

CIVILIAN POLICE OVERSIGHT BOARD

Thursday, June 14, 2018 – 5:00 PM
Vincent E. Griego Chambers, Basement Level
City/County Government Center – One Civic Plaza NW
Albuquerque, New Mexico

Members Present:

Leonard Waites, Chair
Chantal M. Galloway, Vice
Chair
Joanne Fine
Valerie St. John
Chelsea Van Deventer

Members Absent:

Eric Cruz
Dr. William Kass

Others Present

Edward Harness, CPOA
Katrina Sigala, CPOA
Julian Moya, City Council
Cdr. Michael Miller, APD
Cdr. Robert Middleton, APD
Jolene Luna, APD
Jeremy Schmehl, Asst. City Atty
Tina Musscarella Gooch, POB Atty
Matt Jackson, POB Atty

Meeting Minutes

- I. **Welcome and call to order.** Chair Waites called to order the regular meeting of the Police Oversight Board at 5:02 p.m.
- II. **Pledge of Allegiance.** Vice-Chair Galloway led the meeting in the Pledge of Allegiance.
- III. **Mission Statement.** Chair Waites read the Police Oversight Board's mission statement.
- IV. **Approval of the Agenda.**
 - a) A motion was made by Vice-Chair Galloway to approve the agenda as written. Member St. John seconded the motion. The motion was carried by the following vote:
For: 5 – Waites, Galloway, Fine, St. John, Van Deventer
 - b) Member Van Deventer later made a change to the agenda to remove in its entirety item VIII. b. 1. Make semiannual reports, annual reports 2. Discussion around changing the rule that chair and vice-chair cannot secede themselves 3. Updating the ordinance further 4. Other
 - c) The agenda was amended a second time after discussing the item VIII. b 1-4 to accept the agenda with the changes as proposed by Member Van Deventer. A motion was made by Vice-Chair Galloway and Member Fine seconded the motion. The motion was carried by the following vote:
For: 5 – Waites, Galloway, Fine, St. John, Van Deventer

V. Public Comments

- a) **Tony Pirard.** Mr. Pirard stated he has been involved with settlement agreement and gave his concerns on the APD reform process.
- b) **Alan Wagman.** Mr. Wagman spoke on the Use of Force Policy and he would suggest that some of the wording be changed. (copy of recommendation will be emailed)
- c) **Tadeusz Niemyjski.** Mr. Niemyjski spoke on the court system and issues with 911 and 242-COPS on the time frame to answer his phone calls.
- d) **JP Arrossa.** Mr. Arrossa is a clergy member and also the missioner to homeless and displaced and a member of APD Forward Coalition. He wanted to make a comment on the Use of Force Policy and applaud APD for prioritizing de-escalation techniques for all officers, also wants the policy to reflect on what tools and resources are available to officers in situations before the use of force is needed or used.

VI. Review and Approval of Minutes. For more information about minutes from prior POB meetings, please visit our website here: <http://www.cabq.gov/cpoa/police-oversight-board/pob-agenda-meeting-minutes>

a) Approval of the Minutes from May 16, 2018

- 1. Copies of the draft minutes from the May 16, 2018 POB meeting were distributed to each member in their packets.
- 2. A motion was made by Vice-Chair Galloway to approve the minutes as written but to include former member Larson's comment. Member Fine seconded the motion. The motion was carried by the following vote:

For: 5 – Waites, Galloway, Fine, St. John, Van Deventer

- b) Chair Waites makes a statement that failure to meet the 10 day minutes to be posted and there was an error in the office and has been corrected and will meet the 10 day posting and a plan in place

VII. Reports from City Staff

- a) **APD – Commander Michael Miller** with Internal Affairs gave the following report for APD:
 - 1. **Statistical Data.** Commander Miller read the Statistical Date for the month of May 2018. A document titled *Police Oversight Board, APD Internal Affairs: Statistical Data for the Month of May 2018* was distributed to the POB members.

2. Internal Affairs Force Division.

a. Jolene Luna with APD Compliance Bureau gave an overview introduction of the Use of Force Policy 2-52. APD policy development process is conducting OPA meetings in conjunction with the POB monthly meeting. Ms. Luna will also provide recommendation forms for the public to fill out and can be returned in after the POB meeting or email recommendations to www.cabq.gov/police .

b. Commander Middleton presented a brief history on the draft Use of Force 2-52 policy and outlined the points of how the policy was developed which is attached. The draft was developed with the input of several members and direction from Independent Monitors and wants to make something easily understandable for Police Officers and make it clear, concise and directive which was a recommendation.

3. Public Questions and Comment on Use of Force 2-52

a. **Nancy Koenigsberg.** Ms. Koenigsberg is an attorney with the Disability Rights of New Mexico, an organization advocating for civil and legal rights with people of all types of disabilities and a member of APD Forward. She is here to speak because it is the most important policy and believes that the APD needs to adopt a DOJ draft and make everyone feel safe.

b. **Maggie Keil.** Ms. Keil is with National Association of Social Workers New Mexico Chapter. Wanting interactions between Police and the Public to benefit our neighborhoods and community and applaud APD for prioritizing de-escalation techniques and support enhanced training for all officers.

c. **Robby Heckman.** Mr. Heckman submitted comments in writing from APD Forward Coalition and wants his document to be entered for record in today's meeting (APD Office of Policy Analysis (OPA) Draft SOP 2-52 Use of Force). He also emphasized on de-escalation for an officer and requires extensive training and not only to use in a crisis and be able to use in any situation that calls for it. APD Forward is appreciative to some of the language change that has occurred in the document such as subject to individual.

d. **Laura Williams.** Ms. Williams is a member of ACLU and wanted to emphasize that we need a clear, easy to understand Use of Force Policy to ensure that the officers understand what is expected of them and the people having a clear understanding of the policy and standards for officers.

