

Minutes

POB Case Review Subcommittee		
12.18.2018	11:04am - 11:45am	Plaza Del Sol, 3 rd Flr. Small Conf. Rm. Abq., NM
Meeting called by	St John	
Type of meeting	Case Review	
Facilitator	Harness	
Note taker	Katrina	
Timekeeper	Katrina	
Attendees	Chair Valerie St John, Joanne Fine, Chelsea Van Deventer, Edward Harness Diane McDermott, Jim Larson and Charles Arasim	
Public Comment		
	St John	
Discussion	Jim Larson	
Conclusions	Mr. Larson provided a copy titled Public Comment on CPC 132-18 (see attached)	
Motion by Member Fine that Case Review Committee set up an appointment with APD Chief Geler regarding cases involving Children. Member Van Deventer second the Motion.		
Action Items	Person Responsible	Deadline
Administratively Closed, Sustained and Sustained Investigation by IA Cases		
	Joanne Fine	
Discussion	Case Review Committee reviewed and discussed all Administratively Closed, Sustained and Sustained Investigation by IA cases.	
Conclusions	Motion by Member Fine recommends to move all Administratively Closed, Sustained and Sustained Investigation by IA cases to the consent agenda for the next POB meeting. Member Van Deventer second the motion.	
Action Items	Person Responsible	Deadline
Discussion		
	Valerie St. John	
Discussion	1. CRC Recordings 2. Develop/Implement a system for case tracking	
Conclusions	1. CPOA will attempt to post audio from CRC meetings onto SharePoint, if unable to Board Board will continue to pick up a copy at CPOA 2. Member Fine is making a suggestion that the Executive Director include in his Monthly report at POB meetings an assessment of the case load and where cases are in the process. Chair St. John second the Suggestion.	
Action Items	Person Responsible	Deadline

Minutes

Other Business		
	Valerie St. John	
Discussion	1. Update on Academy Testing 2. APD driving complaint cases	
Conclusions	1. Director Harness will give a update on where ISR is in the process of APD's Academy testing Report at the next POB meeting. 2. Discusslon on the process of how CPOA handles APD driving complaint cases and are not all Admin closed they are turned over to field services with APD.	
Action Items	Person Responsible	Deadline
Next meeting January 22, 2019, at 11:30pm, Plaza Del Sol Basement Hearing Rm		

Minutes

APPROVED:



Valerie St. John, Chair
Case Review Subcommittee

Jun 22 2019
Date

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

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

POLICE OVERSIGHT BOARD

PUBLIC COMMENT SIGN IN

DATE: 12/18/18
Case Review

NAME (PLEASE PRINT)

1. JIM LANSON

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The CPOA Investigation file documents provided me as a result of an IPRA request. I was denied the officer interviews based upon confidentiality with references to Garrity Materials. Despite that, my original concerns were substantiated. The CPOA either overlooked or did not consider as important numerous clearly relevant investigative questions resulting in an incomplete investigation of my complaint and flawed conclusions.

The documents show the CPOA relied primarily on APD personnel to reach their conclusions without interviewing key witnesses. As the complainant, I have written twice to the POB and this subcommittee detailing my concerns. I consider them worthy of clarification as part of the further investigation directed by the POB which included but was not limited to comparing the investigation with the APD IA investigation that resulted in 4 additional officers found in violation of the SOPs.

It is reported the NMAG asked the police in May 2018 to include prosecutors if police interviewed the witnesses during the internal affairs investigation, nevertheless, APD never gave the prosecutors notice. That issue may impact further investigation of this case by the CPOA. However, there is sufficient information in the COPA files to warrant inquiry into specific failings in their own investigation and may not require further interview of APD personnel.

1. My complaint was against the APD employee's responses to the incident on November 14, 2017 and not a broad complaint against all officers involved in prior APD investigations into this family.
2. I should have been interviewed as the complainant not only for the CPOA to meet CASA requirements but more significantly to verify CPOA's assumptions.
3. My complaint specifically cites the RTCC policy and questions APD compliance. The Real Time Crime Center policy calls for the CYFD Law Enforcement Portal to be queried for all juvenile calls and the RTCC should have found the extraordinary number of prior contacts with the child and the parents and provided the information to the responding officer(s).
4. Neither the teacher nor the nurse was interviewed by the CPOA.
5. Officer A's report lists the Offense / Incident as Child Abuse – Endangerment 12-15-1B1A - Cruelty to children consists of any parent, guardian or other person having care or custody of any child either (1) Intentionally causing or permitting: The life of such child to be endangered.

