

OC-18-8

CITY OF ALBUQUERQUE
CITY COUNCIL

INTEROFFICE MEMORANDUM

TO: Ken Sanchez, President, City Council
FROM: Julian N. Moya, Special Projects Analyst
**SUBJECT: Renewal of Contract with Mr. Edward Harness, Director, Civilian
Police Oversight Agency**
DATE: June 15, 2018

Pursuant to the provisions of §9-4-1-7 of the Police Oversight Ordinance, the Police Oversight Board (POB) is recommending to City Council, the reconfirmation of the incumbent Civilian Police Oversight Agency (CPOA) Director, Mr. Edward Harness.

At the May 16, 2018 Police Oversight Board Meeting, the Board unanimously approved a request for the extension of Mr. Harness' contract as CPOA Director.

On June 1, 2018, the City Council Office received a letter from the POB notifying the City Council that following the Board's evaluation of Director Harness, they formally request to extend the contract of Director Harness for three years and that the following contract modifications be made:

1. Annual salary be adjusted for current cost-of-living rates, or as negotiated between the City and Director Harness.
2. A retention incentive of \$15,000.00
3. A contract provision be added that allows the POB to make a recommendation to City Council for a potential, annual one-time bonus, not to exceed 5% of annual salary, to be awarded to Mr. Harness for exceptional execution of duties. This bonus will be contingent on Mr. Harness' annual evaluation which includes input from the POB, CPOA staff, and valued stakeholders.

Attachments:

- Letter from Police Oversight Board
- May 16, 2018 POB Meeting Minutes

CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board

Eric H. Cruz

Valerie St. John

Edward Harness, Executive Director

Leonard Waites, Chair

Joanne Fine

Chelsea Van Deventer

Chantal M. Galloway, Vice Chair

Dr. William J. Kass

May 30, 2018

Subject: Request for Renewal of CPOA Director Contract

Honorable Council Members,

I am writing you to express the Police Oversight Board's (POB) satisfaction with the performance of Director Edward Harness, and formally requesting that his contract be extended for another three-year term. Since 2015, Director Harness has met or exceeded the expectations outlined in the Director's duties. Additionally, he led the push to amend the CASA to allow for mediation of complaints as required under city ordinance. His leadership has repaired a once fractured relationship with APD, while increasing access to the complaint process. He continues to ensure fair and impartial investigations, while increasing efficiencies with the agency to handle the increasing caseload.

In evaluating Director Harness' performance, scored and unscored feedback was solicited from the POB, CPOA, and the public; the input we received is consistent with the excellent work Director Harness does and supports our recommendation for contract extension. The POB also asks that several contract modifications be made: (a) annual salary be adjusted for current cost-of-living rates, or as negotiated between the City and Director Harness, (b) a retention incentive of \$15,000.00, and (c) a provision be added that the POB can make a recommendation City Council for a potential, annual, one-time bonus, not to exceed 5% of annual salary, be awarded for exceptional execution of duties contingent on the annual evaluation sent to the POB, CPOA staff, and valued stakeholders.

May 30, 2018

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If you have any questions, please contact Chair Waites lwaites.pob@cabq.gov, or myself

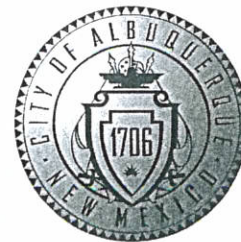
cgalloway.POB@cabq.gov or phone (505) 924-3770.

Respectfully,

/s/Chantal M. Galloway

Chantal M. Galloway
Vice Chair, Police Oversight Board

CITY OF ALBUQUERQUE



CIVILIAN POLICE OVERSIGHT BOARD

Wednesday, May 16, 2018 – 5:00 PM
Vincent E. Griego Chambers, Basement Level
City/County Government Center – One Civic Plaza NW
Albuquerque, New Mexico

Members Present:

Chantal M. Galloway, Vice-Chair
Eric Cruz
Joanne Fine
Dr. William Kass
James A. Larson

Members Absent:

Leonard Waites, Chair
Valerie St. John
Chelsea Van Deventer

Others Present

Edward Harness, CPOA
Katrina Sigala, CPOA
Deputy Chief Garcia, APD
Cdr. Michael Miller, APD
Lt. Languit, APD
Matt Jackson, Attorney
Jeramy Schmehl, Asst. City Atty

Meeting Minutes

I. Welcome and call to order. Vice-Chair Galloway called to order the regular meeting of the Police Oversight Board at 5:02 p.m.

II. Pledge of Allegiance. Member Cruz led the meeting in the Pledge of Allegiance.

III. Mission Statement. Member Dr. Kass read the Police Oversight Board's mission statement.

IV. Approval of the Agenda.

- a) A motion was made by Member Cruz to approve the agenda Member Dr. Kass 2nd. Also, adding to include a vote to suspend Article IV, Section 5A of the Policy and procedures. The motion vote: **Unanimous**. Motion Vice-Chair Galloway, Member Dr. Kass 2nd.