- e. **Barbara Ferguson.** Ms. Ferguson started with a question if an officer has been in a position where they are heightened, do they have a way to literally pull those officers out and replace them with another officer for the next call? Also, she wanted to know if community policing is being done for international areas and placing officers that are familiar and understands the people that are living there?
- f. **Susan Allison-Hatch.** Ms. Allison-Hatch is New Mexico's Representative to APD Forward and wanted to give three short stories of encounters with APD and the Public. She also wanted to commend the revision of the policy and ask 2-52-2 be altered slightly – officers should make every effort to respect the dignity of every human person and to preserve life, human life, in all situations.
- g. **Tadeusz Niemyjski.** Mr. Niemyjski is concerned about community policing and who they serve. POB suggested for him to file a complaint with CPOA regarding his incident with APD.
- h. **Diane McCash.** Ms. McCash feels that the proposed policy requiring use of minimum, reasonable and necessary force that is proportional to the situation seems like a real step in the right direction. Her hopes and exceptions is that in amending policy in this way, it would have prevented an officer from shooting a teenage girl fleeing in a stolen car situation.
 - 1. Member Fine clarified that in this draft they are looking at today already states what Ms. McCash speaks of and is included in the policy.
- i. **Kathleen Burke.** Ms. Burke is a member of the Southeast Area Community Policing Council and also association with Street Safe New Mexico and a member of APD Forward as well. It has come to her attention that one of the most controversial problems we have today is issues related to use of force and this is an ongoing problem which we have not made serious strides thus far to remedy. She has not finished her edits to the policy but will be doing so and will get them into the right hand as soon as possible.
- j. **Rachel Smith.** Ms. Smith is representing Albuquerque Healthcare for the Homeless and also is a member of APD Forward. She is looking forward to seeing policy that address de-escalation as a priority and the training of de-escalation and inclusion in the policies. Ms. Smith is also asking the Office of Policy Analysis to really seriously consider all of the comments APD Forward has submitted in writing.

- k. **Pete Dinelli.** Mr. Dinelli has been watching this process for the last 3 years and wanted to emphasize that once you finally adopt it, get this policy in writing go out to the academy and see how it is being taught and how it will translate to the streets.
- l. Member Van Deventer wanted to thank everyone for coming out today and APD Forward for their edits, revisions and recommendations. She wants to refocus on organizational thinking around police culture and the use of force against individuals. She also urges APD to commit to using the minimum amount of force necessary to achieve its lawful goals. Member Van Deventer feels that the Police Union attempts to weaken and dilute progress everyone is attempting to make and further is required by law. She strongly urges APD and Policy Analysis to abandon any attempt to incorporate the Graham standard into this policy.
- b) **City Council** – Julian Moya gave the following report for City Council:
 - 1. **Contract update.** The City Council office received Vice Chair Galloway’s letter regarding the board’s decision to extend Director Harness’s contract and introduce at the next City Council meeting, Monday, June 18, 2018. Due to the July break for council the communication should be approved in August.
 - 2. **Ordinance Changes.** On June 18, 2018 they will introduce the board’s proposed ordinance changes that have been floating around. That bill would be on the Finance and Government Operations Committee Meeting in August then go into full council from there.
 - 3. **Applications for new board members.** City Council has received a handful of applications for appointment to the board. Mr. Moya will review these applications and get them considered for the current vacancies by the end of June and have some names chosen so they could attend July’s board meeting and move those appointments forward and approval for August. He will provide the names to Vice-Chair Galloway for the next Community Outreach Subcommittee Meeting to introduce themselves and the expectations will be as a board member.
- c) **Mayor’s Office.** There was no one from the Mayor’s office present to give a report.

- d) **City Attorney – Jeramy Schmehl** gave the following report:
1. **Public Hearing with Monitor’s.** Mr. Schmehl gave an update on Monday’s hearing and the compliance plan and was updated by the monitor and was discussed in court. The next report will be August 31, 2018, and report on the compliance plan and progress implementing what is spelled out in the document.
 2. **Motion Extended for Paragraph 86.** Paragraph 86 speaks to the review of Use of Force Policies and training was granted by the court which means that the new deadline and order sets out deadline to review policies is September 21, 2018 and review the training October 1, 2018 and approve. The motion also set out a specific calendar and the city is committed to adhering to that.
 3. **Backlog of Cases.**
 - a) The City will be filing an explanatory brief or notice explaining how the numbers were derived. The Backlog number is relating to cases have been delayed past 120 days, and starting September 20th and moving forward.
 - b) Member Fine wanted assurance the board will see any involved officer shooting cases. The board has seen some cases but not all cases.
 - c) Mr. Schmehl said he will meet the requirement and work with Member Fine on the cases that still need to be reviewed if she likes.
 4. **Use of Force.**
 - a) Mr. Schmehl stated that training will be critical is a sea change in the way the department thinks about force. He also wanted to address because there needs to be some clarification about what is Graham and what from Graham causes problems, Graham is severity, the threat and the resistance and it is in the policy.
 - b) Member Van Deventor wanted to clarify the she does believe that this policy and have before us a great effort. She was attempting to avoid assisting where there is a campaign to weaken or dilute that attempt.
- c) **CPC – Community Policing Council** – There was no one from the Mayor’s Office present to give a report.
- d) **CPOA – Director Harness** gave the following report for the CPOA:
- a. **Status Conference.** Director Harness mentioned the monitors are in town and attended the Status Conference and presented the investigative findings on CPC077-18 which was the Allegations made by Arellanes regarding retaliation. The judge ordered an investigation through Deputy Chief Garcia which was passed along to CPOA because it involved a civilian. He also presented a copy of those finding to Judge Brack and Arellanes as

well. The case will now go to the next CRC Subcommittee Meeting and from there to the next POB in July.

