



September 9, 2015

Honorable Richard J. Berry
1 Civic Plaza
Albuquerque, NM 87102

Chief Gordon Eden
Law Enforcement Center
400 Roma NW (5th floor)
Albuquerque, NM 87102

Dear Mayor Berry and Chief Eden:

I write on behalf of the APD Forward Coalition to underscore concerns that Mr. Leonard Waites, chair of the Albuquerque Police Oversight Board (POB), raised in a letter to you dated September 8, 2015 (copy attached). Specifically, Mr. Waites requested that the Albuquerque Police Department provide the POB an opportunity to review and comment on any new APD policies related to the use of force before proposed changes are finalized.

APD Forward's mission is to ensure that the Albuquerque Police Department fully complies with the consent decree between the City and the Department of Justice. Paragraph 288 of Section XII, subsection D of the agreement reads, "APD shall submit all changes to policy related to this Agreement (i.e. use of force, specialized units, crisis intervention, civilian complaints, supervision, discipline, and community engagement) to the [Civilian Police Oversight Agency] for review, and the agency shall report any concerns it may have to the Chief regarding policy changes." In our view, the only reasonable interpretation of this provision is that APD must submit policy changes to the POB and provide opportunity for comment *prior to* finalizing the changes. Otherwise the POB's role is rendered moot.

We agree with Mr. Waites that, while including members of the POB and Civilian Police Oversight Agency (CPOA) on the APD Policies and Procedures Review Board is a step in the right direction, their review of policies is no substitute for review by the larger board. The POB offers a critical venue for community members to engage with the reform of their police department. Up to this point, residents of Albuquerque have been passive observers in the reform process.

Finally, APD Forward is especially concerned by the precedent that APD would set by choosing to bypass the CPOA in the policy review process. With recent changes to its structure and mission, Albuquerque's police oversight body is trying to re-establish itself after years of

ineffectiveness and irrelevance. Cutting the agency out of policy review at this critical moment would send a clear message that APD still considers civilian oversight irrelevant. This could be a crippling blow to the POB's efforts to restore public confidence in the civilian police oversight system.

We applaud the APD's efforts to move swiftly in implementing changes to correct its pattern and practice of excessive use of force. In this instance, however, we believe the community's long-term interests are best served by a deliberate and thorough process. APD Forward urges you to invite review and comment from the POB, and the public, before finalizing any policy changes under the consent decree with the Department of Justice.

Thank you for your commitment to moving APD forward.

Respectfully,



Nancy Koenigsberg
Disability Rights New Mexico
On behalf of

APD Forward coalition partners

- Albuquerque Health Care for the Homeless
- American Civil Liberties Union of New Mexico
- Common Cause New Mexico
- Disability Rights New Mexico
- El Centro de Igualdad y Derechos
- Episcopal Diocese of the Rio Grande
- Equality New Mexico
- La Mesa Presbyterian Church
- League of Women Voters of Central New Mexico
- National Association of Social Workers – New Mexico Chapter
- Native American Voters Alliance
- New Mexico Conference of Churches
- New Mexico Criminal Defense Lawyers Association
- Street Safe New Mexico
- Strong Families New Mexico
- Transgender Resource Center of New Mexico
- YWCA of New Mexico

Individual partners

- Fabrizio Bertolotti – former Police Oversight Task Force member
- Kenneth Ellis II – father of Kenneth Ellis III

- Michael Gomez – father of Alan Gomez
- Stephen Torres – father of Christopher Torres

Enclosure

cc: Leonard Waites, Chair, Police Oversight Board
Rey Garduño, President, Albuquerque City Council
James Ginger, Ph.D.
Damon Martinez, U.S. Attorney