLE. Board voted to add this provision to this section. Vote passed 5-0.

Commented [TMG23]: Any training not listed as required, be left in recommended in training. Board voted to add this idea for consideration to this section. Vote passed 5-0.

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- 1                   **(b) APD's internal review of force incidents;**
- 2                   **(c) Annual firearms simulation training;**
- 3                   **(d) Internal Affairs training;**
- 4                   **(e) Equity and Cultural Sensitivity training; and**
- 5                   **(f) A briefing that identifies and explains the**
- 6 **curriculum of all training currently received or anticipated to be received by**
- 7 **APD officers, including any outside training not provided by the city.]**

8                   (5) The Director shall track training progress for each Board  
9 member, verify completion of the initial and on-going training requirements for  
10 each Board member, and include this information for each Board member as  
11 part of the semi-annual reports **and quarterly oral reports** required by this  
12 article. **The Director may contract with outside, neutral trainers or training**  
13 **resources in order to effectively implement any of the training called for in this**  
14 **subsection 'F', above.]**

15                   (G) Chair. The Board shall elect one of its members as the  
16 Chairperson and one as Vice-Chairperson, who shall each hold office for one  
17 year and until their successors are elected. No officer shall be eligible to  
18 immediately succeed himself or herself in the same office. Officers shall be  
19 elected in the month of March of each calendar year or upon vacancy of an  
20 office to fill the remaining term.

21                   (H) Subcommittees. The Board may appoint such subcommittees  
22 as are deemed necessary or desirable for the purposes of §§ 9-4-1-1 through  
23 9-4-1-14, provided that, membership on such subcommittees shall be limited  
24 to Board members **and no Board member shall serve on any more than two**  
25 **committees at any given time.**

26                   (I) Meetings. The Board shall conduct regularly scheduled public  
27 meetings in compliance with the New Mexico Open Meetings Act, with a  
28 prepared agenda that is distributed in advance to the Mayor, City Council,  
29 Police Chief, and City Attorney. Each Board meeting will begin with public  
30 comments. Only the regularly scheduled monthly meetings and special  
31 meetings held pursuant to submission of petitions will be televised live on the  
32 appropriate government access channel. All other meetings of the Board shall  
33 be videotaped and aired on the appropriate government access channel;

Commented [TMG24]: Motion to ask this provision be eliminated. Vote 5-0 in favor.

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1 however, there is no requirement for providing live television coverage.

2 (1) Public Comment. The Board shall allow general public  
3 comment at each of its meetings, and the Board shall also allow comment on  
4 each of its agenda items other than Citizen Police Complaints. **The**  
5 **complainant or complainant's authorized representative in a Citizen Police**  
6 **Complaint will be provided with a minimum of five minutes to address the**  
7 **Board relating to the complaint and investigation.**

Commented [TMG25]: Motion to strike this language.  
Passed 4-1.

8 (J) Subpoenas.

9 (1) The CPOA is authorized to issue subpoenas only as  
10 necessary to investigate civilian complaints, or to audit and monitor  
11 incidences of use of force by police.

12 (2) Prior to seeking a subpoena, the Executive Director  
13 must make a reasonable attempt to exhaust all other avenues for obtaining the  
14 information sought.

15 (3) In order to issue an administrative subpoena, the  
16 Executive Director must ensure that:

- 17 (a) the inquiry is within the authority of the CPOA;
- 18 (b) the demand is not too indefinite;
- 19 (c) the information is relevant to the purpose of the  
20 investigation; and

21 (d) all other criteria for the issuance of an  
22 administrative subpoena as set forth by New Mexico law are met.

23 (4) The Executive Director must obtain authorization from  
24 the Board in order to issue a subpoena. A simple majority vote of the  
25 membership of the Board in favor is required before a subpoena may be  
26 issued.

27 (5) Subpoenas shall be served in a manner that complies  
28 with all requirements for administrative subpoenas under New Mexico Law.