- b. **NACOLE.** Board members need to give a final count on who wants to attend NACOLE Conference September 29, 2018 in St. Petersburg, FL so arrangements can be made.
- c. **Contract for new attorney.** Final steps are in place for the POB new counsel contract. It has been signed, approved and we are getting the requisition in place.
- d. **Meeting with Monitor.** Director Harness meet with Mr. Giaquinto on two occasions and discussed the boards concern on Administrative Closed standard and he took it to Dr. Ginger. Dr. Ginger and the monitoring team suggest that we have a discussion with all parties to reach a solution that the board can find amenable and it will be put on the agenda for discussion for the standard for Administratively Closed cases as the agency has been conducting them in the past. The parties will put us on the agenda and will participate in weekly conversations with all parties, Monitoring team, DOJ and city and it will be a telephone conference. Mr. Giaquinto selected a number of cases for his review and we are back into regular monitoring at this time and we are moving out of the technical advisory. The monitoring period will end on July 30th.
- e. **Thank you.** Director Harness wanted to thank Matt and Mark for their service as the POB's Counsel and always accessible whenever CPOA needed a phone call or email.
- f. **Break.** Chair Waites made a motion for a 10 minute break. Vice-Chair Galloway seconded the motion. The motion was carried by the following vote:

For: 5 –Waites, Galloway, Fine, St. John, Van Deventer

----10 minute break began at 6:38 p.m. and the meeting reconvened at 6:50 p.m. ----

VIII. Reports from Subcommittees

a) Community Outreach Subcommittee – *Chantal Galloway*

Galloway gave a report on behalf of the Community Outreach Subcommittee, which last met on May 22, 2018, as follows:

1. **Social Media.** Vice-Chair Galloway started with that the subcommittee was going to continue with reaching out to the media contacts. Director Harness, Vice-Chair Galloway and Member Fine sat down with Erica Zucco with KOB TV and did a segment for Eye on New Mexico which aired on June 3, 2018 and got great feedback and received applications on potential new board members. Social media post have increased and wanted to thank CPOA for their efforts.
 2. **Potential Board Members.** Vice-Chair Galloway is taking on the task of on boarding new members, introducing them to what expectations are, making sure they have a firm feel of what it is they are walking into and hopefully set them up for success and will invite them to the next Community Outreach Meeting.
 3. **Health Care for the Homeless.** Director Harness and Member Fine will be meeting with a leadership group for Health Care for the Homeless on June 15, 2018 at 11:00 and the purpose of this meeting is to reach out and ask what suggestions they may have or what does CPOA and POB need to understand about their circumstances.
 4. **Next Meeting.** The subcommittee will next meet on Tuesday, June 26, 2018 at 2:30pm.
- b) **Policy and Procedure Review Subcommittee – William Kass -**
Member Van Deventer gave a report on behalf of the Policy and Procedure Review Subcommittee, as follows:
1. Policy analysis introduced the following policies, SOP 334, Training Committees, SOP 2-29, Emergency Response Team and SOP 6-1, Training Division. These are CASA related policies and will be reviewed. The subcommittee achieved an agreement with APD regarding the Police Oversight Boards own policy on policy that has been previously presented a few meetings ago. Process is being utilized for 252 which is the policy before us today. There are two competing versions of our own internal policy and we are giving them both a test drive right now, so updates to follow.
 2. Dr. Kass achieved memorandum of understanding for intra agency responding to certain emergency or urgent situations. This has not been developed but they have agreed to develop it, with the Police Oversight Board, through Lieutenant Espinosa with APD.
 3. **Exit Interview to Chief.** Member Van Deventer is asking for the board to vote on the recommendation letter - *Exit Interview to Chief*

4. Motion. Member Fine made a motion to send the *Exit Interview* recommendation letter to the Chief. Vice-chair Galloway seconded the motion. The motion was carried by the following vote:

For: 5 – Waites, Galloway, Fine, St. John, Van Deventor

c) Case Review Subcommittee – Valerie St. John.

Member St. John gave a report on behalf of the Case Review Subcommittee, which met on May 31, 2018, as follows:

- 1. Administratively Closed Cases.** The subcommittee had 12 Administratively Closed Cases and two of those cases 111-18 and 116-18 were sent to the Non-Consent Agenda. One case investigated 219-17 and also received two appeals, cases 038-18 and 162-17, that action will be decided at tonight's meeting.
- 2. Next Meeting.** The subcommittee will next meet on Tuesday, June 25, 2018 at 3:00pm.

d) Personnel Subcommittee – Eric Cruz.

Vice-Chair Galloway gave a report on behalf of the Case Review Subcommittee, as follows:

- 1. Contract Update.** Vice-Chair Galloway reported that a letter for Director Harness's Contract extension for employment has been sent to City Council.

IX. Discussion

a) Questions for new Counsel, Attorney Tina M. Gooch

- 1. Welcome.** Ms. Gooch introduced herself and is looking forward to working with the board and will be the main contact for Police Oversight Board and at the end of the meeting she will give her contact information which will include Sutin, Thayer & Browne Firm and there are three other lawyers available to work on anything that the board may need depending on the area of specialty that the questions may come from.

X. Consent Agenda Cases: The CPOA's findings in each case listed on the consent agenda are reviewed and approved by the POB. The findings become part of the officer's file, if applicable. Copies of the full findings letters to the citizens are located at <http://www.cabq.gov/cpoa/findings-letters/civilian-complaints-pob-findings>.

a) Administratively Closed Cases

033-18	068-18	087-18	105-18	106-18
107-18	112-18	120-18	121-18	231-17
107-19				

1. **Motion.** Chair Waites motioned to approve the *Administratively Closed* cases as presented. Vice-Chair Galloway seconded the motion and there was no discussion of any cases. The motion was carried by the following vote:

For: 5 – Waites, Galloway, Fine, St. John, Van Deventer

b) Cases Investigated

219-17

1. **Motion.** Chair Waites motioned to approve the *Case Investigated* as presented. Vice-Chair Galloway seconded the motion. The motion was carried by the following vote:

For: 5 – Waites, Galloway, Fine, St. John, Van Deventer

c) Non-Consent Agenda

118-18

116-18

1.111-18. Member Van Deventer went into the Civilian Police Oversight Office to review the file and is asking for this case be referred back to the office for further analysis and elaboration on the allegation made of police brutality. Her review of the videos demonstrated that there was no police brutality involved but would like that to be clear to the complainant. She also stated that it may have been an unintentional oversight and our correspondence did not address that issue.

