

CIVILIAN POLICE OVERSIGHT BOARD

Thursday, January 12, 2017 – 5:00 PM
Vincent E. Griego Chambers, Basement Level
City/County Government Center – One Civic Plaza NW
Albuquerque, New Mexico

Members Present:

Beth Mohr, Chair
Leonard Waites, Vice Chair
Johnny J. Armijo
Susanne Brown
Eric Cruz
Joanne Fine
Dr. Carlotta Garcia
Rev. Dr. David Z. Ring III

Members Absent

Dr. Lisa M. Orick-Martinez

Others Present

Edward Harness, CPOA
Michelle Contreras, CPOA
Diane McDermott, CPOA
Dr. Miriam Verploegh, CPOA
Amanda Bustos, CPOA
Mark Baker, Esq.
Lt. Jennifer Garcia, APD
Major Jessica Tyler, APD

Meeting Minutes

- I. Welcome and call to order** - Chair Beth Mohr called to order the regular meeting of the Police Oversight Board at 5:04 p.m.
- II. Pledge of Allegiance** – Member Johnny J. Armijo led the meeting in the Pledge of Allegiance.
- III. Mission Statement** – Leonard Waites Vice-Chair read the POB’s Mission Statement.
- IV. Approval of the Agenda**
 - a) Chair Mohr made an amendment to the agenda to move item XII. Executive Session to be heard in conjunction with the POB’s dinner break.
 - b) A motion was made by Member Armijo to approve the agenda as amended. Vice Chair Waites seconded the motion. The motion was carried by the following vote:
For: 7 - Armijo, Cruz, Fine, Garcia, Mohr, Ring, Waites
- V. Public Comments** -Tony Pirard gave a summary to the board that the DOJ has no right to represent the people of the State of New Mexico or the City of Albuquerque. He is concerned about the process in which Law Enforcement Officers are being prosecuted in the Courts for Officer Involved shootings. He says that corrupt Judges, lawyers and Law Enforcement have messed up our society by turning Americans against Americans but says Americans such as himself are taking back our Country.
- VI. Review and Approval of Minutes**
 - a) **Minutes from November 10, 2016.** A motion was made by Member Fine to approve the minutes from the November 10, 2016 regularly scheduled POB meeting. Member Ring seconded the motion. The motion was carried by the following vote:
For: 7 - Armijo, Cruz, Fine, Garcia, Mohr, Ring, Waites

- b) **Minutes from November 30, 2016.** A motion was made by Member Ring to approve the minutes from the November 30, 2016 Special meeting of the POB. Member Fine seconded the motion. The motion was carried by the following vote:
For: 7 - Armijo, Cruz, Fine, Garcia, Mohr, Ring, Waites

*****Member Brown arrived to the meeting at 5:30 p.m. during item VII. a.****

VII. Discussion

- a) **Chief of Police Response Letters.** CPOA Director Harness gave a synopsis of each of the following Chief's Responses:
1. **Chief's Response Letter dated November 28, 2016 regarding Policy Recommendations for 3-1 and 3-29.** A copy of the response letter was distributed. (See attachment "A"):
 - a. **SOP 3-1:** Discussed Chief Eden's response to the POB's recommendation regarding Policy Recommendation for SOP 3-1.
 - i. Director Harness stated that the draft letter to Mayor Berry and City Council will be discussed during the Policy and Procedure Subcommittee report in agenda item X.b
 - ii. Chair Mohr moved this discussion to the Policy and Procedure Subcommittee report in agenda item X. b.
 - b. SOP 3-29: Discussed Chief Eden's Response to the POB's recommendation as to SOP 3-29. There was no there other discussion.
 2. **Chief's Response Letter dated December 23, 2016 regarding the appointment of a Crime Lab Director and Sex Crimes Unit Sergeant.** A copy of the response letter was distributed. (See attachment "B"):
 - a. Discussed Chief's Eden's response to the POB regarding the appointment of a Crime Lab Director and Sex Crimes Unit Sergeant.
 3. **Chief's Response Letter dated December 23, 2016 regarding the POB's request for APD-Related Data.** A copy of the response letter was distributed. (See attachment "C"):
 - a. Discussed Chief Eden's response to the POB's request for APD-Related data. Director Harness and Dr. Verploegh will report to the POB the outcome of the meeting with Director Slauson, an HR designee and Assistant City Attorney Ms. Jacobi to discuss the data request.
 4. **Chief's Response Letter dated December 23, 2016 regarding the POB's request for Administrative Access to IAPRO.** A copy of the response letter was distributed. (See attachment "D"):
 - a. Discussed Chief Eden's response to the POB/CPOA's regarding Administrative access to IA Pro.

- b. Director Harness to draft a letter to the IA Pro software company, CI Technologies, Inc.
 - c. Director Harness to work with Bill Slausen and Mark Leech at the same time he is writing his letter to CI Technologies.
- 5. Chief's Response Letter dated December 27, 2016 regarding the Investigation of allegations of video tampering.** A copy of the response letter was distributed. **(See attachment "E"):**
- a. Discussed Chief Eden's response to the POB regarding the investigation of allegations of video tampering.
- 6. Chief's Response Letter dated January 5, 2017 regarding Officer Involved Shooting (OIS) case I-37-15.** A copy of the response letter was distributed. **(See attachment "F"):**
- a. Discussed Chief Eden's response to the POB regarding the OIS case I-37-15.
 - b. There was no action taken by the POB on this letter.
 - c. Mark Baker, the attorney for the POB, will review the ordinance.
 - d. Commendation for Lt. S. will put on the POB's next agenda for February.
- 7. Discussion regarding Chief's Response letters for Non-Concurrence cases with discipline or just findings.**
- a. After the executive session and lunch, a discussion was had with the POB's attorney Mark Baker to clarify if the Chief is supposed to write response letters for findings for cases that were sustained with discipline.
 - b. Attorney Mark Baker read the DOJ Settlement Agreement paragraph 285 to the POB.
 - c. Mark Baker will meet with City Legal to clarify if Chief Eden should respond to cases that were non-concurrence with discipline or just findings. After the meeting with City Legal, Mark Baker will report back to the POB to discuss next steps.
 - d. Chair Mohr made a motion to have Mark Baker to address this [issue] [sic] (see above-referenced paragraph 7a) with the City and report back to us [the POB] and we will determine at that time if litigation is necessary. Member Garcia seconded the motion. The motion was carried by the following vote:
For: 8 – Armijo, Brown, Cruz, Fine, Garcia, Mohr, Ring, Waites
- b) EIS System**
- 1. Discussed the EIS System. **(See attachment "G" for SOP 3-33 Early Intervention System).**
- c) PowerDMS and IA Pro training.**
Director Harness to arrange POB training for IA Pro and PowerDMS.

VIII. Consent Agenda Cases. The CPOA's findings in each case listed on the consent agenda are reviewed and approved by the POB. The findings become part of the officer's file, if

applicable. Copies of the full findings letters to the citizens can be located at <http://www.cabq.gov/cpoa/findings-letters/civilian-complaints-pob-findings>.

a) Administratively Closed Cases

134-16	148-16	150-16	154-16	155-16
156-16	163-16	170-16	173-16	175-16
176-16	177-16	181-16	191-16	192-16

A motion was made by Vice Chair Waites to approve the *Administratively Closed Cases* as written. Member Fine seconded the motion. The motion was carried by the following vote:

For: 8 – Armijo, Brown, Cruz, Fine, Garcia, Mohr, Ring, Waites

b) Cases investigated

084-15	208-15	096-16	105-16	120-16
126-16	132-16	138-16	139-16	141-16
146-16				

A motion was made by Vice Chair Waites to approve *Cases investigated* as written. Member Fine seconded the motion. The motion was carried by the following vote:

For: 8 – Armijo, Brown, Cruz, Fine, Garcia, Mohr, Ring, Waites

c) CIRT Cases – There are no CIRT cases.