29 (6) A subpoena must provide at least 14 calendar days'  
30 notice prior to the deadline for responding to the subpoena to:

- 31 (a) the subpoenaed person or entity;
- 32 (b) any individual or entity that is the subject of  
33 subpoenaed records; and

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- 1 (c) the City Attorney for the City of Albuquerque.
- 2 (7) The subpoena and notice to third parties must include a
- 3 citation to this section and state that the recipient has the opportunity to
- 4 challenge the subpoena to the Board or in the district court having
- 5 jurisdiction.
- 6 (8) The summoned person or entity or any person or entity
- 7 that is the subject of subpoenaed records may petition the Board or the
- 8 district court of the county where he or she resides to vacate or modify the
- 9 administrative subpoena.
- 10 (9) In the case of a refusal to obey a subpoena issued to
- 11 any person, the Director may make application to the District Court in the state
- 12 having jurisdiction to order the witness to appear before the Board and to
- 13 produce evidence if so ordered, or to give testimony touching on the matter in
- 14 question.
- 15 (10) Any summoned person may, at his or her own expense,
- 16 be represented by legal counsel during all CPOA or Board proceedings.
- 17 (11) The CPOA and Board shall not disclose any record
- 18 obtained as a result of a subpoena that is protected or confidential by law,
- 19 ordinance, policy, or the CASA.
- 20 § 9-4-1-6 CPOA ADMINISTRATIVE OFFICE.
- 21 (A) The staff and administration of the CPOA shall be directed by
- 22 the CPOA Executive Director [~~(the "Director")~~].
- 23 (B) In addition to any other duties expressed or implied by this
- 24 article the Director shall:
- 25 (1) Independently investigate, or cause to be investigated,
- 26 all civilian police complaints [alleging officer misconduct] and prepare
- 27 findings and recommendations for review by the Board;
- 28 (2) Review and monitor all Internal Affairs investigations
- 29 and other administrative investigations related to officer involved shooting
- 30 investigations and serious uses of force investigations. The Director shall
- 31 prepare [~~and submit~~] findings and [disciplinary] recommendations [~~to the~~
- 32 ~~Board~~ as appropriate] relating to officer involved shootings and serious uses
- 33 of force [~~, and, Formal Disciplinary recommendations, if any, will be~~

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1 transmitted to the Chief only upon approval of the Board. The Director] shall  
2 report on general trends and issues identified through monitoring or auditing  
3 of Internal Affairs;

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

7 (C) The Administrative Office will receive and process all civilian  
8 complaints directed against the Albuquerque Police Department and any of its  
9 officers. The Director shall independently investigate and make findings and  
10 recommendations for ~~review by the Board for~~ such civilian complaints, or  
11 assign them for independent investigation by CPOA staff or an outside  
12 independent investigator. If assigned to staff or an outside investigator, the  
13 Director shall oversee, monitor and review all such investigations and findings  
14 for each. All findings relating to civilian complaints, officer involved  
15 shootings, and serious uses of force shall be forwarded to APD internal  
16 affairs and to the Board for its ~~review and approval. For all investigations, the~~  
17 information. The Director shall make recommendations and give advice  
18 regarding Police Department policies and procedures to the Board in the  
19 context of investigative findings as the Director deems advisable  
20 appropriate.

Commented [TMG26]: "Shall direct and oversee" should replace "independently investigate and make findings." Vote passed 5-0.

Commented [TMG27]: Motion to reinstate this language failed 0-5.

21 (1) ~~Investigation of all~~ The review and assessment of  
22 civilian complaints filed with the CPOA shall begin immediately after  
23 complaints are filed ~~and.~~ If the complaint requires investigation, it shall  
24 proceed as expeditiously as possible, and if an investigation exceeds a  
25 timeframe of nine months from the date the complaint was first received the  
26 Director must report the reasons to the Board; and

27 (2) All civilian complaints filed with other offices within the  
28 city authorized to accept civilian complaints, including the Police Department,  
29 shall be immediately referred to the Director ~~for investigation~~; and

30 (3) Mediation should be the first option for resolution of  
31 civilian police complaints. Mediators should be independent of the CPOA,  
32 APD, and the city, and should not be former officers or employees of APD. At  
33 the discretion of the Director an impartial system of mediation should be

Commented [TMG28]: "If mediation is appropriate, it may be an option for resolution of civilian police complaints." Board vote, passed 5-0.

1 considered appropriate for certain complaints. If all parties involved reach an  
2 agreement, **the mediation is considered successful and no investigation will**  
3 occur; and

Commented [TMG29]: Motion to delete this language from this sentence. Vote passed 5-0.

4 (4) The Director shall monitor all claims of officer involved  
5 shootings and serious uses of force. No APD related settlements in excess of  
6 \$25,000 shall be made for claims without the knowledge of the Director. The  
7 Director shall be an ex-officio member of the Claims Review Board; and

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

10 (6) The Director shall maintain and compile all information  
11 necessary to satisfy the CPOA's semi-annual written reporting requirements in  
12 § 9-4-1-10; and

13 (7) If at any point during an investigation the investigator  
14 determines that there may have been criminal conduct by any APD personnel,  
15 the investigator shall immediately notify the APD Internal Affairs Bureau  
16 commanding officer and transfer the administrative investigation to the  
17 Internal Affairs Bureau. The CPOA may review the IA investigation and  
18 continue processing the complaint at any time upon the conclusion of any  
19 criminal proceeding.

