

**POLICE OVERSIGHT BOARD
CASE REVIEW SUBCOMMITTEE
Tuesday, January 26, 2016 – 10:00 a.m.
Plaza del Sol Building, 600 2nd Street NW
3rd Floor Planning Dept. Small Conference Room**

Members Present

Jeffrey Scott Wilson, Chair
Joanne Fine
Leonard Waites

Others Present

Edward Harness, Exec. Director
Diane McDermott
Lt. Jennifer Garcia
Shaun Willoughby
Chris Davidson
Marlo Kiefer

“Amended”

MINUTES

- I. Welcome and Call to Order:** Subcommittee Chair Wilson called the meeting to order at 10:05 a.m.
- II. Approval of the Agenda:** Copies of the Agenda were distributed. Subcommittee Chair Wilson requested to move the order of agenda item VII to come after agenda item IV.
 - A. Subcommittee Member Fine moved to accept the agenda with changes. Subcommittee Member Waites seconded the motion. Approved.
For: Wilson, Fine, Waites.
- III. Approval of Minutes:** Copies of the Minutes from the Case Review Subcommittee meetings from January 5, 2016 were distributed and reviewed.
 - A. Subcommittee Member Fine moved to approve the minutes as written. Subcommittee Member Waites seconded the motion. Approved.
For: Wilson, Fine, Waites.
- IV. Public Comments:** None.
- V. CPOA Report - Edward Harness, Executive Director:** Director Harness addressed the issue of how the timelines of both the CPOA and the Chain of Command can find a way to work together.
 - A. Details of the current timeline were discussed:
 - i. The CPOA has 120 days to complete its investigation of a complaint.

- ii. Once a case has come back from the Chain of Command, Director Harness has 30 days to review it and get the case before the Board for their review.
- iii. It is possible to request a 30 day extension, if necessary.
- iv. A major concern is that if a finding is sustained, then discipline must be imposed within 90 days.
- v. A goal for the CPOA is to be able to get cases that have findings before the Board for their input before discipline is imposed on an officer.

B. APD Union President, Shaun Willoughby and Lt. Jennifer Garcia, Internal Affairs, discussed the differences when it is a Serious Use of Force complaint or a criminal investigation. Criminal investigations are not subject to the same timeline.

- vi. All Use of Force cases have the potential to involve criminal liability for the officer. It's important to protect the officer from exposure in a public forum while an investigation is occurring.
- vii. A change in the ordinance may require that Use of Force or Officer Involved Shooting cases be brought to the District Attorney before they go to a public forum.

VI. Discussion of Flow Chart: The Subcommittee members discussed ways that the CPOA can change its own processes in order to effectively bridge the gap between APD and civilian oversight.

A. Timeline discussion:

- i. The Subcommittee could review cases and make a decision on agreement of findings and take that to the Board.
- ii. The Subcommittee needs to identify any obstructions or impasses that need to be worked on. The members can look at the process of both the APOA and APD, and see how to interject their own process in the most effective way.
- iii. Lt. Garcia will email Director Harness a flowchart detailed APDs process of reviewing citizen complaints.
- iv. The CPOA may need to either increase the staff or increase the timeline.
- v. All complaints must be investigated, but prioritization of complaints is important.
- vi. The CPOA will superimpose it's timeline on APD's timeline in order to see where the processes can come together.

- B. Director Harness and the Subcommittee members agreed that the agency will stop sending a draft letter to the Chief; instead, the final letter will be sent after the Board has heard the case.
 - vii. The Board will have time to hear the case before the Chief gives his findings. This will also allow for the Chain of Command's 30-day review period to begin after the POB has heard the case.
 - viii. This process gives the POB a way to give effective input on the cases.
 - ix. The process will only work if it has not taken the entire 120 days to complete the investigation.

VII. Review of Cases:

A. 14 CPCs have been opened so far this year. 3 are from the same complainant. 2 of the 3 have criminal allegations.

B. Subcommittee member Fine read a synopsis of the following complaints and the members discussed the findings:

- i. CPC 041-15 CPC 018-14 CPC 020-15 CPC 023-14
 CPC 035-15 CPC 036-15

- ii. In reference to CPC 023-14, the Subcommittee discussed whether or not APD should go back to citizens who have been mistakenly suspected of a crime, and ensure they are okay, especially if their experience with APD involved use of force.

C. Subcommittee Member Fine moved to bring the following group of 25 cases to the POB as a consent agenda. Subcommittee Member Waites seconded the motion. Passed.

For: Waites, Fine, Wilson.

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| 002-15 | 014-14 | 023-14 | 029-15 |
| 003-15 | 014-15 | 023-15 | 035-15 |
| 004-15 | 015-15 | 024-15 | 036-15 |
| 006-15 | 016-15 | 025-15 | 037-15 |
| 008-15 | 018-14 | 027-15 | 039-15 |
| 012-15 | 020-15 | 028-15 | 041-15 |
| | 021-15 | | |

D. Director Harness will mail Dr. Moira Amado-McCoy a jump drive containing the list of 25 cases, and will email the other Board members the list of cases to be heard.

VIII. Other Business:

- A. The Subcommittee discussed CPC 233-14.
 - i. The Chief of Police disagreed with the Board’s finding of sustained on the allegation of untruthfulness.
 - ii. Director Harness will review the POBs recommendations for what should go in the letter to the Chief, and will amend his letter to include the Board’s suggestions.

- B. The Subcommittee discussed the Chart of Sanctions and discipline recommendations.
 - i. Director Harness will talk to Lt. Garcia about how to communicate to the public how he came to his discipline recommendation without making the officer’s record public.
 - ii. The public should be made aware when the POB does not agree with the Chief’s findings.
 - iii. When there is a non-concurrence, the CPOA will now request a letter from the Chief explaining why his finding is different from the CPOA.
 - iv. A discussion item will be added to the next POB meeting agenda to let the public know that the CPOA will request a letter from the Chief when there is a non-concurrence.

- C. Director Harness will have more cases on SharePoint for Subcommittee members to review.

IX. Next Meeting Scheduled: The next Case Review Subcommittee Meeting is scheduled for Tuesday, February 2, 2016 at 10:00 a.m. in the 3rd Floor Planning Department Small Conference Room.
Amendment: The CRC did not meet on February 2, 2016. The next meeting is rescheduled for February 9, 2016 at 10:00 a.m., Basement Hearing Rm 160, Plaza del Sol Building.

X. Adjournment: Subcommittee Member Fine moved to adjourn the meeting. Subcommittee Member Waites seconded the motion. Meeting adjourned at 12:45 p.m.

APPROVED:

 Jeffrey Scott Wilson, Chair
 Case Review Subcommittee

 Date

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

***Corrections made to Item VII., Section C:** CPC 018-14 was incorrectly typed as 018-15; CPC 041-15 was duplicated. CPC 015-15 was omitted. Corrections made on 2/9/2016.