V. Discussion: None

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

a) Approval of the Minutes from April 12, 2018

1. Motion to approve minutes by Member Larson, Member Fine 2nd : **vote unanimous**

VII. Public Comments. 1 comment

VIII. Reports from City Staff

a) APD –

1. Commander Miller presented monthly statistics from IA (see attached)
2. Lt. Languit with IA Force Division answered Member Larson question on APD monitor report of 500 Use of Force Pending Investigation. Pending cases have been reduced to about 250.

b) Mayor's Office – None

c) City Attorney

1. Asst. City Atty. - Jeramy Schmehl presented his report

d) City Council - None

e) Community Policing Councils - None

f) CPOA

1. Executive Director Edward Harness presented his report

IX. Reports from Subcommittees

a) Community Outreach Subcommittee – *Chantal Galloway*

1. Met on April 27, 2018
2. Next meeting May 22, 2018 at 2:30pm

b) Policy and Procedure Review Subcommittee – *William Kass* –

1. Met April 19, 2018
2. Presentation ALCU information on cell site simulator technology APD owns and has been asked to write policy
3. Next meeting May 24, 2018 at 5:00pm, APD will give presentation on OPA policy review process
4. Motion to table Amended Agenda VII-b.-ii-1-4 (Further Amending the Ordinance) and iii(Exit interview to Chief) for next POB, Dr. Kass, Cruz 2nd

c) Case Review Subcommittee – *Fine*

1. Met May 8, 2018
2. Concerns and discussions on Administratively Closed Cases.
3. Next meeting May 31, 2018 at 3:00pm

d) Personnel Subcommittee – *Eric Cruz*-

1. Met May 11, 2018 at 4:00pm
2. Reviewed Attorney Applications and motion vote: **Unanimous.** Member Larson to move forward with Sutin Thayer & Browne Member Fin 2nd
3. Draft request for Extension of CPOA Director Contract (see attached) motion vote: **Unanimous.** Member Larson, Member Cruz 2nd

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

a) Administratively Closed Cases

164-17	212-17	213-17	003-18	024-18
031-18	036-18	051-18	058-18	065-18
067-18	070-18	071-18	072-18	075-18
080-18	081-18	082-18	086-18	088-18
091-18	092-18	093-18	094-18	096-18
097-18				

For: Unanimous

b) Cases Investigated

040-18	054-18	061-18
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For: Unanimous

XI. Non-Consent Agenda

228-17	063-18	069-18	084-18	090-18
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Case 228-17 remove from Non-Consent Agenda to be sent back to CPOA for further investigation. Motion by Member Fine, Member Larson 2nd

Cases 063-18, 069-18, 084-18 and 090-18 **For: Unanimous**

XII. Non-Concurrence Cases - None

XIII. Serious Use of Force/Officer Involved Shooting Cases

- a) There were no Use of Force materials to discuss.

XIV. POB's Review of *Garrity* Materials

- a) There were no additional *Garrity* materials to discuss.

XV. Meeting with Counsel re: Pending Litigation or Personnel Issues:

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

- a) Matters subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant pursuant to NMSA 1978, Section 10-15-1(H)(7); and
- b) Limited personnel matters pursuant to NMSA 1978, Section 10-15-1(H)(2)
- c) There were no issues to discuss.

XVI. Other Business.

- a) Member Larson wanting CPOA Director Harness to have daily contact with investigator on incident with 7 year old girl sex trafficking victim. Crimes Against Children's Unit Policies was updated on October 25, 2017 that the dispatch officers responsibility of criminal sexual contact under the age of 13 CACU will be notified immediately. Juvenile Section Policy 5 4 was also updated on October 25, 2017 it describes the duties and responsibility of detectives of personal assigned to juvenile section. These policies are current not out of date. CPOA is to monitor should investigate all civilian complaints relating to police conduct monitor and report on Police Internal Affairs matters. CPOA Director should report directly to POB and lead the administratively office independently investigate and supervise all investigations civilian complaints and audit all IA Investigations and complaints.
- b) Member Larson Motion for CPOA to immediately monitoring IA to the investigation into what is happening so POB doesn't get left behind and knows what is going on now. Have more real-time insight. Vice-Chair Galloway 2nd
- c) Member Larson withdrawals Motion

XVII. Adjournment – Motion to Adjourn by Member Fine, Dr. Kass 2nd.

Vote: unanimous

The meeting adjourned at 7:19pm.

Next Regularly scheduled POB meeting will be on June 14, 2018 at 5:00 p.m. in the Vincent E. Griego Chambers.