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

23 (E) The Administrative Office shall staff, coordinate and provide  
24 technical support for all scheduled Board meetings, publicize all findings and  
25 reports, recommendations, and/or suggested policy changes.

26 (F) The Director ~~or the Director's designee~~ shall play an active  
27 public role in the community, and whenever possible, provide appropriate  
28 outreach to the community, publicize the civilian complaint process, and  
29 identify locations within the community that are suitable for civilians to file  
30 complaints in a non-police environment.

31 (G) The Director shall be provided the necessary professional  
32 and/or clerical employees for the effective staffing of the Administrative Office,  
33 and shall prescribe the duties of these staff members. Such professional and

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1 clerical employees will be classified city employees. All CPOA staff with  
2 investigative duties shall be professional investigators trained in professional  
3 investigation techniques and practices.

4 (H) The Director shall report directly to the Board and lead the  
5 Administrative Office; independently investigate or supervise all  
6 investigations of civilian complaints, audit all IA investigations of complaints,  
7 recommend and participate in mediation of certain complaints, and supervise  
8 all CPOA staff.

9 (I) The Director shall complete the initial and ongoing training  
10 requirements for Board members as prescribed by § 9-4-1-5(F) and report  
11 completion of training activities to the Chair of the Board.

12 § 9-4-1-7 CPOA DIRECTOR QUALIFICATIONS, SELECTION, RETENTION  
13 AND EVALUATION.

14 (A) Qualifications for the position of Director shall minimally  
15 include the requirement of a law degree and experience in criminal  
16 investigations.

17 (B) The Director will be a full-time at will city employee directly  
18 responsible only to the Board, to be selected, removed, or reviewed as  
19 follows:

20 (1) The Board, through CPOA staff, shall accept  
21 applications from candidates. The Board shall review the applications and  
22 interview candidates, and submit to the City Council the candidate that it finds  
23 to be the best qualified to be the Director. The Board's recommendation to  
24 Council shall be based on the candidates' integrity, capability for strong  
25 management and abilities in investigations, law, management analysis, public  
26 administration, criminal justice administration or other closely related fields.  
27 The Board's transmittal of its recommendation to the Council shall, at a  
28 minimum, include an evaluation of all the candidates against the provisions  
29 and requirements of this subsection 9-4-1-7 and identify in writing the basis  
30 for its selection as compared to other candidates. The City Council may  
31 decline to confirm the Board's recommended candidate only for reasonable  
32 cause, including but not limited to lack of a reasonable evaluation process, or  
33 lack of a substantive basis for the Board's recommendation.

Commented [TMG30]: Motion to leave a law degree as a requirement for the Director position and add the language "or a master's degree in a related field". Board vote passed 4-1.

Commented [TMG31]: CPOA comment, The CPOA does not conduct criminal investigations. "and/or oversight"

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1                   (2) In lieu of recommending a new candidate to the Council,  
2 the Board may recommend to the Council the reconfirmation of the incumbent  
3 Director. Together with any recommendation for reconfirmation by the Board,  
4 the Board shall submit to the City Council a written basis for its  
5 recommendation to include a formal evaluation of the Director's past  
6 performance, including an evaluation against the duties established for the  
7 Director by this article. Should the Council decline to reconfirm the incumbent  
8 Director, the Council President shall notify the Board that it needs to provide  
9 the Council with an alternate candidate pursuant to the provisions of  
10 subsection (B)(1), and the Board shall so submit within 90 days of such notice.  
11 The City Council may decline to reconfirm the incumbent Director only for  
12 reasonable cause, including but not limited to any failure to fulfill all the  
13 requirements obligations of this article, or ineffective leadership of the  
14 organization in its mission toward civilian police oversight. Should the  
15 Director not be reconfirmed or should any confirmation vote be delayed or  
16 postponed for any reason, the current Director may continue to serve in the  
17 same capacity until a new Director is selected and confirmed by the City  
18 Council. ~~[If for any reason there is a period of time during which there is no~~  
19 ~~Director, the City Council may appoint a temporary Director by a majority vote.~~  
20 ~~A temporary Director shall serve in that capacity only for a period not to~~  
21 ~~exceed six months, during which time the Board shall work diligently to select~~  
22 ~~a permanent Director.~~  
23                   **(3)** The Director's compensation shall be established by the  
24 Board in consultation with the City Human Resources Department, and shall  
25 be commensurate and competitive with salaries for comparable positions  
26 within the city and other equivalent agencies in peer municipalities.  
27                   **[(3)(4)]** The term of the Director shall be for three years.  
28 Once confirmed, the Director may be removed only upon: 1) a  
29 recommendation of removal to the City Council by the affirmative vote of two-  
30 thirds of the members of the Board; and 2) acceptance of the Board's  
31 recommendation by a simple majority vote of the City Council.  
32                   **(5)** If for any reason there is a period of time during which  
33 there is no Director, the City Council may appoint a temporary Director by a

