



CITY OF ALBUQUERQUE

Albuquerque Police Department
Office of Policy Analysis (OPA)

Meeting Minutes 18-22

DATE: October 25, 2018

TIME: 10:00 am – 12:00 pm

VENUE: Chief's Conference Room, 5th Floor, LEC

ATTENDEES:

William Kass, POB
Ed Harness, CPOA Executive Director
Justin Montgomery, APOA Rep.
Kim Prince, SOP Liaison
Sara Haugaard, ISR-UNM
E. Frank Galanis, Risk
Paul Skotchdopole, CPOA
Alyssa Ferda, USAO
Lindsay Van Meter, City Legal
Chelsea Van Deventer, POB

Danyel Mayer, City Legal
James Lewis, Mayor's Office
Jeremy Schmehl, City Legal
Paul Haidle, ACLU
Rachel Smith, ACLU
Patty French, Records
Lt. Jonathan Sather, Crime Lab
Julie Maycumber, Compliance
Sgt. Jim Edison, FS/NE/T4
Chris Wetterlund, Academy

1. SOP 2-8 Use of On-Body Recording Devices	Presented by: Lt. J. Sather
Discussion:	<p>The Presenter had a brief overview of the policy and the changes necessary for revision. This SOP was due for an annual review and required updates.</p> <p>Presenter advised that this policy is not intended to be instructions on how to use the On-Body Recording Devices which is covered in training, rather, it is to provide clear guidelines and purpose for the devices.</p> <p>In section 2-8-3I, the Presenter noted that that the "Mute Function" was added per the DOJ. An OPA member suggested that a feature be added to allow tagging/marketing of segments when the mute button is taped.</p> <p>A discussion occurred over section 2-8-4A, "Wearing the OBRD". A</p>

member of POB inquired about officers in plain clothes having to wear the device. The Presenter clarified by referring to section 2-8-4A.1, the word “uniformed” includes PSAs, civilians, etc. and possibly should be “and non-uniformed Department...” to add more clarity. Also, it was recommended by an officer that the “or” in “...while on duty or performing...” should possibly read, “while on duty and performing...” In this same section a discussion concerning personnel not wearing the devices during meetings was of concern. A member of APOA initiated the conversation saying that some meetings with the public can become rowdy and footage recovered from the device could be beneficial. The Presenter agreed that the language regarding when to or not to wear the device needs to be clarified. In 2-8-4A.2, POB advised that the second paragraph is confusing and the word “if” should be removed and replaced with the word “when”.

Another discussion occurred concerning 2-8-4B.3, the word “arrestees” was seen as unnecessary by some members of OPA, but the Presenter stated that this language is straight from the CASA. A member of CPOA pointed out that there is a conflict in policy concerning 2-8-4B.4 and 2-8-4B.5 and recommended to the Presenter that the language be clarified. Also, discussion regarding language in section 2-8-4B.5a occurred because of the term “en route”. A variety of suggested language was given by various OPA members. The Presenter clarified that the current language was to encourage officers to turn the devices on as an automatic response when responding to a call-out to eliminate the possibility of the camera not being activated. Many felt like there needs to be greater clarity as to when the camera should be activated. Some suggested language was; “while starting to a call”; “prior to arrival”; or “as soon as en route”. The Presenter said that he would continue to work on the language to provide more clarity while still satisfying the requirements of the DOJ/CASA. There was also concern regarding the wording in section 2-8-4B.7 that makes reference to “private residences”. POB suggests that there may be privacy issues if an officer is wearing an activated device when entering a residence, expectation of privacy is part of the 4th amendment. He later adds that the expectation of privacy is diminished when a call for officer assistance is made, there are a number of scenarios that could evolve in a residence. It was also pointed out, by a member of CPOA, that further down in the paragraph, clarification occurs regarding the need for a camera to be activated. It was recommended that “private residences” be removed from the language of this paragraph. In section 2-8-4B.9, discussion focused on the “mute function” of the camera. The question was asked whether each mute had to be documented or if a blanket document would be okay? The Presenter said he would check with the DOJ because they wanted this language put into the policy. This same section also discusses public gatherings and this was of concern for a member of the ACLU. He stated a case that involved recording at such a gathering pertained to rights of assemblers and their 1st amendment rights. However, he did not know the outcome of that case. It was recommended by an OPA member that SOP 4-21 Response to First Amendment Assemblies, be referenced in regards to this issue. A concern

	<p>was voiced by a Sergeant regarding section 2-8-4E.2 that requires officers to return to the station to doc the camera after their shift. It was noted that the camera uploads approximately minute by minute and it can take several hours in some cases. The Presenter said he would look into the requirements of the DOJ for policy clarification. The POB suggests that the time frame for deletion in section 2-8-4E.5 be extended to 24 months because 120 days is not best practice any longer and storage is unlimited. The Presenter will consider this change in the policy. The Presenter stated that section 2-8-4F1 is CASA language, as is section 2-8-4F.3e. The Presenter stated that he was working on a system to pre-select/randomization program for video viewing for Sergeants in order to eliminate the possibility of bias occurring. Section 2-8-4G is being removed because it is now in the IPRA Policy. A member of the POB asked if there should be a specific prohibition for redacting. The Presenter responded by saying that officers do not have the ability to redact. All comments were considered by the Presenter and Recommendation Forms were available for members who wished to put their suggestions and concerns in writing.</p>
<p>Action:</p>	<ol style="list-style-type: none"> 1. The OPA Draft will be posted on PowerDMS for 7 Day Commentary. Recommendations from the Stakeholders will be accepted during this period.