



THE LEAGUE OF WOMEN VOTERS® OF CENTRAL NEW MEXICO

6739 Academy Rd. NE Suite 124, Albuquerque, NM 87109 lwvcm.org (505) 884-8441

## President Report by Starlyn Brown

### Democracy in Action

On July 4<sup>th</sup>, 2024, the Declaration of Independence will be 246 years old. Fifty-six delegates from 13 colonies signed the declaration. The Declaration of Independence states “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.” These words have been recited countless times and retain their power to this day.

After the Declaration of Independence, the Constitution of the United States was written in the summer of 1787 by 55 delegates, ratified in 1788, and in effect since 1789. Ever wonder why each state has only two senators, and yet the number of representatives is based on the state’s population? It is known as the Great Compromise and addressed the size difference between states. Another hotly debated topic was slavery, even in 1788. The delegates walked a fine line to achieve a balance between authority and liberty. One result was the establishment of the 3 branches of government. The Constitution was ratified by only 9 states.

To address concerns raised by states refusing to ratify the Constitution, the Bill of Rights was created. There were originally 12 amendments submitted, but only 10 amendments were ratified on December 15, 1791.

The next battles fought and won concerned the right to vote. The 14<sup>th</sup> amendment granted citizenship to all persons “born or naturalized in the United States,” including former slaves, and guaranteed “equal protection of the laws” to all citizens. The 15<sup>th</sup> Amendment stated that voting rights could not be “denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.” The 19<sup>th</sup> amendment ratified in August 1920 finally gave women the right to vote.

Why this walk-through history? To highlight that the story of the United States is one of disagreement and democracy in action. Human rights are fundamental, the ability to express your opinion is fundamental, and participating in the democratic process is more than a right, it is your responsibility as a citizen. **Democracy is not a spectator sport. Your vote is your voice!**



Join us for the **Brown Bag Lunch and Learn Series**



## JULY EDUCATIONAL MEETING

**WHEN:** Thursday, July 11, Noon - 1 PM

**WHERE:** In person Conference room, 6739 Academy Rd. NE, ample parking available; and Zoom

**TOPIC:** Democracy in Danger, Part 2: A Deep Dive into the Challenges to Democracy

**SPEAKER PANEL:** **State Senator Brenda McKenna**, NM Senate District 9, and **Ahtza Dawn Chavez**, (she/her/Asdzáá), Executive Director of Naeva Education Project and NM Native Vote

The LWVCNM is excited to announce our speakers for the second of our two-part summer meeting series, Democracy in Danger: State Senator Brenda McKenna, NM Senate District 9 and Ahtza Dawn Chavez, Executive Director of Naeva Education Project and NM Native Vote.

Our distinguished speakers, dedicated to safeguarding voting rights and promoting civic engagement in New Mexico, will delve into the complexities and challenges facing democratic principles in contemporary society.

The program will highlight the importance of the "arc of democracy" and address perspectives on just what Democracy means. They will also raise pressing issues facing democratic principles, including pressure on individual rights and proactive measures to address issues at the local level. Attendees can expect dynamic deliberation from our panelists who are deeply committed to strengthening democracy and Tribal sovereignty in our New Mexico communities.

Our speakers:



**New Mexico State Senator Brenda McKenna** hails from Nambé Pueblo, and was elected in 2020 to serve District 9 in Bernalillo and Sandoval Counties. She is a member of the Health and Public Affairs and Rules Committees during the legislative session and serves on the Indian Affairs, Radioactive and Hazardous Waste, and Military Veteran Affairs Committees during the interim session.

She serves U.S. Congresswoman Melanie Stansbury as a Senior Constituent Services Representative and Tribal Liaison and previously served U.S. Congresswoman Deb Haaland prior to her appointment as U.S. Secretary of Interior.