IX. POB’s Review of Garrity Materials

a) The non-Garrity materials in I-2015-1 victim Snyder are available at the CPOA for viewing by the POB.

b) Vice Chair Waites made a motion to allow the POB members to view the Garrity materials in I-2015-1 Snyder. Member Fine seconded the motion. The motion was carried by the following vote:

For: 8 – Armijo, Brown, Cruz, Fine, Garcia, Mohr, Ring, Waites

X. Reports from Subcommittees

a) Community Outreach Subcommittee Dr. Ring- For more information regarding POB Community Outreach Subcommittee meetings for agendas and minutes, please refer to the website located here:

<http://www.cabq.gov/cpoa/subcommittees/outreach-committee> Member Ring gave the following report on behalf of the Community Outreach Subcommittee:

1. A copy of the 2017 Community Outreach Subcommittee Meetings dates was distributed. (See attachment “H”).
2. The Community Outreach Subcommittee will be inviting an outside community entity to every third meeting. This will help to build bridges between the POB and the other entities in the community who have a stake in the Police Oversight issue.
3. The next meeting of the Community Outreach Subcommittee will be held on Monday, January 30, 2017 at 5 p.m.

- b) **Policy and Procedure Review Subcommittee, *Susanne Brown*** - For more information regarding POB Policy and Procedure Subcommittee meetings for agendas and minutes, please refer to the website located here:

<http://www.cabq.gov/cpoa/subcommittees/policy-procedure-review-committee>

Member Brown gave the following report on behalf of the Policy and Procedure Subcommittee:

1. **Revisited Item VII. a. 1. Chief's response letter to the POB regarding 3-1 in combination with review of draft letter to City Council and Mayor Berry re: Qualifications of Chief of Police.**
 - a. **Update on 3-1 the Chief's Policy.** A copy of the update on 3-1 the Chief's Policy and SOP 3-10 were distributed. (See attachments "I and J"). Member Brown read the update.
 - b. **Draft Letter to Mayor Richard J. Berry and City Councilors regarding the POB's recommendation for SOP 3-1.** (See attachment "K").
 - c. Members discussed the POB's recommendations for Chief of Police qualifications.
 - d. With the inclusion of Member Johnny Armijo's name on the letterhead, a motion was made by Member Fine to approve the Policy and Procedure committee's recommendations relative to actions toward the qualifications of the Chief of Police to the Mayor and the City Council. Member Brown seconded the motion. The motion was carried by the following vote:
For: 8 – Armijo, Brown, Cruz, Fine, Garcia, Mohr, Ring, Waites
 2. **Meeting regarding policies relative to Domestic Violence.**
 - a. Discussed the meeting that Member Fine, Member Brown, and Dr. Verploegh were invited to attend to work on revising APD's policy relative to Domestic Violence.
 3. **Policy Review Schedule.** A copy of the Policy Review Schedule was distributed and discussed. (See attachment "L").
 - a. Member Brown suggested to the POB get in contact with Dr. Verploegh with help on policy research within two weeks or longer prior to the OPA meeting in which their assigned policy will be heard.
 4. **Next meeting date for Policy and Procedure Subcommittee.** There is no meeting scheduled yet.
- c) **Case Review Subcommittee, *Leonard Waites*** - For more information regarding POB Case Review Subcommittee meetings and minutes, please refer to the website located here: <http://www.cabq.gov/cpoa/subcommittees/case-review-committee-crc>. Subcommittee Chair Leonard Waites gave the following report on behalf of the Case Review Subcommittee:

1. **I-99-14 Mary Hawkes.** Discussed the administrative investigation in I-99-14 which have been suspended pending the DOJ's investigation into criminal allegations. More information on this topic, please refer to the draft Case Review Subcommittee minutes located here:
<http://www.cabq.gov/cpoa/subcommittees/case-review-committee-crc>.
2. **Appeals - The appeal process can be found at:**
<http://www.cabq.gov/cpoa/appeal-process>
 - a. **CPC 099-15** – In his appeal request, the complainant did not provide any new information and the appeal request was not filed timely. The request fails to meet the appeal process criteria for an appeal.
 - b. **CPC 204-15** – In her appeal request, the complainant did not provide any new information and the appeal request was not filed timely. The request fails to meet the appeal process criteria for an appeal.
 - c. A motion was made by Member Ring on approving the recommendations of the Case Review Subcommittee's to not hear appeal CPC 099-15 and CPC 204-15. Member Fine seconded the motion. The motion was carried by the following vote:
For: 8 – Armijo, Brown, Cruz, Fine, Garcia, Mohr, Ring, Waites

XI. (Previously listed on agenda as Item XII). Meeting with Counsel re: Pending Litigation & Personnel Issues.

- a) **Matters subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant pursuant to NMSA 1978, Section 10-15-1(H)(7);**
- b) **Limited personnel matters pursuant to NMSA 1978, Section 10-15-1(H)(2)**
 1. A motion was made by Chair Mohr to have a closed discussion regarding pending litigation. Vice Chair Waites seconded the motion. The motion was carried by the following vote:
Roll call: Armijo, Brown, Ring, Waites, Mohr, Fine, Cruz, Garcia
 2. At 6:16 p.m., the POB went into an executive session/lunch break.
 3. At 6:58 p.m., the POB came out of an executive session/lunch break.
 4. A motion was made by Member Fine to return from the executive session regarding attorney-client privilege matters. Member Brown seconded the motion. The motion was carried by the following vote:
For: 8 – Armijo, Brown, Cruz, Fine, Garcia, Mohr, Ring, Waites

5. After the motion, Chair Mohr read the following statement:

“During the executive session, nothing was discussed other than attorney-client privilege matters pertaining to threatened or pending litigation per NMSA 1978, Section 10-15-1(H)(7).”

Roll call: Armijo, Brown, Ring, Waites, Mohr, Fine, Cruz, Garcia

XII. (Previously listed on agenda as Item XI). Reports from City Staff

- a) **APD** - APD Lt. Jennifer Garcia of Internal Affairs gave a report on Statistical Data for the Month of November / December 2016. Copies of the following documents were distributed (See **“Attachments M1, M2 and M3”**):

- **Attachment M1**-APD Internal Affairs, Statistical Data for the Months of November and December 2016 Amended.
- **Attachment M2**- Graph: Internal Investigations, Year to Date (January through October), Year to date total received cases 2011 through 2016;
- **Attachment M3**- Graph: Internal Investigations January through October

1. Lt. Garcia clarified topics for the POB the following:

- a. Discussed that each section of the SOP does not necessarily represent one case/officer but may represent multiple cases/officers.
- b. Discussed the process in which vehicle crashes are heard by the Crash Review Board.
- c. Discussed the definition of a dog shoot.
- d. APD will administrative close a case is when a case is duplicative.
- e. Discussed the process when an APD employee retires during an investigation.
- f. Discussed the source of cases given to APD Internal Affairs.

2. APD Major Jessica Tyler gave the following summary to the POB:

- a. In her newly assigned duties, she has been assigned to oversee IA, CIRT Team, Force Investigative Team.
- b. The meeting with Executive Director Edward Harness, Dr. Mariam Verploegh, a few members of the POB and IA was productive. The purpose of the meeting was to introduce herself and to discuss the issues between the CPOA and IA. She says that they will work together to move forward on fixing the issues.
- c. A meeting of small groups will meet on a monthly basis or more often if needed.
- d. She is always available if you have questions.
- e. She will plan to attend all POB meetings.
- f. Chief Eden will attend the next small group meeting.

- b) **City Council** – No one present to give a report.

- c) **Mayor’s Office** - No one present to give a report.

- d) **City Attorney's Office** – Assistant City Attorney Mr. Jeramy Schmehl introduced himself to the POB and will be attending the POB meetings.
- e) **Community Policing Councils**
 - 1. No one from the Community Policing Council is present to give a report.
 - 2. Discussed the Community Policing Councils have ironed a lot of communication issues with APD as they are getting better feedback and getting their recommendations heard.
 - 3. APD hired Nicole Chavez-Lucero to oversee the CPCs.
 - 4. Chair Mohr recommended that we remove the CPCs from future agendas until further notice.
 - 5. Discussed the Community Policing Councils meetings dates and minutes are located on APD's website and up-to-date. Director Harness will send the link to the CPC's website to the POB members.
- f) **CPOA – Edward Harness, Executive Director**
 - 1. **CPOA Report**
 - a. Job Well Done Reports received at the CPOA:
 - i. November 2016: **4**
 - ii. December 2016: **3**
 - b. New Complaints received at the CPOA:
 - i. November 2016: **18**
 - ii. December 2016: **14**
 - 2. CPOA Investigator Diane McDermott will be testifying at former APD Officer Frank Tillman's hearing on January 24, 2017 at the NM Department of Public Safety in Santa Fe Mr. Tillman is trying to retain his law enforcement certification for the State of New Mexico.
 - 3. Director Harness and Assistant Lead Investigator Paul Skotchdopole attended a Use of Force Symposium from November 29th through December 2nd, 2016. The first part of the materials he brought back with him are included in Board Member Fine's Use of Force package, which includes a use of force model policy.
 - 4. The CPOA may send one or two investigators to a basic forensic video analysis training course within the next two to three months depending when they can arrange one in our geographical region.
 - 5. Dr. Verploegh is bringing on an intern from UNM Social Sciences department intern within the next couple of weeks.
 - 6. Director Harness responded to an officer involved shooting on January 8, 2017 at Comanche and Carlisle, where he attended the administrative briefing.
 - 7. Director Harness thanked Chair Mohr for her work on the board.

