

**POLICE OVERSIGHT BOARD
CASE REVIEW SUBCOMMITTEE
Tuesday, August 1, 2017 at 10:00 a.m.
Plaza del Sol Building, 600 2nd Street NW
Small Planning Conference Room, 3rd Floor**

Members Present

Leonard Waites, Chair
Joanne Fine
Dr. Bill Kass substitute for
Dr. Carlotta Garcia

Others Present

Paul Skotchdopole,
Asst. Lead Investigator
Diane McDermott
Charles Arasim
Jim Larson

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 10:15 a.m.

II. Approval of the Agenda

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

For -2: Kass, Waites

Subcommittee Member Fine arrived at this time

III. Review and Approval of the Minutes

- a) A motion was made by Subcommittee Member Fine to approve the minutes from the July 11, 2017 Case Review Subcommittee meeting. Subcommittee Chair Waites seconded the motion. The motion was carried by the following vote:

For - 3: Fine, Kass, Waites

IV. Public Comments:

- a) A discussion was had regarding Mr. Jim Larson's concerns about policy recommendations for CPC 093-17. One of his suggestions was that recommendations should be sent to City Council as well as the Chief. A copy of his public comments is attached for review. Subcommittee Member Fine requested that Mr. Larson's written comments be included for the POB

meeting packet for discussion at the POB meeting 8-10-17. (See attachment “A” for Mr. Larson’s public comment).

V. CPOA Report – Paul Skotchdopole, Asst. Lead Investigator

- a) Director Harness did not leave a specific report for Mr. Skotchdopole to present.

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 August 10, 2017.

a) Administratively Closed Cases

004-17 011-17 039-17

1. A motion was made by Subcommittee Member Fine to accept the 3 administratively closed cases 004-17, 011-17, 039-17 approved as written. Subcommittee Chair Waites seconded the motion. The motion was carried by the following vote:

For: 3 – Fine, Kass, Waites

b) Cases investigated

195-16 007-17 093-17 117-17

1. As to 195-16, Subcommittee Member Fine wanted clarification as to why the letter did not include the discipline recommendations.
2. As to 093-17, Subcommittee Member Fine stated the letter addressed many of Mr. Larson’s concerns. Subcommittee Member Fine wanted clarification as to why the letter did not include the discipline recommendations. Asst. Lead Investigator Skotchdopole advised towards the end of the meeting the discipline recommendations were to be an attachment. Subcommittee Member Fine stated the letter needs to refer to the attachment. There was a discussion about possible policy recommendations regarding CYFD referrals. These discussions will be brought to the POB meeting and forwarded for discussion to the POB Policy Subcommittee. Subcommittee Member Fine expressed concerns that if it had not been for the citizen complaint the POB would have been unaware of this issue. This indicated a problem with the process.
3. A motion was made by Subcommittee Member Fine to accept the cases as reported and investigated. Subcommittee Chair Waites seconded the motion. The motion was carried by the following vote:

For: 3 – Fine, Kass, Waites

c) During item VI, Subcommittee Member Fine commended CPOA Investigator Paul Skotchdopole for his hard work in CPC 093-17.

d) CIRT Cases – None

1. Subcommittee Member Fine did wonder why there were no CIRT cases or OIS cases.

VII. Appeals Cases—None

VIII. Other business.

1. Subcommittee Member Fine mentioned she along with others met with Major Tyler regarding the flow charts. Subcommittee Member Fine, alone with the others, realized the types of complaints should be separate flow charts, which is being created.
2. Subcommittee Member Fine advised that the mayoral candidates have been invited to speak at the next POB meeting 8-10-17 to discuss their perspective of Civilian Oversight and law enforcement.
3. Subcommittee Member Fine wondered if there had been a response to the letter to Dr. Ginger regarding the policy process impasse. Subcommittee Member Fine mentioned there should be no dead ends to policy recommendations and several parties should be advised.

IX. Next Meeting. The Case Review Subcommittee next meeting will be held on Tuesday, September 5, 2017 at 10:00 a.m.

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

For 3 – Fine, Kass, Waites

Meeting adjourned at 11:15 a.m.

APPROVED:

Leonard Waites, Chair
Case Review Subcommittee

Date

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

Attachments

CPC case #093-17 is the only complaint I have ever filed against any police department. I filed the complaint for two reasons. The first was due to the Chief of Police and his command staff's callous disinterest in examining the APD system that failed in its response to the CYFD referral regarding V. M. Second, they expressed similar disregard for determining and correcting issues regarding the detailed but fabricated information regarding two APD detective's alleged interview with V. M. and her mother as a result of the CYFD referral.

The most important anticipated outcome of my complaint was the identification of potential policy and procedural refinements to improve:

- (1) the APD procedures and criteria that dismissed the CYFD concerns referred regarding 10-year old V. M. without any inquiry at all, and
- (2) the system that allowed the mythical fabrication and public assertion by two persons in the public information office that M. and her mother were interviewed by two APD detectives who found nothing amiss.

I have no knowledge of and am not commenting on the investigation and its results. My comments are intended to convince this subcommittee that if there are policy recommendations there is no better time or case for the POB to use their authority cited in the Police Oversight Ordinance. This means to communicate the POB policy recommendations in a document signed by the POB Chairperson and sent *directly to the City Council* and the Chief of Police and not to simply include such recommendations as part of the CPC report to the complainant and Chief as has been a past practice.