**Ahtza Dawn Chavez** (she/her/Asdzáą́) is a two-spirit member of the Diné Nation, born for Kewa Pueblo, and the Executive Director of Naeva, a 501c (3) and NM Native Vote, a 501c(4). Mrs. Chavez has 10+ years of professional fiduciary and investment experience. She oversees organizations tasked with creating power and educating an Indigenous voting bloc in New Mexico by working with key organizations and governance within NM but has grown to organize regionally and nationally. Ahtza builds power for communities through systems



change and critical infrastructure development, bridging gaps through fund or management sourcing, community engagement and organizing, and building partnership coalitions amongst community members, Tribal leaders, and local, state, or federal governance. She is passionate about ensuring Tribal sovereignty and self-determination in the fight to protect our land, air, and waterways through policy and law, while creating pathways for investments in Tribal broadband access, renewable infrastructure, and economic development.

Ahtza led the 2020 NM Native Census and 2021 Native Redistricting Coalitions, which brought all 23 NM Tribes, Nations, and Pueblos together to Get Out The Count and negotiated a full Tribal Consensus Redistricting Map that maintained all AIAN minority-majority districts while creating additional Native influence districts. In 2023, Naeva organized Tribal support for the passage of the New Mexico Voting Rights Act, which incorporates the most comprehensive Native

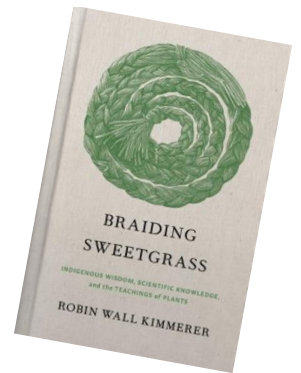
American Voting Rights Act (NAVRA) provisions in the country. Naeva formalized these coalitions into the NM Native Civic Engagement & Policy Table. She is a member of the NM Sustainable Economy Advisory Council, City of Albuquerque Justice40 Committee, All Pueblo Council of Governors Legislative Committee Co-chair and a board member of Groundworks, NM.

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The **LWVCNM Book Club** meets the 4<sup>th</sup> Wednesday of each odd-numbered month. The group selected the following title for the upcoming July meeting.

Date: July 24, 2024  
Time: 5:30-7:30 p.m.  
Location: Park Plaza 1331 Park Ave SW, Albuquerque, 87102  
(ample street parking available)

*Braiding Sweetgrass, Indigenous Wisdom, Scientific Knowledge, and the Teachings of Plants* by author Robin Wall Kimmerer



A nationwide bestseller. From the book jacket:

As a botanist, Robin Wall Kimmerer has been trained to ask questions of nature with the tools of science. As a member of the Citizen Potawatomi Nation, she embraces the notion that plants and animals are our oldest teachers. In *Braiding Sweetgrass*, Kimmerer brings these lenses of knowledge together to show that the awakening of a wider ecological consciousness requires the acknowledgment and celebration of our reciprocal relationship with the rest of the living world. For only when we can hear the languages of other beings are we capable of understanding the generosity of the earth, and learning to give our own gifts in return.

Bring your ideas for our September title!

Contact Janet at 505-401-2052 for questions.

## LWVCNM Updates & Happenings

### ELECTION UPDATES

The NM State Primary was held on June 4<sup>th</sup>. The unofficial results report shows that 22.8% of eligible voters participated statewide. In our four-county area, the participation rates were as follows: Torrance 24.4%, Bernalillo 22.7%, Valencia 21.7%, and Sandoval 21.1%.

Information about the primary election as well as a link to VOTE411 was posted on the LWVCNM website and on our dedicated web page [www.centralnmvoterguide.org](http://www.centralnmvoterguide.org). We publicized this information to our email contacts and provided press releases to many media outlets. Flyers and table-tent cards with information about how to access the on-line voter guide were provided to the county clerks for use in the polling places. They were also distributed to the libraries, community centers, organizations, and businesses in the region thanks to our team of volunteers. Webstats on VOTE411 use are not yet available, but Linda Miller noted that we had 12,000 hits to our website in May and June. Our dedicated voter information links (web address and QR code) yielded 3,000 hits each during the same time period.

Plans for the November 5<sup>th</sup> general election are underway. We will use VOTE411 but also plan to create a printed *Voter Guide* and a PDF of the printed *Voter Guide* which will be posted on our website. We will be reaching out to candidates who did not respond to our questions in the primary to encourage their participation.