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1 majority vote. A temporary Director shall serve in that capacity only for a  
2 period not to exceed six months, during which time the Board shall work  
3 diligently to select a permanent Director.

4 (6) The Director shall establish and maintain written  
5 guidance on who within the Agency will serve in the Director's stead during  
6 any temporary absences, such as during personal or sick leave.]

7 (C) The Board shall annually review the performance of the  
8 Director taking into consideration the obligations and duties prescribed by  
9 this article and the performance of the Administrative Office. A summary of  
10 these performance evaluations shall be delivered to the Chief of Police, the  
11 Mayor, and the President of the City Council for receipt by the Council.

12 § 9-4-1-8 CIVILIAN COMPLAINT PROCEDURES.

13 (A) Any person claiming to be aggrieved by actions of the police  
14 may file a written complaint against the department or any of its officers.  
15 Neither the Board nor any of its members shall file or initiate a complaint on  
16 behalf of a member of the public. ~~[Any Board member who files or otherwise~~  
17 ~~initiates a complaint shall recuse from taking any action on the complaint,~~  
18 ~~including evaluating the complaint and voting on its disposition. The Board~~  
19 ~~shall submit rules and regulations governing civilian complaint procedures to~~  
20 ~~the City Council for approval, including rules and regulations relative to time~~  
21 ~~limits, notice and other measures to insure impartial review of civilians'~~  
22 ~~complaints against members of the police department.]~~ Anonymous  
23 complaints shall be accepted.

24 (B) In cooperation with the Board, the Mayor shall designate  
25 civilian city staff to receive written civilian complaints at various locations  
26 throughout the city. The Police Department may also receive written  
27 complaints. The party who receives the complaint shall immediately transmit  
28 all civilian complaints for further investigation to the Director.

29 (C) After the investigation of a civilian complaint is completed, the  
30 Director shall analyze all relevant and material circumstances, facts and  
31 evidence gathered under the investigation. For each investigation, the Director  
32 shall prepare [or cause to be prepared] investigation reports with proposed  
33 findings and recommendations [, if any] and submit them to [civilian

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1 ~~complainant and to~~ the Board for its ~~review and consideration~~ information.  
2 In addition to the findings and recommendation, each investigation report  
3 shall at a minimum also include: 1) a section outlining any relevant  
4 background and facts relating to the matter, 2) a listing of any relevant  
5 policies, procedures, or practices that are at issue, and 3) an analysis of the  
6 issues in the case. The Director may ~~share any~~ submit formal disciplinary  
7 recommendations ~~with to~~ the Chief of Police ~~in advance of their submission~~  
8 ~~to only upon approval by~~ the Board ~~only as necessary to, but may submit~~  
9 them in advance for informational purposes to help ensure timeliness  
10 pursuant to any applicable personnel or union contract requirements.

11 (D) ~~The~~ When the Director proposes to submit formal disciplinary  
12 recommendations to the Chief of the police, the Board shall review the  
13 proposed ~~findings and disciplinary~~ recommendations at any properly noticed  
14 regular or special meeting. The Board shall adopt and follow rules for such  
15 reviews that implement the requirements of this article and ensure fairness  
16 and completeness in its reviews. For purposes of these reviews, the Board  
17 members shall, at a minimum, adhere to the following standards of conduct:

18 (1) Remain impartial in deliberations and decisions and  
19 abstain from any independent investigation or review of information not  
20 presented by the investigation report or within the investigation file;

21 (2) Refrain from any ex-parte communication relating to the  
22 matters and parties under consideration other than at a properly noticed  
23 meeting, and recuse from any related hearings as may be necessary based on  
24 any improper ex parte communication; any ex-parte correspondence that is  
25 inadvertently received by a member shall be referred to or otherwise disclosed  
26 to the Director and, when appropriate, made available for review by the  
27 relevant complaint and APD officer or their representatives; and

28 (3) Refrain from prejudgment on complaints coming before  
29 the board until such time as all relevant information has been reviewed and  
30 considered at a properly noticed meeting, and recuse from any hearing in  
31 which he or she has a direct or indirect personal conflict of interest or cannot  
32 otherwise accord a fair and impartial review, or in which such member's  
33 participation would create the appearance of impropriety or partiality.