XIII. Other Business

a) Board Elections.

1. A motion was made by Vice Chair Waites to recommend Ms. Joanne Fine as Chair. Member Ring seconded the motion. The vote was carried by the following vote:
For: 8 – Armijo, Brown, Cruz, Fine, Garcia, Mohr, Ring, Waites
2. A motion was made by Member Garcia to nominate Vice Chair Waites to continue as Vice Chair. Member Ring seconded the motion. The vote was carried by the following vote:
For: 8 – Armijo, Brown, Cruz, Fine, Garcia, Mohr, Ring, Waites

XV. Adjournment - A motion was made by Member Fine to adjourn the meeting. Member Garcia seconded the motion. The motion was carried by the following vote:
For: 8 – Armijo, Brown, Cruz, Fine, Garcia, Mohr, Ring, Waites

Meeting adjourned at 7:30 p.m.

*Next regularly scheduled POB meeting will be on
Thursday, February 9, 2017 at 5 p.m. in the Vincent E. Griego Chambers.*

APPROVED:

Beth Mohr, Chair
Civilian Police Oversight Agency

Date

CC: Julian Moya, City Council Staff
Natalie Howard, City Clerk
Isaac Benton, City Council President

Minutes drafted and submitted by:
Michelle Contreras, Senior Administrative Assistant



Attachments

CITY OF ALBUQUERQUE

Albuquerque Police Department



Gorden E. Eden, Jr., Chief of Police



November 28, 2016

Edward W. Harness, ESQ.
Executive Director
Civilian Police Oversight Agency
600 2nd Street NW, Room 813
Albuquerque, NM 87102

Beth A. Mohr
Chair
Police Oversight Board
600 2nd Street NW, Room 813
Albuquerque, NM 87102

RE: Policy Recommendations for 3-1 and 3-29

Dear Mr. Harness and Ms. Mohr,

Thank you for providing recommendations on behalf of the Police Oversight Board. I appreciate the thoughtfulness of your efforts. After reviewing the recommendations I have made the following decisions.

400 Roma NW

Albuquerque

New Mexico 87102

www.cabq.gov

I concur that the recommendations for SOP 3-1 be sent to the Office of Policy Analysis (“OPA”) for a thorough vetting by that committee. The input from OPA stakeholders will provide a thorough set of eyes through which your suggestions may be best analyzed. I have directed that the OPA hold special meetings if necessary to review these recommendations. Please note that the referral to OPA does not reflect agreement with each of the suggested changes. In particular, it does not seem appropriate for restrictions on the Mayor’s appointment powers to be legislated through APD policy.

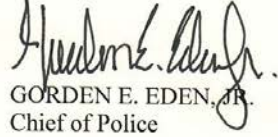
As for the recommendations regarding SOP 3-29, I respectfully decline to incorporate the POB suggestion to place POB at the end of the Department’s policy review process. The OPA was designed to thoughtfully consider stakeholders’ input in the overall context of Department policy. The CPOA and POB are intended to be stakeholders providing such input. Removing POB from the beginning of the process and placing it instead at the end undermines the OPA and the consistent, thoughtful approach to policy development. The OPA, with its myriad of represented stakeholders (including CPOA and POB) provides an ideal forum for all recommendations, including POB’s, to be heard. Where appropriate, these recommendations can be incorporated from the beginning of the process and receive full vetting and be fine-tuned through the remaining review. I understand that the POB has a number of other recommendations with respect to SOP 3-29. I appreciate that work and have directed OPA to ensure that a meeting is scheduled to consider those.

Thank you for suggestions.

Albuquerque - Making History 1706-2006

Attachment “A”

Sincerely,



GORDEN E. EDEN, JR.
Chief of Police

Cc: Robert Huntsman, Assistant Chief of Police
Jessica Tyler, Major, Professional Accountability Bureau
Jessica Hernandez, City Attorney
Jenica Jacobi, Managing Assistant City Attorney
Jeremy Schmehl, Assistant City Attorney
Bill Slauson, Executive Director, Administrative Support Bureau
Cara Garcia, OPA and Audit Coordinator
Mark Baker, Attorney

Attachment "A"

CITY OF ALBUQUERQUE

Albuquerque Police Department



Gorden E. Eden, Jr., Chief of Police



December 23, 2016

Edward W. Harness, ESQ.
Executive Director
Albuquerque Civilian Police Oversight
600 2nd Street NW, Room 813
Albuquerque, NM 87102

Beth A. Mohr
Chair
Police Oversight Board
600 2nd Street NW, Room 813
Albuquerque, NM 87102

RE: Appointment of Crime Lab Director and Sex Crimes Unit Sergeant

Dear Mr. Harness and Ms. Mohr,

Thank you for your letter of November 30, 2016, regarding the appointment of the Crime Lab Director and Sex Crimes Unit Sergeant. I share your thoughts that these are important positions. Please note that they will not be filled by simple appointment. Rather, they are classified positions that are filled through competitive hiring processes. The sergeant position is filled by a competitive bid and testing process. The crime lab director will be hired by a competitive advertisement and interview process. Both of these processes will be designed to identify and select candidates with the necessary experience and ability to handle the positions, including the volume of cases they will oversee.

Thank you for your service.

Sincerely,

GORDEN E. EDEN, JR.
Chief of Police

Cc: City Council President Isaac Benton
Mayor Richard Berry
City Attorney Jessica Hernandez
James Ginger Ph.D.
United States Attorney Damon Martinez
Attorney Fred Mowrer
City Clerk Natalie Howard

Albuquerque - Making History 1706-2006

Attachment "B"

CITY OF ALBUQUERQUE

Albuquerque Police Department



Gorden E. Eden, Jr., Chief of Police



December 23, 2016

Edward W. Harness, ESQ.
Executive Director
Albuquerque Civilian Police Oversight
600 2nd Street NW, Room 813
Albuquerque, NM 87102

Beth A. Mohr
Chair
Police Oversight Board
600 2nd Street NW, Room 813
Albuquerque, NM 87102

RE: POB Request for APD-Related Data

Dear Mr. Harness and Ms. Mohr,

Thank you for your letter of November 30, 2016, regarding access to APD data with respect to vehicle accidents, their locations, status of drug-testing, and duty-status of the officers. This information is not tracked in one place; so the Department cannot immediately produce it to you. However, I understand that you are interested in having a CPOA data analyst gather information that is maintained in different places or divisions. The Department will certainly cooperate in making those data sources available.

400 Roma NW

Albuquerque

New Mexico 87102

www.cabq.gov

To start this process, vehicle accident information may be obtained from the Department's accident review board or the City's Risk Management Division. Bill Slauson and Jenica Jacobi can assist you with the proper contacts. I have some concerns regarding the access to personnel data, as it may not be possible to compile this data without accessing confidential personnel records. However, Mr. Slauson and Ms. Jacobi will work with human resources and your data analyst to ensure appropriate privacy rules are followed.

Thank you.

Sincerely,

GORDEN E. EDEN, JR.
Chief of Police

Cc: City Council President Isaac Benton
Mayor Richard Berry
City Attorney Jessica Hernandez
James Ginger Ph.D.
United States Attorney Damon Martinez
Attorney Fred Mowrer
City Clerk Natalie Howard

Albuquerque - Making History 1706-2006

Attachment "C"

CITY OF ALBUQUERQUE

Albuquerque Police Department



Gorden E. Eden, Jr., Chief of Police



December 23, 2016

Edward W. Harness, ESQ.
Executive Director
Albuquerque Civilian Police Oversight
600 2nd Street NW, Room 813
Albuquerque, NM 87102

Beth A. Mohr
Chair
Police Oversight Board
600 2nd Street NW, Room 813
Albuquerque, NM 87102

RE: POB Request for Administrative Access to IAPRO

Dear Mr. Harness and Ms. Mohr,

Thank you for your letter of November 30, 2016, regarding administrative access to IAPRO. I appreciate your interest in receiving the fullest utility from this software. However, administrative access in IA Pro goes much beyond providing certain capabilities. My IT personnel informed me that the vendor recommends (indeed following recognized IT security best practice) administrative access should be held by very few people because of the power to invoke system-wide changes that can cause issues in other, related IT systems within APD. I and my executive staff do not even have such access. I will not grant access beyond key personnel, and therefore I must respectfully deny your request.