2. **Motion.** Member Van Deventer made a motion that case 118-18 be sent back for further analysis. Member Fine second the motion. The motion was carried by the following vote:

For: 5 – Waites, Galloway, Fine, St. John, Van Deventer

3. 116-18. Member Van Deventer reviewed this file as well and the investigation was not able to link the phone call to the officer. The correspondence drafted had an overly definitive statement stating that it was not possible that the officer made the phone call and that did not flow from the evidence that was provided.

4. **Motion.** Member Van Deventer made a motion that case 116-18 be sent back for further analysis to make it clearer that we simply did not have any evidence that linked the officer to the phone call and if complainant has further evidence, they are welcomed to reopen the case. Member Fine second the motion. The motion was carried by the following vote:

For: 5 – Waites, Galloway, Fine, St. John, Van Deventer

XI. Non-Concurrence Case

a) There was no Non-Concurrence Cases to present.

XII. Review of Appeals

038-18 162-17

1. **038-18.** The Oversight Board was unable to understand or read the appeal and was not able to make a determination as to whether or not the appeal criteria was satisfied. Member Van Deventer proposes that they extend the deadline to the complainant and if they would like to resubmit.

2. **Motion.** Member Van Deventer motioned to approve to extend the appeal request of the deadline to the individual complaint within 30 days. Vice-Chair Galloway seconded the motion. The motion was carried by the following vote:

For: 5 – Waites, Galloway, Fine, St. John, Van Deventer

1. **162-17.** The complainant did not like the outcome of the investigation findings and filled an appeal. After the boards review of case 162-17 it does not meet the criteria for an appeal.

2. **Motion.** Vice-Chair Galloway motions that the decision will stand and not a reason to re-investigate. Member Fine second the motion. The motion was carried by the following vote:

For: 5 – Waites, Galloway, Fine, St. John, Van Deventer

XIII. Serious Use of Force/Officer Involved Shooting Cases.

I-20-17 I-24-17

a) **I-20-17.**

1. Director Harness will be forwarding a letter to Chief Geier stating that we do not have jurisdiction over the target officer. The officer is no longer with the Albuquerque Police Department.

2. Member Fine had a question for Director Harness that we can't interview the officer to get their side of the story and it would be an incomplete investigation?

3. Director Harness advised that there is no jurisdiction to implement of any sort of discipline if there was a finding. This is a review of an Internal Affairs investigation which was completed and the officer is no longer with the department.

4. Member Fine responded that it concerns her that we don't investigate and learned at a later time that we couldn't talk to the officer and couldn't complete.

5. Director Harness stated that the officer's statements incorporated in this investigation and is not a matter to interview the officer, it's a matter of outcome that would affect the officer at this time.

6. **Motion.** Member Fine made a motion to accept the case as presented. Member St. John second the motion. The motion was carried by the following vote:

For: 5 – Waites, Galloway, Fine, St. John, Van Deventer

b) I-24-17

1. Director Harness advises that the officer is no longer employed by Albuquerque Police Department. He will be sending a letter to Chief Geier stating that we don't have jurisdiction to review this matter for the target officer.

2. **Motion.** Vice-Chair Galloway made a motion to accept the case as presented. Member Fine seconded the motion. The motion was carried by the following vote:

For: 5 – Waites, Galloway, Fine, St. John, Van Deventer

XIV. POB's Review of *Garrity* Materials.

I-50-17

1. Director Harness introduced I-50-17 officer involved shooting that will be reviewed by Administrative office. This incident involves 10 target officers. The board under ordinance must vote to have the Garrity Materials set aside for their review.

2. **Motion.** Member Van Deventer made a motion to view the Garrity Materials. Vice-Chair Galloway seconded the motion. The motion was carried by the following vote:

For: 5 – Waites, Galloway, Fine, St. John, Van Deventer

XV. Meeting with Counsel re: Pending Litigation or Personnel Issues:

Closed Discussion and Possible Action re: Pending Litigation or Personnel Issues

a) **Matters subject to the attorney-client privilege pertaining to threatened or pending litigation in which the public body is or may become a participant pursuant to NMSA 1978, Section 10-15-1(H)(7); and**

b) **Limited personnel matters pursuant to NMSA 1978, Section 10-15-1(H)(2)**

c) There were no issues to discuss.

XVI. Other Business.

a) Ride Along.

1. Vice-Chair Galloway received an email from Dr. Kass on May 31st that he is working with Commander Sullivan with the APD Training Academy on board members to complete their ride along requirements, go out to the 911 Call Center, Real Time Center to broaden reality based training.

2. Director Harness advised the board members if they have a specific area they prefer to do the ride along you can contact the area Commander or Director Harness will get you the contact out at the Police Academy

b) Thank you.

1. Mr. Jackson wanted to thank the board for all the opportunity to serve POB and CPOA. Mark also passes along his thanks as well and it has been a real pleasure. He also stated that they will do what is necessary to make it a smooth transition for new counsel.
2. Member St. John wanted to make sure there was no pending litigations of lawsuits pending.
3. Mr. Jackson stated all matters have been dismissed and any further discussion it would have to take place in close session.

XVII. Adjournment – A motion was made by Vice-Chair Galloway to adjourn the meeting. Member St. John seconded the motion. The motion was carried by the following vote:
For: 5 – Waites, Galloway, Fine, St. John, Van Deventer
The meeting adjourned at 7:20 p.m.

Next Regularly scheduled POB meeting will be on July 12, 2018 at 5:00 p.m. in the Vincent E. Griego Chambers.

APPROVED:



Leonard Waites, Chair
Civilian Police Oversight Agency

7/12/18
Date

CC: Julian Moya, City Council Staff
Trina Gurule, Interim City Clerk
Ken Sanchez, City Council President (via email)

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

Attachments

POLICE OVERSIGHT BOARD

PUBLIC COMMENT SIGN IN

DATE: 6/14/2019

NAME (PLEASE PRINT)

✓ 1. Tony Pirard

13. _____

✓ 2. ALAN WAGMAN

14. _____

✓ 3. Tadeusz Niemulski

15. _____

4. JP Arrossa

16. _____

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12. _____

24. _____

Sigala, Katrina M.

