



## POLICE OVERSIGHT BOARD POLICY AND PROCEDURE REVIEW SUBCOMMITTEE

Tuesday, February 27, 2018 – 3:00 p.m.  
Plaza Del Sol Building, 600 2<sup>nd</sup> Street NW  
Basement Hearing Room #160

### Members Present

Dr. William Kass, Chair  
James A. Larson  
Chelsea Van Deventer

### Members Absent

Eric Cruz

### Others Present

Edward Harness, Exec. Director  
Diane McDermott  
Maria Patterson

## Minutes

- I. **Welcome and Call to Order:** Subcommittee Chair Kass called the meeting to order at 3:07 p.m.
- A. **Meeting Procedure.** Member Van Deventer asked if all of the procedural elements of the meetings were really necessary.
- Director Harness explained that the subcommittees, like the POB, follow Open Meetings Act (OMA) rules and Robert's Rules of Order, though he agrees with Member Van Deventer.
  - Member Larson suggested that they do away with the formal procedural aspects other than posting the agenda and minutes.
  - Member Van Deventer suggested presenting this issue to the full board.
- II. **Approval of Agenda:**
- A. Copies of the agenda were distributed.
- B. Member Larson moved to approve the agenda as written. Member Van Deventer seconded the motion. The motion was carried by the following vote:  
**For: 3 – Kass, Larson, Van Deventer**
- C. The agenda was later amended. See item IIIA for details.
- III. **Approval of the Minutes from February 13, 2018:**
- A. As the minutes from February 13, 2018 were not yet complete, Member Van Deventer motioned to table the approval of the minutes.
- IV. **Public Comments:**
- A. Director Harness commented that the purpose of the subcommittees are working groups that don't make decisions—decisions are made by the full board, though legal counsel suggests otherwise. It makes sense for Case Review but not the other groups.

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**Agenda.**

- i. Member Van Deventer noted the agenda should be less binding. Director Harness cautioned that the board has been sued for OMA violations.
- ii. Director Harness recommended they keep the agenda and just have standing, open-ended items.
- iii. Member Larson asked how they would handle issues they want to take to the board. Member Van Deventer suggested adding, "Issues to forward to chair for POB agenda" as a standing item on the Policy agenda.

**B. Accountability.**

- i. Member Larson called for tracking policies and ensuring policies are changed, not just discussed (referring to the Victoria Martens case, which was discussed at OPA but has not yet been resolved).
- ii. Director Harness told the subcommittee that there needs to be a standing report from an OPA representative to the policy subcommittee so that the subcommittee knows what action it needs to take in order for the board to make a policy recommendation to the chief.
- iii. **Representatives.** Director Harness noted that the subcommittee needs to seek out information from representatives at the meetings where these policies are discussed (Director Harness and Chair Kass for OPA, Director Harness and Paul Skotchdopole for PPRB, and Paul Skotchdopole for SOPRC).
- iv. Member Larson and Member Van Deventer recommended assigning a POB member to keep tabs on an APD policy and make sure it is carried through to the end.
- v. **Appellate Process.** Member Van Deventer also suggested having an appeal process and drafting an ordinance with City Council that allows the board to supersede the chief's decision if need be.
- vi. Director Harness described City Council's involvement in the board's recommendations.
- vii. Member Van Deventer suggested they use a case to practice an appeal process. Member Larson suggested they use the Martens case and Director Harness agreed.

**V. Discussion: POB Process Development for Reviewing and Making**

**□ Recommendations to APD Policies □**

- A.** Director Harness stated the board needs longer than fifteen days for comment – it should be a minimum of 45 days.
- B. Timeline Chart.** Chair Kass presented the chart he made detailing the timeline of APD's policy process as promised by their latest chart (see "Attachment A").

