

Minutes

POB Case Review Subcommittee		
10.30.2018	3:02pm -4:29pm	Plaza Del Sol Basement Hearing Abq., NM
Meeting called by	St John	
Type of meeting	Case Review	
Facilitator	Katrina	
Note taker	Katrina	
Timekeeper	Katrina	
Attendees	Chair Valerie St John, Joanne Fine, Chelsea Van Deventer (late) and Charles Arasim	
Administratively Closed Cases		
	Chair St. John	
Discussion	Reviewed and discussed Administratively Closed cases.	
Conclusions	Case Review Committee recommends to move all Administratively Closed cases to the consent agenda for the next POB meeting to exclude CPC 238-18, 246-18, 250-18 and 228-17. Member Van Deventer arrived at 3:27pm	
Action Items	Person Responsible	Deadline
Unfounded/Sustained Cases		
	Valerie St. John	
Discussion	Reviewed and discussed 132-18	
Conclusions	CRC feels investigation was incomplete and didn't examine all policies.	
Action Items	Person Responsible	Deadline
Exonerated/Sustained not based on original complaint		
	Valerie St. John	
Discussion	Case Review Committee will schedule with CPOA to view case file CPC 128-18 on Use of Force.	
Conclusions	1. A motion was made by Member Van Deventer to table for the next CRC Meeting. Member Fine second the motion.	
Action Items	Person Responsible	Deadline

Minutes

Not Sustained investigation by IA		
	Valerie St. John	
Discussion	Discussion on CPC 144-18 of the process for a case investigated by Internal Affairs.	
Conclusions	Motion by Member Fine to send back 144-18 to CPOA for their analysis of the IA investigation and recommendations of how to proceed. Member Van Deventer second the motion.	
Action Items	Person Responsible	Deadline
Review of Appeals		
	Valerie St. John	
Discussion	Member Van Deventer reviewed the request for appeal on CPC 053-18 and discussed with other members on her findings.	
Conclusions	Motion by Member Van Deventer to grant an appeal and place on the next POB agenda to make a recommendation to the full board. Member Fine second the motion.	
Action Items	Person Responsible	Deadline
Other Business		
	Valerie St. John	
Discussion	1. Driving complaints received on APD Officers 2. Update on APD Academy testing and Lt. G. 3. Crime Against Childs Unit.	
Conclusions	1. Place driving complaints as a discussion item on the next CRC agenda 2. Place on next POB agenda- APD Academy testing and Update on Lt. G. 3. Invite someone from Crime Against Childs Unit to speak at the next CRC meeting.	
Action Items	Person Responsible	Deadline
Next meeting November 27, 2018, at 2:30pm, Plaza Del Sol Basement Hearing Rm		

Minutes

APPROVED:



Valerie St. John, Chair
Case Review Subcommittee



Date

CC: Julian Moya, City Council Staff
Katy Duhigg, City Clerk
Ken Sanchez, City Council President (via email)

Minutes drafted and submitted by:
Katrina Sigala, Senior Administrative Assistant

10/30/2018

Untitled Message

Reply Reply All Forward

Dissonance
4/11/18

228-11

Jim Larson [larsonjima@gmail.com]

To: St. John, Valerie; Van Deventer, Chelsea; fine.pob@cabq.gov

Cc: Waites, Leonard; Galloway, Chantal M.; Kass, William J.; Harness, Edward

Tuesday, October 30, 2018 10:57 AM

CRC members,

I notice CPC 228-17 is on the consent agenda for Administratively Closed for the meeting today. I am writing to be sure that the concerns I raised at the POB meeting and my motion, unanimously approved, to send the case back for further investigation have been adequately addressed by the committee when approving the case for the consent agenda and when subsequently approved by the POB.

I note the letter to the complainant is dated November 11, 2018 but each of the subsequent pages are dated May 17, 2018, two days after the POB meeting when the case was voted to be sent back to the CPOA. These dates as well as the new letter with only two changes in response to the concerns raises questions for me of the depth of board evaluation of the CPOA further investigation. Most concerns did not result in any changes to the letter or record of discussion in CRC minutes. I have highlighted the entire letter in this email with blue text regarding my original concerns which were read in their entirety at the May 16, 2018 board meeting. I added some additional comments regarding my concerns and they are in green text.

As a board member I spent a great deal of time reviewing the complainant letters and when I found concerns as serious as I believed these to be I assume the committee would at a minimum expect a sufficient explanation of each identified concern before returning the letter to the POB for approval. I cannot find in the CRC minutes such a prior review although I believe there was a discussion and a request for some answers.

I am submitting this as a public comment and request it be included as an attachment to the CRC minutes and provided to the POB when the case is considered for their approval.

When I presented my concerns, Director Harness basically accused me of a failure to diligently review the CPOA case file before making my comments. Given such an accusation, I believe the CRC has reviewed the CPOA case file as part of their review of the new letter.