**Commented [TMG32]:** Current Ordinance says "Nothing in this paragraph shall be interpreted as preventing a subcommittee from reviewing and making recommendations on the resolution of a case." This is missing from this draft. Was this meant to be omitted?

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1 (E) After the Board has completed its review, it shall by majority  
2 vote of members present [~~1) approve the findings and recommendations as~~  
3 ~~proposed; 2) approve other findings and recommendations as determined by~~  
4 ~~the Board and supported by the investigation file; or 3) defer action on the~~  
5 ~~matter to allow for further investigation or analysis on specifically identifiable~~  
6 ~~matters by the Director. As part of its review, the full investigation file shall be~~  
7 ~~made available to the Board~~ decide whether or not to authorize the formal  
8 submission of the Director's disciplinary recommendations to the Chief of  
9 Police. For purposes of this vote, the Board is considering only whether to  
10 authorize the formal submission of the Director's disciplinary  
11 recommendation to the Chief. As part of this decision, the Board may  
12 consider the merits of the underlying claims, the soundness of the findings  
13 supporting the recommendation, and the iustness of the recommendations].

14 (F) Upon approval [~~of findings and recommendations by the~~  
15 ~~Board,~~] the Director shall prepare and submit a public record letter to the  
16 civilian complainant, with a copy to the Chief of Police, that outlines the  
17 findings and [any formal disciplinary] recommendations [~~as approved~~]. Unless  
18 a hearing is requested by the civilian complainant[ pursuant to Section 9-4-1-6,  
19 below], within 30 days of receipt of the decision of the Board the Chief of  
20 Police shall notify the Board and the original civilian complainant of his or her  
21 final disciplinary decision in this matter in writing, by certified mail and as  
22 otherwise prescribed by § 9-4-1-4(C)(3)(g).

23 § 9-4-1-9 REQUESTS FOR HEARING; APPEALS OF DISCIPLINARY  
24 DECISIONS.

25 (A) Requests for Hearing. Any person who has filed a civilian  
26 complaint and who is dissatisfied with the findings and/or recommendations  
27 [~~approved by the Board of the Director~~] may request [~~reconsideration a~~  
28 hearing] by the Board within 30 days (inclusive of weekends and holidays) of  
29 receipt of the [~~public record letter~~ investigation report]. The Board may granta  
30 request for reconsideration only upon a showing by the complainant that: 1) a  
31 policy was misapplied in the evaluation of the complaint; 2) that the findings  
32 or recommendations were arbitrary, capricious or constituted an abuse of  
33 discretion, or 3) that the findings and recommendations were not consistent

Commented [TMG33]: Motion to update this provision to only require approval of formal discipline passed 5-0.

Commented [TMG34]: What does this include? Motion to replace "investigation report" with "Findings Letter" to clarify what is sent to the citizen. Vote passed 5-0.

Commented [TMG35]: Motion to delete all this language. Vote passed 5-0.

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1 with the record evidence. The Board shall notify the Chief of Police of the  
2 request for hearing and hold a hearing on the matter at its next regularly  
3 scheduled meeting provided that there is a period of at least ten days between  
4 the receipt of the request for hearing and the next Board meeting. Any such  
5 appeals shall be reviewed in accordance with standards of conduct prescribed  
6 by § 9-4-1-8(D). Upon close of the hearing the Board may modify or change the  
7 findings and/or recommendations of the public record letter and may make  
8 further recommendations to the Chief of Police regarding the findings and/or  
9 recommendations and any discipline imposed by the Chief of Police or  
10 proposed by the Chief of Police. Within 20 days of receipt of the decision of  
11 the Board, the Chief of Police shall notify the Board and the original civilian  
12 complainant of his or her final disciplinary decision in this matter in writing, by  
13 certified mail.

Commented [TMG36]: Part of provision deleted by last vote.

14 (B) Appeals of the [Final] Disciplinary Decision. If any person who  
15 has filed a civilian complaint under §§ 9-4-1-1 through 9-4-1-14 is not satisfied  
16 with the final disciplinary decision of the Chief of Police or any matter relating  
17 to the Chief of Police's handling of his or her complaint, he or she may request  
18 that the Chief Administrative Officer review the complaint, the findings of the  
19 Board and the action of the Chief of Police by requesting such review in  
20 writing within 30 days (inclusive of weekends and holidays) of receipt of the  
21 Chief of Police's letter pursuant to § 9-4-1-9(A). Upon completion of his or her  
22 review, the Chief Administrative Officer shall take any action necessary,  
23 including overriding the decision of the Chief of Police regarding disciplinary  
24 action, to complete the disposition of the complaint. The Chief Administrative  
25 Officer shall notify in writing, by certified mail, the complainant, the individual  
26 against whom the complaint was filed, the Chief of Police and the Director, of  
27 the results of his or her review and any action taken.

