

CITY OF ALBUQUERQUE



POLICE OVERSIGHT BOARD CASE REVIEW SUBCOMMITTEE

June 2, 2016 – 10:30 a.m.

Plaza del Sol Building, 600 2nd Street NW
Basement Hearing Room

Members Present

Leonard Waites, Chair
Joanne Fine

Members Absent

Dr. Carlotta Garcia

Others Present

Edward Harness, Exec. Director
Michelle Contreras

MINUTES

- I. **Welcome and Call to Order:** Chair Waites called the meeting to order at 10:46 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 May 3, 2016 were distributed. Subcommittee Member Fine made a motion to approve the minutes. Chair Waites seconded the motion. **Approved.**
For: Fine, Waites.
- IV. **Public Comments:** None.
- V. **CPOA Report – Edward Harness, Executive Director**
 - A. Director Harness distributed and discussed the listing of pending Officer Involved Cases for years 2011 through 2016. **See attachment “A.”**
 - B. Members discussed the OIS chart. **See attachment “B”** for explanation of OIS chart.
 - C. Member Fine would like to see the chart more clearly defined for the public.
 - i. Use a different color other than orange.
 - ii. Change yellow “Pending Criminal” to “Pending IA Investigation.”
 - iii. Separate the “Pending Criminal” to show where it is in the process, ie. Pending Criminal investigation and/or Pending Administrative investigation.
 - iv. Include status dates.
 - v. Make a legend.

- D. Members discussed making a list of OIS cases that are important and would have an impact.
 - i. Director Harness will create a schedule of reviews of OIS cases to be heard by the Board and for posting for public review.
- E. Discussed an article that was published in the Albuquerque Free Press newspaper regarding a citizen who complained about supervising officers who he overheard were talking trash about the department

VI. Review of Cases: The Subcommittee members agreed with the CPOA’s findings of the following CPCs:

- A. Administratively Closed Cases

205-14	077-15	250-15	042-16	059-16
065-16	085-16			
- B. Cases more than 120 Days

219-15	254-15	001-16	005-16	
--------	--------	--------	--------	--
- C. Cases less than 120 Days

190-15	200-15	224-15	251-15	010-16
025-16	048-16	077-16		
- D. Member Fine and Chair Waites agreed with all the *Administratively Closed Cases, Cases more than 120 days and Cases less than 120 days.*
- E. Members discussed the editing the letters to the citizen for the following cases:
 - i. **CPC 027-16:**
 - a. Officer’s name to be removed from the letter.
 - b. To clarify why the officer was called to the scene or why the officer and the citizen had contact.
 - c. To clarify the whether or not there was a lapel video during the contact with the citizen.
 - ii. **CPC 060-16.**
 - a. On the CPOA Director’s recommendations form, verify if termination is marked.
 - b. There is also a policy recommendation for this case.
- F. The other two cases, which have discipline recommendations, will be presented to the Board on Thursday, June 9, 2016.
- G. Member Fine made a motion to take all of these cases with corrections we are sharing to become the consent agenda for the board. Chair Waites seconded the motion. **Approved.**
For: Fine, Waites

VII. Review of Appeals

- A. **CPC 129-13, CPC 132-13, CPC 035-14, CPC 060-15, and CPC 157-15:**
The complainant stated that he is requesting a complete investigation of all

of his cases. The request fails to meet the appeal process criteria. Therefore, the request is denied.

- B. CPC 229-14.** The complainant was involved in a motor vehicle accident. She stated that the report was inaccurate and that the officer downplayed her injuries in the report. The CPOA found that the officer's conduct to be exonerated and unfounded. The request fails to meet the appeal process criteria. Therefore, the request is denied.
- C. CPC 232-14.** The complainant only indicated in his request that he was appealing the findings of the CPOA and the disciplinary action of the CAO with no other detailed information. The CPOA found that the officer's conduct to be exonerated and unfounded. The request fails to meet the appeal process criteria. Therefore, the request is denied.
- D. CPC 156-15.** The complainant stated that he is a victim and that he was injured during his arrest and does not agree with the CPOA's decision. The request fails to meet the appeal process criteria. Therefore, the request is denied.
Member Fine made a motion to deny all three appeals based on the fact that they do not meet the criteria for an appeal. Chair Waites seconded the motion. Approved.
For: Fine, Waites
- E.** Upload the appeal request letters onto Sharepoint in order for the POB Members to view them.

VIII. Next Meeting: The next meeting of the Case Review Subcommittee will be held on Thursday, June 23, 2016 at 10:30 a.m. at Plaza Del Sol, Basement Planning Hearing room.

IX. Adjournment: Member Fine moved to adjourn the meeting. Chair Waites seconded the motion. Meeting adjourned at 12:00 p.m.

