



POLICE OVERSIGHT BOARD CASE REVIEW SUBCOMMITTEE

**Monday, January 8, 2018 at 10:00 a.m.
Plaza del Sol Building, 600 2nd Street NW
3rd 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 special meeting of the Case Review Subcommittee at 4:31 p.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. Public Comments

- a) No public comment.

IV. Serious Use of Force/Officer Involved Shooting Cases

- a) Subcommittee members discussed their plans for presenting the cases at the upcoming POB meeting.
 - 1. Director Harness stated he received no calls from other POB members regarding file access and Chair Waites wondered if the other members even read the cases. This suggested to Member Fine that it was important to summarize each case for the rest of the board.
 - 2. Chair Waites asked if it would be better for him to summarize the cases or for Director Harness to summarize them. Member Fine noted that Director Harness has better command of the policies and Chair Waites added that Director Harness may be seen as having more credibility.

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov

3. Director Harness asked how they wanted the cases to be presented and specifically what the subcommittee wants to do with cases that Director Harness thinks are out of policy when the Force Review Board does not.
4. Member Fine suggested that, in those cases, the board writes a letter to the Chief and the head of IA stating the board does not agree with the FRB's findings and ask for the reasoning behind the FRB's decision.
5. Director Harness suggested the board also take concrete steps to say, for example, "We think there should be an IA investigation regarding this officer for this incident" and require a response.
6. Member Fine noted that this process is similar to a non-concurrence case and asked who should get the letters. Director Harness suggested they always communicate with the chief.
7. Member Fine clarified that they should make it clear in their letters that the board expects a response within an appropriate timeframe.

b) Serious Use of Force/Officer Involved Shooting Cases.

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

1. C2016-37

- a. **Summary.** 911 received a call from a passenger who said she was drugged by the driver of the car was worried they were going to crash. The girl's mother also showed up and blocked the caller's car with her own and caused an accident. The girl's chased the boyfriend aggressively and a cop took the father down to the ground.
- b. **Findings.** Director Harness explained that the department thought the use of force was out of policy and they requested an IA investigation. The officer was given an 8-hour suspension for using a neck hold on a suspect. Director Harness thought the punishment was appropriate and was pleased that the department recognized the cop's pattern of inappropriate neck holds and took his behavior pattern into consideration when deciding the punishment.

2. C2016-53.

- a. **Summary.** A couple was seen shoplifting at Wal-Mart and they were brought to the loss prevention office. The man in the couple was upset because the woman is on probation. The cops were afraid he was going to hurt her so the took him out to the car and on the way the suspect puts his shoulder into the officer and the

b. **Findings.** Director Harness found the use of force was in policy.

5. C2017-19

a. **Summary.** A drunken woman rear-ended a patrol car on Central. The woman resisted arrest and tried to head-butt one officer. She also bit another officer.

b. **Findings.** Director Harness found that the use of force was in policy. There was, however, a question of tactics: an officer unbuckled the suspect's safety belt by reaching across the suspect rather than by going in through the passenger's side of the car.

6. C2017-25

a. **Summary.** 911 received a call from somebody who said three people in a car tried to hit his car intentionally. When the cop arrived there was only one person in the car and that person was in the backseat and drunk. The driver and other passenger were also drunk. Police had enough evidence of a DUI to arrest the driver. The driver resisted and sustained minor injuries.

b. **Findings.** Director Harness found the use of force was in policy.

7. C2017-26

a. **Summary.** This was a domestic violence case. A woman called twice in the night saying a man was battering her. When officers attempted to arrest the suspect he took off. He resisted several times. Cameras were rolling but got disabled in the altercation. The suspect was not seriously hurt.

b. **Findings.** Director Harness found the use of force was in policy.

8. Follow-up

a. **Summary.** Edward Harness restated that he would read the summaries and whether he thought they were in or out of policy and then the members would discuss it and vote.

b. **Motion.** Member Fine asked if they needed to make a motion. It was determined that a motion was not necessary.

V. Other Business.

a) **POB Meeting Agenda.** Member Fine said she and Director Harness needed to discuss the agenda for the January 11 POB meeting. Director Harness replied that it had already been posted and explained his additions to the agenda.

APPROVED:


Leonard Waites, Chair
Case Review Subcommittee

2/6/18
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