



POLICE OVERSIGHT BOARD CASE REVIEW SUBCOMMITTEE

**Monday, November 7, 2016 at 1:00 p.m.
Plaza del Sol Building, 600 2nd Street NW
3rd Floor, Planning Small Conference Room**

Members Present

Leonard Waites, Chair
Joanne Fine
Carlotta A. Garcia

Others Present

Edward Harness, Exec. Director
Michelle Contreras
Diane McDermott
Chris Davidson

Meeting Minutes

I. Welcome and call to order

Case Review Subcommittee Chair Leonard Waites called to order the regular meeting of the Case Review Subcommittee at 1:00 p.m.

II. Approval of the Agenda

Copies of the Agenda were distributed.

a) The agenda was amended to move item 5 towards the end of the meeting to accommodate the arrival of Director Harness.

b) A motion was made by Subcommittee Member Garcia to approve the agenda as amended. Subcommittee Member Fine seconded the motion.

The motion was carried by the following vote:

For: 3 - Fine, Garcia, Waites

III. Public Comments:

a) Mr. Charles Arasim gave a summary to the Subcommittee regarding why he didn't receive an appeal packet for his upcoming appeal hearing in CPC 251-15.

IV. Review and Approval of the Minutes from the October 6, 2016 Case Review Subcommittee Meeting.

A motion was made by Subcommittee Member Garcia to approve the minutes with Subcommittee Member Fine's corrections. Subcommittee Member Fine seconded the motion. The motion was carried by the following vote:

For: 3 – Fine, Garcia, Waites

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V. **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 November 10, 2016.

a) Administratively Closed Cases

247-15 011-16 106-16 129-16 133-16
135-16

1. Members discussed the letters of administratively closed cases with the following suggestions:
 - a. CPC 247-15 - Letter has grammatical errors
 - b. CPC 106-16 - Letter needs clarity
 - c. CPC 011-16 - No suggestions
 - d. CPC 129-16 - No suggestions
 - e. CPC 133-16 - Letter needs clarity
 - f. CPC 135-16 - Letter needs clarity
2. A motion was made by Subcommittee Member Fine to accept all the *administratively closed* cases with the suggestions that were made. Subcommittee Member Garcia seconded the motion. The motion was carried by the following vote:
For: 3 – Fine, Garcia, Waites

b) Cases investigated

075-16 083-16 107-16 114-16 123-16
127-16 131-16

1. Members discussed the letters of cases investigated with the following suggestions:
 - a. CPC 075-16 - No changes to the letter. Members discussed that under certain circumstances, a citizen can hold a person at gun point until police arrive.
 - b. CPC 123-16 - No suggestions
 - c. CPC 083-16 - No suggestions
 - d. CPC 107-16 - No suggestions
 - e. CPC 114-16 - No letter and no suggestions. Members discussed the Executive Director's findings in this matter as unfounded and exonerated.
 - f. CPC 127-16 - no suggestions

- g. CPC 131-16 - No changes to the letter. Members discussed the incident in which the officer was on Chief's overtime, in uniform, and having an extramarital affair with a direct supervisor.

A motion was made by Subcommittee Member Fine to approve *Cases investigated* with the feedback given. Subcommittee Member Garcia seconded the motion. The motion was carried by the following vote:
For: 3 – Fine, Garcia, Waites

c) CIRT Cases

1. CIRT Case C-006-16:

- a. Discussed the incident in C-006-16.
- b. Director Harness recommends that this matter be referred to Internal Affairs for further investigation.
- c. A motion was made by Subcommittee Member Garcia present this CIRT case at the next POB meeting on November 10, 2016. Subcommittee Member Fine seconded the motion. The motion was carried by the following vote:
For: 3 – Fine, Garcia, Waites

VI. CPOA Report – *Edward Harness, Executive Director.* Director Harness gave the following report:

a) CPC 088-16

Members discussed CPC 088-16 to clarify any additional questions arising from the last POB Meeting held on October 13, 2016. This matter has since been resolved and the officer involved in this case was exonerated by Internal Affairs and the Department of Public Safety found the officer's actions was within policy.

b) IA Pro

- 1. Members discussed IA Pro case management software that the CPOA utilizes in conjunction with APD and Internal Affairs.
- 2. Copies of the memo denying administrative level access to Director Harness and Miriam Verploeh from APD IA Commander Jeremy McRae dated October 31, 2016 was distributed and discussed. See attachment "A."
- 3. This issue will be placed on the POB agenda for November 10, 2016 under Director Harness's report.

VII. Review of Appeals

The Subcommittee will bring its recommendations for the following appeal requests to the full Board for their approval. For more information on the appeal process, please go to our website located here:

<http://www.cabq.gov/cpoa/appeal-process>

- a) The Ordinance states that consideration for an appeal is based on the following criteria:
 - 1. The APD policy or APD policies that were considered by the POB were the wrong policies or they were used in the wrong way; or,
 - 2. The APD policy or APD policies considered by the POB were chosen randomly or they do not address the issues in your complaint; or,
 - 3. The findings of the POB had no explanation that would lead to the conclusion made by the POB; or,
 - 4. The findings by the POB were not supported by evidence that was available to the POB at the time of the investigation.
- b) **CPC 099-15** – This appeal was previously heard and ruled on. This appeal was not on the Subcommittee agenda and as a result, it was not heard.
- c) **CPC 081-16** – A motion was made by Chair Waites to deny the request for an appeal for the reason that it does not meet the criteria. The motion was not carried and there was no vote.
- d) **CPC 121-16** – A motion was made by Subcommittee Member Fine that the appeal be denied based on no new information. Subcommittee Chair Waites seconded the motion. The motion was carried by the following vote:
For: 3 – Fine, Garcia, Waites

VIII. Other business

- a) Director Harness will report to the POB on November 10, 2016 regarding his meetings with the Federal Monitor and to discuss the Monitor's report.
- b) There was no other business.

IX. Next Meeting

The next meeting of the Case Review Subcommittee will be held on December 5, 2016 at 10:00 a.m.


X. Adjournment

A motion was made by Subcommittee Chair Waites to adjourn the meeting. Subcommittee Member Fine seconded the motion. The motion was carried by the following vote:

For: 3 – Fine, Garcia, Waites

Meeting adjourned at 2:02 p.m.

APPROVED:



Leonard Waites, Chair
Case Review Subcommittee

1-9-17

Date

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

Attachments



City of Albuquerque
Police Department

Richard J. Berry, Mayor

Interoffice Memorandum

October 31, 2016

To: Edward Harness, Director, Civilian Police Oversight Agency
From: Jeremy McRae, Commander, Internal Affairs *Jm*
Subject: IA Pro Administrator Rights

In your memorandum dated October 25, 2016, you requested "Administrator level access" to the IA Pro system which houses IA and CPOA data. You cited recent training we both attended, as justification for administrator rights. I have researched the matter fully and have determined administrator rights do not grant any additional access to data beyond the full access your office already has. For example, neither I nor the Chief of Police has administrator rights. Furthermore, even the information technology section does not have administrator rights.

There is only one person who has administrator rights and this is done to protect the integrity and security of the system. Administrator rights allow complex changes which alter the way the software works. As previously stated your agency already has full access which allows you to view all data, conduct data entry and generate your own reports to your specifications.

There can be no expansion of administrator rights.

cc: G. Eden, Chief of Police
R. Huntsman, Assistant Chief
J. Tyler, Major, PAB

Attachment "A"

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