

**POLICE OVERSIGHT BOARD
CASE REVIEW SUBCOMMITTEE
Tuesday, May 3, 2016 at 10:30 a.m.
Plaza del Sol Building, 600 2nd Street NW
Basement Hearing Room**

Members Present

Leonard Waites, Chair
Joanne Fine

Others Present

Edward Harness, Exec. Director
Dr. Carlotta Garcia
Michelle Contreras
Diane McDermott
Miriam Verploegh
Amanda Bustos
IA Commander Jeremy Mcrae
Kathy Roybal-Nunez, IA Admin. Coordinator

MINUTES

- I. Welcome and Call to Order:** Chair Waites called the meeting to order at 10:34 a.m.
- II. Approval of the Agenda:** Copies of the Agenda were distributed. The following items were added or changed in the agenda:
- i. The agenda is amended to correct the case number in section six, Subsection two, *Cases more than 120 days*, from CPC 236-14 to CPC 236-15.
 - ii. Cases to add to the agenda CPC 009-16, CPC 069-15.
- Subcommittee Member Fine moved to approve the agenda as amended. Chair Waites seconded the motion. **Approved.**
For: Waites, Fine
- III. Approval of Minutes:** Copies of the Minutes from the Case Review Subcommittee meeting on April 12, 2016.
- IV. Public Comments:** None.
- V. CPOA Reports**
- A. Report from Edward Harness, CPOA Executive Director**
- i. CPOA Annual Report will be heard by the Finance Committee on Monday, May 9, 2016 at 5 p.m. Executive Director Edward Harness will be in attendance to answer any questions from the Committee.
 - ii. Case CPC 004-16 will go to Internal Affairs for review on May 3, 2016.
 - iii. Mr. Harness had a meeting on Thursday, April 28, 2016 with IA Commander Jeremy McRae, Major Arturo Gonzalez, Kathy Roybal-Nunez, Lt. Garcia, and Natalie Davila and discussed Officer

Involved Shootings. Director Harness discussed three scenarios from that meeting are:

1. There are 17 Officer Involved Shooting cases that are at the District Attorney's office that are awaiting review for any criminal charges. These cases have yet to be released to Internal Affairs (IA), Police Oversight Board (POB), and Civilian Police Oversight Agency (CPOA) for administrative review and/or discipline, if any. According to conversations with Albuquerque Police Department, there will be no OIS cases coming out of the District Attorney's Office until November because the District Attorney is leaving the office in December.
2. There are another number of cases that have been through the District Attorney's review but have not been reviewed by the APD Command Staff, Police Oversight Board (POB), Independent Review Office (IRO), and Police Oversight Commission (POC).
3. There are a unknown number of cases that have left the District Attorney's office and have come to the Independent Review Office (IRO) and fall into two categories: (1) several cases still have waivers attached, which means that there can be discipline imposed from an administrative review and (2) several cases that do not have waivers attached, which means that the time has run out in order to impose discipline.
4. Director Harness to provide a chart to the committee and POB with the exact number of OIS cases still pending review by APD, IA, POB, IRO/CPOA.

B. Report from Miriam Verploegh, CPOA Analyst-Discussion of Officer Jason Brown

Copies of the Racially Biased Policing report regarding Officer Jason Brown were distributed. The report was presented by Ms. Verploegh to the Case Review Subcommittee in response to several citizen complaints filed with the CPOA and the press release of Officer Jason Brown's lapel video stop of citizen Jon Jones.

- C. Members and Ms. Verploegh discussed the report which compares racial biased data that included arrest reports regarding Officer Brown.
- D. Discussed retrieving more information from the Courts and other places in order to compile data to compare to.

VI. Review of Cases

A. Administratively Closed Cases

086-15	102-15	109-15	167-15	211-15
220-15	244-15	246-15	249-15	252-15
008-16	015-16	016-16	019-16	020-16
022-16	023-16	024-16	026-16	033-16
035-16	038-16	050-16	063-16	064-16
069-16	070-16	071-16		

1. Members discussed the multiple cases submitted by citizen Ms. Evelon Grace, which included CPC 249-15. CPOA Investigator Diane McDermott clarified that Ms. Grace had filed a total of six complaints, one of which was a duplicate of CPC 249-15.
2. The letters for CPC 038-16, CPC 016-16, and CPC 063-16 and any future mediated cases should include the summary of complaint. Discussion of this item to be brought up at the POB meeting.
3. Members discussed and clarified the name of the person the citizen was complaining about in the letter for CPC 019-16.

B. Cases more than 120 days

219-14	231-14	064-15	078-15	103-15
107-15	108-15	111-15	132-15	147-15
155-15	163-15	168-15	171-15	172-15
174-15	180-15	182-15	189-15	197-15
209-15	215-15	236-15		

1. Members agreed that there were no suggested changes in these letters.

C. Cases less than 120 days

217-14	069-15	193-15	195-15	198-15
204-15	206-15	214-15	216-15	227-15
228-15	230-15	235-15	237-15	238-15
239-15	240-15	242-15	243-15	255-15
003-16	004-16	009-16	013-16	014-16
047-16				

1. Members discussed the letter for CPC 242-15. Executive Director Harness will check the letter for clarification.
2. In the letter for CPC 228-15, remove the officer's name.
3. Members discussed the spelling of the names for CPC 003-16 and CPC 004-16 as they looked similar and wanted to make sure that they were not two different individuals. It was clarified that the citizen in both these two cases are the same individual with the last name Belser.

4. In CPC 004-16, Executive Director Harness did not concur to Internal Affairs' findings in this case in which they administratively closed the case. On this date, Executive Director Harness will be sending this case over to IA with his findings.
5. Member Fine made a motion to have Mr. Harness forward back to IA, case file CPC 004-16 with his findings as written. Chair Waites seconded the motion. **Approved.**

For: Waites, Fine.

6. Members discussed CPC 013-16. The officer in this matter has had other two other complaints. This case will be presented to the board on Tuesday, May 17, 2016 by CPOA Investigator Diane McDermott. The recommendation for this officer is termination.
7. **Cases added to the consent agenda:** Director Harness read a summary of CPC 009-16 and CPC069-15:
 - a. The citizen in CPC 009-16 stated that she called police to assist her in an effort to retrieve her child and belongings and from a relative's home. She states that Officers refused to let her take her child, whom she does not have custody of. The citizen states that the officers discriminated against her because of her age and because she is pregnant with a black man's baby. The findings of CPC 009-16 are unfounded concerning both alleged violations of the APD SOP.
 - b. The citizen in CPC 069-15 complained that the officer interrupted him during their conversation, did not get his full story, ignored and mistreated him. The findings of CPC 069-15 were exonerated and/or unfounded concerning the alleged violations of the APD SOP.

D. Member Fine made a motion to approve the all the above-referenced cases, including CPC 009-16 and CPC 069-15, to be a part of the consent agenda for the upcoming Police Oversight Board meeting scheduled for Tuesday, May 17, 2016. Chair Waites seconded the motion. **Approved.**
For: Waites, Fine.

VII. Review of Appeals. No new appeals. The previously reviewed appeals will be on the agenda for the POB meeting for Tuesday, May 17, 2016.

VIII. Other Business and Committee Recommendations: None.

IX. Next Meeting: The next meeting of the Case Review Committee is scheduled for Thursday, June 2, 2016 at 10:30 a.m.

- X. Adjournment:** Chair Waites motioned to adjourn the meeting. Member Fine seconded the motion. Approved.

Meeting adjourned at 12:06 p.m.

APPROVED:

Leonard Waites, Chair
Case Review Subcommittee

Date

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