From: Killebrew, Paul (CRT) <Paul.Killebrew@usdoj.gov>
Sent: Friday, June 15, 2018 2:31 PM
To: Alan Wagman
Cc: Civilian Police Oversight Agency; POB; Nancy Koenigsberg; Steve Allen
Subject: Re: My comments on Use of Force Policy

Thank you, Alan! Have a terrific weekend!

Paul Killebrew | Special Counsel | Special Litigation Section
o: (202) 305-3239 | c: (202) 532-3403 | e: paul.killebrew@usdoj.gov

On Jun 15, 2018, at 1:08 PM, Alan Wagman <avramwagman@gmail.com> wrote:

2-52-4 Use of Force Requirements

A. General Requirements

...

2. An officer shall use only the degree of force that is reasonable, necessary under the circumstances, and proportional to the threat or resistance of the individual.

Change to: An officer shall only use the degree of force that, under the totality of the circumstances, is reasonable, necessary, and proportional, as those terms are defined in subsections B, C, D, and E of this section. Because the terms are completely defined elsewhere, they should not be modified here. Just use the definitions already formulated. Eliminate ambiguity as to whether the term is being used as set forth in this provision or as set forth in the definition subsections.

E. Totality of the Circumstances

1. When force is used, the decision to use force and the level of force must be reasonable, necessary, and proportional under the totality of the circumstances.

a. Factors defining the totality of the circumstances include, but are not limited to the following:

i. The severity of the crime(s) at issue;

This provision is retained is very misleading and confusing. What is meant by “severity” of the crime(s)?

Is “severity” to be determined by the degree of the felony and the potential penalty? An individual selling \$10 worth of crack cocaine is committing a second degree felony with a potential prison sentence of 9 years. If it is a second conviction, it is a first degree felony with a potential prison sentence of 18 years. On the other hand, lesser felonies (as determined by the degree of the felony and potential sentence) include Battery on a Peace Officer; Aggravated Battery (e.g., stabbing or shooting someone); Robbery (theft via use of force) and a whole host of other felonies which are less than second degree but much more violent and dangerous.

Is severity to be determined by the name of the crime at issue?

“Burglary” is the name of the offense whether one goes into an abandoned building without permission with the requisite intent or into an occupied building. In one case, there is minimal risk of interpersonal violence; in the other, the possibility is present. But the name of the crime is the same.

“False imprisonment” is the name of the offense when one stands in front of a door and says to a spouse or significant other, “You’re not leaving until we talk this through,” and then steps aside after 15 seconds. “False imprisonment is also the name of the offense when one locks another in a bedroom for days and uses violence to keep the other person from leaving. Are these two instances of the same crime the same “severity”?

Worse, police officers frequently overcharge – whether knowingly and intentionally or by mistake is beyond my ability to guess. A very common example of this is officers writing up a criminal complaint charging Kidnapping – a second degree felony – when the appropriate charge is False Imprisonment – a fourth degree felony. If use of force is justified or not based upon “severity” of the crime(s), does use of force become more reasonable because an officer misunderstands or misrepresents what crime should be charged?

The best solution is to eliminate this provision altogether and instead modify subsection E.1.b.iii. This subsection currently reads as follows:

E. Totality of the Circumstances

1. When force is used, the decision to use force and the level of force must be reasonable, necessary, and proportional under the totality of the circumstances.

”

b. Other factors may include the following:

...

iii. The individual’s known history to include violent tendencies or previous encounters with law enforcement which were combative.

I suggest modifying this as follows: “iii. The individual’s known history to include violent tendencies or previous encounters with law enforcement which were combative and any facts known to the officer arising from the current investigation or which gave rise to the current investigation.”

2-52-5 Use of Force Prohibitions

1. Officers shall not ...

9. *The use of unreasonable force will subject officers to discipline, as well as to possible criminal prosecution and/or civil liability.*

The previous 8 provisions all begin, “Officers shall not.” This is structurally different and belongs in a section of its own. In addition, the penalty should not apply only to unreasonable force. The definitions of improper force include three types of improper force: that which is not reasonable, that which is not proportional, and and that which is not necessary. The definitions do not refer to each other internally.

Either the definitions should be changed to indicate that "unreasonable" use of force includes force that is not proportional and force which is not necessary OR this provision should be changed to indicate that he potential penalties also apply to use of force which is

not necessary and to use of force which is more than proportional in addition to force which is not reasonable.

2-52-6 Use of Force Procedures:

D. Deadly Force is:

10. Verbal warnings shall be given, when feasible, prior to the use of deadly force.

This is not part of the definition of “Deadly Force.” It should have its own subsection.

ONE MORE POINT THAT I DID NOT HAVE TIME TO GET TO IN MY PUBLIC COMMENT:

In addition to the foregoing, I also believe that Use of Force policies should include the following provision:

Officers shall not use a “sternum rub” except under the following conditions:

1. The officer has been trained in use of the procedure for medical purposes and determines that medical use of the procedure is necessary for the health and safety of the person upon whom the procedure is applied; or
2. The officer is directed to perform a sternum rub by trained medical personnel who have been sufficiently advised of the circumstances and have determined that a sternum rub is necessary for the health and safety of the person upon whom the procedure is to be applied.

REASON: Judging by the number of times during the course of my employment as a public defender attorney I saw officers indicate in reports that they had applied a sternum rub to an unconscious subject, it is clear that officers are being trained to use the sternum rub to awaken an inebriated and unconscious person. The police reports usually are describing the basis for a misdemeanor charge of Resisting Arrest or, more seriously, a felony charge of Battery on a Peace Officer.

A sternum rub is done by placing the knuckle directly onto the sternum of the subject, pushing hard, and then rubbing the sternum with the knuckle. Medically, the sternum rub is used to determine whether a subject is merely sleeping or is comatose – because the pain it induces is so intense that only someone in a coma would not wake up.

