



June 25, 2019

**Sent via U.S. certified-mail and email to:**

Chair Chantal Galloway  
Police Oversight Board  
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(U.S. certified tracking # 70190140000079200428)

**Re: Board Member Chelsea Van Deventer**

Dear Chair Galloway,

We recently became aware of a letter from the Albuquerque Police Officer's Association (APOA) dated June 21, 2019 calling for the resignation of Police Oversight Board member Chelsea Van Deventer (Ms. Van Deventer). The letter uses Ms. Van Deventer's Twitter account, which includes content that calls into question the state of policing in New Mexico and in the United States. We find APOA's conduct troubling. Through our work with the APD Forward Coalition, the ACLU of New Mexico is actively engaged as *amici* in the Department of Justice settlement agreement with the Albuquerque Police Department and regularly appears before the POB to provide public comment.

We have serious concerns with the request of the APOA for two primary reasons. First, the letter raises important questions regarding board member Van Deventer's free speech rights.<sup>1</sup> Second, the letter raises serious concerns regarding the APOA's attempts to dictate the makeup of a board with direct oversight over its members.

The APOA clearly has a right to exercise its own free speech rights and police officers deserve fair and impartial hearings when it comes to disciplinary recommendations. Accordingly, due process protections for police officers are enshrined in the POB ordinance, the Collective Bargaining Agreement, and the consent decree.

But police oversight board members equally deserve protection from powerful forces that see civilian oversight as an existential threat. We must not turn a blind eye to the power dynamics at play here: the APOA, whose membership comprises police officers in APD, is attempting to force a volunteer member of the police oversight board to resign. We have serious concerns that a letter

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<sup>1</sup> First Amendment jurisprudence has long prevented the government from infringing upon the free speech rights of those it employs when they speak as citizens on a matters of public concern. *See Connick v. Myers*, 461 U.S. 138, 708 (1983) and *Pickering v. Board of Education*, 391 U.S. 563, (1968).

to this effect could be used as a means to bully and harass a volunteer member of the Police Oversight Board into stepping down.

The ACLU of New Mexico is likewise concerned that the APOA's attempts to have board member Van Deventer removed may undermine the reforms outlined in the consent decree. The APOA, a party to the consent decree with the DOJ and the City, has agreed to implement a civilian police oversight agency that "provides meaningful, independent review of all citizen complaints, serious uses of force, and officer-involved shootings by APD." Paragraph 271, DOJ Consent Decree. Without opining on the specific allegations against board member Van Deventer, the ACLU is concerned that an attempt to remove a sitting member of the oversight agency tasked with providing oversight to the APOA's own members may undermine the independence of the POB.<sup>2</sup>

If the APOA were allowed to force a board member to resign because it does not agree with the member's political viewpoints, then critical components of the settlement agreement could be irreparably damaged. Whether by coercing the board to vote for resignation or through a sustained campaign of harassment, the APOA or any other party to the consent decree must not be allowed to destabilize years of reforms needed to address APD's unconstitutional pattern and practice of excessive use of force.

For the foregoing reasons, we respectfully request that the Police Oversight Board carefully consider the allegations made against board member Van Deventer and whether any motivations underlying such a request may be politically driven and irrelevant to Ms. Van Deventer's ability to objectively adjudicate civilian police complaints.

Sincerely,



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cc: Ed Harness, Executive Director Civilian Police Oversight Agency  
Dr. James Ginger

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<sup>2</sup> It is worth noting that APOA relies upon §9-4-1-5(E), which, in pertinent part, prohibits "conduct inconsistent" with a board members' "requirements" and calls for removal of a board member who has "demonstrated inability to objectively adjudicate civilian police complaints." APOA's June 21, 2019 letter did not point to any specific "requirement" that Ms. Van Deventer has failed to meet, nor does the letter articulate any evidence that Ms. Van Deventer has demonstrated an inability to be objective in her duties on the board. Her personal "tweets" and "re-tweets" about the political climate around policing in today's society hardly rise to the level of showing she has demonstrated an ability to be objective when performing her duties.