28 § 9-4-1-10 REPORTS.

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

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

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1 (B) Discussion of issues of interest undertaken by the Board  
2 which may include suggested policy and/or procedural changes, a listing of  
3 complaints and allegations by Council District, statistical ethnicity of subject  
4 officers, statistical ethnicity of complainants, and updates on prior issues  
5 and/or recommendations;

6 (C) The CPOA's findings and the Chief of Police's issuance of  
7 discipline on those findings and the ongoing disciplinary trends of the Police  
8 Department;

9 (D) Information on all public outreach initiatives undertaken by the  
10 Board or the Director such as speaking engagements, public safety  
11 announcements, and/or public information brochures on the oversight  
12 process;

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

15 (F) Identification of any matters that may necessitate the City  
16 Council's consideration of legislative amendments to this Police Oversight  
17 Ordinance; and

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

21 ~~§ 9-4-1-11 EVALUATION.~~  
22 ~~Contingent upon funding, in the first six months of 2016 and at least~~  
23 ~~every four years thereafter, from adoption of §§ 9-4-1-1 through 9-4-1-14, the~~  
24 ~~City Council shall issue a Request for Proposal for an independent consultant~~  
25 ~~to undertake a complete evaluation and analysis of the entire police oversight~~  
26 ~~process, and recommend any necessary changes or amendments that would~~  
27 ~~appropriately improve the process.]~~

28 § 9-4-1-[42 11] SPECIAL MEETINGS.  
29 On the petition of 1,000 or more civilians in the City of Albuquerque  
30 filed in the Office of the City Clerk, the Board shall hold a special meeting for  
31 the purpose of responding to the petition and hearing and inquiring into  
32 matters identified therein as the concern of the petitioners. Copies of the  
33 petition shall be filed with the Board by the City Clerk. Notice of such meeting

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1 shall be given in the same manner as notice is given for other meetings of the  
2 Board and shall comply with the State Open Meetings Act.

3 § 9-4-1-~~13~~ 12 CONFIDENTIALITY.

4 The Board hearing process shall be open to the public to the extent  
5 legally possible so that it does not conflict with state or federal law. However,  
6 upon the opinion of the CPOA Attorney that the law permits such action, some  
7 of the details of the investigations of the Director, or the designated  
8 independent investigator, shall become privileged and confidential. The  
9 details of investigations should not be open to the public subject to the  
10 opinion of the CPOA Attorney and the Director. Compelled statements given to  
11 the Director, or the designated independent investigator, will not be made  
12 public. The Director may summarize conclusions reached from a compelled  
13 statement for the report to the Board and the Chief of Police, and in the public  
14 record letter sent to the complainant. Nothing in this article affects the ability  
15 of APD to use a compelled statement in a disciplinary proceeding.

16 § 9-4-1-~~14~~ 13 MANDATORY COOPERATION AGREEMENT.

17 The City Council believes that full participation and cooperation of all  
18 parties involved is essential to the success of the new police oversight  
19 process, and that APD hereby agrees and understands that its full cooperation  
20 is necessary, hereby agrees to mandate that its officers provide honest and  
21 truthful responses to all questions by the Director, CPOA staff or the  
22 designated independent investigator. If any officer refuses to answer the  
23 questions proposed to him or her by the Director, CPOA staff, or the  
24 independent investigator, he or she may be subject to termination or  
25 disciplinary action at the discretion of the Chief of Police. Compelled  
26 statements given to the Director, CPOA staff or the designated independent  
27 investigator, by a police officer will be used only for the Director's  
28 investigation and the closed session review of the investigation file by the  
29 Board, if any. The actual statement will remain confidential and will not be  
30 included in a final report. The Director may summarize conclusions reached  
31 from a compelled statement for the investigation report and in the public  
32 record letter to the complainant.

33 SECTION 2. SEVERABILITY CLAUSE. If any section, paragraph, sentence,

1 clause, word or phrase of this ordinance is for any reason held to be invalid or  
2 unenforceable by any court of competent jurisdiction, such decision shall not  
3 affect the validity of the remaining provisions of this ordinance. The Council  
4 hereby declares that it would have passed this ordinance and each section,  
5 paragraph, sentence, clause, word or phrase thereof irrespective of any  
6 provision being declared unconstitutional or otherwise invalid.