Civilian Police Oversight Agency

Police Oversight Board Leonard Waites, Chair
Fine Dr. William J. Kass
Valerie St. John Chelsea Van Deventer
Edward Harness, Executive Director

Chantal M. Galloway, Vice Chair Joanne

November 11, 2018
Via Certified Mail

Donna Hutchins
4820 Benton Ave NW
Albuquerque, NM 87114

Re: CPC #228-17

Dear Ms. Hutchins:

We received your complaint on July 1, 2017 A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on December 19, 2017, regarding an incident that occurred on or about June 25, 2017. **Original comment: What this introductory paragraph leaves out is the fact the email citizen complaint was sent on Saturday, July 01, 2017 at 9:37PM. By not reporting fact that the emailed citizen complaint was sent on**

next page

We received your complaint on July 1, 2017 A Civilian Police Oversight Agency (CPOA) Investigator was assigned to investigate your complaint against Officers of the Albuquerque Police Department (APD) on December 19, 2017, regarding an incident that occurred on or about June 25, 2017. *Original comment: What this introductory paragraph leaves out is the fact the email citizen complaint was sent on Saturday, July 01, 2017 at 9:37PM. By not reporting fact that the emailed citizen complaint was sent on Saturday, July 01, 2017 at 9:37PM, fosters questions regarding transparency on the part of the CPOA. By city ordinance the investigation of all civilian complaints filed with the CPOA begin immediately after the complaints are filed and proceed as expeditiously as possible. CPOA changed to include the complaint date.*

I. THE COMPLAINT

Donna Hutchins submitted an online complaint about how an incident with her adult son was handled. Ms. Hutchins went to the substation seeking help because her son struck her the previous night.

Original concern not addressed: The investigator wrote a memo to the POP Policy and Procedure subcommittee identifying portions of SOP 2-19, Response to Behavioral Health Issues that need to be rewritten and revised. In that memo the investigator expanded on the domestic violence incident and stated: "Her son struck her several times and prevented her from leaving the house, seeking medical attention, or calling police." In the POB meeting Harness stated she was knocked out. Note: Since Ms. Hutchins explained her son had mental health problems. New issue not identified previously by me: The email complaint statement: "I was hit by my son who is suicidal and went to the police department to find out my options. I told them my son was low medium intelligence, depressed and suicidal. I told them he threatened me in the past and has also attempted suicide." Why did the CPOA report fail to mention something as significant as her son's prior attempted suicide and that her son is suicidal?

Ms. Hutchins wrote that officers assured her that if she filed the complaint about the battery that her son would be placed in jail on the mental health side. Ms. Hutchins wrote she was told her son would be evaluated for three to four days and appropriate action would be taken. Ms. Hutchins wrote officers told her that her son would be safe and in jail until his hearing in July. Ms. Hutchins was upset because what actually happened was very different. Her son was arrested, but did not have his phone or wallet with him. The jail released him less than 24 hours later and dropped off on a corner at 2 a.m. with nothing. Ms. Hutchins wrote APD has done nothing to assist in finding her son.

II. INVESTIGATION

The CPOA Investigator reviewed the police report and the lapel videos of the incident. *(of what officers? This issue remains unanswered)*

There is no indication that the CPOA investigator interviewed the complainant during this investigation. Possibly since the complaint is six months old? Still no statement if the complainant or the additional witness, Doris Hauser listed on the electronic complaint. Was the complainant interviewed or not? If not, why not?

New issue not identified previously by me or the CPOA is the Outcome the complainant was seeking: Help finding my son. If he has committed suicide I will hold APD responsible and make sure the public knows how you treat the mentally ill. May support the CPOA contention her complaint is not with APD but the MDC but is never mentioned as such support.

Ms. Hutchins came into the substation and reported a domestic violence incident with her son from the previous night. Officers expressed concern *(changed from original report which stated officers were very concerned)* for her safety, took her statement about what happened, and had a victim's advocate respond to assist her. The officers explained the victim's advocate would assist her in obtaining an emergency restraining order so

