



POLICE OVERSIGHT BOARD POLICY AND PROCEDURE REVIEW SUBCOMMITTEE

Thursday, November 30, 2017 – 5:00 p.m.
Plaza Del Sol Building, 600 2nd Street NW
Basement Hearing Room #160

Members Present

Dr. William Kass, Chair
Susanne Brown
Valerie St. John
Eric Cruz, by phone

Others Present

Edward Harness, Exec. Director
Michelle Contreras
Diane McDermott
Maria Patterson

Amended Minutes

(See Appendix A for Amendments)

- I. **Welcome and Call to Order:** Subcommittee Chair Kass called the meeting to order at 5:00 p.m.
- II. **Approval of Agenda:** Copies of the agenda were distributed. Prior to movement to approve agenda, Subcommittee Member Brown made a motion to amend minutes for October 26, 2017. The motion was tabled. Subcommittee St. John made a motion to approve the agenda. Subcommittee Member Brown seconded the motion. The motion was carried by the following vote:
For- 4: St. John, Brown, Kass, Cruz
- III. **Approval of the Minutes:**
A. Minutes for October 26, 2017
- i. Members discussed the October 26, 2017 Policy subcommittee minutes.
 - ii. A motion was made by Member St. John to amend the October 26, 2017 Policy Subcommittee Minutes. Regarding Section B, Code 3 policy, item IX, Member St. John wanted to clarify that in the October 26 meeting St. John suggested that members of the board should not discuss policy in a public forum until the rest of the board has had an opportunity to hear, review, and vote on such policies. Subcommittee Chair Kass did not agree. Subcommittee Member Brown seconded the motion to amend minutes. The motion was carried by the following vote:
For: 3 – St. John, Brown, Kass.
Abstain: 1 - Cruz

PO Box 1293

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- iii. Member Cruz motioned to have a roll call vote for every vote in the rest of the meeting. Subcommittee Member Brown seconded. The motion was carried by the following vote:
For: 4 – Cruz, St. John, Brown, Kass
- iv. A clerical error was found on page 2 of the minutes. The spelling of the last name for Assistant City Attorney was corrected from Schmeil to Schmehl.

IV. Public Comments – There were no public comments.

V. Proposed ordinance changes: Status discussion and strategy for finding council sponsors

A. Discuss policy recommendations of ordinance changes. See attachment “A.”

- i. Members discussed the seven recommended ordinance changes and how to discuss such changes with potential council sponsors. Member Kass distributed and read a summary of seven recommended ordinance changes.
- ii. Subcommittee Member Cruz raised his concern for adding a community outreach specialist analyst in the ordinance. Director Harness addressed his concerns.
- iii. Subcommittee Chair Kass suggested that the board strategize about how to discuss the list of proposed changes with council members. Chair Kass is to forward Verploegh’s script regarding ordinance changes to other members.
- iv. Kass suggested that the board take time in the meeting to brainstorm justifications for ordinance changes.
 - a. Discussed item 3 in attachment “A.” Cruz suggested demonstrating that the CPOA is holding APD accountable. Director Harness explained the history of CPOA budget requests and how spending is tracked. Director Harness will write up justification for item 3.
 - b. Members brainstormed justification for item 6. Chair Kass made the point that subpoena is needed in order to be in compliance with the SA (CASA). Ms. Diane McDermott provided a history of the CPOA’s previous power of subpoena. Director Harness clarified the difference between subpoena power and auditing subpoenas.
 - c. Member St. John suggested that they discuss more of these points at a later date and get them in writing. Member Brown concluded that Director Harness will write up items 3 and 6 and the board members will write justifications for the other items.

- d. Discussed item 1. Member Brown volunteered to write up this item as well as item 2.
- e. Discussed item 4. Chair Kass volunteered to type up notes about item 4.
- f. Discussed item 5. Ms. Diane McDermott provided background and Director Harness volunteered to write about item 5.
- g. Discussed item 7. Director Harness explained why the ordinance is needed and volunteered to write about it.