Let me briefly try to demonstrate why this is necessary.

I have reviewed the POB/CPOA policy and procedures, many CPC citizen letters, POB meeting minutes, other documents, monitor reports, as well as the City's July 18, 2017 response to the court in the CASA case. Not surprisingly the indisputable conclusion from my reviews is that as consistent and well-intentioned as the POB efforts have been in attempting to establish a professional collaboration for evaluation and subsequent incorporation of their policy recommendations by APD, they have largely failed.

Recall that on October 23, 2016 Beth A. Mohr, then Chairperson of the Police Oversight Board, wrote to Assistant United States Attorney Elizabeth Martinez, citing four POB issues for the CASA status hearing. Significantly one of the issues was "APD continues to exclude, ignore and directly thwart the POB's attempts to contribute to APD policy."

More recently, the City's July 17th CASA response filing begins with the statement "It is important to clarify the difference between an informal request and a formal request offered by representatives of the CPOA and POB". This is in response to the CPOA concerns regarding rejection or denial of two specific recommendations, and they were not submitted to the City Council.

1

Statement by Jim Larson

Attachment "A"

Civilian Police Oversight Agency
Police Oversight Board - Case Review Subcommittee
Tuesday, August 1, 2017
Page 5

The City filing document further states they recommend that "policy suggestions are submitted in the established process with a request to the Chief..." I found no reference to an "established process" other than paragraph 288 of the CASA agreement which begins "The agency shall make recommendations to the Chief regarding APD policy and training."

Notably, the CPOA Policy Recommendations subsection of the City Police Oversight Ordinance states the POB *shall* by majority vote **recommend policies relating to APD and those policy recommendations shall be submitted to APD and to the City Council**, (emphasis is mine) and that more than 50% of its time shall be dedicated to this policy recommendation subsection.

A draft document on the POB proposed ordinance changes has the following observation from a City Council staff attorney dated, April 6, 2017 relating to POB policy recommendations. (emphasis is mine)

You gave a few examples of the Chief not responding to policy recommendations. At the same time, I don't think the Council has received any of those. This requires the CPOA to give them to the Council at the same time you give them to APD. The purpose of this section was to keep the Council on notice about APD's responsiveness, and to give it the opportunity to adopt policies itself where appropriate. Following this process could help with the apparent log jam here.

As recently as last week a City Councilor said in response to my question that to his knowledge the POB has not referred and policy recommendations for APD to the City Council. The councilman followed up saying they would welcome such policy recommendations.

On the other hand, I was told the CPOA has always included the President of the City Council as a recipient of CPOA recommendations. This leaves me bewildered and concerned about the rigor of the procedure of referral of POB policy recommendations.

The POB should not continue to rely on ongoing dubious assurances that policy issues are on the cusp of mutual agreement regarding the POB's role in policy development or recommendations for APD.

Recall the City's admonition in its CASA response letter that "it is important to clarify the difference between an informal request and a formal request offered by representatives of the CPOA and POB." This case has received a considerable amount of public interest, press coverage and editorial opining. If there is a serious policy recommendation in this case, communicating it as a formal request from the POB Chairperson to the City Council and not just the Chief of Police would be acutely appropriate and in compliance with the Police Oversight Ordinance.

By also submitting any recommendations to the City Council, the Chief of Police has to respond in writing within 45 days to the City Council and not just the POB. His response must indicate whether the recommendations will be followed through standard operating procedures or

2

Statement by Jim Larson

Attachment "A"

Civilian Police Oversight Agency
Police Oversight Board - Case Review Subcommittee
Tuesday, August 1, 2017
Page 6

should be adopted as policy by the City Council, or explain any reasons why such policy recommendations will not be followed or should not be adopted.

In conclusion, I want to read short transcribed quotes taken from recordings published by the Albuquerque Journal in support of their articles.

"Yes, the mom had told us that there was nothing going on in the home, that she removed the boyfriend and she told him not to return, which is what we would have told her to do anyway, so she was self-initiating at that point and when the detectives spoke to the kids they didn't make any allegations that anything happened."ⁱ

"They went and talked to Mom and even talked to the little girl and there was nothing, nothing to report."ⁱⁱ

"And that's always the goal, we don't want anybody to have to endure any type of abuse period, but right at this point we really haven't – it would be so much easier if I could just give you that one thing that we or somebody or committee or some agency could have done differently but at this time everybody did everything they were supposed to do."ⁱⁱⁱ

ⁱ This is F. D. 's response to Journal reporter Elise Kaplan on January 26, 2017 when she asked him: Do you think that detectives went out and talked to V. then, about it?

ⁱⁱ This is C. E. 's response to Journal reporter Elise Kaplan on January 27, 2017 when she asked her: Can you just tell me what you found out about detectives contacting Michelle?

ⁱⁱⁱ This is C. E. 's response to Journal reporter Elise Kaplan on January 27, 2017 when she asked her: has there been any talk about anything that should be done differently in the wake of all this?

Statement by Jim Larson

3

Attachment "A"

Civilian Police Oversight Agency
Police Oversight Board - Case Review Subcommittee
Tuesday, August 1, 2017
Page 7