400 Roma NW

Albuquerque

New Mexico 87102

www.cabq.gov

I do want to assist you in improving performance and utility of the software. Some of the capabilities you suggest may be possible with different access levels, or with modifications by our IT personnel or IAPRO. Please reach out to Bill Slauson and Mark Leech to explore those possibilities. I have asked them to assist you with expanding IAPRO capabilities.

Thank you for your service.

Sincerely,

GORDEN E. EDEN, JR.
Chief of Police

Cc: City Council President Isaac Benton
Mayor Richard Berry
City Attorney Jessica Hernandez
James Ginger Ph.D.
United States Attorney Damon Martinez
Attorney Fred Mowrer
City Clerk Natalie Howard

Albuquerque - Making History 1706-2006

Attachment "D"

CITY OF ALBUQUERQUE

Albuquerque Police Department



Gorden E. Eden, Jr., Chief of Police
December 27, 2016

Edward W. Harness, ESQ.
Executive Director
Albuquerque Civilian Police Oversight
600 2nd Street NW, Room 813
Albuquerque, NM 87102

Beth A. Mohr
Chair
Police Oversight Board
600 2nd Street NW, Room 813
Albuquerque, NM 87102

RE: Investigation of allegations of video tampering

Dear Mr. Harness and Ms. Mohr,

Thank you for your letter of December 1, 2016, regarding allegations made by Mr. Reynaldo Chavez. I understand that the City Attorney has been collaborating with each of you, as well as other independent oversight agencies such as the Inspector General and Office of Internal Audit, on the selection of a qualified and independent investigator to conduct an administrative investigation. That will be done in accordance with the City's procurement rules. The Department will fully cooperate with that investigation.

400 Roma NW

Albuquerque

New Mexico 87102

www.cabq.gov

With respect to a potential criminal investigation, please know that I reached out immediately to the United States Attorney's Office, on November 22, 2016, when I became aware of the allegations. The Department will fully cooperate with any investigation that the Department of Justice chooses to conduct. Per their policies, they cannot share the details of such investigations with me; any additional questions must be directed to their office.

Finally, your letter indicates in paragraph number three that I as the Chief may have participated in destruction of evidence. I am not aware of any allegation to that effect, and adamantly deny it if it is made. Although I have doubts about Mr. Chavez's credibility and motives given the totality of the circumstances, I take these allegations against the Department very seriously and support a thorough investigation.

Thank you for service and thoughtful input on these matters.

Sincerely,

GORDEN E. EDEN, JR.
Chief of Police

Cc: City Council President Isaac Benton
Mayor Richard Berry
City Attorney Jessica Hernandez
James Ginger Ph.D.
United States Attorney Damon Martinez
Attorney Fred Mowrer
City Clerk Natalie Howard

Albuquerque - Making History 1706-2006

Attachment "E"

CITY OF ALBUQUERQUE

Albuquerque Police Department



Gorden E. Eden, Jr., Chief of Police

January 5, 2017



Edward Harness, Esq., Executive Director
Civilian Police Oversight Agency
600 2nd St. NW #813
Albuquerque, NM 87102

Re: I-37-15

Dear Director Harness:

Thank you for bringing your concerns in reference to I-37-15 to my attention. I appreciate and welcome the additional review of these crucial investigations. This letter seeks to respond to each issue of concern and recommendations listed in your correspondence to me dated August 11, 2016.

400 Roma NW

Issue of Concern #1: "The investigation team never recovered the bullets fired by Mr. Redwine."

Albuquerque

Response: As a matter of protocol, our Criminalistics Team always seeks to recover projectiles or fragments in these situations. In this particular case the team was unable to locate any collectable evidence in the form of the "bullets" fired by Mr. Redwine. "Spent casings" were located in Mr. Redwine's firearm.

New Mexico 87102

Issue of Concern #2: "The investigation team did not swab Mr. Redwine's hands for gunshot residue."

www.cabq.gov

Response: The Commander of our Scientific Evidence Division has advised me that "swabbing hands for gunshot residue" has not been a nationally recognized "best practice" for several years. The procedure is not used by our Criminalistics Team.

Issue of Concern #3: "My review of the incident revealed the presence of a minor child in Lt. S's squad. It does not appear an investigation into why the child was on scene during this incident was ever conducted. Additionally, it is not documented in this investigation."

Response: This was not raised as an issue of concern during the criminal or administrative investigation because the person referenced was an approved "ride-a-long" in accordance with Department policy. Additionally, even though the policy does allow for minors to "ride-a-long" in certain situations, this individual happens to have been an adult at the time of the incident."

Albuquerque - Making History 1706-2006

Attachment "F"

Recommendation #1: “Review the investigation techniques utilized by the team to ensure completeness.”

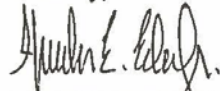
Response: A review of the investigation indicates the Criminalistics Team followed protocol in recovering evidence in this case.

Recommendation #2: “Initiate an investigation as to the presence of the minor child in Lt. S’s squad on the night of March 25, 2014.”

Response: The person in question was an approved “ride-a-long” therefore no further investigation is required.

Please contact me if any further clarification is needed.

Sincerely,



GORDEN E. EDEN, JR.
Chief of Police

GEE/JT/jm

Attachment “F”

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board *Beth Mohr, Chair* *Leonard Waites, Vice Chair*
Dr. Susanne Brown *Eric H. Cruz* *Joanne Fine*
Dr. Carlotta A. Garcia *Dr. Lisa M. Orick-Martinez*
Rev. Dr. David Z. Ring III
Edward Harness, Esq., Executive Director

RECEIVED
ALBUQUERQUE POLICE
DEPARTMENT

2017 JAN -3 PM 2:19

August 11, 2016

Gorden Eden Jr., Chief of Police
C/O Internal Affairs Unit
Albuquerque Police Department
400.Roma NW
Albuquerque, NM 87102

Re: I-37-15

Dear Chief Eden:

This case was received in our office on July 20, 2016. The shooting occurred on March 25, 2014. The investigation by conducted by the Multi-jurisdictional Investigative team concluded its investigation October 29, 2014. Internal Affairs completed their review on September 28, 2015.

PO Box 1293

Albuquerque

New Mexico 87103

www.cabq.gov

The Bernalillo County District Attorney has not ruled on the use of deadly force.

As to the officer who fired the shots,

§2-52-4 Deadly Force

A1: "The decision to use Deadly Force still falls under the general requirements for all uses of force as outlined in 2-52-3 of this policy. Additionally, the reasonableness of the officer's decision will include: 1. Reasonable belief the subject presents an immediate threat to cause serious physical injury to the officer, another officer, or another member of the public."

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

Handwritten signature/initials

Attachment "F"

I-37-15
Page 2

On March 25, 2014 Officer E. was dispatched to a call for service at 228 60th Street NW. The caller alleged a man, later identified as Alfred Redwine, confronted her 14 year old daughter with a gun. The confrontation took place in the parking area adjacent to the 60th Street address.

Upon arrival Officer E and Lt. S interviewed the caller who stated she also confronted MR. Redwine after speaking with her daughter and also observed he had a gun. Additionally, he threatened her with the gun before returning to the apartment next-door. Meanwhile Officers M., Officer D., Officer B., and Officer M. arrived on scene; Lt. S set-up a perimeter with the additional officers.

Once the perimeter was set APD began announcing, over a public address system, for Mr. Redwine to exit the apartment. These announcements were made every few minutes. At one point Mr. Redwine's sister arrived on scene. Lt. S. spoke with the sister and learned her sons were in the apartment with Mr. Redwine. Lt. S. asked the sister to reach Mr. Redwine via cell phone to help gain his cooperation. Mr. Redwine's sister is irritated, combative, and fails to initially cooperate with the Lt's requests.