Instruction manuals for use of the sternum rub warn that the person upon whom it is inflicted is likely to flail at or strike the person applying the rub. From what I have seen, APD officers are trained to improperly use the sternum rub when it is not called for, i.e., they are trained to use improper force. Further, they are not trained to recognize that when they use it and get hit, the person hitting them is not committing a crime.

I discussed this briefly outside council chambers with Paul Killebrew of DOJ. He indicated to me that the DOJ had flagged inappropriate use of sternum rub in its initial investigation.

((Alan Wagman)) <avramwagman@gmail.com>
Resistance is the new normal.

=====
This message has been analyzed by Deep Discovery Email Inspector.

POLICE OVERSIGHT BOARD
INTERNAL AFFAIRS
STATISTICAL DATA FOR THE MONTH OF JUNE 2018

APD 911 Communications Center

Dispatched calls for Service for JUNE 2018: 44,774 (decrease from MAY (1,756))

INTERNAL CASES FOR THE MONTH OF JUNE 2018

I's

Total Internal Cases Completed the Month of JUNE: 6

Comprised of:

- **6-Internal Affairs Investigations**
- **0-Area Command Investigated case**

Internal Cases Administratively Closed: 0

Internal Cases Mediated: 0

Discipline imposed for Internal Cases/ JUNE 2018:

1: Training- Custody of Prisoners, Canine Unit Searches

1: Verbal Reprimand-Procedure

1: Suspension (8 hrs.)- Conduct

1: Suspension (160hrs.)-Compliance with laws, rules & regulations

EIRS FOR JUNE 2018: 69 alerts distributed

Pending IA Cases for the Month of JUNE 2018: 14

IA/IAC Cases opened in the month of JUNE 2018: 5

2-52 – Use of Force - General

2-52-1 Purpose

The purpose of this policy is to describe the procedures, requirements, and expectations surrounding the use of force by sworn personnel of the Albuquerque Police Department.

2-52-2 Policy^[TMD1]

An Officer Shall Use Only the Degree of Force That Is Objectively Reasonable, Necessary Under the Circumstances, and Proportional to the Threat or Resistance of a Subject

Objectively reasonable: The reasonableness of a particular use of force is based on the totality of circumstances known by the officer at the time of the use of force and weighs the actions of the officer against the rights of the subject, in light of the circumstances surrounding the event. It must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.

The calculus of reasonableness must allow for the fact that police officers are often forced to make split-second decisions - in circumstances that are tense, uncertain, dynamic and rapidly evolving - about the amount of force that is necessary in a particular situation (*Graham v. Connor* (490 U.S. 386 (1989))).

The reasonableness inquiry in an excessive-force case is an objective one: whether the officers' actions are objectively reasonable in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation.

While officers must at all times comply with the minimum legal requirements governing the use of force, they must also comply with even stricter standards set forth by Department policy.

Officers shall make every effort to preserve human life in all situations.

The Department shall hold officers accountable for upholding lawful, professional, and ethical standards through assertive leadership and supervision before, during, and after every force incident.

Officers who use force shall use the minimum amount of force that is Reasonable, Necessary and Proportional^[TMD2] based on the totality of the circumstances confronting the officers in order to bring about a lawful objective.

Once force is used, officers shall reduce the level of force or stop using force as the resistance or threat decreases.

Officers derive their authority to use force from the United States Constitution, Federal and State laws, APD Policies, and the community. Unreasonable force degrades the legitimacy of the officer's authority. The unreasonable use of force will subject officers to discipline, as well as to possible criminal prosecution and/or civil liability.

2-52-3 Definitions

For a listing of definitions specific to use of force, refer to SOP 2-53 – Use of Force Definitions.

2-52-4 Use of Force Requirements

A. General Requirements

1. Officers shall first use de-escalation techniques when Feasible to gain the voluntary compliance of an individual to reduce or eliminate the need to use force.

Among these techniques are the use of advisements, warnings, and verbal persuasion. **[CROSS REFERENCE DE-ESCALATION POLICY]**

2. An officer shall use only the degree of force that is Reasonable, Necessary [TMD3] under the circumstances, and Proportional to the threat or resistance of the individual.
3. Officers shall continually assess whether the use of force is Necessary and whether a different level of force is appropriate, and shall adjust the use of force accordingly, to include stopping the use of force.

B. Reasonable Force

Force is Reasonable under the circumstances when it is the minimum amount of force Necessary to effect an arrest or protect the officer or other person. [TMD4]

C. Necessary Force

Force is Necessary when no Reasonable [TMD5] alternative to the use of force exists. When force is Necessary, officers shall use the minimum amount of force required and shall avoid unnecessary risk of injury to the officer or any individual.

D. Proportional Force

Force is Proportional when it reflects the totality of circumstances surrounding the situation, including the presence of imminent danger to the officer or others.

The use of Proportional force by an officer does not require the use of the same type or amount of force as that used by the individual.

The more immediate the threat and more likely that the threat will result in death or serious physical injury, the greater the level of force that is Reasonable and Necessary to counter it.

E. Totality of the Circumstances

1. When force is used, the decision to use force and the level of force must be Reasonable, Necessary, and Proportional under the Totality of the Circumstances.

a. Factors defining the totality of the circumstances include, but are not limited to the following:

- i. The severity of the crime(s) at issue;
- ii. Whether the individual is actively resisting arrest or attempting to evade arrest by flight;
- iii. Whether the individual poses an immediate threat to the safety of the officer(s) or others.

b. Other factors may include the following:

- i. The knowledge or belief the individual is under the influence of alcohol and/or drugs.
- ii. The individual's medical or mental health history or condition is known to the officer at the time.
- iii. The individual's known history to include violent tendencies or previous encounters with law enforcement which were combative.
- iv. Disparities of force (i.e. differences in factors such as physical size, numbers, gender, age, weapons, injury, special knowledge or skills that place an officer at an advantage (positive disparity) or disadvantage (negative disparity)), are part of the "totality of the circumstances" and can have direct implications on the Reasonableness of a use of force. The existence of a negative disparity for the officer could justify the use of a higher level of force in a given situation whereas a positive disparity for the officer could reduce the level of force deemed

- Reasonable in a given situation.
- v. The individual's condition if known (e.g., it is apparent to the officer that an individual is in crisis) must be considered in the officer's approach to the situation. (also refer to SOP 2-19 - Response to Behavioral Health Issues)
 - vi. The opportunities the officer had to give a warning, use verbal de-escalation, use other de-escalation techniques or tactics or to limit the amount of force used.
 - vii. Whether the officers made statement(s) or took action(s) that created the need to use force. [TMD7]
- c. The dynamics of a use-of-force encounter can change rapidly which may affect the Reasonableness of the officers' current actions and require them to quickly escalate or de-escalate the level of force they are using against an individual.

