

**POLICE OVERSIGHT BOARD  
CASE REVIEW SUBCOMMITTEE**

**Tuesday, May 16, 2017 at 10:00 a.m.  
Plaza del Sol Building, 600 2nd Street NW  
3<sup>rd</sup> Floor, Planning Small Conference Room**

**Members Present**

Leonard Waites, Chair  
Joanne Fine  
Dr. Carlotta Garcia

**Others Present**

Edward Harness, Exec. Director  
Michelle Contreras  
Diane McDermott

**Meeting Minutes**

**I. Welcome and call to order**

Case Review Subcommittee Chair Leonard Waites called to order the regular meeting of the Case Review Subcommittee at 10:00 a.m.

**II. Approval of the Agenda**

Copies of the Agenda were distributed. A motion was made by Subcommittee Member Fine to approve the agenda. Subcommittee Member Garcia seconded the motion. The motion was carried by the following vote:

**For -3: Fine, Garcia, Waites**

**III. Review and Approval of the Minutes**

A motion was made by Subcommittee Chair Waites to approve the minutes from the April 4, 2017 Case Review Subcommittee meeting. Subcommittee Member Fine seconded the motion. The motion was carried by the following vote:

**For - 3: Fine, Garcia, Waites**

**IV. Public Comments:**

a) Mr. Jim Larson gave a summary to the Case Review Subcommittee regarding the following issues:

1. As to item V, 4. of the April 13, 2017 POB Minutes: Mr. Larson observed that the letter to the Chief that Mark Baker is to draft to clear up what is expected of everybody is not on the upcoming POB agenda for May 18, 2017. Mr. Larson would like to see that letter and any follow up correspondence.

2. As to item XII, vi. of the April 13, 2017 POB Minutes: Mr. Larson wanted clarification in whether the CPOA findings letter will reflect the CPOA's recommendations for officer discipline.
    - i. Subcommittee Member Fine clarified and verified that the POB approved in a motion and a vote on April 13, 2017 the change of the CPOA findings letter to include the CPOA's recommendations for officer discipline.
  3. Discussed Mr. Larson's concerns and observations regarding the Chief's recommendations in CPC 139-16. For more information, please refer to the April 13, 2017 POB Minutes, item VII, letter b. For more information, please refer to the letter here:  
<http://www.cabq.gov/cpoa/documents/cpc-139-16-letter-from-chief-dated-3-28-17-and-cpoa-findings-ltr-1-13-17.pdf>
    - i. Mr. Larson prepared a draft letter for the POB to send to the Chief regarding the major issues.
    - ii. Mr. Harness explained that he presented his rebuttal to the Chief's non-concurrence at the last POB meeting on April 13, 2017 and there will not be a follow up letter sent to Chief Eden because he has the final say.
    - iii. Mr. Larson drafted a chart to send to the Chief and tell him that this is the way we looked at the risk assessment matrix.
    - iv. Discussed the low ready position and what the Monitor said about it in his 4<sup>th</sup> and 5<sup>th</sup> reports.
    - v. Mr. Larson would like to see the CPOA reports more comprehensive and the issues clearly identified.
  4. Subcommittee Member Fine discussed that the POB share the same concerns as Mr. Larson.
  5. Ms. McDermott clarified the letter to the citizen is not the same as the CPOA investigative report, which is much more extensive in both its justification and recommendations. The recommendations are briefly mentioned in the letter to the citizen so that they are aware of them.
  6. As previously discussed and to emphasize, the letters to the citizen will have the officer's discipline, as voted at the POB on April 13, 2017 and will be summarized.
- b) Mr. Charles Arasim gave a summary to the Case Review Subcommittee regarding several topics, they are:

1. Mr. Arasim observed that the Policy Review Subcommittee has only met only twice in the last eight (8) months. Subcommittee Member Fine indicated that they will look into why there has not been a Policy meeting scheduled.
2. As to the CPOA findings letter to the citizen, Mr. Arasim suggested that in addition to the summary and the recommendations, the CPOA should also notify the complainant that the entire investigation is available to them through an IPRA request.
3. Subcommittee Member Fine discussed the process on how the POB obtains officer discipline recommendations. For example, Director Harness will give the POB a CPOA Recommendation form which summarizes what discipline he recommends.
4. Subcommittee Member Fine has put in a request to APD from Data Analyst Natalee Davila to provide a comparison report for cities that are similar in size as Albuquerque in regards to officer car accidents to include the type and how it compares to other cities. This will be presented at the upcoming June POB meeting.
5. Mr. Arasim initiated a discussion regarding Garrity statements.
6. Director Harness clarified that the POB does not have access to Officer's disciplinary history because they cannot know the identity of the officer for the reason of the APOA collective bargaining agreement.