The sister does eventually make contact with Mr. Redwine via cell phone. During this telephone conversation the nephews exit the apartment followed by Mr. Redwine. He is holding objects in each hand. In his left hand is a cell phone in his right is a black Ruger revolver .22 caliber. Mr. Redwine begins approaching the opening of the courtyard gate nearest Officer E. Officers are yelling commands to drop the gun. Mr. Redwine stops his approach and begins to yell at officers, still holding the gun to his temple. Shortly then after he lowers his right hand and discharges the revolver twice. Officer E in response fires his service rifle three times striking Mr. Redwine with all three shots.

There are two pieces of compelling evidence that lead to my conclusion. First, is the bystander cell phone video which clearly shows Mr. Redwine lower his right hand and discharge the revolver. Plumes of smoke are visible coming from the weapon as it discharges. Moments later Mr. Redwine collapses from being shot by the officer. Second, is the lapel video of Officer M. He is stationed to the north of Mr. Redwine as he is standing in the courtyard. At one point Mr. Redwine lowers the object in his left hand, the glow of a cell phone face is clearly visible. This refutes eyewitness testimony that Mr. Redwine only held a cell phone and it was in his right hand.

A preponderance of the evidence leads me to conclude the officer reasonably believed the person posed an immediate threat of death or serious physical injury to officers on scene. The officer reasonably believed the suspect was going to shoot him. The officer was authorized under those circumstances to use deadly force to protect himself and others from serious injury or death.

Attachment "F"

ISSUES OF CONCERN:

1. The investigation team never recovered the bullets fired by Mr. Redwine
2. The investigation team did not swab Mr. Redwine's hands for gunshot residue
3. My review of the incident revealed the presence of a minor child in Lt. S's squad. It does not appear an investigation into why the child was on scene during this incident was ever conducted. Additionally, it is not documented in this investigation.

RECOMMENDATION TO CHIEF

1. Review the investigation techniques utilized by the team to ensure completeness.
2. Initiate an investigation as to the presence of the minor child in Lt. S's squad on the night of March 25, 2014

Review of the investigative file of Internal Affairs and any opinion expressed in this letter are pursuant to the duties of the CPOA as described in the POB Ordinance and are not intended for any other purpose.

Please contact me if there are questions or concerns. I look forward to your response to the concerns and recommendations contained in this letter.

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

Sincerely,



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

Attachment "F"



ALBUQUERQUE POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

SOP 3-33

Effective: 06/29/16 Expires: 12/26/16 Replaces: 02/19/16

3-33 EARLY INTERVENTION SYSTEM

3-33-1 Policy

It is the policy of the Department to document and encourage employee behavior that reflects positively on the Department and provides the citizens of Albuquerque the best possible police services. Additionally, the Department will seek out trends in employee conduct that could be indicative of the need for further training, guidance, and/or counseling. The Department uses the Early Intervention System (EIS) as a management tool, promoting supervisory awareness and proactively identifying both potentially problematic and commendable behavior among officers. Therefore, the EIS shall not be considered a disciplinary or punitive tool.

3-33-2 EIS Indicators

A. Items listed below will be collected, tracked, and maintained in the EIS:

1. All awards and commendations received by employees regardless of origin
2. Uses of force
3. Injuries and deaths to persons in custody
4. Failures to activate on-body recording system in accordance with the SOP
5. All citizen or administrative complaints and their dispositions.
6. All judicial proceedings where an employee is the subject of a protective or restraining order
7. All vehicle pursuits and traffic accidents involving APD equipment;
8. All instances where APD is notified by a prosecuting authority that a declination to prosecute a crime was the result of an officer failing to use the on-body camera system
9. All disciplinary action taken against an employee
10. Demographic category for each citizen involved in a use of force or search and seizure incident sufficient to assess bias
11. All criminal, civil, or administrative proceedings initiated against an employee allegedly resulting from an APD operation or employee action.
12. All criminal offense reports where an employee is listed as the suspect or offender
13. All non-punitive corrective action required of an employee



ALBUQUERQUE POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

SOP 3-33

Effective: 06/29/16 Expires: 12/26/16 Replaces: 02/19/16

3-33-3 Responsibilities

A. Training

1. The Internal Affairs Division, in coordination with the APD Academy, shall ensure that all supervisors are trained with respect to use of the EIS, including:
 - How to interpret data from EIS
 - Supervisory techniques and non-punitive correction actions to modify behavior and improve performance
 - How to manage risk and liability
 - How to address underlying stressors to promote officer wellbeing
2. The Internal Affairs Division shall ensure that all employees are trained in how data is tracked and used within EIS and the purpose of the system.

6-7

B. EIS Coordinator

1. Conduct weekly review of EIS data and notify the Deputy Chief/Major of an employee who has triggered an alert
2. Notify the Deputy Chief/Major in writing with supporting documentation when an employee has triggered an EIS alert
3. Prepare and forward a monthly report to the Assistant Chief
4. Review threshold levels quarterly and make recommendations to the Assistant Chief for reduction or increase in the threshold levels in order to maintain a 3%-6% alert rate
5. Ensure that all data entered into EIS is accurate and up to date
6. Manually adjust alert notifications for specialized units and document them in IAPro software

C. Employee

1. Report all commendations received to immediate supervisor
2. Complete all recommended training and counseling sessions within thirty days of assignment

6



ALBUQUERQUE POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

SOP 3-33

Effective: 06/29/16 Expires: 12/26/16 Replaces: 02/19/16

6-7

D. Sergeant/Immediate Supervisor

1. Review the EIS for all employees under their supervision on a monthly basis in order to:
 - a. Guide and coach employees
 - b. Identify training needs
 - c. Identify changes in behavior, positive or negative that impact performance
 - d. Recognize unit trends and adjust supervisor techniques accordingly
 - e. Ensure that data reported and entered is accurate and up to date
 - f. Actions recommended and completed as a result of an EIS alert will be reviewed during the Employee Work Plan/Performance Evaluation, which is conducted quarterly.
2. Report all commendations received for employees under their supervision to the Chief's Office who in turn will forward it to the EIS Coordinator.
3. Coordinate through the chain of command in order to recognize and reward commendations and positive employee conduct.
4. Develop appropriate interventions to address identified concerns or potential problems that are designed to promote well-being and improved performance.

6-7

E. Division Head

1. Review all EIS alerts:
 - a. Review all indicators that triggered an alert attempting to identify patterns, underlying causes, training issues, and/or working conditions that lead to the alert.
 - b. Interview all supervisors in the employee's chain of command between the reviewer and employee and obtain their individual and collective points of view as they pertain to section a.
 - c. Interview the employee with his/her supervisors and obtain his/her point of view as it pertains to section a.
 - d. Review all data and information obtained from the employee and supervisors and determine an appropriate course of action.
2. When alerted by the EIS Coordinator, review the EIS data and schedule a meeting with the EIS identified employee.
3. Respond to the Deputy Chief/Major in writing documenting all action taken as a result of an EIS review within 15 days of receiving an EIS referral.
4. Ensure that all recommended actions are implemented within 30 days.



ALBUQUERQUE POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

SOP 3-33

Effective: 06/29/16 Expires: 12/26/16 Replaces: 02/19/16

6-7

F. Deputy Chief/Major/Executive Director

1. The Deputy Chief/Major/Executive Director of the affected employee is responsible for reviewing the Division Head's alert review and forwarding it to the EIS Coordinator after approval.
2. Ensure that all reviews are thorough, comprehensive, and completed within 15 days of referral.

NOTE: In cases where a Major is the Division Head, the Major will conduct the review and forward his or her report to the appropriate Deputy Chief or Assistant Chief, who will ensure that the review is thorough, comprehensive, and completed within 15 days of referral.

3-33-4 Thresholds and Alerts

- A. The Chief of Police or his designee will determine appropriate thresholds, taking into consideration geographical assignments, duty times and work assignments.
- B. Thresholds are levels set for EIS indicators, which will trigger an alert when those levels are reached in a 12-month period. The 12-month period is not static and will be rolling through an employee's career.
- C. Threshold levels are adjusted for the type of police work performed in different divisions to allow for peer group comparisons that are more likely to identify outliers at the individual level or unit level.
- D. Transferring to other divisions will not reset an employee's EIS indicators, just the thresholds
- E. Threshold levels may be adjusted as needed when working conditions and/or technology changes (e.g. software version upgrades)
- F. Commendations, completely exonerated or unfounded complaints and data collected for analysis will be maintained in EIS but will not have thresholds assigned (e.g. show of force).
- G. Reviews of EIS Alerts are not meant to re-investigate each individual incident; they are intended to learn whether an officer may benefit from specific support or assistance to promote well-being and improve performance.