F. Lawful Objectives

Officers shall only use force to achieve a lawful objective. Officers are authorized to use force:

- a. To effect a lawful arrest or detention of a person;
- b. To prevent and/or terminate the commission of a crime;
- c. To intervene in a suicide or self-inflicted injury;
- d. To enforce a valid Certificate of Evaluation;
- e. To defend an officer or person [TMD8] from the physical acts of another; or
- f. To conduct a lawful search.

2-52-5 Use of Force Prohibitions

1. Officers shall not use force to attempt to gain compliance with an unlawful command.
2. Officers shall not engage in actions or tactics, or make statements that escalate a situation such that the use of force becomes Necessary.
3. Officers shall not use force against a restrained or handcuffed individual unless the force is Objectively Reasonable and Necessary:
 - a. To prevent imminent bodily harm to the officer or another person or persons;

- b. To overcome active resistance;
 - c. To move an individual who is passively resisting.
4. Officers shall not use deadly force when an individual is only threatening suicide or self-injury.
 5. Officers shall not use deadly force against any individual whose only threat is to property and not a threat to an officer or other individual.
 6. Officers shall not use neck-holds, as defined in SOP 2-53, unless deadly force is justified. [TMD9]
 7. Officers shall not fire warning shots.
 8. Officers shall not shoot into a crowded area unless the risk to officer(s) and bystanders is immediate and the failure to shoot is likely to result in more and greater injuries compared to shooting when there is a risk of striking bystanders. [TMD10]
 9. The use of unreasonable force will subject officers to discipline, as well as to possible criminal prosecution and/or civil liability.

2-52-6 Use of Force Procedures:

A. General Procedures

1. Officers shall, whenever possible, announce their intent to detain, search, or arrest an individual before resorting to using force. When Feasible, officers will identify themselves as peace officers before using force.
2. Officers shall recognize and utilize distance, cover, concealment, or intermediate barriers in order to maximize their reaction time and deployment of resources. [TMD11]
3. Where Feasible, and when doing so would not increase the danger to officers or others, officers shall issue a verbal warning to the individual prior to using force.
4. Officers shall take all Reasonable [TMD12] steps under the circumstances, before and during any use of force, to avoid unnecessary risk to bystanders, victims, hostages, and other involved civilians, as well as other officers and emergency personnel.
5. In situations where the individual is forced into a face-down position, Officers shall release pressure/weight from the individual and position the individual on their side or sit them up as soon as it is safe to do so. Officers shall monitor the

individual for any respiratory or breathing problems or any other signs of distress.

6. The use of leg sweeps, arm-bar takedowns, prone restraints, or a use of force against a handcuffed individual, when Necessary, must be objectively Reasonable and shall only be considered and used in the following circumstances:
 - a. To prevent imminent bodily harm to the officer or to another person or persons;
 - b. To overcome active resistance; or
 - c. To overcome passive resistance and handcuff the individual, as is objectively Reasonable and where physical removal is necessary.
6. Any on-scene officer who observes another officer using force that a Reasonable officer would view as excessive or unnecessary under the circumstances shall, when in a position to do so, safely intercede to stop the officer's actions.
7. An officer is expected to immediately notify a supervisor and document any use of force as set forth in SOP 2-56 Use of Force Reporting and Investigations.

B. Response to High Threat Situations

1. Absent an immediate need to act, officers should take time [TMD13] to plan how they will respond to the situation. When Feasible, officers arriving on scene will secure additional force options, to include less-lethal and lethal force, as a part of a force array prior to the initial contact.
2. When an individual officer arrives on the scene of a potentially violent encounter, the officer should not attempt to resolve the incident alone, unless there is an imminent threat of death or serious physical injury. For example, in an active shooter scenario, immediate intervention should be considered. Officers should continuously evaluate whether their response is Reasonable [TMD14], Necessary, and Proportional.
3. Officers shall recognize and utilize distance, cover, concealment, or intermediate barriers in order to maximize their reaction time and deployment of resources. [TMD15]
4. Supervisors should manage the overall response to a potentially high threat or violent encounter by coordinating resources and ensuring that a force array is employed.

C. Deadly Force

1. All of the provisions of this policy, that govern use of force, including the

officers' duty to preserve human life, the requirement to use de-escalation techniques and tactics, the requirements that officers use only the minimum amount of force Reasonable[TMD16], Necessary, and Proportional under the circumstances governing force, also govern lethal force.

2. Officers shall not use deadly force against an individual unless an officer has probable cause to believe that an individual poses a significant threat of death or serious bodily injury to the officer or anyone else.
3. Officers shall not use deadly force against an individual who is fleeing or attempting to escape unless:
 - a. the officer has probable cause to believe that the individual has committed or is in the process of committing a felony involving the infliction or threatened infliction of death or serious bodily injury, and,
 - b. If permitted to flee or escape, the individual would pose a significant threat of death or serious bodily injury to the officer(s) or anyone else not apprehended, and
 - c. When Feasible the officers have identified themselves as law enforcement officers, have stated the intention to use deadly force, and have given the individual a Reasonable opportunity to comply, if time, safety, and the totality of the circumstances permit.

d. Deadly Force is:

- a. Discharging a firearm at an individual, whether intentional or accidental;
- b. Any neck hold as defined by Department policy;
- c. Intentional strikes with any hard object such as a baton, flashlight, radio, weapon stock/handle, or improvised weapon to the head, neck, throat, stemum, groin or kidneys;[TMD17]
- d. Intentionally striking an individual's head against a hard, fixed object such as a roadway, floor, wall, or steel/iron bars;
- e. Intentionally targeting the head, neck or chest of an individual with a beanbag shotgun;
- f. Intentionally targeting the head, neck or chest with a 40 millimeter;[TMD18]
- g. Intentionally striking an individual's head, neck or genitalia with an ECW;
- h. Kneeing or kicking an individual's head or neck while the individual is in a prone or supine position;[TMD19]
- i. The use of any force against an individual whose health, age, condition, or circumstances make it likely that death or serious bodily injury will result.