B. Strategy for finding council sponsors

- i. Discussed how to present information about proposed ordinance changes to council members.
 - a. Subcommittee Chair Kass suggested that each council member should have a chance to ask questions about the proposed ordinance changes.
 - b. Diane McDermott and Subcommittee Chair Kass provided history on board members meeting with council members.
 - c. Subcommittee Member Brown confirmed that January will be her last month on the board.
 - d. Subcommittee Member St. John suggested they poll the board to find out who should approach which council member.
 - e. Subcommittee Member St. John suggested that they approach council members in groups of two.
 - f. Member St. John said that she would like to talk to Isaac Benton.
 - g. Director Harness volunteered to go talk to council members with board members.
 - h. Subcommittee Chair Kass mentioned his connections to Pat Davis, Diane Gibson, Cynthia Borrego, and Brad Winter
 - i. Member St. John mentioned her connection to Brad Winter.
 - j. Director Harness suggested that this could further be discussed in a POB email. Chair Harness agreed to send out the email.
 - k. Members St. John and Brown volunteered to talk to Ken Sanchez.
 - l. Member St. John volunteered to talk to Council Member Trudy Jones. Subcommittee Chair Kass noted Joanne Fine has already volunteered to talk to her.
 - m. Subcommittee Chair Kass volunteered to talk to Don Harris.
 - n. Chair Kass confirmed to Member Brown that the ordinance change talking points should be emailed to Chair Kass, who will compile them.

- VI. Presentation and discussion of policy recommendations history**
- A. Subcommittee Chair Kass presented a history of policy recommendations. See second part of attachment "A."**
- i. Subcommittee Chair Kass discusses the history of policy recommendations.
 - ii. Subcommittee Member Brown pointed out that the promotion is missing from this history and Dr. Kass replied that he would add it.
 - iii. Subcommittee Chair Kass asked members to let him know if there was anything else he should add to the history.
- VII. Implementation of current police oversight ordinance requirements**
- A. Members discussed the need to have contacts within APD**
- i. Subcommittee Chair Kass explained that the board is in the process of making contacts within APD in order to help implement current police oversight requirements.
 - ii. Member Brown brought up the history of data retrieval from APD. Subcommittee Chair Kass suggested that the board should use connections in APD to get information and that information retrieval should not be position-dependent or person-dependent.
 - iii. Subcommittee Chair Kass noted that the board needs to define how those points of APD to CPOA contact will occur, perhaps in the SOPs.
 - iv. Ms. Diane McDermott will share the marked-up ordinance with other members of the board following the meeting.
- VIII. Report from CPOA – Edward Harness**
- A. 3-41 Policy.** Director Harness reported that on that day in PPRB, he tabled 3-41 so that the Policy and Procedure Review Subcommittee could draft proposals and present them to APD. He explained that now is the time for the board to codify desired changes to the ordinance.
- i. Director Harness informed the board that 3-41 is a CASA-related policy and is on a timeline. Director Harness suggested that the board should prioritize drafting and submitting recommendations to the police department.
 - a. Members discussed the time frame for submitting 3-41 proposals. Director Harness recommended that they vote on the proposals in January.
 - b. Subcommittee Chair Kass agreed to get this information on 3-41 to the board.
- B. Firearms and Ammunition Authorization Policy.** Director Harness stated that the firearms and ammunition authorization policy at the PPRB meeting was approved.
- C. Meeting with City Legal.** Director Harness noted his meeting with City Legal the following day regarding the procurement contract for the data

analyst position. He will meet with Major Tyler, Jeramy Schmehl, and Jennifer Bradley.

D. Mediation Program. Director Harness explained that the motion has been drafted for mediation program and it has gone to the DOJ for review so that it can be filed.

E. Follow-up. Member Brown asked if three cases would be discussed at the POB meeting and Director Harness answered in the affirmative. Director Harness will email a reminder about this to members.

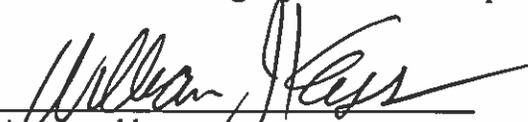
IX. Other business. None.

X. Next Meeting: The next meeting will occur on December 21, 2017 at 5:00 p.m.

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

For: 3 – Brown, Kass, St. John, ^{mc} Cruz

Meeting adjourned at 6:31 p.m.