APPROVED:



Leonard Waites, Chair
Case Review Subcommittee



Date

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

PENDING OIS CASES/2011-2016

Case #	DOI	Where is it?	Letter from DA	Waiver	Out of Time	VICTIM
I-2011-193	2/20/2011	Pending POB Review	Yes	No	Yes	Mitschelen, Jacob
I-2011-194	5/10/2014	Pending POB Review	Yes	Yes	Yes	Gomez, Alan
I-2012-129	3/19/2012	Pending POB Review	Yes	Yes	Yes	Tillison, Daniel
I-2012-152	3/21/2012	Pending POB Review	No	Yes	Yes	Aragon, Dennis
I-2012-240	6/20/2012	Pending POB Review	No	Yes	Yes	Chaves, Santiago
I-2014-70	10/28/2012	Pending POB Review	No	Yes	Yes	Ortega, Joaquin
I-2014-46	7/6/2013	Pending POB Review	Yes	Yes	Yes	Wood, Vincent
I-2016-44	10/26/2013	Active Investigation	No	Yes	N/A	Chase, Christopher
I-2018-50	1/11/2013	Pending POB Review	Yes	Yes	N/A	Garcia, Bobby (Robert)
I-2014-119	12/1/2013	Pending POB Review	No	Yes	Yes	Sherill, Shane
I-2015-1	12/8/2013	Pending DA	No	Yes	No	Snider, Andy
I-2014-50	2/20/2014	Pending POB Review	No	Yes	Yes	Canine
I-2014-191	3/16/2014	Pending POB Review	No	Yes	N/A	Boyd, James
I-2015-17	3/25/2014	Pending DA	No	Yes	N/A	Redwine, Alfred
I-2014-99	4/21/2014	Pending DA	No	Yes	No	Hawkes, Mary
	5/3/2014	PENDING CRIMINAL	No	No	No	Martin, Armand
	5/22/2014	Active Investigation	Yes	No	No	Chaves, Ralph
	7/22/2014	Pending DA	No	No	No	Robertson, Jeremy
I-2014-190	10/16/2014	Pending POB Review	No	No	Yes	Canine
I-169-15	12/14/2014	Pending POB Review	Yes	Yes	N/A	Armenanz, Ramiro
	1/3/2015	PENDING CRIMINAL	No	No	No	Cook, Christopher
	1/13/2015	PENDING CRIMINAL	No	No	No	O'Keefe, John
	5/25/2015	PENDING CRIMINAL	No	No	No	Gabaldon, Danan
	5/28/2015	PENDING CRIMINAL	No	No	No	Garcia, Rodrigo
	6/4/2015	PENDING CRIMINAL	No	No	No	Gabaldon, Danan
	7/31/2015	PENDING CRIMINAL	No	No	No	Molina, Rafael
I-171-15	9/30/2015	Active Investigation	No	No	No	Anchondo, Oscar
C-8-15	12/15/2015	Active Investigation	No	No	No	Rodriguez, Jose
C-2-16	1/11/2016	Active Investigation	No	No	No	Salazar, Daniel
C-7-16	2/2/2016	Active Investigation	No	No	No	Alvarado, Edgar
C-23-16	5/24/2016	Active Investigation	No	No	No	Montoya, Mario
C-26-16	5/28/2016	Active Investigation	No	No	No	Humphrey, Dennis

“Attachment A”

Pending OIS Cases
Key Chart

<p>Green (Pending POB Review)</p> <ul style="list-style-type: none"> • Case review completed by Internal Affairs and District Attorney • Out of time for officer discipline • Ready to be presented to POB 	<p>Orange (Active Investigation) Case at APD and active in both criminal and administrative review.</p> <ul style="list-style-type: none"> • If <i>Letter from DA</i> column says “No,” the case has not been reviewed by DA; • If <i>Letter from DA</i> column says “Yes”, then the case is pending both criminal and administrative review.
<p>Yellow (Pending Criminal)</p> <ul style="list-style-type: none"> • There has not been a completed criminal investigation done by IA. Once IA completes their initial investigation, then the case will go to the DA to determine probable cause. • Some cases have a use of force report and firearm discharge report and no further investigation. • The criminal investigation stops the clock. 	<p>Red (Pending DA)</p> <ul style="list-style-type: none"> • Case still at the DA’s office to determine if there is probable cause for criminal charges.
<p style="text-align: center;">Columns Defined</p> <ul style="list-style-type: none"> • Case number column: Case number assigned to case. If no case number is listed, case hasn’t been opened in IA Pro. • DOI column: Date of Incident. • Where is it? Column: See chart above for explanation. • Letter from DA column: Whether the DA has issued their findings letter. • Waiver column: Whether or not there is a waiver. The criminal investigation stops the clock. • Out of time column: Whether or not if there is time left to impose officer discipline. • Victim column: Victim’s name. 	

“Attachment B”