V. **CPOA Report – *Edward Harness, Executive Director.*** Director Harness gave the following report:

- a) Director Harness attended the International Association of Chief of Police legal officers training in Nashville. One of the topics that stood out to him was that the agency should review the Force Review Board policy to include the review of all accidental discharges.
- b) Director Harness spoke with the City Attorney about the Force Review Board the violation of their own policy as every voting member is supposed to submit their own critique.
- c) The Force Review Board was moved to Friday, May 19, 2017; however, Director Harness will be out of town but will designate CPOA Assistant Lead Investigator to go to the meeting.
- d) Director Harness is waiting to appeal for the data analyst position.

- e) Tactical Force Review was held last week and there were no shots fired by SWAT and there were 7 activations. Director Harness will summarize for the board.
- f) All APD units will now have a bumper sticker that announces to the public to call 311 if they observe driving infractions by officers. As a result, the CPOA will need another full-time position that can do intake of complaints. Director Harness will bring this topic up for discussion at the POB Meeting on May 18, 2017.
- g) The CPOA and POB are being sued.

**VI. Review of Cases:** The Subcommittee members agreed with the CPOA's findings of the following Citizen Police Complaints (CPCs) and to add them to the consent agenda for the next POB meeting scheduled on May 18, 2017.

a) **Administratively Closed Cases**

190-16          009-17          091-17          095-17          103-17  
104-17

A motion was made by Subcommittee Member Fine to accept all six (6) cases for administratively closed that we accept them as they are [sic].

Subcommittee Member Garcia seconded the motion. The motion was carried by the following vote:

**For: 3 – Fine, Garcia, Waites**

b) **Cases investigated**

158-16          179-16          188-16          001-17

1. Discussed the findings in CPC 001-17. Subcommittee Member Fine agreed with the outcome and there were no changes to the letter.
2. As to the letter in CPC 179-16, Subcommittee Member Fine liked seeing policy and training recommendations included in the letter.
3. A motion was made by Subcommittee Member Fine to accept all the cases investigated as they are written [sic]. Subcommittee Member Garcia seconded the motion. The motion was carried by the following vote:

**For: 3 – Fine, Garcia, Waites**

c) **CIRT Cases.**

C-050-16          C-052-16          C-007-17          C-073-16 K-9 Investigation

1. The Subcommittee gave their approval for Director Harness to go ahead and approve these cases when they are presented at the Force Review Board on May 24, 2017.
2. Subcommittee Member Fine summarized each CIRT case.

3. A motion was made by Subcommittee Member Fine to accept all the CIRT cases they are written. Subcommittee Member Garcia seconded the motion. The motion was carried by the following vote:

**For: 3 – Fine, Garcia, Waites**

**d) Follow up regarding CPC 189-16.** Director Harness clarified for Subcommittee Chair Waites that the letter was fixed in CPC 189-16 as per the minutes from the last CRC meeting. For more information, please see CRC minutes dated April 4, 2017, item VII, b. ii.

**VII. Review of Appeals.** None.

**VIII. Other business.**

a) Discussed the Albuquerque Journal article dated May 12, 2017 and titled *Police Camera expert says APD Videos were edited*. The CPOA is aware of the issues regarding video analysis and will be sending two CPOA investigators to training on video analysis.

**IX. Next Meeting.** The Case Review Subcommittee next meeting will be held on Monday, June 5, 2017 at 2 p.m.

**X. Adjournment.** Subcommittee Member Fine made a motion to adjourn the meeting. Subcommittee Member Garcia seconded the motion. The motion was carried by the following vote:

**For 3 – Fine, Garcia, Waites**

Meeting adjourned at 11:04 a.m.

APPROVED:

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Leonard Waites, Chair  
Case Review Subcommittee

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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