Approved by:
William Kass, Chair
Policy Review Subcommittee


Date

CC: Julian Moya, City Council Staff
Trina Gurule, Interim City Clerk
Isaac Benton, City Council President

Minutes drafted and submitted by:
Maria Patterson, Temporary Administrative Assistant

Appendix A

Police Oversight Board
Policy and Procedure Review Subcommittee

Amendment to the Minutes for November 30, 2017

On December 21, 2017 at the regular meeting of the Policy and Procedure Review Subcommittee, the following changes were made to the November 30, 2017 minutes:

1. Subcommittee member Cruz requested the following amendment:

III. Approval of the Minutes

A. Minutes for November 30, 2017

ii. After the motion to approve the minutes, Member Cruz requested that the minutes reflect that he abstain from the vote for the reason that he did not have the minutes in front of him during the meeting.

2. After review of the audio for the November 30, 2017 Policy Subcommittee meeting, Member Cruz voted for the following items:

II. Approval of the Agenda: After the motion to approve the agenda, the vote is as follows:

For: 4 – Cruz, St. John, Brown, Kass (Note: Member Cruz voted after the discussion and approval of the minutes).

A. III. Approval of the Minutes

iii. After the motion to have a roll call vote for every vote for the rest of the meeting, the vote is as follows:

For: 4 - Cruz, St. John, Brown, Kass

B. XI. Adjournment: After the motion to adjourn the meeting, the vote is as follows:

For: 4 - Cruz, St. John, Brown, Kass

3. Added the following item:

III. Approval of the Minutes

iv. A clerical error was found on page 2 of the minutes. The spelling of the last name for Assistant City Attorney was corrected from Schmeil to Schmehl.

Submitted by: Michelle Contreras, Senior Administrative Assistant
Civilian Police Oversight Agency
Dated: December 26, 2017

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Attachments

Attachment “A”

POB policy recommendations guide mod2.docx

POB policy recommendations

Ordinance Changes

Ordinance Changes		Sue Brown
27 Feb 2017	CPOA POB	<p>Seven recommended changes to the current ordinance were made that would restore power held by POB and CPOA prior to 2015 but changed in the Ordinance in the last revision. In order to have as big as of impact on the process as possible we would like to recommend that issues be corrected in order to restore power that has traditionally been held by the CPOA and the POB.</p> <ol style="list-style-type: none"> 1. Addition of language requiring POB and CPOA to have access to raw unanalyzed data Page 1 (D), Page 2 (3), and Page 3 (b)) 2. Addition of language requiring APD to take input from CPOA and POB on Policy, including seats on the policy writing bodies(Page 1-(E), Page 4 (6)) 3. Increase of the CPOA budget from ½% to 0.8% (Page 2 (2)) 4. Addition of the Data Analyst and Community Engagement Specialist positions to the Ordinance (Page 2 (b)) 5. Requirement of APD to participate in a hearing on non-concurrences for policy and investigation findings (Page 4 (h), and Page 10 (c)) 6. Change allowing POB to have Subpoena power. (Page 6 (j)) 7. Addition of language requiring the Chief of Police to notify the CPOA and the Complainant of final findings and discipline. (Page 9 (c))

APD Policy on Policies

APD Policy on Policies		W J Kass
Nov 2016	SOP 3-29	<p>Recommendation to place POB at end of policy process rejected In favor of keeping CPOA as a stakeholder without a special position – Sep 2017 DOJ Elizabeth Martinez has objected to this and wants a meeting between APD/CPOA/DOJ to discuss</p>

CPOA Policy Implementation Process

Policy Implementation Process		W J Kass
Sep 2017	SOP 3-52	<p>APD policy development process PPS POB policy process</p>
14 Jul 2017		<p>Letter to POB listing items in ordinance that call for APD cooperation Ordinance Analysis/SOP for POB.docx</p>
19 Jul 2017		<p>Ordinance defined responsibilities pulled from ordinance</p>
3 Aug 2017		<p>Ordinance analysis draft</p>
5 Aug 2017		<p>Ordinance analysis draft 5 Aug 2017</p>
17 Aug 2017		<p>Ordinance analysis draft 17 Aug 2017</p>
14 Oct 2017		<p>Ordinance analysis with CASA references</p>

wjk

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30-Nov-17

CYFD APD

CYFD – APD handoff

Paul
Skotchdopole

Aug-17		Determine protocol/best practices for handing off CYFD complaints to APD
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Ordinance Implementation