Fundraising efforts will begin soon. Our anticipated costs will be higher than in past years, but lower than the amount budgeted at the Annual Meeting.

**We continue to seek volunteers, both new and experienced, to help with the *Voter Guide*.** We are especially in need of members who can assist in identifying sites in the community to stock the guides. We will also need help with publicity, contacting candidates, and proofreading the print guide in the production phase. We will need a team to help deliver them in October. Please contact Lani Desaulniers (LMDesaul@aol.com), Karen Wentworth (kwentworth17@comcast.net), or the office at 505-884-8441 if you are interested in helping out in any way.

## Help Fund the Printed 2024 Voter Guide

We need you...our loyal LWVCNM members.

The printed *Voter Guide* Price Tag: \$25,000 ...That's significantly more than our previous printing.

We are taking the plunge into Internet Crowdfunding via Zeffy.com!

What is Zeffy? Zeffy is a crowdfunding site focused on nonprofit fundraising.

All LWVCNM members will receive a Topics announcement further explaining our new crowdfunding effort. In the meantime, checkout our Zeffy appeal: <https://www.zeffy.com/en-US/fundraising/86d56404-5cdb-4056-8e9d-5544ff81adb6>

Crowdfunding not your thing? No worries. We will also be sending a traditional *Voter Guide* fundraising letter to LWVCNM members later in the summer.



Members enjoying the LWVCNM Happy Hour at Craft Republic, Oct, 2023

## **ENJOY THE SUMMER AND USHER IN A NEW ELECTION SEASON!**

Please join fellow members at a

### **LWVCNM Happy Hour Meet-up!**

**Location: Craft Republic**

**4301 The Lane at 25 NE**

**When: Thursday, July 18<sup>th</sup> 4 - 6 pm**

Craft Republic offers beers, burgers, flatbreads & other American fare, plus cocktails, in a sports-bar setting.

LWVCNM happy hours are great opportunities to chat with and get to know members. We don't often get that chance. And they're in relaxed settings, so they are also a break from the sometimes-intense work of the various LWVCNM projects.

**We look forward to seeing you there!**

## *Save the Date*

**LWVNM & LWVCNM are hosting a special celebration of**

**WOMEN'S EQUALITY DAY**

**MONDAY, AUGUST 26, 2024**

**HODGIN HALL on the UNM CAMPUS**

**Dedication of the TRAIL MARKER to honor**

**JULIA BROWN ASPLUND**

**New Mexico Women's Suffrage Leader**

**at 3:30 pm**

**Program & Refreshments, 4 to 6 pm**

**Coming Soon! Details for this special day of celebration will be available in the August Voter, at [lwvcnm.org](http://lwvcnm.org), and via an emailed invitation.**

## ***LWVCNM BOARD OF DIRECTORS***

***President:***  
Starlyn Brown

***1st Co-Vice Presidents/Voter Guide:***  
Karen Wentworth & Lani Desaulniers

***2nd Vice President/Membership:***  
Elizabeth Shields

***3rd Vice President/Program:***  
Karen Douglas

***4th Vice President/Development:***  
Betsy Carlson

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***Director/Sustainability/Climate Change:***  
Jeanne Logsdon

***Director/Office Manager:***  
Terry Quinn

***Director/Historian/Special Projects:***  
Jennifer Black

***Director/Webmaster/Zoom Host:*** Linda Miller

***Voter Guide Distribution:*** Lani Desaulniers

***Advocacy Team/Observer Corps:***  
Karen Wentworth

***Volunteer Coordinator:***  
Linda Miller

If you need help with Zoom,  
please reach out to Zoom host, Linda Miller,  
lmiller@unm.edu

Please submit your articles for the monthly Voter by  
the 15th of each month to Michal Mudd at:  
[VoterEditorMichal@gmail.com](mailto:VoterEditorMichal@gmail.com)

