

Police Oversight Task Force
July 30, 2014
5:30 p.m.
Summary Minutes

Members present*:

Frances Armijo
Ralph Arellanes
Fabrizio Bertolletti
Nancy Koenigsberg
Andrew Lipman
Alan Wagman
Leonard Waites
Edmund Perea (interim
departure/return)

Council staff present:

Chris Melendrez
Stephanie Yara
Julian Moya
Jessica Gonzales
Donna Montoya

Hans Erickson (arrived after the meeting was called to order)

Peter Simonson (arrived after the meeting was called to order)

*Reflects members present when the meeting is called to order. Any excused absences will be reflected in actions taken in the summary minutes.

1. Call to order

Mr. Lipman called the meeting to order at 5:35 p.m.

2. Approval of Agenda

Mr. Bertolletti made a motion to approve the agenda. Ms. Armijo seconds the motion.

The motion passed unanimously.

Excused: Erickson, Simonson

3. Approval of Summary Minutes July 23, 2014

Ms. Yara stated the date of the minutes will be corrected to reflect July 23, 2014.

Mr. Lipman asked for the minutes to reflect that Hans Erickson arrived after the meeting was called to order.

Mr. Bertolletti asked to review the votes to his motion regarding "the removal of POB members to add "for cause" to the requirement".

Mr. Arellanes made a motion to approve the July 23, 2014 summary minutes as

amended. Mr. Wagman seconds the motion.
The motion passed unanimously.

Excused: Erickson, Simonson

4. Discussion of Police Oversight Ordinance amendment options for:

a. POB involvement with initial investigations and Public Letter Records.

Mr. Simonson made a motion for three of the nine members of the POB to meet once a month as a subcommittee of the POB, on a rotating basis, to hear complaints on civil rights, use of force, violation of free speech, racial or other discrimination, and illegal search. After that initial review, the full nine POB members would also review the complaints. Mr. Arellanes seconded the motion.

After a full discussion by the Task Force, Mr. Simonson withdrew his motion.

Mr. Arellanes made a motion to recommend the language in Mr. Simonson's previous motion, but limiting appeals to a subcommittee of the POB to cases involving use-of-force, assault by an officer, or civil rights violations. Mr. Wagman Seconded the motion.

The other members remind Mr. Arellanes that this is basically the same motion made by Mr. Simonson. Mr. Wagman offered a set of friendly amendments accepted by Mr. Arellanes and the motion is restated as:

Three of the nine POB members will meet once a month as a review subcommittee of the POB, on a rotating basis, to review RO investigations involving use-of-force and officer involved shootings. The review subcommittee will hold closed hearings and subpoena documents as necessary to make findings and disciplinary recommendations. A public record letter with the findings of the review subcommittee will be prepared and sent to the complainant. All findings of the review subcommittee on use of force or officer involved shooting investigations may be appealed to the full POB.

For cases that involve issues other than use-of-force or officer involved shootings, the RO will investigate and make findings. A public record letter with the findings of the RO will be prepared and sent to the complainant by the RO. All findings of the RO on investigations other than use of force or officer involved shootings are final unless appealed to the review subcommittee.

The motion passed by a vote of 5-3.

Yes – Arellanes, Koenigsberg, Simonson, Waites, Wagman
Against – Armijo, Bertolotti, Erickson
Excused – Perea

b. POB access to full investigative files.

Mr. Wagman made a motion that as the language of Mr. Arellanes' motion as just passed is incorporated into the draft ordinance, "Garrity material" is included as an item that may be subpoenaed and reviewed by the POB or its review subcommittee when formulating findings or hearing cases on appeal. Mr. Erickson seconded the motion.

The motion passed by a vote of 6-2.

Yes – Arellanes, Erickson, Koenigsberg, Simonson, Waites, Wagman
Against – Armijo, Bertoletti
Excused – Perea

- c. RO discussion of findings with APD Chief before finalization.

Mr. Simonson made a motion to accept the language in FS2 O-14-13, page 17, line 10. “The RO may share any disciplinary recommendations with the Chief in advance of the issuance of the public record letter only as necessary to ensure their timelines pursuant to any applicable personnel or union contract requirements”. Mr. Waites seconded the motion.
The motion is carried unanimously.

Excused – Perea

5. Review of Draft Police Oversight Amendments Voted upon at July 23, 2014, meeting:

- a. Number of POB members

Mr. Lipman stated 9 members were approved by the POTF at their last meeting.

Mr. Bertoletti made a motion to reconsider the vote. Mr. Arellanes seconded the motion.

Mr. Perea rejoined the meeting at 8:15 pm.

The motion failed on a vote of 1-6.

Yes: Bertoletti

No: Armijo, Arellanes, Erickson, Koenigsbert, Simonson, Wagman,
Waites

Abstain: Perea

- b. Selection & Removal of Members

Mr. Simonson made a motion for the 9 members that the POB be selected independently and for Council staff to makes recommendations to the City Council. Mr Waites seconded the motion.

Mr. Wagman made a friendly amendment that the City Councilors should not do anything to influence the recommendations of Council staff.
Mr. Wagman withdrew his friendly amendment.

The motion carried 6-0-3.

Yes: Armijo, Arellanes, Bertoletti, Perea, Simonson, Waites

Abstain: Erickson, Koenigsberg, Wagman

Mr. Perea made a motion to for the POB to have a representative from APD serve as a 10th Ex Officio member
The motion died for a lack of a second.

- c. Subject Matter Experts on POB
- d. Selection, retention and removal of IRO.

6. Consideration of response from POTF regarding APOA contract negotiations (Alan Wagman)

Mr. Wagman expressed his disappointment that the City Councilors did not meet with the Mayor to immediately bifurcate the contract negotiations with the APOA until after the Task Force has submitted their recommendations to the City Council. And added, the approved contract has limits on garrity material.

Ms. Koenigsberg made a motion to send another letter to the City Council expressing their disappointment over not having acted on prior APOA contract. Mr. Erickson seconds the motion.

Mr. Melendrez stated that the City Council is precluded by Ordinance from participating in union contract negotiations. Mr. Melendrez also reminded the members that the reconvening of the POTF by the City Council was for the purpose of addressing specific issues regarding ordinance recommendations.

Ms. Koenigsberg withdrew her motion.

7. Other Business

Mr. Bertolotti stated the reason he voted against “the selection, retention and removal of the IRO” that it was is not a good decision for the POB to have the power to fire the IRO.

8. Meeting Adjourned

Mr. Simonson made a motion for the POTF to meet on Wednesday, August 6, 2014 @ 5:30 pm. Mr. Arellanes seconds the motion. The motion carried by a vote of 8-0-1.

Abstain: Koenigsberg

There being no further business, the meeting adjourned at 8:39 p.m.