

**POLICE OVERSIGHT BOARD  
CASE REVIEW SUBCOMMITTEE  
Monday, January 8, 2018 at 10:00 a.m.  
Plaza del Sol Building, 600 2nd Street NW  
3<sup>rd</sup> Floor Small Conference Room**

**Members Present**

Joanne Fine  
Valerie St. John  
Leonard Waites, Chair

**Others Present**

Edward Harness, Exec. Director  
Diane McDermott  
Maria Patterson

**Meeting Minutes**

- I. Welcome and call to order**
- a) Case Review Subcommittee Chair Waites called to order the special meeting of the Case Review Subcommittee at 4:31 p.m.
- II. Approval of the Agenda**
- a) Copies of the agenda were distributed.
- b) A motion was made by Subcommittee Member Fine to approve the agenda as written. Subcommittee Member St. John seconded the motion. The motion was carried by the following vote:  
**For: 3 – Fine, St. John, Waites**
- III. Public Comments**
- a) No public comment.
- IV. Serious Use of Force/Officer Involved Shooting Cases**
- a) Subcommittee members discussed their plans for presenting the cases at the upcoming POB meeting.
1. Director Harness stated he received no calls from other POB members regarding file access and Chair Waites wondered if the other members even read the cases. This suggested to Member Fine that it was important to summarize each case for the rest of the board.
  2. Chair Waites asked if it would be better for him to summarize the cases or for Director Harness to summarize them. Member Fine noted that Director Harness has better command of the policies and Chair Waites added that Director Harness may be seen as having more credibility.

3. Director Harness asked how they wanted the cases to be presented and specifically what the subcommittee wants to do with cases that Director Harness thinks are out of policy when the Force Review Board does not.
  4. Member Fine suggested that, in those cases, the board writes a letter to the Chief and the head of IA stating the board does not agree with the FRB's findings and ask for the reasoning behind the FRB's decision.
  5. Director Harness suggested the board also take concrete steps to say, for example, "We think there should be an IA investigation regarding this officer for this incident" and require a response.
  6. Member Fine noted that this process is similar to a non-concurrence case and asked who should get the letters. Director Harness suggested they always communicate with the chief.
  7. Member Fine clarified that they should make it clear in their letters that the board expects a response within an appropriate timeframe.
- b) **Serious Use of Force/Officer Involved Shooting Cases.**
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|----------|----------|----------|----------|
| C2016-37 | C2016-53 | C2016-61 | C2016-74 |
| C2017-19 | C2017-25 | C2017-26 |          |

**1. C2016-37**

- a. **Summary.** 911 received a call from a passenger who said she was drugged by the driver of the car was worried they were going to crash. The girl's mother also showed up and blocked the caller's car with her own and caused an accident. The girl's chased the boyfriend aggressively and a cop took the father down to the ground.
- b. **Findings.** Director Harness explained that the department thought the use of force was out of policy and they requested an IA investigation. The officer was given an 8-hour suspension for using a neck hold on a suspect. Director Harness thought the punishment was appropriate and was pleased that the department recognized the cop's pattern of inappropriate neck holds and took his behavior pattern into consideration when deciding the punishment.

**2. C2016-53.**

- a. **Summary.** A couple was seen shoplifting at Wal-Mart and they were brought to the loss prevention office. The man in the couple was upset because the woman is on probation. The cops were afraid he was going to hurt her so the took him out to the car and on the way the suspect puts his shoulder into the officer and the

officer took him down to the ground. There is no video on file and there were no witnesses due to the transient nature of Wal-Mart.

- b. **Findings.** Director Harness thought it was unnecessary for the man to be taken to the ground after he was handcuffed. Director Harness also questioned the officers' decision to not take him outside sooner. Chair Waites restated that Director Harness and the subcommittee found the force was out of policy so they will recommend a motion from the board to write a letter to the chief asking for an internal investigation.

### 3. C2016-61

- a. **Question.** Member Fine noted that "blading" was mentioned in several cases and asked for a definition. Director Harness explained that it is where you approach someone sideways rather than head-on.
- b. **Summary.** A family brought the subject to Kaseman because he was delusional but the subject refused to go inside. The family suspected he had taken meth. Officers arrived and tried to get him to calm down and comply. At this point the subject got agitated, took off to a gas station store, accosted a bystander, and then stood in the median on Wyoming. He refuses to comply and an officer used a Taser on him three times.
- c. **Findings.** Director Harness found it to be out of policy because the officer failed to give the suspect a warning before using his Taser. The policy states that, whenever feasible, you must advise a suspect you are going to use a Taser if they do not comply. Director Harness thought that a warning was feasible in this situation because the man was only walking away. Member Fine asked if the timing of the Taser cycles was in policy and Director Harness thought that it was; it was only the lack of warning that was the issue in this case.