## ***LWVCNM CALENDAR***

July 2<sup>nd</sup> (note: Tuesday) 5:30 pm

**LWVCNM Board Meeting, ZOOM until further notice.**  
**All members welcome.**

July 11<sup>th</sup> (Thursday) 12 noon – 1 :00 pm

**LWVCNM Monthly Educational Meeting**  
**In person and Zoom**  
**Democracy in Danger, Part Two:**  
**A Deep Dive into the Challenges to Democracy**  
**Speakers: Sen. Brenda McKenna and Ahtza Dawn Chavez**

July 18<sup>th</sup> (Thursday) 4:00 pm – 6:00 pm

**LWVCNM Happy Hour meetup at Craft Republic**  
**4301 The Lane at 25 Northeast**

July 24<sup>th</sup> (Wednesday) 5:30 pm – 7:30 pm

**LWVCNM Book Club Meeting**  
**Title: Braiding Sweetgrass, Indigenous Wisdom,**  
**Scientific Knowledge, and the Teachings of Plants,**  
**by Robin Wall Kimmerer.**  
**See more info on p. 3 or check this [Book Club link](#)**

August 7<sup>th</sup> ( Wednesday) 5:30 pm

**LWVCNM Board Meeting, ZOOM until further notice.**  
**All members welcome.**

August

**NO LWVCNM Monthly Educational Meeting**  
**See you in September!**

August 26<sup>th</sup> (Monday)

**Celebration of New Mexico Women's Suffrage Leader**  
**Julia Brown Asplund at UNM Hodgkin Hall**  
**Dedication of trail marker 3:30 pm**  
**Program & Refreshments 4:00 pm – 6:00 pm**

# **OBSERVER REPORTS**



## **Observer Corps Report – Albuquerque City Council meeting**

**20 May/ 03 June 2024**

**Mary Mulvany/Janet Kirkpatrick**

All nine councilors were present at the May 20 and June 3 meetings: Louie Sanchez – District 1, Joaquin Baca – District 2, Klarissa Peña – District 3, Brook Bassan – District 4, Dan Lewis – District 5, Nichole Rogers – District 6, Tammy Fiebelkorn – District 7, Dan Champine – District 8, Renée Grout, District 9.

### **Amending Albuquerque’s Immigrant Friendly Policy**

During the June 3 meeting the council considered resolution [R-24-45](#), introduced by Councilors Bassan and Grout, which would deny the city’s immigrant friendly policy’s protections “...when an individual has been charged with a felony involving violence, human trafficking, or trafficking of controlled substances. In such circumstances the City shall contact and cooperate with federal immigration authorities...”

The bill failed by a vote of four in favor (Bassan, Champine, Grout, Lewis) to five opposed (Baca, Fiebelkorn, Peña, Rogers, Sanchez).

Forty members of the public (including the Archbishop of the Santa Fe Diocese) spoke in opposition to this resolution, citing concerns about lack of due process, racial profiling, and fear of calling the police or other authorities. Many stated this fear could result in unreported crimes and make immigrants vulnerable to wage theft and exploitation. Comments were limited to one minute, rather than the usual two minutes.

One member of the public spoke in support of the resolution citing concerns about crimes and terrorism committed by immigrants. (This speaker closed by saying “...hopefully it doesn’t happen...but I hope it happens. Maybe they go to there next week and they uzi machine you guys next week so you guys stop molesting children.” See his comments at [YouTube City Council 6.3.24](#), time stamp 3:15:50.

### **Proposed Changes to City Charter Election Thresholds**

During the June 3 meeting the council considered numerous bills calling for propositions to be put to the voters to change portions of the City of Albuquerque Charter. Proposed changes to the city charter can only be passed by a vote of a majority of the council plus one. These propositions would change the number of minimum votes required for election of a mayor or council candidate and the hiring and dismissal of certain city officials.