7 SECTION 3. COMPILATION. The ordinance amendment prescribed by  
8 SECTIONS 1, 2, 3, and 4 shall amend, be incorporated in and made part of the  
9 Revised ordinances of Albuquerque, New Mexico, 1994.

10 SECTION 4. EFFECTIVE DATE. This ordinance shall take effect five days  
11 after publication by title and general summary.

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ALBUQUERQUE CITY COUNCIL  
FLOOR AMENDMENT

[Date]

FLOOR AMENDMENT NO. \_\_\_\_\_ TO: O-21-78

AMENDMENT SPONSORED BY COUNCILOR: \_\_\_\_\_

Commented [TMG1]: Board motion to support this floor amendment failed 2-3.

1. On page 9, line 31: Amend Subsection (A) as follows:

Commented [TMG2]: City Council rejected this amendment during its January 19, 2022 meeting.

**“§ 9-4-1-5 THE CPOA POLICE OVERSIGHT BOARD.**

- (A) *Composition.* The Board shall be composed of ~~nine a non-voting Chairperson, together with five~~ at-large members who broadly represent the diversity and demographics of the city by way of, including but not limited to, cultural, gender and geographic diversity; and who are representative of the stakeholders of the police oversight process, and who reside within the City of Albuquerque. The five (5) voting members of the Board shall be composed of: 2-3 members with criminal justice system experience; 2-3 members with prior Community Policing Council experience; and 1 general member. Notwithstanding the foregoing, if members meeting the qualifications identified above are not readily available, additional general members may be appointed when necessary to ensure timely appointments to the board.

Commented [TMG3]: Motion to add addition of Community Policing Council experience be considered as part of consideration for Board appointment. Motion failed 0-5.

Commented [TMG4]: Motion for non-voting Chairperson to be selected by the Board. Motion failed 0-5.

Commented [TMG5]: Motion to support reduction of the Board from 9 to 7 voting members. Motion passed 3-2.

2. On page 14, line 15: Amend Subsection (G) as follows:

**“§ 9-4-1-5 THE CPOA POLICE OVERSIGHT BOARD.**

...

- (G) *Chair.* The ~~Board City Council,~~ shall ~~elect one of its members as~~ appoint a non-voting Chairperson ~~and one as Vice-Chairperson,~~ who shall ~~each hold office serve~~ for one year

Commented [TMG6]: Board is not in favor of this amendment.

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~~[and or]~~ until their successor~~[s are elected~~ is appointed. The Board shall elect one of its members as the Vice-Chairperson who shall hold office for one year or until their successor is elected. No officer shall be eligible to immediately succeed himself or herself in the same office. Officers shall be elected in the month of March of each calendar year or upon vacancy of an office to fill the remaining term.]

**Explanation:** This Amendment reduces the composition of the Board from a 9-member board to a 5-member board with a non-voting Chairperson. The use of a non-voting chairperson specifically dedicated to officiating the meetings may help with the efficiency of the Board. There are no requirements in the CASA for the number of members that should be on the board and numbers vary across different cities. The nine-member board is a carryover from the Police Oversight Commission which was appointed by Council District. A five-member board may be more efficient and easier to keep fully seated. Other amendments proposed within the ordinance update are aimed at reducing the board's workload. Since there is no hard and fast requirement for the number of members, other proposals for the size of the board can be evaluated as part of this amendment. This amendment also directs that certain board members have backgrounds qualifications in criminal justice or with civilian policing councils.

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ALBUQUERQUE CITY COUNCIL  
FLOOR AMENDMENT

[Date]

FLOOR AMENDMENT NO. \_\_\_\_\_ TO: O-21-78

AMENDMENT SPONSORED BY COUNCILOR: \_\_\_\_\_

1. On page 14, line 15: Insert a new subsection as follows:

**"§ 9-4-1-5 THE CPOA POLICE OVERSIGHT BOARD.**

...

(F) Orientation and Training.

...

**[(6) Each member of the Board shall be paid a \$500 honorarium upon completion of their initial training as outlined in Section 9-4-1-5(F)(1)-(2). Each member of the Board shall be compensated \$250 upon completion of annual Required On-Going Training as outlined in Section 9-4-1-5(F)(3).]**"

**Commented [TMG7]:** Motion that Board not receive any compensation or stipends of any sort and that the Board remain volunteers. Motion failed 2-3.