- C. Chair Kass suggested that the POB should get the policy when the SMEs get the policy, which is 14 days before the OPA meeting.
- D. Member Larson suggested picking a point person to follow the progress of a recommendation from the beginning (as soon as the POB receives the information from APD).
- E. Chair Kass wondered to what extent they would need to prepare for whatever will be on the agenda for OPA meetings. Member Van Deventer didn't think it was practical to flesh out the subcommittee's internal policy to that level of detail at this point in time, and suggested having the Policy subcommittee reviewer identify what needs to be done for that policy and a timeline. Over time the subcommittee may develop internal policies to aid that process.
- F. Director Harness suggested 3-52 should read, "SME prepares policy packet and submits it to OPA and the POB." That way, the representative could share with the subcommittee what is happening and know what research they want to do to prepare. It would also come back to the board after it is discussed at OPA and reviewed by the PPRB.
- G. Chair Kass, wanting to avoid a "data dump," suggested that someone in the subcommittee reviews as early as possible who can then present it to other members.
- H. Policy Review and Prioritization.**
  - i. Member Van Deventer stated she did not see the need for prioritizing (in terms of urgency) different cases and that once they narrow the list down they would be able to address them.
  - ii. Director Harness explained that not all recommendations need to go through the chief's process except if it is CASA-related. Member Larson summarized (for clarification) that process: board members could write a recommendation, send it to the chief, who (in 45 days) will either accept it, reject it, or want it to go through the formal APD process.
  - iii. Director Harness noted that the most important thing is for the board to consistently follow the process and carry through with follow-ups. Member Larson agreed that they need to be more aggressive with that/
  - iv. Member Larson explained his own flowchart (see "Attachment B"), which is based APD's flowchart, and noted that what the chart does not explain is if the chief does not concur with the recommendation. Member Larson stated that he would create two new flowcharts based on the chief's approval and disapproval of policy recommendations.
  - v. **Workload.** Chair Kass thought the subcommittee will have to do a lot of homework for each policy. Director Harness's reply was that sometimes the subcommittee will have a lot of supporting data but,

on the whole, the subcommittee should not encounter too many overwhelming policies.

- vi. Chair Kass noted his upcoming meeting with Mr. Jeramy Schmehl and invited other subcommittee members to join them.
- vii. Member Van Deventer suggested the key changes to be made are having policies sent to the POB in the very beginning and having 45 days for the POB to respond.

**I. Policy Subcommittee Procedures.**

- i. Member Van Deventer suggested the only formal aspects of the meeting they need to keep are the agenda and public comment.
- ii. Chair Kass asked for further clarification on what exactly it was they want to eliminate. Member Larson replied, the Robert's Rules of Order procedures, such as asking "Do I hear a motion?" etc.
- iii. Member Van Deventer argued that the rules hold them back because people get wrapped up in the rules.
- iv. **Motion.** Member Larson motioned for the Policy and Procedure Subcommittee to do away with some of the formal, Robert's Rules-based procedures such as calling the meeting to order, motions to prove the agenda and minutes, formal votes, etc. Member Van Deventer seconded the motion. There was no further discussion. The motion was carried by the following vote:  
**For: 3 – Kass, Larson, Van Deventer**

**VI. Report from CPOA – Director Harness**

**A. Data Analyst.**

- i. Director Harness reported that Mr. Schmehl presented their issues regarding the data analyst contract to Attorney Jackson but the MOU still has not been flushed out.
- ii. Director Harness added they are blatantly interfering at this point.
- iii. The subcommittee made plans to take the issue to City Council if the issue is not resolved soon.

**B. Use of Force Presentation.**

- i. Director Harness told the subcommittee that he spoke to Mr. Schmehl about how bad the use of force portion of the Citizen's Police Academy (CPA) was.
- ii. Member Larson noted that the academy helped explain why the CPCs have gone from policy-focused to APD cheerleading.
- iii. Director Harness added that the use of force instructor is part of the reason why APD has a use of force problem.
- iv. **Audience.** Chair Kass noted that the instructor seemed to be completely unaware of his audience, which demonstrated that the POB and its oversight function is not on their radar. Member Van

Deventer argued that it was useful because it pointed to their problems; at least they didn't hide the way the actually train.

**VII. Other Business:**

**A. Quorum.** Member Van Deventer motioned to not follow quorum rules in the subcommittee so that they can send emails directly to one another and so that more people can join the subcommittee. Director Harness told the subcommittee that they cannot have more than four people in the committee because it would then violate the board's quorum rules. Member Van Deventer stipulated that part of her motion.