- [P-24-1](#) Would change the minimum number of votes required for election of a mayoral or council candidate from 50% to 40%. (Introduced by Councilors Lewis and Peña)
- [P-24-2](#) Among other changes to the hiring and firing of the City Attorney and City Clerk, the city council could terminate the City Attorney’s employment contract with a two-thirds vote of the council. (Introduced by Councilors Lewis and Grout)
- [P-24-3](#) Among other changes to the appointment and firing of the Police Chief and the Fire Chief, the city council could terminate the Police and Fire Chief’s contracts with a two-thirds vote of the council. (Introduced by Councilors Lewis and Peña)

The council deferred the vote to June 17<sup>th</sup> in order to allow for three hearings, as required by the city charter. During the comment periods over 20 people spoke in opposition to these propositions, citing concerns such as a reduction in buy-in from the electorate if officials are elected by only 40%. Other comments included a perception the propositions would be a general dilution of democracy. Councilor Fiebelkorn brought up an issue of whether the requirement for three hearings on a proposed proposition was fulfilled by simply allowing public comment at regular council meetings, particularly when the related comment period does not begin until 9pm. Comments were limited to one minute rather than the usual 2 minutes.

### **FY25 Budget** [R-24-36](#)

At the May 20<sup>th</sup> meeting the city council passed a \$1.4 billion budget for Fiscal Year 2025. The new fiscal year begins July 1. The budget passed with eight votes in favor (Baca, Bassan, Champine, Fiebelkorn, Grout, Peña, Rogers, and Sanchez) and one vote against (Lewis). Councilor Lewis did not express his reasons for the no vote. This resolution was signed by Mayor Keller on May 31, 2024.

### **Middle Rio Grande Housing Collaborative (MRGHC)**

At the May 20<sup>th</sup> meeting the city council considered a resolution adopting one-year objectives for the City of Albuquerque to meet five-year goals. [R-24-40](#) During this process the council amended the proposed objectives to include a goal related to the MRGHC: “Support and seek funding for the MRGHC’s work to create new affordable housing units.” The amendment to add this objective passed with eight voting in favor (Baca, Bassan, Champine, Fiebelkorn, Grout, Lewis, Rogers, and Sanchez) and one voting against (Peña). Councilor Peña offered no comment on her no vote. This objective is listed as Objective 19 under the Human and Family Development goal. This resolution was signed by Mayor Keller on May 31, 2024.

### **Providing Day Labor for People Experiencing Homelessness** [F-24-41](#)

During the June 3<sup>rd</sup> meeting the council passed a resolution proposed by Councilors Champine and Grout creating a pilot program to provide day labor for people experiencing homelessness. The measure passed with eight councilors voting for (Baca, Bassan, Champine, Fiebelkorn, Grout, Lewis, Rogers, and Sanchez) and one opposed (Peña).



### **Observer Corps Report – Bernalillo County Commission**

**July 2024**

**Karen Wentworth**

### **County Bidding on Undeveloped Land in the City of Albuquerque to Build Housing**

Bernalillo County has been on a buying spree. Over the last month the Bernalillo County Commission has agreed to offer \$1.1 million dollars to purchase 3.18 acres of vacant land at 704 Wyoming Blvd. NE to use for future affordable housing projects.

It has also agreed to buy .48 acres owned by the Lutheran Church at Acoma and Alvarado for \$425,000 for future multi-family housing.

In addition, the county is buying land at 4<sup>th</sup> and Vineyard NW for \$725,274 and at 10705 Central NE for \$560,000.



The County Commission is also struggling to hire a new county manager after the New Mexico Department of Justice said the way commissioners set up a search committee for the manager's position violated the state's open meetings act.

The Commission is currently divided, with four Democrats and one Republican on the body. The District 1 outgoing commissioner, Steve Quezada, is about to be replaced by a new commissioner in the November election. Quezada is term limited. That race is contested.

Another commissioner, Walt Benson from District 4, is running for re-election unopposed but, as the sole Republican on the commission, has frequently found himself outvoted on issues.

A third commissioner, Adrian Barboa from District 3, is facing a Republican opponent in the November election.