Ordinance Implementation

W J Kass

14 Jul 2017		Letter to POB listing items in ordinance that call for APD cooperation Ordinance Analysis/SOP for POB.docx
19 Jul 2017		Ordinance defined responsibilities pulled from ordinance
3 Aug 2017		Ordinance analysis draft
5 Aug 2017		Ordinance analysis draft 5 Aug 2017
17 Aug 2017		Ordinance analysis draft 17 Aug 2017
Aug 2017	SOP 3-44	Review of completed administrative investigation cases – Suggested by EH as a means to insert ordinance requirements
14 Oct 2017		Ordinance analysis with CASA references

Code 3 Authorization

Code 3 Authorization

W J Kass

25 Sep 2017		This policy change was suggested in a conversation with Dan Klein, a retired APD officer and journalist for the ABQ Free Press.
5 Oct 2017		Received CEVO-2 information from EMT Tim Taylor In initial research for this proposal, I have found through an EMT friend that ambulance emergencies follow a process certified by the National Safety Council. The type of training is called CEVO 2 and a link to the course can be found below.
9 Oct 2017	Training	Received APD Academy curriculum regarding driving training from Raquel Hernandez, James Collins, Jessica Tyler
10 Oct 2017	Training SOP 2-6	'Operation of a Patrol Vehicle'. Introduction to emergency vehicle operations 2 hours Safe pursuit act/Save pursuit act practicum 16 hours Emergency response 2 hours Vehicle dynamics 2 hours Driving Courses 32 hours.

Attachment “A”

Behavioral Health

Behavioral Health		Sue Brown
22 Feb 16	ADM-330	Employee psychological services
1 Apr 16		Behavioral Sciences
26 Apr 16	SOP 2-19	Response to behavioral health issues
24 Oct 16	SOP 1-14	Behavioral Sciences section
25 Oct 16	OPA agenda	SB response to behavioral health
	SOP 2-13	Response to persons affected by mental illness or in crisis

On Body Recording Devices

2016 On Body Recording Devices		Sue Brown
Jan 2016		UNM ISR On body camera system research ..\SB Files\SB body cameras.pdf
28 Apr 2016	SOP 1-39	..\SB Files\SB body cameras.pdf
9 Jun 16		POB meeting ..\SB Files\SB body cameras.pdf
26 Sep 2016	SOP 1-7	Interactions with trans gender persons ..\SB Files\SB body cameras.pdf
30 Nov 16		POB questions submitted during public comment

Chief of Police Requirements

Chief of Police Requirements		Sue Brown
2016	SOP 2-8	Requirements for chief Letter was drafted to the City Council and the Mayor recommending they adopt these qualifications in their chief selection process. The Letter is attached for your review along with the accepted changes (highlighted in green) to the Chiefs Policy SOP adopted by OPA.

Rape Kit Backlog

Rape Kit Backlog		Sue Brown
2016		

Attachment "A"

Use of Force

Use of Force Policies		Joanne Fine
15 Jun 2016	2-52 2-53 2-54 2-55 2-58	Recommendations were made throughout the OPA meeting on UOF.

Internal Affairs

Internal Affairs		Sue Brown
2016		

Crimes against Children

Crimes Against Children		Sue Brown
Nov 2016	SOP 3-1	Currently this refers to the field services bureau.

Domestic Violence

Domestic Violence		Sue Brown
Jan 2017	SOP 4-25	
Jul 2017	SOP 3-29	letter to Ginger says chief does not address obligation under CASA paragraph 288

Force Review Board

Force Review Board		Sue Brown
Jul 2017	SOP 2-56	

Recruiting

Recruiting		?
Oct 17	Community Input	

Training

Training		?
Oct 2017	Community Input	

Attachment "A"