2. On page 16, line 20: Insert a new subsection as follows:

**"§ 9-4-1-5 THE CPOA POLICE OVERSIGHT BOARD.**

...

**[(K) Stipend. Each member of the Board shall be compensated at a rate of \$100 per regular meeting of the Board, not to exceed \$200 per month per board member.]**"

**Explanation:** Given the extensive training requirements for Board members, this amendment provides for a \$500 honorarium to Board members upon completion of their initial training. It also provides an additional \$250 honorarium on an annual basis upon completion of "Required On-Going Training" as defined in the

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Ordinance. This amendment also provides for a \$100 stipend to Board members per regular meeting of the Board, not to exceed \$200 per month. The Board generally conducts regular meetings one time per month, but additional meetings have sometimes occurred in the past. This stipend is aimed at addressing Board participation and retention of members.

ALBUQUERQUE CITY COUNCIL  
FLOOR AMENDMENT

[Date]

FLOOR AMENDMENT NO. \_\_\_\_\_ TO: O-21-78

AMENDMENT SPONSORED BY COUNCILOR: \_\_\_\_\_

1. On page 16, line 20: Insert a new subsection as follows:

**“§ 9-4-1-5 THE CPOA POLICE OVERSIGHT BOARD.**

. . .

**[(K) Job Description. The Board shall draft a job description that informs members of their roles, responsibilities, and specific expectations of a CPOA Board member. The Board shall present the job description to the City Council for final approval. Each member of the CPOA Board shall sign the job description to affirm their understanding of their obligations to the Board.]**

**Explanation:** This amendment adds a provision requiring the CPOA Board to create a “job description” that explains the expectations for members of the board. The job description would be drafted then submitted to the Council for final approval. All board members would be expected to sign the job description, and in so doing, they are verifying their commitment to serving as a board member. This signed job description is aimed at addressing the Board’s understanding of its responsibilities and improving participation and retention of members. It can also be used to educate prospective Board members on what membership entails.

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**CITY COUNCIL  
of the  
CITY OF ALBUQUERQUE**

January 19, 2022

FLOOR AMENDMENT NO. \_\_\_\_\_ TO O-21-78

AMENDMENT SPONSORED BY COUNCILOR: Sanchez

1. On page 13, line 8: insert a subsection (g) as follows:

**"§ 9-4-1-5 THE CPOA POLICE OVERSIGHT BOARD.**

. . .

(F) Orientation and Training.

. . .

(2) Required Training.

. . .

**[(g) Internal Affairs training, including, but not limited to, training  
on all APD policies related to use of force and APD's internal  
review of force incidents.]**

**Commented [TMG1]:** Board voted in favor of this amendment in the larger proposed ordinance amendments.

2. On page 14, line 3: strike subsection (d) and renumber accordingly:

**"§ 9-4-1-5 THE CPOA POLICE OVERSIGHT BOARD.**

. . .

(F) Orientation and Training.

. . .

(4) Recommended Training.

. . .

**[(d) Internal Affairs training;]**

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**Explanation:** This Amendment puts back the requirement that all CPOA Board members complete training related to Internal Affairs as part of their required orientation and training program. This Amendment also includes a reciprocal change to remove IA training from the list of “recommended training.” Internal Affairs is the agency counterpart to the CPOA, and it is important that CPOA Board members understand what APD officers are subject to in IA investigations.

**CITY COUNCIL  
of the  
CITY OF ALBUQUERQUE**

January 19, 2022

FLOOR AMENDMENT NO. \_\_\_\_\_ TO O-21-78

AMENDMENT SPONSORED BY COUNCILOR: Sanchez

1. On page 13, line 20: Amend Subsection (F)(3) as follows:

**“§ 9-4-1-5 THE CPOA POLICE OVERSIGHT BOARD.**

. . .

**(F) Orientation and Training.**

. . .

**(3) Required On-Going Training. Board members shall receive eight hours of additional training to include but not be limited to any changes in law, policy, or training in the areas outlined under subsection (2) above, as well as developments in the implementation of the 2014 DOJ Settlement Agreement (or any subsequent agreements) until such time as the terms of the agreement are satisfied. Board members shall also participate in at least two police ride-alongs for every six months of service on the Board, with at least one ride-along to be completed each quarter.”**

**Commented [TMG2]:** Board moved to recommend against this addition given the scheduling limits placed by this proposed addition. Motion against this recommendation passed 5-0.

**Explanation:** As part of their initial training and ongoing training, CPOA Board members are required to complete two ride-alongs for every six months of service on the Board. This Amendment specifies that as part of their ongoing training requirements, Board members shall complete at least one ride-along during every quarter (3 months).

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