

**POLICE OVERSIGHT BOARD
CASE REVIEW SUBCOMMITTEE
Tuesday, February 9, 2016 – 10:00 a.m.
Plaza del Sol Building, 600 2nd Street NW
Basement Hearing Room, #160**

Members Present

Jeffrey Scott Wilson, Chair
Joanne Fine
Leonard Waites

Others Present

Edward Harness, Exec. Director
Diane McDermott
Marlo Kiefer

MINUTES

- I. Welcome and Call to Order:** Subcommittee Chair Wilson called the meeting to order at 10:04 a.m.
- II. Approval of the Agenda:** Subcommittee Member Fine moved to approve the agenda. Subcommittee Member Waites seconded the motion. Approved.
For: Waites, Fine, and Wilson.
- III. Approval of Minutes:** Copies of the Minutes from the Case Review Subcommittee meeting on January 26, 2016 were distributed and reviewed. Subcommittee Member Waites moved to approve the minutes as written. Subcommittee Member Fine seconded the motion. Approved.
For: Waites, Fine, and Wilson.
- IV. Public Comments:** None.
- V. Discussion of Flow Chart:** The Subcommittee members discussed possible changes to the flow chart, which outlines the process of complaint reviews.
- A.** Chair Wilson wished to express thanks to the staff, especially Amanda Bustos for her efforts on the creation of the flow chart, and Diane McDermott for her input.
- B.** The following changes were suggested:
1. The flow chart should show the path a case takes when it comes through the CPOA and the path it takes if it comes from Internal Affairs (IA).
 2. A separate box should be added for Serious Use of Force (UOF) or Officer Involved Shooting (OIS) cases to show the process they go through.
 3. The chart needs to indicate that OIS, UOF, and criminal allegations are sent to Internal Affairs.

4. Serious Use of Force and Officer Involved Shooting cases come to the CPOA **from IA**.

5. The chart should indicate a straight line showing that appeal information and the letter to the citizen comes from the POB.

C. Subcommittee Member Fine will work on more changes to the flow chart and bring her revisions to the next meeting.

VI. CPOA Report – Edward Harness, Executive Director: Director Harness gave an update on current events in the CPOA:

A. Director Harness sent a complaint to Alternative Dispute Resolution (ADR) for mediation. Other complaints are in preview stage and will be assigned to an investigator on Friday.

B. Director Harness received feedback from the DOJ on the cases they reviewed. The DOJ randomly selected cases from a particular time frame to review.

- i. The CPOA could improve on documenting witnesses in citizen police complaints.
- ii. Timeliness of case reviews is important.
- iii. The CPOA and POB should concentrate more on policy recommendations and look for training recommendations.
- iv. The Subcommittee members would like the DOJ recommendations to be part of Director Harness' report at the next POB meeting.

C. The Subcommittee members discussed putting redacted letters to citizens online so that the public can read about the cases.

- i. Letters can be posted as a cluster so that people can see patterns.
- ii. A findings link will be created on the website.
- iii. The website should show non-concurrences.

D. The CPOA is transitioning away from CIRIS software and will begin using IA PRO as the database. The CPOA will have IA PRO uploaded within the next 3 or 4 weeks.

E. In March there is Use of Force training in Los Lunas for Investigators.

F. Budget numbers will be presented at the next POB meeting. The contract for the POB attorney is in the process of being approved.

G. Director Harness will talk to Ty Hummell about the possibility of mediation after findings have been made on a complaint.

- H. Director Harness will find out if the Settlement Agreement will allow for statute of limitations for older complaints. Reasonable limitations could be set for investigating older complaints. Some cases may need to be referred to Crisis Intervention Team (CIT).

VII. Review of Cases:

- A. Subcommittee members discussed the current OIS case that Director Harness recently reviewed.
- B. The Subcommittee members agreed with the CPOA's findings of the following CPCs, and had suggestions for editing the letters to the citizen:
 - 1. 043-15
 - 2. 044-15 – Officer's name needs to be removed from letter.
 - 3. 045-15
 - 4. 046-15 – Confusing language in letter, and CIT issues.
 - 5. 047-15 – Letters needs editing. One of the allegations in the letter does not have findings.
 - 6. 051-15
 - 7. 053-15 – Edit sentence about use of profanity for gaining control. SOP says use of profanity is not allowed.
 - 8. 035-14 – Check CPC number on letter.
 - 9. 056-15
 - 10. 058-14
 - 11. 058-15
 - 12. 060-14
 - 13. 060-15 – Letter needs editing; complaint paragraph needs to indicate that where the incident started.
 - 14. 061-14
 - 15. 063-14 – The term “contract investigator” is confusing.
 - 16. 063-15 – Typo on page 2.
 - 17. 065-15 – Complaint paragraph needs more background info.
 - 18. 067-15 – Too much duplication of information in letter.
 - 19. 068-15
 - 20. 069-14
 - 21. 071-15
 - 22. 072-15
 - 23. 073-15 – Complaint paragraph needs more background info.
 - 24. 074-15
 - 25. 076-15
 - 26. 079-15
 - 27. 080-15 - Complaint paragraph needs more background info.
 - 28. 081-15 – Letter should indicate how the citizen identified the officer.

- C. The subcommittee reviewed CPC 184-15, which both CPOA and the chain of command agreed was Sustained and recommended verbal reprimand.
- D. Discussed the agenda for the POB meeting on February 11, 2016. The subcommittee decided to amend the POB agenda to only include the 25 cases previously approved as a consent agenda and CPC 184-15.
- E. Director Harness will send an email to the POB asking everyone to review 184-15. CPC 222-15 will be removed from the agenda.
- F. The subcommittee members will review the next batch of 25 cases on SharePoint, starting with 085-15, plus all cases that are less than 120 days.
- G. During the meeting, Director Harness placed a call to District Attorney, Kari Brandenburg to discuss hearing the OIS case at the POB meeting on February 11, 2016.
 - i. There is concern that review in a public forum may jeopardize the DA's criminal investigation.
 - ii. The subcommittee will inform other members at the POB meeting of their concerns with being able to hear the case within the 30-day time frame in order to give findings and a discipline recommendation.
- H. Director Harness will summarize non-concurrence cases to present at the POB meetings.
- I. Subcommittee Member Fine moved to approve the 28 letters as amended. Subcommittee Member Waites seconded the motion. Approved.
For: Waites, Fine, and Wilson.

VIII. Next Meeting Scheduled: The CRC is scheduled to meet on Tuesday, February 23, 2016.

IX. Adjournment: Subcommittee Member Waites moved to adjourn the meeting. Subcommittee Member Fine seconded the motion. The meeting adjourned at 12:20 p.m.

APPROVED:

Jeffrey Scott Wilson, Chair
Case Review Subcommittee

Date

CC: Julian Moya, City Council Staff
Natalie Howard, City Clerk
Dan Lewis, City Council President