## **Observer Report - Sandoval County Commission regular meeting**

**May 22, 2024**

**Mary Templeton, observer**

Present: David Heil (Chair), Michael Meek (Vice Chair), Joshua Jones, Jay Block, Katherine Bruch (video)

### **Description of Issues Relevant to the League**

#### Transportation, Energy and Climate Change

The Commission moved to approve an Intergovernmental Agreement between Sandoval and Bernalillo Counties to provide joint funding for lobbying services in support of the I-40 TradePort Corridor (I40TPC). The Commission also moved to approve a Corridor Development Agreement that forms a partnership between Sandoval and Bernalillo Counties, Los Lunas NM, Kingman AZ, Winslow AZ and one or more private entities.

#### ***As background:***

The I40TPC is a USDOT infrastructure project to move goods from the Port of Los Angeles as far as North Carolina using clean-energy modes of transportation (<https://i40tradeportcorridor.com/>). Part of the motivation behind the project is that by 2035, all drayage trucks operated in California must have zero emissions, creating a challenge for distributing freight from the Port of Los Angeles. A clean-energy corridor along I-40 would provide "inland ports", such as Albuquerque, where hydrogen and electric vehicles could refuel at optimal intervals, as well as warehouses where freight could be offloaded for transport away from the corridor.

LWVUS supports environmentally sound energy policies that reduce energy growth rates, emphasize energy conservation, and encourage the use of renewable resources. In addition, LWVNM supports policies and incentives that reduce greenhouse gas emissions by promoting greater energy efficiency; by developing clean, renewable energy sources; by encouraging further research on alternatives to the combustion of fossil fuels for energy. Last, the LWVCNM supports promoting (1) energy conservation and efficiency in transportation, buildings, and infrastructure, including energy efficiency standards and

land use policies that reduce vehicle miles travelled, and (2) a clean, low-carbon energy economy that is sustainable, including all forms of renewable energy and transportation infrastructure as two among several actions to mitigate and adapt to climate change.

### **Additional Comments**

#### Public Comment

Eight of ten speakers commented on elections, registration, election machines and voter ID.

#### Approvals

The Commission moved to approve a letter to Governor Grisham requesting declaration of a State of Emergency regarding fentanyl and human trafficking, and crime rates in New Mexico.

#### Commissioner Discussion

The Chair addressed the reasons why Sandoval County does not require voter IDs, as well as state practice for certifying election machines.

### **Sandoval County Commission Website**

<https://www.sandovalcountynm.gov/commission/>



### **Observer Report - Sandoval County Commission special meeting**

**May 28, 2024**

**Mary Templeton, observer**

Present: David Heil (Chair), Michael Meek (Vice Chair), Jay Block (video), Katherine Bruch

The purpose of this meeting was to approve the preliminary budget for the next fiscal year and to move to approve a resolution regarding employee retirement contributions. Although the preliminary budget is a public document, the budget will not be posted to the Sandoval County website until it is in final form.

### **Description of Issues Relevant to the League**

No agenda items were taken up for which the League has a policy position.

### **Additional Comments**

#### Preliminary Budget Approval

Multiple commissioners expressed concern about the competitiveness of deputy positions appointed by elected officials and about the absence of required qualifications for those positions.

### **Sandoval County Commission Website**

<https://www.sandovalcountynm.gov/commission/>



## **Observer Report - Sandoval County Commission regular meeting**

**June 12, 2024**

**Mary Templeton, observer**

Present: David Heil (Chair), Michael Meek (Vice Chair), Jay Block, Joshua Jones, Katherine Bruch (video)

### **Description of Issues Relevant to the League**

No agenda items were taken up for which the League has a policy position.

### **Additional Comments**

#### Public Comment

Five of twelve people expressed concern about voter fraud, with several advocating for voter ID requirements. Two speakers thanked the Commission for grants that enabled uninsured and underinsured persons to receive substance abuse treatment. Two constituents expressed concerns about county roads.

