

**POLICE OVERSIGHT BOARD
POLICY AND PROCEDURE REVIEW SUBCOMMITTEE**

**Tuesday, January 19, 2016 – 9:00 am
Plaza Del Sol Building, 600 2nd Street NW
Planning Department 3rd Floor Small Conference Room**

Members Present

Dr. Susanne Brown (Chair)
Beth Mohr

Members Absent

Jeffery Scott Wilson

Others Present

Marlo Kiefer
Edward Harness, Exec. Director

Minutes

“Amended on 2/29/2016”

- I. Welcome and Call to Order:** Chair Susanne Brown called the meeting to order at 9:07 am. Chair Brown distributed
- II. Approval of Agenda:** Copies of the agenda were distributed. Subcommittee Member Mohr moved to approve the agenda. Subcommittee Chair Brown seconded the motion. Approved.
For: Mohr, Brown.
- III. Approval of the Minutes:** Copies of the minutes were distributed. Subcommittee Member Mohr moved to approve the minutes as they are written. Subcommittee Chair Brown seconded the motion. Approved.
For: Mohr, Brown.
- IV. Public Comments:** None.
- V. Discussion of Future Policy; Initiation, Review and Revision:** Copies of the handout “APD Procedural Orders SOP 2-52” were distributed. The Subcommittee discussed and proposed changes to the policy:
 - A.** Members discussed the use of the term “feasible.” The term “feasible” is too unclear and ambiguous.
 - B.** Members discussed whether or not “pulling away” is active or passive resistance. Settlement agreement states that active resistance includes the threat of harm, but passive resistance does not.
 - C.** Members discussed “intermediate force.” The settlement agreement does not rely on “intermediate force” and this phrase may add confusion.

D. The following SOP sections were discussed:

- i.* 2-52-2, N: “Minimum Amount of Force Necessary.” It may be adding another concept that the officer has to consider, but isn’t necessarily helpful. Should consider striking this section.
- ii.* 2-52-3, A (1): “General Requirements and Expectations of All Officers with Regard to All Use of Force Incidents.” The use of the word “feasible” is problematic because its definition is too broad. The term “feasible” makes the document read defensively.
- iii.* 2-52-3, A (4): The word “strive” is not definitive enough.
- iv.* 2-52-3, A (5): This section could be eliminated as it pertains to training. Training should not be codified as part of the policy.
- v.* 2-52-3, B (4): The members discussed whether or not the term “feasible” is appropriate in this instance.
- vi.* 2-52-3, D “Levels of Resistance”: The members discussed whether or not the definition of active resistance is adequate.
- vii.* Discussed 2-52-3, E “Levels of Control”
- viii.* 2-52 F (1): First paragraph should state “...imminent threat of serious physical injury *or death* to the officer...”
- ix.* 2-52 F (1): Second paragraph, second use of the term “probable cause” should not be used here. Should say “...*reason* to believe that lethal force is necessary...”
- x.* 2-52-3, F (4) Lethal Force and Motor Vehicles: The policy should follow what is in the settlement agreement and state that “...officers are prohibited from shooting at or from a moving vehicle...unless an occupant of the vehicle is using lethal force, other than the vehicle itself...”
- xi.* 2-52-5, C (2), Oleoresin Capsicum.
- xii.* 2-52-5, C (4), Electronic Weapon Control (ECW). The policy should have language about giving a verbal warning before employing an ECW, which is required by the settlement agreement.

- E. Director Harness suggests that we invite the CPCs to a POB meeting and put them on the agenda for policy recommendations.
- F. Subcommittee Chair Brown moved to write a letter to the Chief with the major complaints, and major principles and include a paragraph about POB being able to comment as policies are being reworked between DOJ and the Department. Subcommittee member Mohr seconded the motion. Passed.
For: Mohr, Brown.

VI. Discussed SOP 3-67, “Force Review Board” handout.

- i. The Executive Director of CPOA should be listed under A. (1) h.
- ii. 3-67 B (3): Discussed supervisor’s duties and responsibilities. There should be a place in the system for accountability of supervisors.
- iii. The community needs to know about the timeline of Use of Force investigations. Director Harness should be consulted regarding employment law since one issue is confidentiality of officer information in Use of Force investigations.
- iv. The members discussed how serious Use of Force cases are processed by APD and the oversight board.

VII. Other Business:

- A. The Subcommittee members discussed a request that came from community member Connie Vigil for the Subcommittees to meet during evening hours. Subcommittee Member Mohr is unable to meet in the evening and since she is the best equipped person to be on the Policy Subcommittee, the schedule shouldn’t be changed right now.
- B. Subcommittee Chair Brown will invite people from the 6 Community Policing Councils to attend the next Policy meeting.

VIII. The next meeting is scheduled for Tuesday, February 16, 2016 at 9:00 a.m.

- X. Adjournment.** Subcommittee Member Mohr moved to adjourn the meeting. Subcommittee Chair Brown seconded. Meeting adjourned at 10:30 a.m.

Approved by:
Dr. Susanne Brown, Chair
Policy Review Subcommittee

Date

CC: Julian Moya, City Council Staff
Natalie Y. Howard, City Clerk
Rey Garduño, City Council President

Minutes were approved with changes on 2/16/2016. Changes were made to Item V., D. (viii) and Item V., D. (ix) on 2/29/2016.