

**POLICE OVERSIGHT BOARD  
CASE REVIEW SUBCOMMITTEE**

**Monday, June 5, 2017 at 3:15 p.m.  
Plaza del Sol Building, 600 2nd Street NW  
Basement Hearing Room #160**

**Members Present**

Leonard Waites, Chair  
Joanne Fine  
Dr. Carlotta Garcia

**Others Present**

Edward Harness, Exec. Director  
Michelle Contreras  
Diane McDermott

**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 3:20 p.m.

**II. Approval of the Agenda**

Copies of the Agenda were distributed. A motion was made by Subcommittee Member Garcia to approve the agenda. Subcommittee Chair Waites seconded the motion. The motion was carried by the following vote:

**For -2: Garcia, Waites**

**III. Review and Approval of the Minutes**

A motion was made by Subcommittee Member Garcia to approve the minutes from the May 16, 2017 Case Review Subcommittee meeting. Subcommittee Chair Waites seconded the motion. The motion was carried by the following vote:

**For - 2: Garcia, Waites**

**IV. Public Comments:**

- a) Mr. Jim Larson gave a summary to the Case Review Subcommittee that he hasn't seen the CPOA Recommendations for discipline on the website. Director Harness indicated that it was an oversight and that it will be fixed.
- b) Mr. Charles Arasim asked questions about what constitutes an Officer involved shooting?
  1. Director Harness answered Mr. Arasim's questions about a specific officer weapon discharge.

\*\*\*Member Fine arrived during Item V. \*\*\*

**V. CPOA Report – Edward Harness, Executive Director.** Copies of the following documents were distributed (See “Attachments A, B & C”):

- Attachment “A”- Flow Chart titled “Outline of the Civilian Police Oversight Process in Albuquerque”
  - Attachment “B” - Flow Chart titled “Overview of APD Internal Affairs Process, February 2017”
  - Attachment “C” - Chart titled “Pending OIS Cases 2011-2016”
- a) Discussed attachment “A” and members suggested several changes to the chart for larger font and understanding.
- b) Discussed attachment “B” and members have questions about this chart and will be looking to set up a meeting with Commander McRae and Major Tyler to discuss this chart further. This item was tabled.
- c) Discussed attachment “C” – this chart is an up-to-date listing of the Officer Involved Shooting cases and the status of each case.
1. The materials are ready for the POB to view in OIS case I-10-2017. This case will be on the upcoming POB Agenda for June 8, 2017 for the POB to vote on the Garrity materials.
  2. The gray cases are the cases the District Attorney has not reviewed. When the Administrative review is done, the materials will come to Director Harness and the POB will review the materials at the same time as Director Harness.
  3. A discussion was had regarding the workflow of the OIS cases and the possibility of getting a timeline from IA and to include the DA regarding the future POB review of OIS cases.
  4. The prioritization of OIS cases will be presented and discussed at the POB meeting on June 8, 2017 during the Case Review Subcommittee report.
- d) Discussed the training options for the POB members to attend one of the following trainings:
1. NACOLE Conference which will be held in Spokane, Washington, from September 10, 2017 through September 14, 2017.

2. The Daigle Law Group Internal Affairs Certification training which will be held in Albuquerque from October 30, 2017 through November 3, 2017.
- e) Discussed rescheduling the September 13, 2017 POB meeting because of the NACOLE conference that is scheduled for September 10, 2017 through September 14, 2017.
- f) Director Harness presented at the APD Academy about the CPOA/POB and the complaint process.

**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 June 8, 2017.

a) **Administratively Closed Cases**

116-17            118-17

A motion was made by Subcommittee Member Fine to approve as written the administratively closed cases 116-17 and 118-17. Subcommittee Chair Waites seconded the motion. The motion was carried by the following vote:

**For: 3 – Fine, Garcia, Waites**

b) **Cases investigated**

114-17

1. A motion was made by Subcommittee Member Fine to approve as written the case 114-17. Subcommittee Member Garcia seconded the motion. The motion was carried by the following vote:

**For: 3 – Fine, Garcia, Waites**

c) **CIRT Cases - None**

**VII. OIS I-10-17.** This OIS case was discussed during agenda item V. c, 1.

**VIII. 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>

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.