ALBUQUERQUE POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

SOP 3-33

Effective: 06/29/16 Expires: 12/26/16 Replaces: 02/19/16

3-33-5 Post Review Recommendations

- A. Based on the information obtained from the review, the reviewer shall make the following conclusions:
1. No further action is needed
 2. The employee needs further training
 3. The employee needs personal counseling or a Behavioral Sciences Division referral
 4. The Department/division/section/unit may have a policy or training deficiency that needs to be corrected
 5. Reassignment
 6. Enhanced supervision in the field.
 7. Any other non-punitive action that is designed to enhance well-being or promote improved performance, such as coaching and after-action debriefs.

3-33-6 Reports

- A. The EIS Coordinator shall send monthly reports to the Assistant Chief through the chain of command. The monthly reports will contain at least the following data for employees who have triggered an alert:
1. Employee's Name
 2. Employee's Assignment
 3. Number of EIS Indicators
 4. Number of individual employee alerts per year
 5. Course of Action taken or to be taken
 6. Date received from Division Head
- B. Quarterly Reports
1. Internal Affairs staff will aggregate data to show trends by Division and EIS incident category
 2. Results of alert reviews to show trends and facilitate analysis of actions taken in order to ensure the effectiveness and uniform application of recommended actions.

- 5 -

Attachment "G"



ALBUQUERQUE POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

SOP 3-33

Effective: 06/29/16 Expires: 12/26/16 Replaces: 02/19/16

C. Annual Reports

Internal Affairs staff will aggregate data from quarterly reports to allow for a comprehensive review of EIS to determine whether the system is effectively managing risk for the agency, enhancing officers' well-being, and promoting positive behavior.

3-33-7 EIS Records

- A. The Internal Affairs Section is the custodian of all EIS records and will be maintained in accordance with the Internal Affairs SOP. EIS records will be stored in the IA Division. Access shall be restricted to authorized personnel. All EIS records are confidential and can only be released outside of the Department by approval of the Chief of Police, City Attorney, or by valid court order.
- B. All EIS information will be maintained indefinitely except an employee's identifiable information after 5 years of separation from the Department.
- C. In conjunction with the quarterly report, the Internal Affairs staff shall audit the EIS records to ensure compliance with this policy.

Police Oversight Board
Community Outreach Subcommittee Meeting Dates
4th Monday of every Month, 5:00-6:00 pm

For location, please check the Meeting Agenda posted on the CPOA website 3 days prior to the meeting.

Rev. Dr. Ring- Chair
Lisa Orick-Martinez
Johnny J. Armijo

2017

- **Monday, January 30th**
 - Agenda to be posted by Wednesday, 1/25
- **Monday, February 27th**
 - Agenda to be posted by Wednesday, 2/22
- **Monday, March 27th**
 - Agenda to be posted by Wednesday, 3/22
- **Monday, April 24th**
 - Agenda to be posted by Wednesday, 4/19
- **Monday, May 22nd**
 - Agenda to be posted by Wednesday, 5/17
- **Monday, June 26th**
 - Agenda to be posted by Wednesday, 6/21
- **Monday, July 24th**
 - Agenda to be posted by Wednesday, 7/19
- **Monday, August 28th**
 - Agenda to be posted by Wednesday, 8/23
- **Monday, September 25th**
 - Agenda to be posted by Wednesday, 9/20
- **Monday, October 23rd**
 - Agenda to be posted by Wednesday, 10/18
- **Monday, November 27th**
 - Agenda to be posted by Wednesday, 11/20
- **No Meeting in December.** Committee may choose to participate for a volunteer opportunity out in the community in lieu of a meeting.

Attachment “H”

Update on 3-1 the Chiefs Policy:

The Boards recommendations for 3-1 (The Chiefs Policy) were taken to OPA and some of the recommendations were accepted into 3-14 (Supervisor Leadership). The Qualification section was not however, because City Council and the Mayor are in charge of the selection of the chief. Therefore a letter was drafted to the City Council and the Mayor recommending they adopt these qualifications in their chief selection process. The Letter is attached for your review along with the accepted changes to the Chiefs Policy SOP adopted by OPA.

Attachment "I"



ALBUQUERQUE POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

SOP 3-10

Draft as of 12/01/16

3-10 CHIEF'S AUTHORITY AND RESPONSIBILITIES

3-10-1 Purpose

Insert purpose statement here

3-10-2 Policy

The Chief of Police is the community's chief peace officer and is responsible for the overall functioning of the Department, staff, policies and budget. The Chief of Police is the face of the Department to the public, serves as an appointee of the Mayor, and is confirmed by City Council.

3-10-2 Rules

A. Chief of Police

1. Is appointed by the Mayor of Albuquerque and is directly responsible to the Chief Administrative Officer for the efficient conduct and operation of the Police Department.
2. Has the responsibility for the assignment and reassignment of all personnel and the efficiency, discipline, general conduct, and appearance of such personnel. In this capacity, the Chief of Police shall have the authority to prescribe, promulgate, and enforce rules and regulations for the operation of the department.
3. May authorize personnel to deviate from the provision of these manuals when the Chief of Police believes such deviation to be in the public interest.

3-10-3 Duties

A. The Chief of Police shall:

1. Oversee all the staff, sworn officers, and civilian employees.
2. Conduct annual written performance evaluations of his direct reports.
3. Respond to correspondence directed to the chief.
4. Call for audits as appropriate for deployment of staff, budget expenditures, and department property to improve overall police operations.
5. Formation of the department budget in conjunction with City Council.
6. Determination of the on-duty status of any officer involved in a shooting or other high profile case.



ALBUQUERQUE POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

SOP 3-10

Draft as of 12/01/16

7. Spokesperson for high profile cases.
8. Declaration of honorary events as parades and other tributes.
9. Commemoration of officers for outstanding services.
10. Spokesperson, unless otherwise designated, for any major changes in policy and procedures.
11. Establishes the department's strategic objectives, policies, directives, regulations, and procedures based on the needs of the community and the police department.
12. Continually monitors and evaluates the effectiveness and responsiveness of the department.
13. Responsible for training programs being in compliance N.M. Department of Public Services, APD policy, and in accordance with existing state and federal guidelines.
14. Cooperates with law enforcement officials from other jurisdictions on investigations and in the apprehension and detention of suspects.
15. Plans, implements, and maintains effective community relations and public education programs.
16. Serves as primary representative of the department with civic organizations, public interest groups, elected representatives, and civilian police councils by attending meetings related to public safety problems.
17. Insures that any complaints against the department or it personnel are handled effectively and in a timely manner.
18. Actively participate in professional law enforcement associations.
19. Prepare and present concise and meaningful oral and written material relating to the activities of the Department.
20. During a state of emergency such as a large civil disturbance, natural disaster, nuclear accident, the chief will assume the leadership role for the department in planning, coordinating, and directing all activities to restore peace.
21. Final authority to relieve officers of duty, when necessary.
22. The Chief will have the final determination in disciplining staff after completion of the appeals process.

- 2 -

Attachment "J"



ALBUQUERQUE POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

SOP 3-10

Draft as of 12/01/16

23. The chief will ensure the department has the resources to assist with the City's Emergency Manager in the planning, coordinating, and directing activities following a state of emergency.

3-1-5 Evaluation

The mayor performs a written evaluation of the Chief of Police performance of duties annually and submits it to city council for consideration of contract renewal.

3-1-6 Succession

In the event that the chief becomes incapacitated they will be replaced by the Assistant Chief on an interim basis.

3-1-7 Chief's Staff – from SOP 3-12 – Chief's Staff

The Chief's Staff consists of professional civilian and sworn employees who are directly responsible to the Chief and who perform such duties as the Chief may assign.

A. Executive Assistant

Responsible for coordinating office services for the Chief and the Chief's Staff and maintaining the Chief's calendar.

B. Legal Advisor

Responsible for performing legal research and reviewing, interpreting, and preparing both written and oral opinions on legal matters involving the Albuquerque Police Department.

