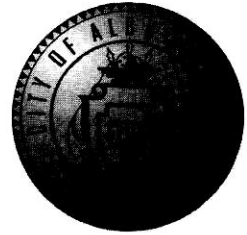


CITY OF ALBUQUERQUE



**POLICE OVERSIGHT BOARD
CASE REVIEW SUBCOMMITTEE**
Tuesday, April 12, 2016 – 10:30 a.m.
Plaza del Sol Building, 600 2nd Street NW
3rd Floor Planning Dept. Small Conference Room

Members Present

Leonard Waites, Acting Chair
Joanne Fine

Others Present

Edward Harness, Exec. Director
Marlo Kiefer
Diane McDermott
Miriam Verploegh

MINUTES

- I. **Welcome and Call to Order:** Acting Chair Waites called the meeting to order at 10:35 a.m.
- II. **Approval of the Agenda:** Copies of the Agenda were distributed. Subcommittee Member Fine moved to approve the agenda as written. Acting Chair Waites seconded the motion. Approved.
- III. **Public Comments:** None.
- IV. **Appeals:** The Ordinance states that consideration for an appeal is based on the following criteria: a policy was misapplied in the evaluation of the complaint, the findings were not consistent with the record of evidence, or the findings were arbitrary, capricious or constituted an abuse of discretion. The Subcommittee will bring its recommendations for the following appeal requests to the full Board for their approval.
 - A. CPC 028-15: Member Fine moved to deny the request for appeal, as there is no new evidence. The request also refers to a typo in the letter as reason for an appeal; however, the typo does not change the context of what was being said. The request fails to meet the criteria for an appeal. Acting Chair Waites seconded the motion. Approved.
 - B. CPC 207-13: Member Fine moved to deny the request for appeal, as the request fails to meet any of the criteria for an appeal. Acting Chair Waites seconded the motion. Approved.
 - C. CPC 002-15: Member Fine moved to deny the request for appeal, as the request for appeal fails to meet the criteria for an appeal. The investigation showed that APD followed protocol, and any further action would need to be

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handled as a civil matter. Acting Chair Waites seconded the motion.
Approved.

- D. CPC 157-15: The request for appeal does not meet any of the criteria for an appeal. Member Fine moved to deny the request for appeal. Acting Chair Waites seconded the motion. Approved.
- E. CPC 014-14: The complainant stated that the information in the report was inaccurate and that witnesses weren't interviewed. The investigation showed that the Officer followed protocol. There is no new evidence and the request does not meet the criteria for an appeal. Member Fine moved to deny the request for appeal. The request does not meet the criteria for an appeal. Acting Chair Waites seconded the motion. Approved.
- F. CPC 191-15: The citizen stated that he was falsely arrested and that it cost him his job. The investigation showed that the arrest for domestic violence was proper and no misconduct occurred. Member Fine moved to deny the request as it does not meet the criteria for an appeal. Acting Chair Waites seconded the motion. Approved.

V. Time Limitations for Filing Complaints: The CPOA proposes that the Board consider putting time limits on filing a complaint.

A. The CPOA would like the limit for complaints to be 90 days after the incident, with the stipulation that if it's over 90 days the complainant can appeal to the Board to show extenuating circumstances. Old complaints often don't serve the process of oversight, are a drain on resources, and do not result in a quality outcome. The quality of the outcome in an older complaint is compromised because there is often no evidence or lapel videos, witnesses are often no longer available, and memories of the incident are no longer dependable.

- i. Acting Chair Waites moved to bring the issue of time limitations for complaints to enhance the quality of complaint outcomes to the POB for their consideration. Member Fine seconded the motion.
Approved.

VI. Members discussed recent complaints against Officer B. filed on behalf of Jon Jones. The CPOA is looking at all complaints filed against Officer B. and whether or not there is evidence of biased based policing. The Board will support Data Analyst, Miriam Verploegh, in her requests for data from APD. Member Fine suggests showing the results to the Chief as a courtesy before making a report to the Board in a public forum.

VII. Review of Cases:

A. 142-15 150-15 173-12 176-14 182-13 186-14 190-13
198-14 202-14 204-14 207-14 210-14 213-14 215-14
216-14 218-14 221-14 222-14 223-14 224-14 225-14
232-14 249-13 255-13 257-13 228-14 229-14

- B. CPC 186-14 has already been reviewed by the Board and needs to be removed from the agenda. A motion will be made at the next POB to remove it from the agenda.
- C. CPC letters for 192-15, 199-15, and 197-15 need to be removed from flashpoint.
- D. CPC 234-15 and CPC 248-15 will be presented separately to the Board.
- E. Member Fine moved to approve the consent agenda, as amended, to be presented to the POB on April 14, 2016. Acting Chair Waites seconded the motion. Approved.

VIII. Other Business and Committee Recommendations:


- A. Members discussed the matrix used to determine discipline of officers.
- B. Director Harness will send Member Fine a copy of policy 1-09 and the discipline matrix.
- C. Members discussed including training recommendations in the findings if there is a pattern in complaints.
- D. Director Harness will archive CPCs on SharePoint that have already been approved by the Board.

IX. Approval of Minutes: Member Fine moved to accept the minutes from March 1, 2016 as written. Acting Chair Waites seconded the motion. Approved.

X. Next Meeting: The next meeting of the CRC is scheduled for May 3, 2016 at 10:30 a.m.

XI. Adjournment: Member Fine moved to adjourn the meeting. Acting Chair Waites seconded the motion. Meeting adjourned at 11:15 a.m.

APPROVED:


Leonard Waites, Acting Chair
Case Review Subcommittee

5/2/16
Date

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

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