**a) CPC 188-16 –**

i. Discussed the original findings letter and the citizen's appeal request.

ii. A motion was made by Subcommittee Member Fine to deny the appeal for CPC 188-16 and to recommend to the POB their denial of the appeal. Subcommittee Chair Waites seconded the motion. The motion was carried by the following vote:

**For: 3 – Fine, Garcia, Waites**

**IX. Other business**

**a)** Director Harness clarified for Mr. Jim Larson that the Policy and Procedure Review Subcommittee is scheduled to have a meeting on June 15, 2017 at 5 p.m. and the ordinance changes will be on the agenda.

**b)** Discussed the POB Subcommittee and the shortage of members. Director Harness has reviewed the agenda for City Council meeting that is scheduled on Monday, June 5, 2017 and it did not have any appointments for the new POB members. Member Fine will contact Julian Moya for more information about the new POB member appointments.

**X. Next Meeting.** The Case Review Subcommittee next meeting will be held on Monday, July 11, 2017 at 10:00 a.m.

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

**For 3 – Fine, Garcia, Waites**

Meeting adjourned at 4:15 p.m.

APPROVED:

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Leonard Waites, Chair  
Case Review Subcommittee

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Date

CC: Julian Moya, City Council Staff  
Natalie Howard, City Clerk  
Isaac Benton, City Council President

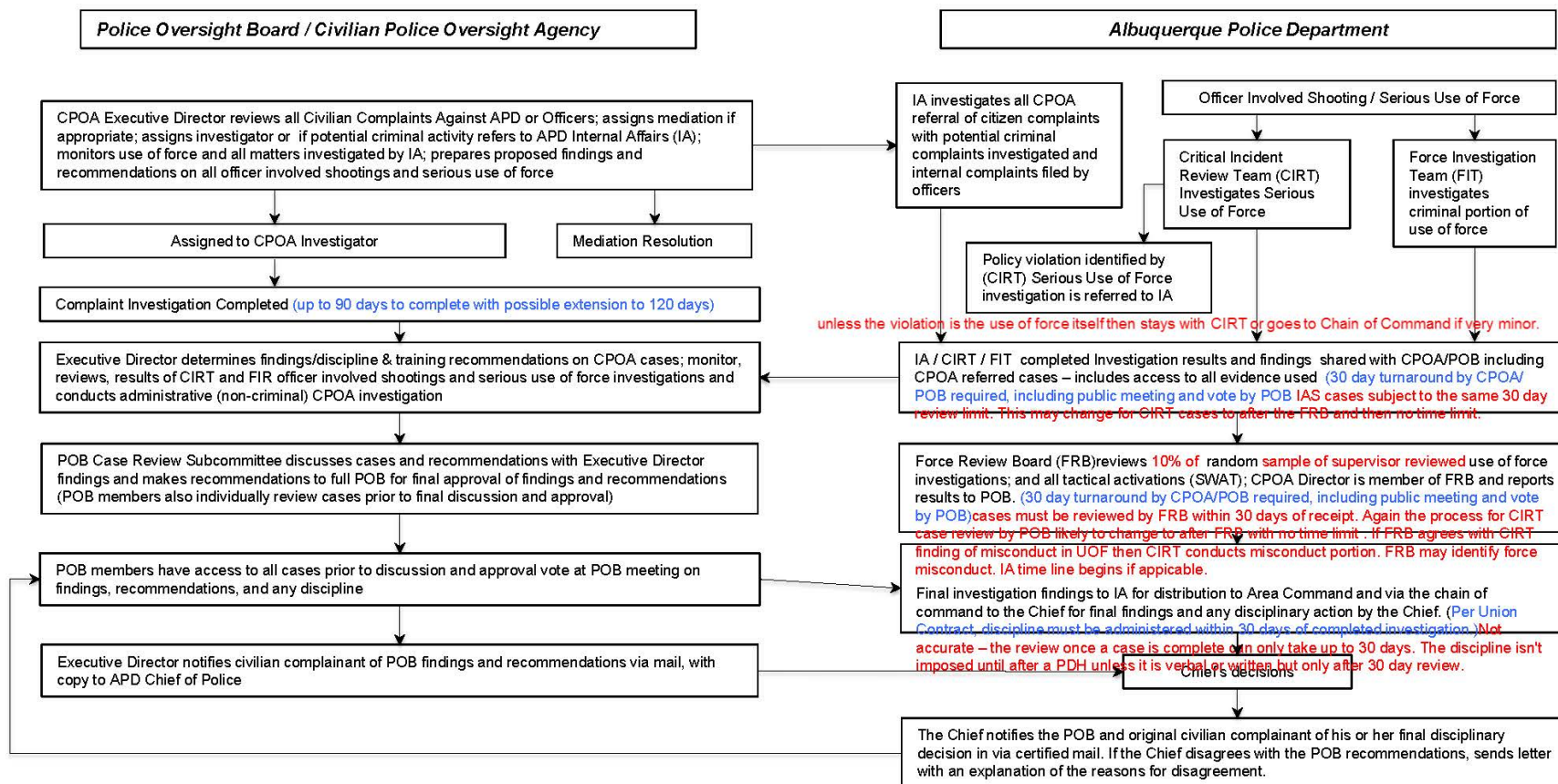
Minutes drafted and submitted by:  
Michelle Contreras, Senior Administrative Assistant