Civilian Police Oversight Agency
Edward Harness, Esq., Executive Director

Police Oversight Board

Beth Mohr, Chair Leonard Waites, Vice Chair Dr. Susanne Brown
Eric H. Cruz Joanne Fine Carlotta A. Garcia
Dr. Lisa M. Orick-Martinez Rev. Dr. David Z. Ring III

Date: January 3, 2017

Mayor Richard J. Berry
City of Albuquerque
PO Box 1293
Albuquerque NM 87103

Michelle Montoya
City Council
P.O. Box 1293
Albuquerque NM 87103

SUBJECT: Recommendation for Qualifications for the Chief of Police

Dear Mayor and City Counselors,

The Police Oversight Board in accordance with City of Albuquerque City Ordinance Sec. 9-4-1-4 reviewed Albuquerque Police Department Policy 3-1 "Selection, Authority, and Responsibilities of the Chief of Police".

After a careful review of the best practices and national trends for the selection of the Chief of Police, the Police Oversight Board developed recommendations for the qualifications and evaluation of the chief that should be instituted. Currently, the policy is silent on qualification requirements, evaluations used in the selection, hiring, or oversight of APD's Chief of Police.

The recommended qualifications and evaluation developed by the CPOA and the POB are below:

1. Certified law enforcement officer.
2. Progressive experience over at least 10 years with an additional 5 years of command level experience.
3. Master's degree from an accredited College or University preferred; bachelor's degree required.
4. No conviction of a felony, a misdemeanor crime of domestic violence, or other state or federal law that results in the prohibition of possession of a firearm.
5. Advanced Certification from the New Mexico Law Enforcement Academy or equivalent required, or ability to acquire within one year of hired date.
6. Completion of a law enforcement management program (e.g. FBI National Academy, PERF Senior Management Institute, Northwestern Police Staff and Command) required, or ability to acquire within one year of hired date.

Attachment "K"

Evaluation for the chief of police:

1. The mayor performs a written evaluation of the Chief of Police performance of duties annually and submits it to city council for consideration of contract renewal.

Thank you for your time and consideration of this recommendation. By implementing a thoughtful informed practice for hiring and evaluating the chief of police the Mayor and the City Council will be strengthening the Albuquerque Police Department for years to come.

Sincerely,

Beth A. Mohr, Chair
Police Oversight Board

CC: City Council President Dan Lewis
Mayor Richard J. Berry
City Attorney Jessica Hernandez
James Ginger Ph.D.
United States Attorney Damon Martinez
City Clerk Natalie Howard
Edward Harness, Esq., Executive Director

Attachment "K"

OLD POLICY #	NEW POLICY #	Policy Name	Six Month Review Date	Stakeholders: Due date to submit policy proposals	Tentative OPA Review Date	Board Member signed up to review the policy
2-52	2-52	Use of Force	July 5, 2016	Completed	Completed	Joanne Fine
2-53	2-53	Electronic Control Weapons	July 5, 2016	Completed	Completed	Joanne Fine
2-54	2-54	Use of Force Reporting	July 5, 2016	Completed	Completed	Joanne Fine
2-55	2-55	Use of Force Appendix	July 5, 2016	Completed	Completed	Joanne Fine
3-49	3-33	Early Intervention System	August 17, 2016	Completed	Completed	Susanne Brown
1-39	2-8	On-Body Recording Devices	September 27, 2016	Completed	Completed	Susanne Brown
1-2	3-13	Officer's Duties and Conduct	October 4, 2016	Completed	Completed	
1-14	1-11	Behavioral Science	October 4, 2016	Completed	Completed	
2-06	2-1	Uniforms	October 4, 2016	Completed	Completed	
3-2	3-11	Command Responsibilities	October 4, 2016	Completed	Completed	
2-22	2-3	Firearms and Ammunition	October 5, 2016	Completed	Completed	
2-42	2-20	Hostage, Suicidal, Barricaded Subject	October 17, 2016	December 7, 2016	December 20, 2016	
3-67	2-56	Force Review Board	October 17, 2016	Completed	Completed	
1-4	1-1	Personnel Code of Conduct	October 26, 2016	January 4, 2017	January 17, 2017	
2-04	6-2	Recruiting	October 26, 2016	December 7, 2016	December 20, 2016	
3-19	3-32	Employee Work Plan	October 26, 2016	December 7, 2016	December 20, 2016	
3-43	3-41	Complaints	November 1, 2016	January 4, 2017	January 17, 2017	Dr. Garcia
3-20	3-51	Department Orders	November 1, 2016	January 4, 2017	January 17, 2017	
3-29	3-52	Policy Development Process	November 5, 2016	January 18, 2017	January 31, 2017	Dr. Brown
1-09	3-46	Discipline	November 8, 2016	January 18, 2017	January 31, 2017	
1-10	1-10	Peer Support	November 8, 2016	January 18, 2017	January 31, 2017	
1-46	2-29	Emergency Response Team	November 8, 2016	February 1, 2017	February 14, 2017	
3-18	3-14	Supervisor's Responsibilities	November 9, 2016	February 1, 2017	February 14, 2017	Susanne Brown
3-19	4-21	Response to First Amendment	November 11, 2016	February 1, 2017	February 14, 2017	
7-2	7-2	Critical Incident Review Team	December 2, 2016	March 15, 2017	March 28, 2017	
7-1	7-1	Internal Affairs	December 2, 2016	March 15, 2017	March 28, 2017	
2-03	6-1	Training	December 2, 2016	March 29, 2017	April 11, 2017	
2-13	2-19	Response to Behavioral Health Issues	December 2, 2016	March 29, 2017	April 11, 2017	Susanne Brown
3-1	5-1	Special Investigations	December 2, 2016	April 12, 2017	April 25, 2017	Eric Cruz
3-45	3-44	Review of Administrative Cases	December 2, 2016	April 12, 2017	April 25, 2017	Dr. Orick-Martinez
3-6	5-3	Criminal Investigations Division	December 2, 2016	April 26, 2017	May 9, 2017	
7-3	7-3	Force Investigation Team	December 2, 2016	April 26, 2017	May 9, 2017	

Attachment "L"

POLICE OVERSIGHT BOARD
INTERNAL AFFAIRS
STATISTICAL DATA FOR THE MONTHS OF NOVEMBER AND DECEMBER 2016
AMENDED

APD 911 Communications Center

Dispatched calls for Service for NOVEMBER 2016: 40,012(decrease from October-44,326)

Dispatched calls for Service for DECEMBER 2016: 42,722(decrease from November)

INTERNAL CASES FOR THE MONTH OF NOVEMBER 2016

I's

Internal Cases Received: 12

Comprised of:

- 12-Internal Affairs Investigated case

Internal Cases Administratively Closed: 0

Internal Cases Mediated: 0

Total Internal Cases Completed the Month of NOVEMBER: 7

Comprised of:

- 5-Internal Affairs Investigations
- 2-Area Command Investigated cases

Discipline imposed for Internal Cases/ NOVEMBER 2016:

1: Verbal Counseling

3: Letter of Reprimand

1: 32hr Suspension

1: 64hr Suspension

1: Termination

Standard Operating Procedures/Allegations (recommended)

Conduct:

1-4-4J1 1-4-4D4 1-4-4D9 1-4-4D19A 1-4-4B7C
1-4-4D9 1-4-4D10B 1-4-4D20

General Order:

1-02-2A 1-02-2D2 1-02-2D1 1-11-2A3 1-19-3B1a(ii)
1-39-4F1a 1-39-4E(3)(4)

Personnel Rules and Regulations:

301.3 302.1 302.2 902.1D

Procedure:

2-02-2A

Rules and Procedures:

1-16-2D1

Undercover Investigations Policy

3-1-3D1b

Unpaid Leave Status

3-31-2B9

Use of Force Action:
2-52-3A,B,C,D,E,I,K 2-52-3G 2-52-3J 2-52-4A
2-52-3A6
Use of Force Procedure:
2-52-5B 2-52-5C,E 2-52-6(3)b
Use of OBRD:
1-39-4E1 1-39-4B(A)(B)

Vehicle Crashes Received: 32

- 1-Non-Crash
- 14-Non-Preventable
- 17-Preventable

Pending Cases for the Month of NOVEMBER 2016: 12*

*Is related to the number of cases opened within NOVEMBER

INTERNAL CASES FOR THE MONTH OF DECEMBER 2016

I's

Internal Cases Received: 11

Comprised of:

- 9-Internal Affairs Investigated case
- 2-Area Command Investigated case

Internal Cases Administratively Closed: 0

Internal Cases Mediated: 0

Total Internal Cases Completed the Month of DECEMBER: 5

Comprised of:

