

**POLICE OVERSIGHT BOARD
CASE REVIEW SUBCOMMITTEE
Tuesday, February 27, 2018 at 10:00 a.m.
Plaza del Sol Building, 600 2nd Street NW
3rd Floor Small Conference Room**

Members Present

Joanne Fine
Valerie St. John
Leonard Waites, Chair

Others Present

Edward Harness, Exec. Director
Diane McDermott
Maria Patterson

Meeting Minutes

I. Welcome and call to order

- a) Case Review Subcommittee Chair Waites called to order the special meeting of the Case Review Subcommittee at 10:02 a.m.

II. Approval of the Agenda

- a) Copies of the agenda were distributed.
b) A motion was made by Subcommittee Member Fine to approve the agenda as written. Subcommittee Member St. John seconded the motion. The motion was carried by the following vote:

For: 3 – Fine, St. John, Waites

III. Approval of the Minutes from February 6, 2018

- a) Copies of the minutes were distributed.
c) A motion was made by Subcommittee Member Fine to approve the agenda as written. Subcommittee Member St. John seconded the motion. The motion was carried by the following vote:

For: 3 – Fine, St. John, Waites

IV. Public Comments

- a) No public comment.

V. CPOA Report – *Edward Harness, Executive Director*

- a) **C53-16.** The CPOA has received a new non-concurrence letter regarding C53-16 stating that Chief Geier does not concur with the board's recommendation. The subcommittee reviewed the chief's letter and decided not to pursue further action.

- b) **C61-16 and C69-16.** The chief concurred with the POB's decision to refer C61-16 and C69-16 to IA to conduct a misconduct investigation.
- c) **Mr. Giaquinto's Visit.** Dan Giaquinto will visit March 14-16. He wants to review the process for case intake, so Director Harness will let Case Review members know if they need to meet with him.
- d) **CPC Summit.** The CPC Summit will be on March 14, 2018. The mayor will be in attendance, along with new US Attorney John Anderson.
- e) **CPA Review.**
 - 1. Director Harness explained that Saturday's portion of the Citizen's Police Academy went fine, although APD is still confused about what community-oriented policing is and referenced the Broken Window Theory.
 - 2. Sunday's use of force training with Officer Fritz, however, mostly contained propaganda to justify the amount of force they use. He did not appreciate questions from the audience. He gave statistics about how often police are attacked and not the amount of force that officers use. Elizabeth Martinez said she emailed the monitor about it.
 - 3. Director Harness told Attorney Schmehl about it and he said he would review the video of that training. Member Fine suggested they tell Ana Erickson, the commander, and the chief about it too.
- f) **Senior Administrative Assistant Applications.** Applications for the senior administrative assistant job will close Friday and interviews will start next week.
- g) **Meeting with Chief Geier.** Subcommittee Member Fine noted that she met with Chief Geier, whom she has known for a long time. Subcommittee Chair Waites and Subcommittee Member St. John joined them and they discussed how the chief wants to cooperate with the POB. They also discussed what the board wants to see in the chief's letters (such as details and mention of citizens' appellate rights).
 - 1. **Non-concurrence.**
 - a. The subcommittee told Chief Geier that they will not accept dead ends, and the chief agreed but requested that he meets with POB members before they send cases to the DOJ.
 - b. Director Harness replied that this is great because it means the chief is open to the POB calling for hearings.
 - c. Member Fine thought that the meeting worked well because it was a private, relaxed setting. Ms. McDermott explained that the POB used to meet with the chief and then they discussed

non-concurrences at the POB meetings so that the public could hear it. Member Fine said she did not see the value in doing it that way, since the letters are on public record anyway.

VI. Review of Cases:

a) Administratively Closed Cases

041-17 211-17 221-17 238-17 240-17
241-17 244-17 245-17 246-17 247-17
248-17 249-17 008-18 009-18 016-18
019-18

1. None of the subcommittee members had questions or disagreements with the administrative closing of these cases.
2. **Motion.** Member St. John motioned to accept all of the administratively closed cases as written. Member Fine seconded the motion. The motion was carried by the following vote:

For: 3 – Fine, St. John, Waites

b) Cases Investigated

169-17 174-17 186-17 196-17 208-17
223-17

1. **Motion.** Member Fine motioned to accept the cases investigated as discussed. Member St. John seconded the motion. The motion was carried by the following vote:

For: 3 – Fine, St. John, Waites

c) Non-concurrence Cases

1. Director Harness stated that there are no non-concurrence cases for this meeting, but he will put C53-16 on the agenda for the next meeting.
2. Member Fine noted that there was also a letter from Chief Geier regarding SOP 3-14 stating that he could not respond in 30 days, but would respond within 45 days.

VII. Serious Use of Force / Officer Involved Shooting Cases

C2016-62 C2017-10 C2017-12 C2017-14 C2017-22
C2017-31

a) C2016-62

1. Director Harness described the case as a foot chase that ended in a school parking lot.
2. Member Fine found it interesting that no witnesses were interviewed.

3. Director Harness noted that the Force Review Board (FRB) voted that the use of force was in policy. Director Harness added that wind made the original witness interview inaudible so it was redone. There was no video until the subject was handcuffed because it happened too fast.
- b) **C2017-10.** Director Harness summarized C2-17-10, noting that a K-9 unit was deployed. Director Harness noted that the (battery was low), a problem that will be solved with the new lapel camera system. Director Harness found the use of force to be in policy.
 - c) **C2017-12.** Director Harness summarized C2017-12, which was another case that involved a K-9 unit. Director Harness found the use of force to be in policy.
 - d) **C2017-14.** Director Harness summarized C2017-14, which involved a man with a machete at a grocery store. The Force Review Board voted that the use of force was in policy, but the concern was that the officer did not handle the 40mm properly so there was resultant training.
 - e) **C2017-22.** Director Harness summarized C2017-22, which Director Harness thought was in policy. The issue was the officer turned their lapel camera off during medical interview, fearing a HIPAA violation, though there were no use of force violations.
 - f) **C2017-31.** Director Harness explained that the Force Review Board voted the use of force was in policy. However, the officer was using an expired cartridge so there is a question of whether officers inspect their equipment regularly.
 - g) **Motion.** Member Fine made a motion to accept all of the cases investigated as presented. Member St. John seconded the motion. The motion was carried by the following vote:
For: 3 – Fine, St. John, Waites

VIII. Review of Appeals

- a) There were no appeals.
- b) Member Fine stated that she received a request for an appeal and described the request, noting that the email only went to Member Fine. Director Harness explained that there was nothing the board could do in that case.

IX. Other Business

- a) Member St. John was announced as new chair of the Case Review Subcommittee. The subcommittee discussed potential rearrangements of subcommittees due to new board members. Chair Waites wondered if he should bring it up at the next POB meeting.

b) Member Fine noted that it would be helpful if the writer of the minutes marked items that require a follow-up.

X. Next Meeting. The Case Review Subcommittee's next meeting will be held on Tuesday, April 3, 2018 at 10:00 a.m.

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

For: 3 – St. John, Fine, Waites

Meeting adjourned at 11:10 a.m.

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APPROVED:

Valerie St. John, Chair
Case Review Subcommittee

Date

CC: Julian Moya, City Council Staff
Trina Gurule, Interim City Clerk
Isaac Benton, City Council President (via email)

Minutes drafted and submitted by:
Maria Patterson, Administrative Assistant

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