**B. Subcommittee Purpose.**

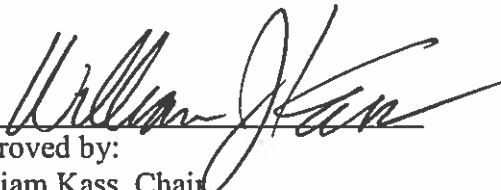
- i. Chair Kass asked what the point of the subcommittee was at that point. Member Van Deventer replied that the subcommittee is a fact-finding group, not one that decides official business.
- ii. Chair Kass asked a few more specific examples about how the subcommittee would handle certain situations, and the rest of the subcommittee provided answers.

**C. Member Larson seconded Member Van Deventer's earlier motion. The motion was carried by the following vote:**

**For: 3 – Kass, Larson, Van Deventer**

**VIII. Next Meeting:** To be determined.

**IX. Adjournment:** The meeting adjourned at 4:58 p.m.

  
Approved by:  
William Kass, Chair  
Policy Review Subcommittee

22 May 2018  
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, Temporary Administrative Assistant

# **Attachments**





The POB position is all APD proposed policies are subject to a formal POB review.

1. **Two weeks in advance of an OPA meeting a packet with the following will be provided to the CPOA:**
  - a. the existing standard operating procedure;
  - b. a draft with revisions to the existing standard operating procedure and;
  - c. materials to explain why particular changes to the standard operating procedure are based upon best policing practices or Department specific operational considerations.
1. **CPOA will make packet information available to all POB members and maintain a database of all OPA packages.**
2. **A Policy Coordinator will be established by the Policy and Procedure Sub-Committee (P&P) for organizing and tracking all APD policy referrals for the sub-committee whose duties include:**
  - a. keep the P&P sub-committee and POP informed of policy progress and potential issues;
  - b. identify an individual from either the P&P or the POB as a Point Person to shepherd a specific proposed policy package through the APD process;
  - c. work with Point Person to ensure timely POB policy input and any needed research for policy recommendations;
  - d. ensure documented closure to all APD policy recommendations and inform POB of policy status at each POP meeting for comment and guidance;
3. **The point person will coordinate with CPOA and POB members on OPA to:**
  - a. prepare for and attend the OPA meeting to discuss the specific policy and raise any recommendations or concerns with the APD subject matter expert;
  - b. submit formal written policy recommendations to OPA, if any;
  - c. attend PPRB (for specific assigned policy);
  - d. brief and receive guidance at meetings POB that occur during APD review process;
  - e. PPRB policy recommendations rejected may be the subject of further letters of guidance to the Chief and if still of concern, other options considered by the POB.
4. **The Point Person will monitor and review corrections that are presented to the PPRB.**
  - a. If the PPRB rejects a proposed policy recommendation a letter is sent to the submitting party, with copy to the Chief of Police, explaining why the proposed language was not incorporated into the policy.