**Sandoval County Commission Website** <https://www.sandovalcountynm.gov/commission/>



## **Observer Report - Albuquerque & Bernalillo Co. –**

**Affordable Housing Initiatives**

**June 2024 Updates**

**Janie McGuigan**

### **City of Albuquerque Affordable Housing Development Funding Update**

Despite the advocacy efforts of a number of community organizations including the League of Women Voters of Central New Mexico (LWVCNM), the Albuquerque Affordable Housing Coalition, and others to increase funding for the development of new affordable housing in the City of Albuquerque's 2024-25 City Budget, no new funding was added. This means that the City will be unable to meet the Mayor's Housing Forward annual goal of creating 1,000 affordable housing units in the FY 2024-25 without the needed \$20,000,000 set aside in the Budget. For the City's Health, Housing and Homeless Department, funding increases were primarily focused on addressing the shelter, housing and behavioral health support services needs of unhoused persons in Albuquerque.

The Mayor and City Staff reported on the progress of the Housing Forward Fund for FY 23-24 via Interoffice Memo EC 24-116 submitted to City Council on June 3<sup>rd</sup> that \$20,000,000 had been allocated to create 291 affordable housing units, i.e. 90 units at the Los Altos Lofts/former Sure Stay Motel; 128 units for the West Mesa Ridge Apartments rehabilitation project; 73 units at the Quality Suites acquisition/conversion project.



## **Observer Report - Middle Rio Grande Housing Collaborative (MRGHC) Update**

**June 2024**

**Janie McGuigan**

The meeting scheduled for Thursday, June 13<sup>th</sup> was CANCELLED. There is no date set for the next MRGHC meeting.

Since at this time there is no official website for the Middle Rio Grande Housing Collaborative and no Executive Director has been hired, City and County staff are jointly posting Meeting Announcements, Agendas and Minutes on their respective websites. The current county website address is: <https://bernalillocountynm.ig2.com/Citizens/Default.aspx>.

The Joint City/County Administrative Resolution passed by the Albuquerque City Council, February 22, 2023 regarding the formation of the MRGHC, states that the “focus of this collaborative effort shall be long-range planning for the development and re-development of property for the purpose of planning, creating, and preserving affordable housing”; and, “to advance mutual interests in the provision of safe, sustainable, and affordable housing within the incorporated and unincorporated areas of Bernalillo County, including but not limited to through the funding, development, acquisition, construction, rehabilitation, and delivery of affordable housing to qualified individuals and families.”



## **CABQ Civilian Police Oversight Advisory Board Impact on Closure of the DOJ-CABQ Consent Decree**

**Report by Karen M Douglas**

**June 2024**

The 2014 Consent Decree (aka CASA, Court Approved Settlement Agreement) between the US DOJ and the City of Albuquerque regarding Constitutional Policing and Excessive Use of Force (UOF) by police includes civilian oversight of police use of force incidents. Albuquerque instituted a Civilian Police Oversight Agency appointed by the City Council as this oversight body – APD reports to the Mayor.

The Civilian Police Oversight Agency includes the Executive Director, paid by the City of Albuquerque but reporting to neither the Mayor nor City Council, and the Citizen’s Police Advisory Board (CPOAB). The CPOAB is a 5-member body of citizens appointed by the City Council and required by 13/276 Consent Decree paragraphs. The CPOA is charged with evaluating APD Internal Affairs Force Division UOF investigations and, where charges are sustained, the Executive Director recommends officer discipline. The CPOAB also accepts civilian complaints and has a staff of dedicated investigators. Complainants may reject the Executive Director’s recommendation and request a hearing, also notifying the Chief of Police. The public may also submit a petition with 1000 signatures challenging CPOAB decisions.

The former Executive Director, Edward Harness, resigned in 2023 and subsequent failure of CPOAB members to complete required training resulted in dismissal, leaving vacancies preventing the Board from fulfilling required timely completion of UOF case reviews. During January 2023, the Albuquerque City Council amended the Police Oversight Ordinance affecting the Civilian Police Oversight Agency

(CPOA) and interim Executive Director in violation of the Consent Decree. The Albuquerque City Council had decreased the number of CPOA Board members from 9 to 5 during 2023 meetings. Updates to the Civilian Police Oversight Agency followed Independent Monitor (IM) Team/Dr. Rickman's August 2023 visit to Albuquerque involved Contract Compliance Director to hire an CPOA Executive Director and Data Analyst. In efforts to realign with Consent Decree requirements, the Contract Compliance Director selected Diane McDermott as the Executive Director in winter 2024 and CPOA has now hired 7 civilian investigators. CPOAB staff include independent investigators and administrative support. The Executive Director is a full-time at-will city employee selected by the Contract Compliance Officer.

