

CITY OF ALBUQUERQUE



POLICE OVERSIGHT BOARD CASE REVIEW SUBCOMMITTEE

September 6, 2016 at 10:30 a.m.

Plaza del Sol Building, 600 2nd Street NW
3rd Floor Planning Dept., Small Conference Room

Members Present

Leonard Waites, Chair
Joanne Fine
Dr. Carlotta Garcia

Members Absent

Others Present

Edward Harness, Exec Director
Michelle Contreras
Diane McDermott
Paul Skotchdopole

MINUTES

- I. Welcome and Call to Order:** Chair Waites called the meeting to order at 10:30 a.m.
- II. Approval of the Agenda:** Copies of the Agenda were distributed. Subcommittee Member Fine made a motion to approve the agenda. Subcommittee Member Garcia seconded the motion. **Approved.**
For: Fine, Garcia, Waites
- III. Approval of Minutes:** Copies of the Minutes from the Case Review Subcommittee meeting on August 10, 2016 were distributed. Subcommittee Chair Waites made a motion to approve the minutes as written. Subcommittee Member Garcia seconded the motion. **Approved.**
For: Fine, Garcia, Waites.
- IV. Public Comments**
- A. Charles Arasim:** Summary of comments to the Case Review Subcommittee: Mr. Arasim is concerned with the results of his case from 2012 and 2015.
- B. Director Harness clarified to Mr. Arasim that he will have more information as soon as the Case Review Subcommittee and the POB have approved the CPOA findings of his 2015 cases. Mr. Arasim's cases are administratively closed but he will have the opportunity to re-open his cases upon providing additional information to the CPOA.**
- V. CPOA Report – Edward Harness, Executive Director.** Director Harness gave a report of the following topics:
- A. OIS**
- i. OIS Case I-2014-99 – Mary Hawkes**
1. The CPOA office has received the Hawkes file but will need time to map out the investigation prior to the POB reviewing it.

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2. There would be a briefing prior to the POB reviewing the Garrity materials, which are ready for the POB's review at Internal Affairs's office.
3. Director Harness will put everything into a timeframe for the POB as to when the file will be ready to review and how long they can review it.
4. Director Harness will check with IA to see if there is a memorandum that indicates that the timeline is waived in this matter and will inform the Case Review Subcommittee if the timeline is lifted.

ii. OIS Case I-2016-44 – Christopher Chase

1. The CPOA received the Christopher Chase case on Wednesday, August 31, 2016.
2. The Chief has determined that he is going to do his review the same time as the POB's review, so that will put it on a 30-day timeline as of August 31, 2016.

B. CPC 088-16

- i. The CPOA office sent this complaint to IA for a possible criminal investigation.
- ii. The Internal Affairs has completed their investigation and have found the officer exonerated.
- iii. Director Harness would like to know how the Board wants to take this on from the broader standpoint and how the department treats NCIC.
- iv. Member Fine made a motion to recommend that this Subcommittee suggest to the POB that the Chief should have had somebody report the violation of the usage of NCIC to the State of New Mexico Coordinator Regina Chacon. Subcommittee Member Garcia seconded the motion. No vote carried.
- v. Director Harness will make a presentation at the POB meeting on September 8, 2016 regarding the NCIC issue.

C. CIRT cases: Director Harness says that the CPOA will be receiving an avalanche of CIRT cases.

- i. Members discussed the following CIRT cases:
 1. **C-011-16:**
 - a. Members discussed APD's policy on the use of knee strike.
 - b. Director Harness does not concur with the CIRT Investigator's findings in this matter and recommended that this case be referred to APD Internal Affairs to initiate a Use of Force investigation.

- c. Director Harness will send a memorandum to Chief Eden with his findings.
- 2. **C-009-16:**
 - a. Members discussed whether or not a “neck hold” was used in this matter.
 - b. Director Harness concurs with the CIRT Investigator’s findings in this matter that the force used in this case does not constitute a “neck hold.”
 - c. Director Harness will send a memorandum to Chief Eden with his findings.
- 3. **C-009-15**
 - a. Director Harness concurs with the CIRT Investigator’s findings in this matter.
 - b. Director Harness will send a memorandum to Chief Eden with his findings.

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 September 8, 2016.

A. Administratively Closed Cases

030-15 031-15 050-15 007-16 130-16
 147-16 149-16

- i. Director Harness commended Assistant Lead Investigator Paul Skotchdopole for doing a great job of explaining on all that transpired on cases CPC 030-15, CPC 031-15 and CPC 050-15.
- ii. Subcommittee Member Fine made a motion to accept all the *Administratively Closed* cases as written. Member Garcia seconded the motion. **Approved.**
 For: Fine, Garcia, Waites

B. Cases more than 120 Days

037-16 045-16 052-16 053-16 066-16

- i. Subcommittee Member Fine made a motion to accept all the *Cases more than 120 days* as written with the exception of 066-16, which needs to be rewritten. Member Garcia seconded the motion. **Approved.**
 For: Fine, Garcia, Waites

C. Cases less than 120 Days

076-16 079-16 115-16 117-16 121-16
125-16

- i. Subcommittee Member Fine made a motion to accept all the *Cases less than 120 Days* as written. Member Garcia seconded the motion. **Approved.**

For: Fine, Garcia, Waites

VII. Review of Appeals.

- A. There are no appeals to be heard.
B. Mr. Charles Arasim's appeal will be heard at the November 10, 2016 POB meeting.

VIII. Other Business. None.

IX. Next Meeting. The next meeting will be held on Tuesday, October 4, 2016 at 2:00 p.m.

X. Adjournment Subcommittee Member Fine made a motion to adjourn the meeting. Subcommittee Member Garcia seconded the motion. No vote carried.

Meeting adjourned at 11:20 a.m.

APPROVED:


Leonard Waites, Chair

Case Review Subcommittee

10/6/14
Date

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