

# CITY OF ALBUQUERQUE



## POLICE OVERSIGHT BOARD CASE REVIEW SUBCOMMITTEE

August 10, 2016 at 10:30 a.m.  
Plaza del Sol Building, 600 2nd Street NW  
3<sup>rd</sup> Floor Planning Dept., Small Conference Room

### Members Present

Leonard Waites, Chair  
Joanne Fine

### Members Absent

Dr. Carlotta Garcia

### Others Present

Diane McDermott  
Michelle Contreras

### MINUTES

- I. Welcome and Call to Order:** Chair Waites called the meeting to order at 10:05 a.m.
- II. Approval of the Agenda:** Copies of the Agenda were distributed. Subcommittee Member Fine made a motion to approve the agenda. Chair Waites seconded the motion. **Approved.**  
**For:** Fine, Waites
- III. Approval of Minutes:** Copies of the Minutes from the Case Review Subcommittee meeting on July 7, 2016 were distributed. Chair Waites made a motion to approve the minutes as written. Subcommittee Member Fine seconded the motion. **Approved.**  
**For:** Fine, Waites.
- IV. Public Comments:** None.
- V. CPOA Report – Edward Harness, Executive Director.** Director Harness was absent from the meeting; therefore, no report was given.
- 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 11, 2016.

#### **A. Administratively Closed Cases**

043-16	080-16	086-16	089-16	099-16
108-16	110-16	122-16	124-16	

- i.** Member Fine made a motion to accept all the *Administratively Closed* cases as written. Chair Waites seconded the motion. **Approved.**  
**For:** Fine, Waites

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**B. Cases more than 120 Days**

253-15      002-16      006-16      017-16      030-16  
031-16      036-16      041-16

- i. Members discussed editing the letter to the citizen for CPC 036-16 to fix the spelling of the Citizen's last name to remove one of the "s".
- ii. Chair Waites made a motion to accept all the *Cases more than 120 days* as written and with the name edit in CPC 036-16. Subcommittee Member Fine seconded the motion. **Approved.**

For: Fine, Waites

**C. Cases less than 120 Days**

062-16      067-16      084-16

- i. Members discussed CPC 084-16 as to the rudeness of the receptionist at the substation and that it would be good idea to keep track of these types of cases.
- ii. Member Fine made a motion to accept all the *Cases less than 120 days* as written. Chair Waites seconded the motion. **Approved.**

For: Fine, Waites

**VII. Review of Appeals.** The Ordinance states that consideration for an appeal is based on the following criteria: a policy was misapplied in the evaluation of the complaint, the findings were not consistent with the record of evidence, or the findings were arbitrary, capricious or constituted an abuse of discretion. The Subcommittee will bring its recommendations for the following appeal requests to the full Board for their approval.

**A. CPC 251-15:** CPOA Investigator Diane McDermott discussed the appeal request in CPC 251-15.

- i. The complainant stated in his original complaint that he observed a police officer in full uniform at District Court and alleged that the officer was in violation of several SOP's regarding wearing his uniform at a court proceeding and was not wearing his lapel camera. The CPOA's findings of CPC 013-16 for Major G. are:
  - 1. **Exonerated** for violation of SOP concerning officers appearing or testifying in Court and wearing their uniform;
  - 2. **Not Sustained** for violation of SOP concerning uniformed officers wearing lapel camera while on duty.
- ii. Members discussed the issues of the appeal and have decided to go ahead and grant Mr. Arasim's request for an appeal hearing and that his request be placed on the next POB meeting agenda.
- iii. Subcommittee Member Fine made a motion that we suggest to the POB that Mr. Arasim have an opportunity to visit with us about his appeal of this decision so that we may have a discussion with him about it. Chair Waites seconded the motion. **Approved.**

For: Fine, Waites

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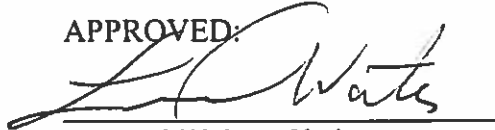
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VIII. **Other Business.** None.

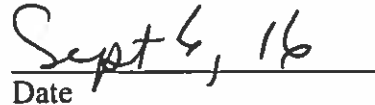
IX. **Next Meeting.** The next meeting will be held on Thursday, September 1, 2016 at 10:30 a.m.

X. **Adjournment** Subcommittee Member Fine made a motion to adjourn the meeting. Chair Waites seconded the motion. **Approved.** Meeting adjourned at 10:35 a.m.  
For: Fine, Waites

APPROVED:



Leonard Waites, Chair  
Case Review Subcommittee



Date

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