### 4. C2016-74

- a. **Summary.** A Wal-Mart customer was disruptive and APD was asked to remove the customer. Officer gave the subject two warnings and he disobeyed. The officers took him to the loss prevention room where the suspect charged the two officers, hitting one in the hip and one in the ear. The suspect was also delusional and believed one of the loss prevention people was a former spouse.

- b. **Findings.** Director Harness found the use of force was in policy.

**5. C2017-19**

- a. **Summary.** A drunken woman rear-ended a patrol car on Central. The woman resisted arrest and tried to head-butt one officer. She also bit another officer.
- b. **Findings.** Director Harness found that the use of force was in policy. There was, however, a question of tactics: an officer unbuckled the suspect's safety belt by reaching across the suspect rather than by going in through the passenger's side of the car.

**6. C2017-25**

- a. **Summary.** 911 received a call from somebody who said three people in a car tried to hit his car intentionally. When the cop arrived there was only one person in the car and that person was in the backseat and drunk. The driver and other passenger were also drunk. Police had enough evidence of a DUI to arrest the driver. The driver resisted and sustained minor injuries.
- b. **Findings.** Director Harness found the use of force was in policy.

**7. C2017-26**

- a. **Summary.** This was a domestic violence case. A woman called twice in the night saying a man was battering her. When officers attempted to arrest the suspect he took off. He resisted several times. Cameras were rolling but got disabled in the altercation. The suspect was not seriously hurt.
- b. **Findings.** Director Harness found the use of force was in policy.

**8. Follow-up**

- a. **Summary.** Edward Harness restated that he would read the summaries and whether he thought they were in or out of policy and then the members would discuss it and vote.
- b. **Motion.** Member Fine asked if they needed to make a motion. It was determined that a motion was not necessary.

**V. Other Business.**

- a) **POB Meeting Agenda.** Member Fine said she and Director Harness needed to discuss the agenda for the January 11 POB meeting. Director Harness replied that it had already been posted and explained his additions to the agenda.

- b) **Data Contract.** Member Fine asked about the data contract and Director Harness stated he had handed it over to the POB's attorney, Mark Baker, to work out with the city attorneys.
- c) **POB Positions.** Member Fine noted that she will run the POB meeting in February, but there needs to be a notice about the chair position in case anyone besides Vice-chair St. John wants to run. Member Fine added that would be great if there could be an announcement about the board positions that are up for election. Director Harness added that the reappointments for POB Member Waites and POB Member Armijo are set for the City Council meeting next Monday.
- d) **February Summit.** Member St. John asked about the training in February and Director Harness said it was still set to happen. The summit is set for Wednesday, January 17 at 6:00 p.m. at the US Attorney's Office. The meeting with the monitoring team is also on the 17<sup>th</sup> from 3:00 to 4:00 p.m., location to be determined.
- e) **Meeting with DOJ and Geier.** Member Fine asked if there was going to be a meeting with the DOJ and Michael Geier. Director Harness said a date has not been set for that yet.
- f) **Retreat Response.** Director Harness said that, according to the APOA president, at the retreat the city staff and new deputies seemed surprised to find out what they are in for. Director Harness added that Arturo Gonzales, former head of IA, is the fourth deputy.
- g) **City Council Meeting.** Director Harness thought the City Council was hard on the new administration's COO and CAO. The council passed new zoning regulations. There is also a series of community meetings that City Council thought the City would facilitate; when the mayor cancelled them, the council was mad and refused to delay the meetings for six months.

**VI. Next Meeting.** The Case Review Subcommittee's next meeting will be held on Friday, February 2 at 10:00 a.m.

**VII. Adjournment.** A motion was made by Subcommittee Member St. John to adjourn the meeting. Subcommittee member Fine seconded the motion. The motion was carried by the following vote:

**For: 3 – St. John, Fine, Waites**

Meeting adjourned at 5:17 p.m.

APPROVED:

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Leonard Waites, Chair  
Case Review Subcommittee

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Date

CC: Julian Moya, City Council Staff  
Trina Gurule, Interim City Clerk  
Isaac Benton, City Council President

Minutes drafted and submitted by:  
Maria Patterson, Temporary Administrative Assistant

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