DRAFT

# Attachments

DRAFT

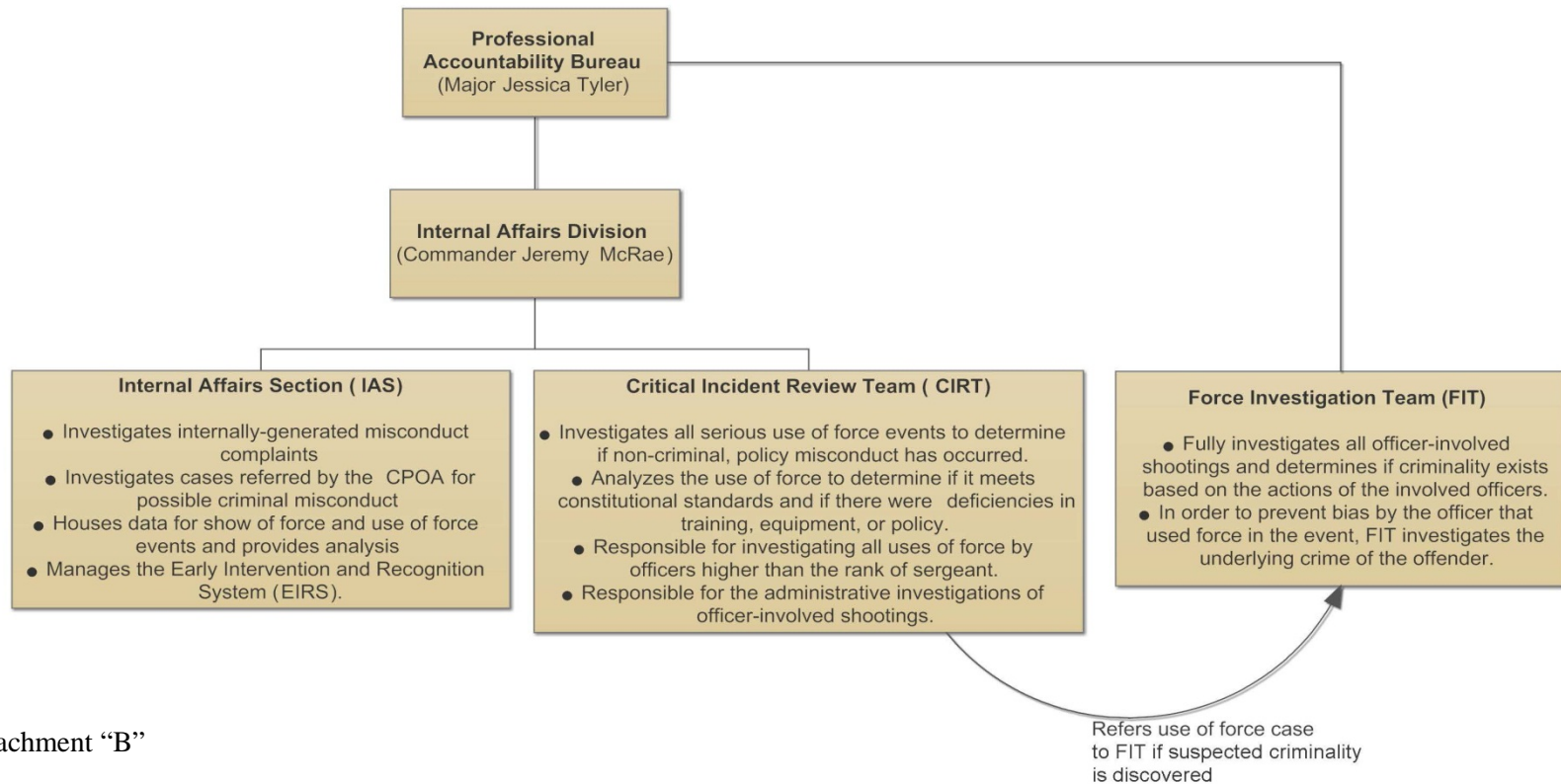
## OUTLINE OF THE CIVILIAN POLICE OVERSIGHT PROCESS IN ALBUQUERQUE



March 28, 2017

Attachment “A”

Overview of APD Internal Affairs Process  
February, 2017



Attachment "B"



PENDING OIS CASES/2011-2016

Case #	DOI	Where is it?	Letter from DA	Waiver	Out of Time	VICTIM
I-2011-194	5/10/2011	Pending POB Review	Yes		Yes	Gomez, Alan
I-2012-129	3/19/2012	Pending POB Review	Yes		Yes	Tillison, Daniel
I-2012-152	3/21/2012	Pending POB Review	No		Yes	Atencio, Gary
I-2012-240	6/20/2012	Pending POB Review	No		Yes	Chaves, Santiago
I-2014-70	10/28/2012	Pending POB Review	No		Yes	Ortega, Joaquin
I-2014-48	7/5/2013	Pending POB Review	Yes		Yes	Wood, Vincent
I-2015-50	11/15/2013	Pending POB Review	Yes	Yes	N/A	Garcia, Bobby (Robert)
I-2014-119	12/1/2013	Pending POB Review	Yes		Yes	Sherill, Shane
I-2014-50	2/20/2014	Pending POB Review	No		Yes	Canine
I-2014-191	3/16/2014	Pending POB Review	No	Yes	N/A	Boyd, James
I-2014-99	4/21/2014	Pending POB Review	No	No	No	Hawkes, Mary
	5/3/2014	IA Division Post-DA	Yes	No	No	Martin, Armand
	7/22/2014	IA Division Pre-DA	No	No	No	Robertson, Jeremy