## Attachment B

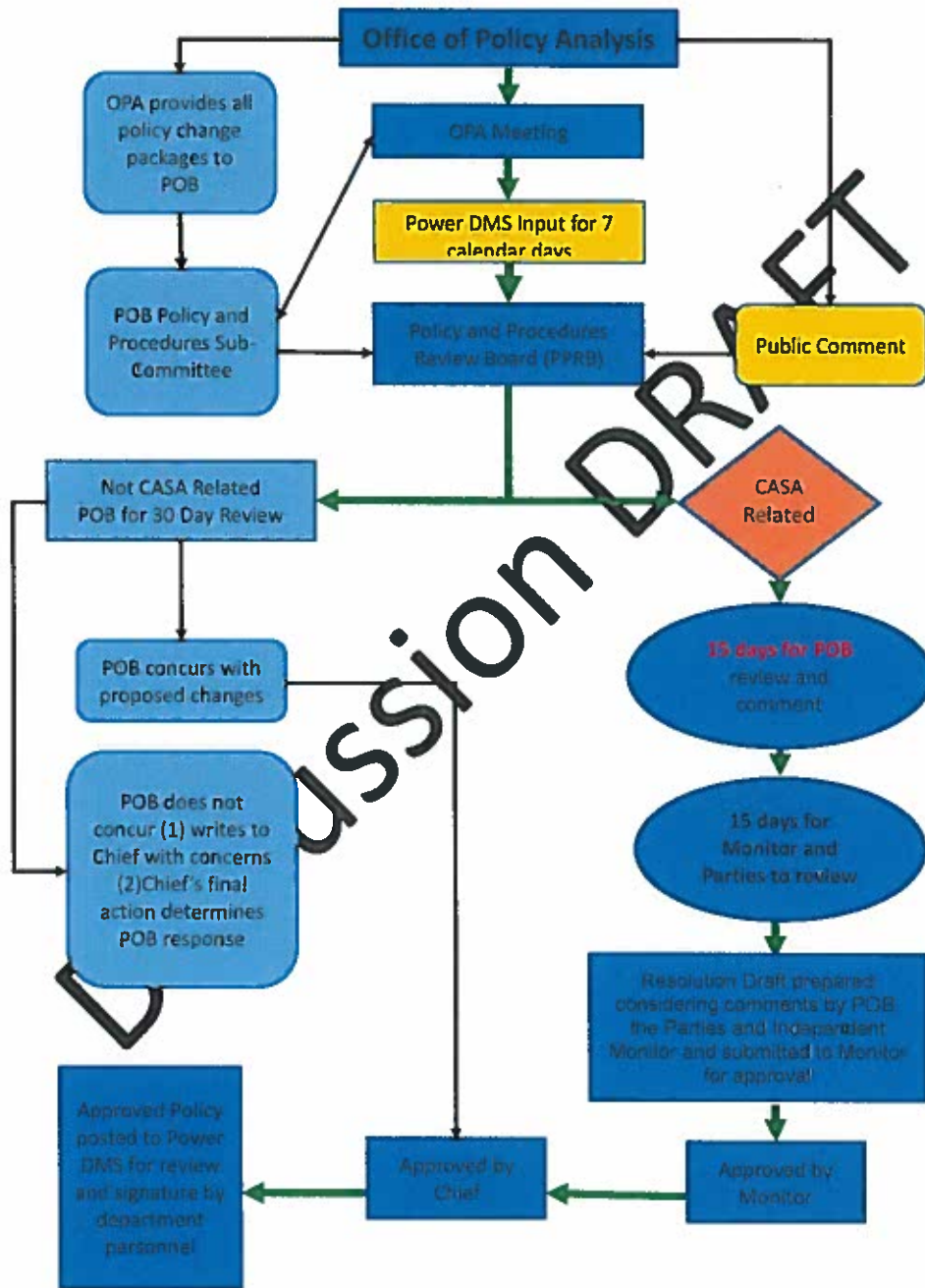
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- b. POB policy recommendations rejected may be the subject of further letters of concern to the Chief and if still of concern, other options considered by the POB.
5. **The Point Person will monitor non-CASA related policy passed by PPRB.**
  - a. Coordinate policy with P&P sub-committee and POB for the thirty-day time frame to agree with policy or provide recommendations
  - b. the policy will then be considered by the Chief of Police for potential revision and approval and the point person will monitor such a policy for final approval.
  - c. POB policy recommendations rejected may be the subject of further letters of concern to the Chief and if still of concern, other options considered by the POB.
6. **The Point Person will review a CASA related policy passed by PPRB.**
  - a. CASA related policy is provided to the POB for 15 business days for review and comment;
  - b. Point Person and, or P&P subcommittee will present to POB for decision.
7. **The policy is then provided to the CASA Independent Monitor and Parties for 15 days for review and comment.**
8. **A resolution draft, considering comments by POB, the Parties and Independent Monitor will be prepared and presented to the Independent Monitor for approval.**
9. **Policy approved by Monitor**
10. **Policy approved by Chief of Police**

DISCUSSION DRAFT

## **Attachment B**

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**Attachment B**