- 3-Internal Affairs Investigations
- 2-Area Command Investigated cases

Discipline imposed for Internal Cases/ DECEMBER 2016:

2: Verbal Reprimand

1: Letter of Reprimand

Standard Operating Procedures (recommended)

Conduct:

1-04-4D4

Dog Shoot:

4-26-2A5a

General Order:

1-19-3D(2)(4) 1-19-3J6

Procedure:

2-7-4I1

Reporting for Duty:

1-1-4C3

Rules and Procedures:

2-08-2A1

Attachment "M1"

Use of Force Reporting:
2-54-3A1 2-54-4A1

Vehicle Crashes Received: 1

- 1-Waiting Crash Review Board Finding

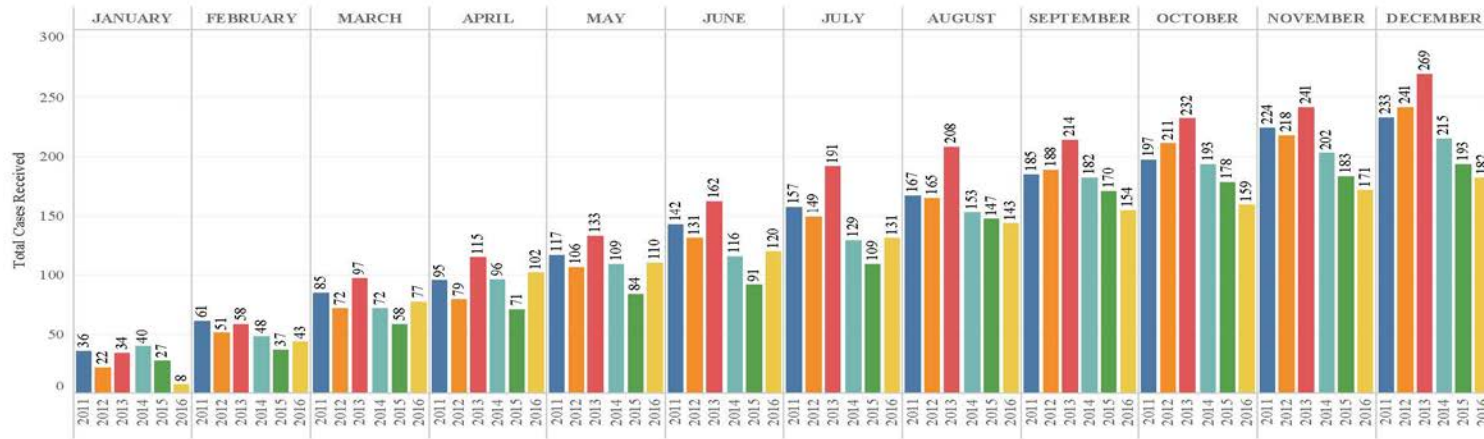
Pending Cases for the Month of DECEMBER 2016: 10*

***Is related to the number of cases opened within DECEMBER**

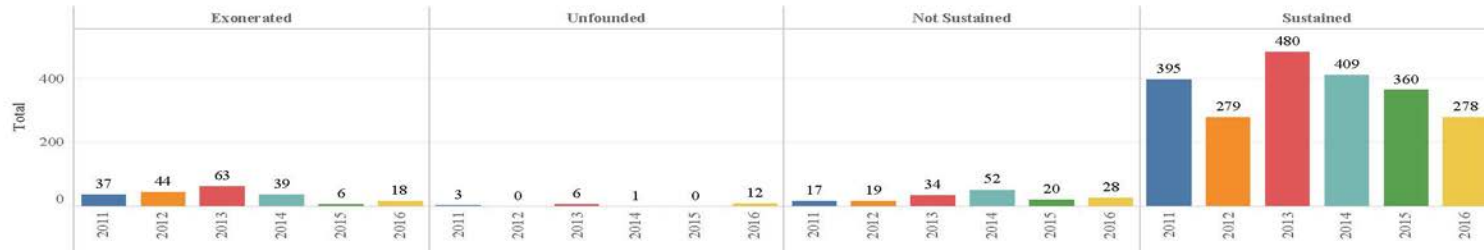
Attachment "M1"

INTERNAL INVESTIGATIONS YEAR TO DATE (JANUARY THROUGH DECEMBER)

Received Cases Year to Date
2011-2016

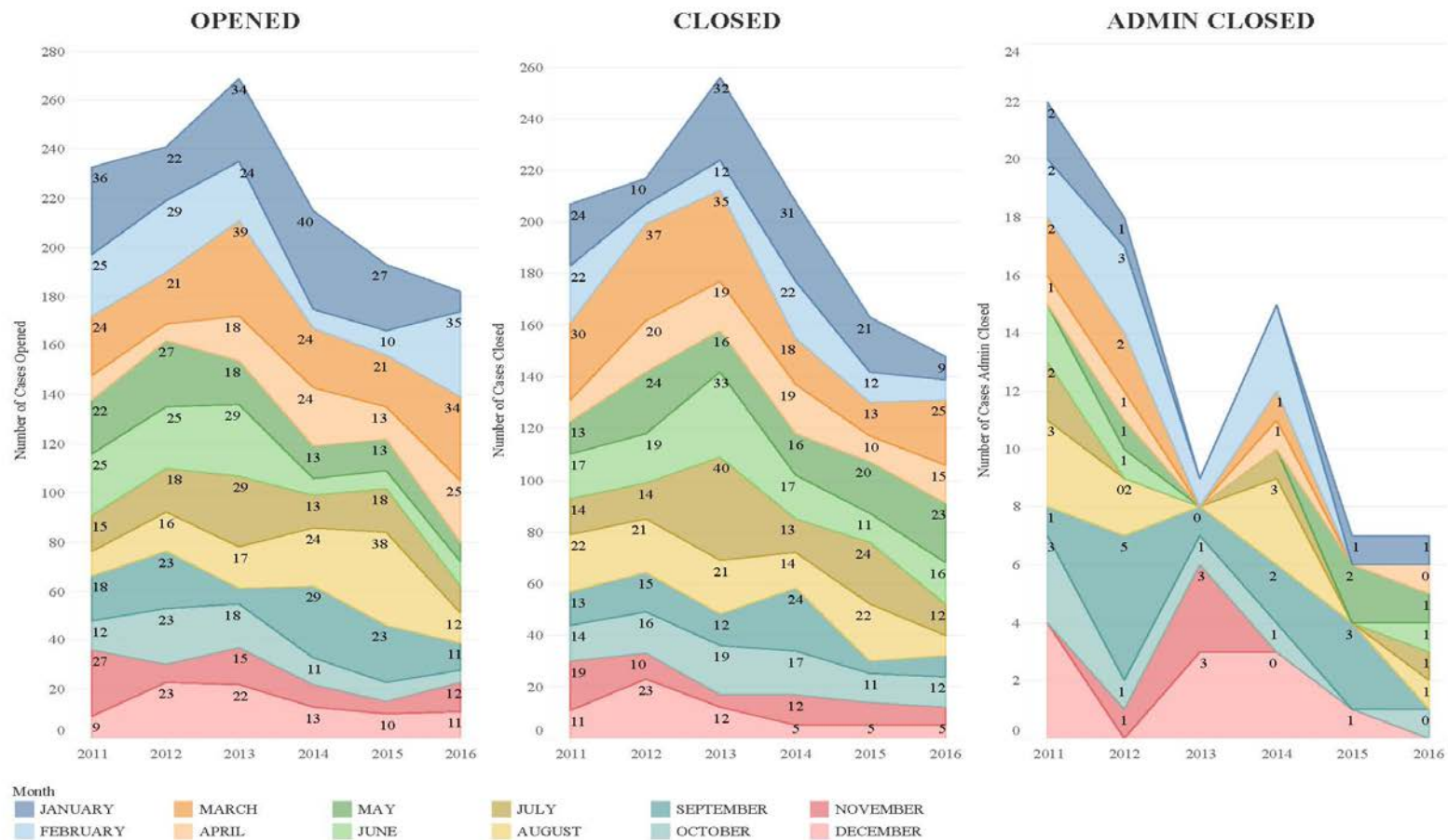


FINDINGS



Attachment "M2"

INTERNAL INVESTIGATIONS JANUARY THROUGH DECEMBER



Attachment "M3"