

**POLICE OVERSIGHT BOARD
CASE REVIEW SUBCOMMITTEE
Tuesday, September 5, 2017 at 10:00 a.m.
Plaza del Sol Building, 600 2nd Street NW
Basement Hearing Room #160**

Members Present

Joanne Fine
Dr. Carlotta Garcia

Members Absent

Leonard Waites, Chair
Valerie St. John

Others Present

Edward Harness, Exec. Director
Michelle Contreras

Meeting Minutes

I. Welcome and call to order

- a) Case Review Subcommittee Member Fine called to order the regular meeting of the Case Review Subcommittee at 10:02 a.m.
- b) Member Fine is standing proxy for Chair Waites, who was called to a meeting with the Governor of New Mexico.

II. Approval of the Agenda

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

For -2: Fine, Garcia

III. Review and Approval of the Minutes from August 1, 2017

- a) A motion was made by Subcommittee Member Garcia to defer the minutes from the August 1, 2017 Case Review Subcommittee meeting until the next regularly scheduled meeting on October 3, 2017. Subcommittee Member Fine seconded the motion. The motion was carried by the following vote:

For - 2: Fine, Garcia

IV. Public Comments: There was no public comment.

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

- a) **Memorandum of Understanding for Mediation.** Director Harness will be presenting the final version of the Memorandum of Understanding for the Mediation process at the next Police Oversight Board (POB) meeting. A meeting took place with the DOJ, City Attorney's office and the APOA Attorney Mr. Amato to discuss the process and have decided on cases that involve an interaction between the officer and the citizen (communication), investigations and report documentation.

- b) **New CPOA Investigation.** The Civilian Police Oversight Agency has received a new complaint and it turns out that the officer's laptop/computer must be seized in order to do computer analysis. Since APD will not do the analysis on the computer, the CPOA office may have to contract this task out with a forensic specialist to analyze the computer.
- c) **Force Review Board.** Assistant Chief Huntsman will let Director Harness know if the FRB will be hearing the back the back log of officer-involved shooting cases. Director Harness will send an email to the members of the Case Review Subcommittee regarding this information.
- d) **Institute for Social Responsibility.** Director Harness met with Dr. McGuire and Dr. Verploegh from the University of New Mexico, who have come to an agreement to contract with the CPOA and the City of Albuquerque to conduct the data analyst work for the agency.
- e) **Mayoral Round table About Public Safety.** On September 13, 2017 from 6 p.m. to 8 p.m. at Hotel Blue on Central Ave. NW, there will be a mayoral round table about public safety. Member Fine will contact Brian Riley to inquire about the event.

VI. 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 September 21, 2017.

a) Administratively Closed Cases

119-17	120-17	131-17	132-17	141-17
143-17	147-17	151-17	152-17	

1. Prior to the motion to approve the administratively closed cases, Members and Director Harness had a discussion about the administratively closed case reasons as interpreted by the CPOA. Director Harness stated that Mr. Dan Giaquinto understands but will present it to Dr. Ginger for his review.
2. **Action item:** Member Fine would like to see the policy for recruitment created and/or amended as it relates to officers who get re-hired by the department and have an administratively closed case that was previously closed for the reason that they were no longer employed with the department and for that case to be investigated as appropriate.
3. Member Fine did a recap of all the administratively closed cases.
4. A motion was made by Subcommittee Member Garcia to approve the administratively closed cases as written. Subcommittee Member Fine seconded the motion. The motion was carried by the following vote:

For: 2 – Fine, Garcia

b) Cases investigated

083-17 115-17

1. Member Fine did a recap of the two cases investigated.
2. As to CPC 115-17, Member Fine would like the findings letter be corrected to make it clear what the complaint it.
3. A motion was made by Subcommittee Member Garcia that the cases investigated, with the noted change [as to CPC 115-17], to be approved by the committee. Subcommittee Member Fine seconded the motion. The motion was carried by the following vote:

For: 2 – Fine, Garcia

c) CIRT Cases. Members discussed the following cases:

C-027-16 C-033-16 C-045-16 C-049-16 C-054-16
C-066-16 C-075-16 C-076-16 C-009-17 C-011-17
C-016-17

1. Member Fine read a summary of each case and gave feedback.
2. Director Harness discussed that the Force Review Board reviews should be on Safelink and includes a video.
3. Members discussed that there the information provided on Safelink and Evidence.com is not organized very well and is not consistent across the board.
4. **Action Item:** Member Fine to write a letter to APD Commander McRae regarding the CIRT cases and the file organization and presentation, such as naming a file (e.g. naming the video file with the officer's name). Member Fine to bring up this issue at the next POB meeting.
5. A motion was made by Member Garcia that the [Case Review Subcommittee] do not accept the CIRT cases as written and that they be returned to their appropriate source for correction and allows us to review it again with the appropriate information. Member Fine seconded the motion.

For: 2 – Fine, Garcia

VII. Officer Involved Shooting (OIS) Cases. Members discussed the following OIS cases:

a) Christopher Cook I-172-16

b) Rafael Molina I-023-17

c) Danan Gabaldon I-022-17

1. Member Fine read a summary of each OIS case.

2. A motion was made by Member Garcia to accept the first two OIS cases [I-172-16 and I-023-17] as written and to table OIS case I-022-17 in until Director's Harness presentation to POB. Member Fine seconded the motion. The motion was carried by the following vote:

For: 2 – Fine, Garcia

VIII. 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>

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.

a) CPC 182-16

- i. A discussed was had regarding the citizen's appeal request.
- ii. A motion was made by Subcommittee Member Garcia to deny the appeal for CPC 182-16 and to recommend to the POB their denial of the appeal. Subcommittee Member Fine seconded the motion. The motion was carried by the following vote:

For: 2 – Fine, Garcia

IX. Other business. None

X. Next Meeting. The Case Review Subcommittee next meeting will be held on Tuesday, October 3, 2017 at 10:00 a.m.

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

For 2 – Fine, Garcia

Meeting adjourned at 11:35 a.m.

APPROVED:

Leonard Waites, Chair
Case Review Subcommittee

Date

CC: Julian Moya, City Council Staff
Natalie Howard, City Clerk
Isaac Benton, City Council President

Minutes drafted and submitted by:
Michelle Contreras, Senior Administrative Assistant

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