



## **POLICE OVERSIGHT BOARD CASE REVIEW SUBCOMMITTEE**

**Tuesday, January 2, 2018 at 10:00 a.m.  
Plaza del Sol Building, 600 2nd Street NW  
3<sup>rd</sup> Floor Small Conference Room**

### **Members Present**

Joanne Fine  
Valerie St. John  
Leonard Waites, Chair

### **Others Present**

Edward Harness, Exec. Director  
Diane McDermott  
Maria Patterson

### **Meeting Minutes**

#### **I. Welcome and call to order**

- a) Case Review Subcommittee Chair Waites called to order the regular meeting of the Case Review Subcommittee at 10:02 a.m.

#### **II. Approval of the Agenda**

- a) Copies of the agenda were distributed.  
b) A motion was made by Subcommittee Member Fine to approve the agenda as written. Subcommittee Member St. John seconded the motion. The motion was carried by the following vote:  
**For: 3 – Fine, St. John, Waites**

#### **III. Review and Approval of the Minutes from November 7, 2017 and December 5, 2017**

- a) Member St. John motioned to approve the minutes from November and December as written. Member Fine seconded the motion. The motion was carried by the following vote:  
**For: 3 – Fine, St. John, Waites**

#### **IV. Public Comments**

- a) No public comment.

#### **V. CPOA Report – *Edward Harness, Executive Director***

- a) **New Chief.** Director Harness will meet formally with the new chief of police sometime in the next few weeks.  
b) **Meeting with New CAO.** Director Harness was supposed to meet with Sarita Nair, the new CAO, during the week of the retreat but the meeting was postponed. Director Harness believed he will meet with Ms. Nair this week instead.

- c) **311 Calls.** Director Harness will tell the chief to take 311 calls because it is pointless and inefficient for the CPOA to take them.
- d) **Ride-Along Forms.** Director Harness reminded members that the police ride-along forms are in everyone's email. Member Fine asked Director Harness to also upload it to SharePoint. Director Harness suggests it will be easiest for members to take the forms with them because they have not yet sorted out the logistics of using them.
- e) **Questions for Director Harness.**
  - 1. Member Fine had trouble retrieving the Serious Use of Force/Officer Involved Shooting Cases. After a lengthy discussion about points of confusion Director Harness provided a tutorial for finding the cases. Members still maintained that they are too difficult to find; Member Fine recommended labeling them based on meeting date.
  - 2. Member Fine also asked if it is okay to first read each case's summary/incident report and only read through the rest of the case if something seems wrong. Member Fine also her frustration that different types of cases use different language and that not all of the cases have summaries.

**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 January 11, 2018.

**a) Administratively Closed Cases**

127-17	185-17	189-17	194-17	195-17
199-17	200-17	201-17	202-17	203-17
204-17	205-17	209-17	210-17	

- 1. Member Fine had questions about four cases:
  - a. **185-17.** Member Fine found the statement, "this letter came with no punctuation" judgmental and felt it added no value, though Director Harness felt it was put in to demonstrate the difficulty of investigating the case. Director Harness said he would ensure it was changed.
  - b. **201-17.** Member Fine found it odd that an officer responded to a non-emergent case at 3:30 a.m. and perhaps that contributed to the perceived rudeness. Member Fine also asked if the exchange was filmed. Director Harness said he would check to see if there is a video available.
  - c. **202-17.** Member Fine asked if the CYFD's pronouncement of a house as "filthy" was rude. Director Harness said it was a necessary part of his determination and Member Fine replied that in that case she was willing to let it pass.

- d. **203-17.** Member Fine was concerned about sentences 2 and 3 in the investigation paragraph and especially the phrase, “We too have had break-ins” because they sound as if the investigator is dismissive. Director Harness thought that was a quote from the complaint but said he would take another look..
2. Chair Waites noted that he would recuse himself from voting on case 210-17 due to knowing involved persons.
3. Member Fine motioned to accept all of the administratively closed cases as written with the exception of 210-17. Member St. John seconded the motion. The motion was carried by the following vote:  
**For: 3 – Fine, St. John, Waites**
4. Member Fine motioned to accept case 210-17 as written. Member St. John seconded the motion. The motion was carried by the following vote:  
**For 2 – Fine, St. John**
- b) **Cases investigated**  
155-17
  1. A motion was made by Subcommittee Member Fine that the committee accept the case investigated as written. Member St. John seconded the motion. The motion was carried by the following vote:  
**For: 3 – Fine, St. John, Waites**
- c) **Non-concurrence cases**  
153-17
  1. Member St. John summarized the case and said that although former Chief Eden decided to administratively close the case, the staff is asking Chief Geier for an investigation. Member Fine made a motion to accept the non-concurrence case for investigation. Member St. John seconded the motion. The motion was carried by the following vote:  
**For: 3 – Fine, St. John, Waites**
- d) **Serious Use of Force/Officer Involved Shooting Cases.**

C2016-37	C2016-53	C2016-61	C2016-74
C2017-19	C2017-25	C2017-26	

  1. Member Fine found three cases that were on SharePoint, two of which the subcommittee had already addressed (122-17 and 123-17). The subcommittee proceeded to discuss the other case, 172-16, and Member Fine asked if they were going to address the case on another day. Director Harness said he would go back and look at it.
  2. Member Fine realized she had reviewed the wrong cases and Chair Waites added that he had not reviewed all of the correct cases either.

3. Member Fine suggested meeting again before the POB meeting in order to be more prepared. Chair Waites agreed and added that the rest of the board will have trouble accessing the files so it would be beneficial to also get instructions for accessing the cases to the rest of the members.
4. Director Harness volunteered to write an instructional email.
5. The subcommittee proceeded to have a discussion about normal procedure with Serious Use of Force cases and whether recommendations are needed. Director Harness said recommendations are not necessarily needed but noted that this would be the first time they are addressing cases in this way.
6. Member Fine suggested they be able to present the cases at the POB meeting so that the public will be able to learn how the CPOA and Board address these types of cases. Member Fine further suggested the subcommittee proceed at the POB meeting by going straight through the administratively closed cases and case investigated, recommend taking the non-concurrence case to the new Chief for investigation, and then presenting and discussing each Serious Use of Force/Officer Involved Shooting Cases individually.
7. Chair Waites agreed that it would be best to meet again and summarize each case.
8. The subcommittee agreed to meet at 4:30 p.m. on Monday, January 8, 2018 to discuss the Serious Use of Force/Officer Involved Shooting cases.

**VII. Review of Appeals.** There were no appeals.

**VIII. Other business.** No other business.

**IX. Next Meeting.** The Case Review Subcommittee's next meeting will be held on Monday, January 8, 2018 at 4:30 p.m. Next month's regular meeting will be held on Friday, February 2 at 10:00 a.m.

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

**For: 3 – St. John, Fine, Waites**

Meeting adjourned at 10:54 a.m.

APPROVED:



Leonard Waites, Chair  
Case Review Subcommittee

2/6/18

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Date

CC: Julian Moya, City Council Staff  
Trina Gurule, Interim City Clerk  
Isaac Benton, City Council President

Minutes drafted and submitted by:  
Maria Patterson, Temporary Administrative Assistant