I-2014-190	10/16/2014	Pending POB Review	No	No	Yes	Canine
	1/3/2015	IA Division Pre-DA	No	No	No	Cook, Christopher
I-10-2017	1/13/2015	IA Division Pre-DA	No	No	No	O'Keefe, John
	5/25/2015	IA Division Pre-DA	No	No	No	Gabaldon, Danan
C-18-17	5/28/2015	IA Division Pre-DA	No	No	No	Garcia, Rodrigo
	6/4/2015	IA Division Pre-DA	No	No	No	Gabaldon, Danan
	7/31/2015	IA Division Pre-DA	No	No	No	Molina, Rafael
I-171-15	9/30/2015	IA Division Pre-DA	No	Yes	No	Anchondo, Oscar
C-8-15	12/15/2015	IA Division Pre-DA	No	No	No	Rodriguez, Jose
C-2-16	1/11/2016	IA Division Pre-DA	No	No	No	Salazar, Daniel
C-7-16	2/2/2016	IA Division Pre-DA	No	No	No	Alvarado, Edgar
C-23-16	5/24/2016	IA Division Pre-DA	No	No	No	Montoya, Mario
C-26-16	5/28/2016	IA Division Pre-DA	No	No	No	Humphrey, Dennis
C-33-16	6/16/2016	IA Division Pre-DA	No	No	No	Delfino, Ronald
C-64-16	10/22/2016	IA Division Pre-DA	No	No	No	Pachecho, Michael
C-2-17	1/7/2017	IA Division Pre-DA	No	No	No	Lovato, Gilbert
C-4-17	1/26/2017	IA Division Pre-DA	No	No	No	Hernandez, Moses
C-5-17	2/9/2017	IA Division Pre-DA	No	?	No	Brandenburg, Lee
C-21-17	5/2/2017	IA Division Pre-DA	No	?	No	Pacheco, Jacob

Attachment "C"