13 of 276 Consent Decree paragraphs covering civilian oversight (CPOA) remained out of compliance as of January 2024. The Out-of-Compliance paragraphs reflect Police Oversight due to the CPOAB. CABQ anticipates the IMR #20 released 7/31/24 will note CPOAB completion of required training including Police Ride-Along by members.

During the 6/13/24 CPOAB meeting, reports were delivered by CABQ departments including APD, ACS, City Attorney, City Council, CPC, the Mayor's office, and CPOA Executive Director Diane McDermott. CPOAB received 80 complaints between 4/30 – 6/3/24, and additional business included consideration of a Serious UOF case, an Officer-Involved shooting case, and staff additions. The Officer-involved shooting case included failure to activate the OBRD (on body recording device, aka bodycam) during an active shooter incident and CPOAB decided UOF was justified, concurring with APD/IAFD. UOF Policy reviews were next on the agenda and ACLU representative Daniel Williams discussed APD Forward comments which were referred to APD for consideration. Aspects discussed included the use of the grappler, training of police service dogs, apprehension of fleeing suspects, totality of circumstances, duty to report, sanctity of life provisions, active listening skills during de-escalation, timely investigations by APD Internal Affairs Force Division, recording contact information for all witnesses with subsequent interviews.

There will be no July 2024 CPOAB meeting as the IM Team will brief the City Council in anticipation of the end of the Consent Decree.



## **APD Forward - Hearing on IMR-19**

**Report by Starlyn Brown**

**June 2024**

On June 4, 2024, a public hybrid hearing was held before U.S. District Judge James Browning regarding IMR-19 (Independent Monitor Report). The report covers the time period from August 1, 2023 through January 31, 2024. In the 19th Independent Monitor's Report, the monitor found primary and secondary compliance at 100% and operational compliance at 96%. The 4% out of compliance relates to the Civilian Police Oversight Agency (CPOA). The CPOA has been going through a transition with a new Board of Directors and a new Director. Staffing has been a problem due to vacancies, turnover, and inexperience.

Several paragraphs in the Court Approved Settlement Agreement (CASA) have been in compliance for over two years. A motion has been made to remove those 152 paragraphs from the agreement and they will no longer be monitored. The External Use of Force (EFIT) team have finished their work on current and backlogged cases.

Paul Killebrew, Deputy Chief, Civil Department of Justice stressed that the DOJ is bound by the facts and that this is a civil case. He responded to questions concerning the current APD DUI investigation by saying that that is a criminal case, and he has no role to play. It is unknown if or how that investigation could affect the CASA.

The CASA is entering the self-monitoring stage to assess if compliance is maintained for 2 years. There will be four more monitor reports, with the 22<sup>nd</sup> report scheduled to be submitted in November 2025.

It was noted that the city's establishment of the Albuquerque Community Safety (ASC) Department was not part of the CASA nor mandated. ACS is highly effective and handles around 3000 calls per month with 2000 being diverted from and fewer behavioral health calls to APD. A monitoring team has also been established by the city. The team has three members. Two of the three members are retired judges.

Daniel Williams, APD Forward representative expressed concerns about the quality of policing in Albuquerque. He stated that being in compliance does not always translate to improved contact, maintaining accountability and respect, and the resilience of the reform. They would like to see the city continue to build on the progress made to date.

Philip Jameson, CASA Stakeholders Representative stated that the Force Review Board (FRB) is made up of individuals and not built into the system. The FRB has the authority to overturn decisions. He also noted that the use of Force (UOF) was lower in all three levels and that APD needs to work more on de-escalation and training to deescalate.

Alfred Mathewson, Esq. Community Coalition Representative stated that the people in the coalition do not feel heard and do not feel much change. The consent decree was limited, and they would like the APD, City and DOJ to address racial disparities. He stated that the focus should be on being better not just sustainability.

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