

**POLICE OVERSIGHT BOARD
CASE REVIEW SUBCOMMITTEE**

**Monday, January 9, 2017 at 10:00 a.m.
Plaza del Sol Building, 600 2nd Street NW
3rd Floor, Planning Small Conference Room**

Members Present

Leonard Waites, Chair
Joanne Fine
Dr. Carlotta Garcia

Others Present

Edward Harness, Exec. Director
Diane McDermott
Michelle Contreras

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) A motion was made by Subcommittee Member Fine to approve the agenda. Subcommittee Member Garcia seconded the motion. The motion was not carried for a vote.

III. Review and Approval of the Minutes from the November 7, 2016 and December 16, 2016 Case Review Subcommittee Meetings.

- a) A motion was made by Subcommittee Member Fine to approve the minutes from the November 7, 2016 and December 16, 2016 Case Review Subcommittee meetings. Member Garcia seconded the motion. The motion was carried by the following vote:
For - 3: Fine, Garcia, Waites

IV. Public Comments: There was no public comment.

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

- a) **Officer Involved Shooting re: Gilbert Lovato on Saturday, January 7, 2017.** Director Harness responded to an Officer Involved shooting on the

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morning of Sunday, January 8, 2017 at location of Carlisle and Comanche. Director Harness stated that he got an administrative briefing along with APD's CIRT team and will wait for the completed investigation.

- b) **Meeting with Major Jessica Tyler and Commander Jeremy McRae.** Director Harness stated that he had a productive meeting with APD Jessica Major Tyler and Commander Jeremy McRae regarding better interaction with Internal Affairs division.
- c) **Discussion re: CPC 101-16 and I-99-14.** Director Harness gave an update and a historical timeline of both CPC 101-16 and I-99-14 regarding Mary Hawkes. The CPOA has met with the DOJ Monitoring team on November 7 and 8, 2016. As a result of that meeting, the CPOA has decided to halt the Administrative investigation and to hand over their concerns to the DOJ for a criminal investigation. The POB will revisit the cases when the DOJ has completed their review. The concerns that were brought to the DOJ will be brought forth after the DOJ has completed their investigation.
- d) **Intern from UNM.** The CPOA office will be bringing on an Intern from UNM to help out CPOA Analyst Miriam Verploegh.
- e) **Use of Force Policy recommended by the DOJ.** Member Fine would like for Miriam to provide the her and the Police Oversight Board Members the Use of Force Policies from both Albuquerque and Sacramento [sic], which was recommended by the DOJ. Director Harness will send the UOF model from the Daigle Group to the Board members.

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 12, 2017.

a) **Administratively Closed Cases**

134-16	148-16	150-16	154-16	155-16
173-16	181-16	192-16		

A motion was made by Subcommittee Member Fine to accept all the *administratively closed* cases. Subcommittee Chair Garcia seconded the motion. The motion was carried by the following vote:

For: 3 – Fine, Garcia, Waites

b) **Cases investigated**

120-16	139-16
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A motion was made by Subcommittee Member Fine to approve *Cases investigated*. Subcommittee Member Garcia seconded the motion. The motion was carried by the following vote:

For: 3 – Fine, Garcia, Waites

- c) **CIRT Cases**
None.

VII. Review of Appeals. The Subcommittee will bring its recommendations for the following appeal requests to the full Board for their approval. For more information on the appeal process, please go to our website located here: <http://www.cabq.gov/cpoa/appeal-process>

- a) The Ordinance states that consideration for an appeal is based on the following criteria:
 1. The APD policy or APD policies that were considered by the POB were the wrong policies or they were used in the wrong way; or,
 2. The APD policy or APD policies considered by the POB were chosen randomly or they do not address the issues in your complaint; or,
 3. The findings of the POB had no explanation that would lead to the conclusion made by the POB; or,
 4. The findings by the POB were not supported by evidence that was available to the POB at the time of the investigation.
- b) **CPC 099-15** – This appeal has no new information. A motion was made by Member Fine to deny the request for an appeal for the reason that it does not meet the criteria. Member Garcia seconded the motion. The motion was carried by the following vote:
For 3 – Fine, Garcia, Waites
- c) **CPC 204-15** – This appeal is not timely. A motion was made by Member Fine to deny the request for an appeal for the reason that it does not meet the criteria. Member Garcia seconded the motion. The motion was carried by the following vote:
For 3 – Fine, Garcia, Waites

VIII. Other business. There was no other business.

IX. Next Meeting

The next meeting of the Case Review Subcommittee will be held on February 6, 2017 at 10:00 a.m.

- X. Adjournment.** Member Fine made a motion to adjourn the meeting. Member Garcia seconded the motion. The motion was carried by the following vote:
For 3 – Fine, Garcia, Waites

Meeting adjourned at 11:00 a.m.

APPROVED:

Leonard Waites, Chair
Case Review Subcommittee

Date

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

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