that Mr. Hutchins could not return home to commit more violence. The officers broached the subject of restraining orders, because at some point he would be released (from custody added). All this raises questions and answers none, did the victim's advocate provide any assistance, was an emergency restraining order obtained and filed on the son? These remain ignored by the CPOA. There was no specific talk (What kind of talk was there was questioned but remains unanswered) of keeping him in jail until July. Ms. Hutchins expressed her son had nowhere to go when released so another officer mentioned there were shelters and halfway homes her son could stay at while applying for services. The sound was poor on many of the videos, but as best as could be heard there were no specific promises (New issue not identified previously by me as again no specific promises avoids the question of what was told to the mother as she apparently was under the impression that officers assured her that if she filed the complaint about the battery that her son would be placed in jail on the mental health side. Ms. Hutchins wrote she was told her son would be evaluated for three to four days and appropriate action would be taken. Ms. Hutchins wrote officers told her that her son would be safe and in jail until his hearing in July.) made as to what would happen. My original concern remains ignored that the preponderance of evidence burden is not imposed on any party to a civilian complaint but instead rests with the investigation agency. The poor sound of many of the videos and the statement that "as best as could be heard there were no specific promises" suggests a possibility that the complainant may have been as she claimed "assured if I filed the complaint he would be placed in the jail on the mental health side. He would be evaluated for 3 to 4 days and would have the appropriate action taken. he would be safe and be in jail till his hearing in mid-July." Note my original complaint noted this statement supports a judgmental conclusion for the officer's statements over the complainant statements which are the heart of the complaint and this resulted in the following sentence being removed from the first CPOA letter sent back for further investigation: Any such promises would be unlikely because whether someone is released or held is up to the Judge and the jail process, not APD.

When officers took Mr. Hutchins into custody, he did not have property on him and did not request anything. When did the officers take Mr. Hutchins into custody and were they the same officers to whom Mrs. Hutchins made her complaint? What were the charges? Note: depending upon when her son was arrested did the arresting officers notify MDC of the sons mental state and actions the night before? All from original concerns and not addressed by CPOA in this "new letter".

The issues Ms. Hutchins wrote about concerning her son's release are issues with the jail and not APD. The arrested person's placement in jail and how long they are held are outside of APD's control. The jail runs the psychiatric unit and it is the jail's decision as to who will be referred to that unit. Generally, both APD and the jail must adhere to State Statute 43-1-10 when making referrals to psychiatric services.

When Mr. Hutchins was arrested, he did not fit the criteria outlined in the State Statute (43-1-10 is for emergency_mental health evaluation and care and may not have been applicable when her son was arrested, however the SOP's referenced below are not invalidated for compliance by 43-1-10) so APD's options and possibly the jail's options were limited.

The investigator's memo to the POB Policy and Procedure subcommittee attached to the original CPOA letter in this case stated: SOP 2-19-8C5 states, "If the individual is not appropriate for jail diversion, the officer should ensure that the individual is referred to the Psychiatric Services Unit within the detention center (PSU) by writing "PSU REFERRAL" at the top of the pre-booking slip." Did the arresting officers do this? Note: Although this question was raised the officers were not asked if they filled out the form, perhaps due to the length of time it took to begin and complete the investigation. Additionally, there is no way

to verify if officers do this on the form without getting a copy of the physical form taken to MDC. In this case, MDC records department was uncooperative. What does this mean and what efforts were taken by the CPOA and the Director to secure the records.

SOP 2-19-11A13 states, "When officers take a prisoner to the Metropolitan Detention Center and have knowledge of a prisoner who has some kind of behavioral health disorder, Note: Although the CPOA letter notes the mother said her son had mental health problems, there was no mention of the low medium intelligence and prior suicide attempt, depression and was suicidal, they will notify the Metropolitan Detention Center (MDC) medic who can then notify the Psychological Service Unit (PSU). The officer will forward a copy of the offense or incident report to the CIT Area Sergeant Coordinator." Were the arresting officers "have knowledge" of the son's mental problems and prior suicide attempts and thoughts and did they notify the MDC medic? Remains unanswered.

The CPOA made several attempts to retrieve the booking records from MDC but was unable to do so. The CPOA has no ability to compel MDC to produce requested records.

Ms. Hutchins wrote APD did nothing to help when she reported her son missing, but officers took a missing person's report and entered Mr. Hutchins' information into NCIC. The cause for Mr. Hutchins' arrest did not fit the criteria for jail diversion.

III. CONCLUSION

The CPOA has made the decision to **ADMINISTRATIVELY CLOSE** the complaint, as Ms. Hutchins' concern about how the jail handled her son's brief incarceration and release is outside of APD's control and therefore outside of the CPOA's jurisdiction. What about resolution of the complaint allegations about what was told the complainant by APD and what about the APD arresting officers compliant with the SOP 2-19 elements cited when booking the son? In reviewing and researching this complaint, some issues with APD policy were discovered. Recommendations to the Police Oversight Policy Subcommittee will be made in order to forward these recommendations to APD.

If you have a computer available, we would greatly appreciate your completing our client survey form at <http://www.cabq.gov/cpoa/survey>.

Thank you for participating in the process of civilian oversight of the police, ensuring officers and personnel of the APD are held accountable, and improving the process.

Sincerely,

The Civilian Police Oversight Agency by

Edward Harness, Esq.
Executive Director

cc: Albuquerque Police Department Chief of Police

Respectfully,

Jim Larson

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This message has been analyzed by Deep Discovery Email Inspector.