His report is inaccurate and incomplete. His police report never details the girl arrived in filthy clothing that "reeked of urine and feces" with "dried blood in the crotch area of her underwear instead he unaccountably grossly misstates that the bloody underwear was found "after an accident at school" and in another section "she went to the restroom in her pants". Nor does his report reflect the teacher also said "this is a daily thing" when referring to the clothing and they are on the neglect... to the extreme but the officer did not report or further investigate that obvious concerns of continuous serious neglect.

6. The officer was told the school nurse examined and interviewed the girl the day the bloody underwear was found but he did not interview her or put that in his report.
7. The teacher told the officer that the counselor or somebody from the school was has phoned either CYFD or APD the day of the incident, she was not sure who, but the person told the counselor the girl needs to stay, don't let her leave. That is not further investigated and not in his report.
8. The CYFD investigator told the officer there was "actually an emergency call out last night", but the officer did not seek additional information regarding that or enter it in his report.
9. The officer's report does not mention that he left the items at the school. The teachers sworn testimony in the preliminary hearing in the AG's criminal case was that the officer threw the clothes in the dumpster.
10. The teacher's sworn testimony involves conversations with Officer A. after he talked with the CACU detectives providing statements of why the clothing was not taken as evidence but the provided CPOA videos and his report do not reflect that conversation.
11. Two CACU detectives interviewed the family, but not the teacher or the nurse. The detectives should have read the 11-14-2017 CYFD SCI report stating H.S. (the child) went to school today filthy. There was dirt on her skin, her hair was matted, and she smelled like urine and feces and what appeared to be old blood was found on H.S.'s underwear. H.S. said she doesn't get along with her dad because he throws fits. Yesterday (11-13-2017) H.S. told the source that she was upset at her brother J. because he has been hitting her and nobody does anything about it. The source thought that was unusual because the source witnessed J. kiss H.S. on the lips this morning. H.S. also told the source that her mom delivers mail and he dad was a spy. Apparently unconcerned or unaware of that and extensive other prior CYFD information, they determined there "was nothing that would cause concern of the child being abused in any way by their parents. They also told the officer at the school there was no need to collect the bloody underwear based on the fact the children did not make any disclosures of abuse or neglect, so no crime was committed. Therefore, evidence did not need to be collected.
12. The one APD detective found to have violated an SOP on two different occasions prior to the bloody underwear incident was "volunteering" at the child's elementary school when asked to assist a teacher in filing a CYFD report on the children. She wrote police reports and notified CYFD but did not forward a copy of her to the CACU.
13. One of those reports involved personal hygiene issues and educational neglect and the child disclosed she was helping her father with his new job, taking mail out of mailboxes. The CPOA report finds no concerns or violations with the supervisor's failure to forward the abuse report to the CACU or APD's failure to follow-up on the possible federal felony reported.

The CPOA found Officer A. did not violate any of the SOP (2-92-3 Crimes Against Children Procedures (B) Dispatched Officers' Responsibilities) requirements to conduct

a complete and thorough preliminary investigation on all cases (confirmed or suspected) of child abuse, neglect, abandonment, or cruelty to children, and referring the case to CYFD does not relieve the officer of the responsibility of completing a criminal investigation.

And now the CPOA is asked, again, to investigate itself. The Director previously rebuffed the first POB request to conduct further investigation; made a strong assertion that he stands behind the investigation; and questioned how they were to investigate further if the timelines had expired stating that he did not think APD personnel would have to cooperate. In another case, the Director said he struggled with at what point is there going to be some reliance on the investigators in his agency to put forth findings and a product that everyone that reviews all of our investigations in full finds them to be good, fair and accurate investigation.

With this history and worldview and only themselves as a guide to assess criticism of their work, it may be understandable but not acceptable, that they might unknowingly avoid any information or interpretation that might disparage their work.

The Police Oversight Ordinance does not provide a mechanism to resolve my complaint that the CPOA did not conduct a thorough and impartial investigation and the POB does not have a record of returning investigations and having their concerns addressed.