4. Verbal warnings shall be given, when Feasible, prior to the use of deadly force.

5. Deadly Force and Motor Vehicles

a. Officers shall not reach into vehicles, or place themselves in the path of a vehicle.

b. Officers shall move out of the path of a moving vehicle to a position of cover. [TMD20]

c. Officers shall not discharge a firearm at or from a moving vehicle, unless an occupant of the vehicle the officer is engaging is using lethal force (other than the vehicle itself) against the officer or another person. Such action must be Necessary for self-defense, for the defense of other officers, for the protection of another person, or because the officer has no Reasonable alternative course of action.

d. If an officer faces an imminent threat from a moving vehicle that a subject is intentionally driving into the officer or others, the officer may use lethal force only if:

1. The office has no reasonable alternative;

e-2. A reasonable officer would believe that lethal force would remove the danger poses, without creating additional risk to bystanders. Officers should consider whether the use of lethal force creates a danger to the public outweighs the likely benefit of its use.

D. Duty to Provide Medical Attention

1. Following a use of force and once it is safe to do so, officers shall:

a. Determine whether any person was injured by the use of force.

b. Immediately render aid consistent with the officer's training.

c. Immediately request medical attention when an individual is injured or complains of injury following a use of force.

d. Officers shall immediately request medical attention for the following use of force events regardless of visible injury or complaint of injury:

1. Baton (Expandable or Straight)/Bokken

2. Oleoresin Capsicum (OC) Spray

3. Electronic Control Weapons

4. Use of patrol canine

5. Use of Force with a vehicle (refer to SOP 2-45 Pursuit by Motor Vehicle)
 6. Impact Munitions
 7. Firearm
 8. Strikes to the head, throat or neck with a hard object.
2. If officers are unable to secure the scene, officers may safely extract the individual and transport them to a safe location for medical treatment, if Necessary.
 3. Officers shall closely monitor individuals who are taken into custody if the individual is injured, exhibits physical distress, complains of pain, or has been rendered unconscious.

E. Use of Force Training and Certification

1. For training and certification requirements and for all training in use of force options, please refer to the current APD Academy and New Mexico Law Enforcement Academy lesson plans housed on APDWeb, and to the Intermediate Weapons policy.

Submit

Policy Recommendations to the Office of Policy Analysis

Date:

SOP:

Name of Submitting Department / Unit:



In order to gain a clear understanding of the reason for the policy change, please answer the questions below with as much detail as possible as this information will be shared with internal and external stakeholders interested in participating in APD's policy development process.

RECOMMENDATION			
Issue			
Recommendation			
Recommendation made by	<input type="checkbox"/> Office of Policy Analysis	<input type="checkbox"/> Other stakeholder:	
Supporting research, best practices, data trends, etc.			
Contact information:	Name:	Phone:	E-mail:

Please submit this form to OPA@cabq.gov

If you need assistance completing this form, and for any questions or concerns please contact your SOP liaison @ adgarcia@cabq.gov.

2-52 - Use of Force

POLICE OVERSIGHT BOARD

PUBLIC QUESTIONS AND COMMENTS

SIGN IN

June 14, 2018

NAME (PLEASE PRINT)

- | | |
|--|-----------|
| ✓ 1. Nancy Koenigsberg | 15. _____ |
| 2. Maggie Keil | 16. _____ |
| 3. ROBBY HECKMAN | 17. _____ |
| ✓ 4. LAURA WILLIAMS | 18. _____ |
| ✓ 5. Barbara Ferguson | 19. _____ |
| ✓ 6. Susan Alessan-Hatch | 20. _____ |
| ✓ 7. Tadeusz Niemyjski | 21. _____ |
| ✓ 8. Drane McCaskill | 22. _____ |
| ✓ 9. Kathleen Burke ^{CPL} _{S.F.} | 23. _____ |
| 10. Rachel Smith | 24. _____ |
| 11. _____ | 25. _____ |
| 12. _____ | 26. _____ |
| 13. _____ | 27. _____ |
| 14. _____ | 28. _____ |

Harness, Edward

From: Peter Cubra <pcubra@qwestoffice.net>
Sent: Thursday, June 14, 2018 7:57 AM
To: Van Deventer, Chelsea; St. John, Valerie; Larson, James A; Kass, William J.; Fine, Joanne; Cruz, Eric H.; Galloway, Chantal M.; Waites, Leonard; Civilian Police Oversight Agency; POB
Cc: pcubra@qwestoffice.net
Subject: Draft use of force policy

Dear members of the Albuquerque Police Oversight Board and interested others,

I am a lawyer whose practice is limited to representing people with disabilities, including the 15,000 people with mental disabilities who are jailed in our County jail each year; the Plaintiff Intervenor subclass in the McClendon federal class action lawsuit. The McClendon sub class is one of the amicus groups participating in the DOJ case against the City.

I am writing to urge you to NOT do anything to weaken the draft Use of Force policy that you will be discussing tonight. I also want you to know that I support the suggestions by APD Forward

In particular, I understand that some police officers are trying to convince the City to insert into the revised policy NEW references to case law that is both inconsistent with the City's existing policies regarding when force is permitted, and also inconsistent with the requirements of the consent decree in the DOJ case.

PLEASE OPPOSE any inclusion of references to such cases in the revised policy. In an effort to cure the culture of violence that has pervaded our police department for so many years, the previous City administration correctly chose in 2014 to establish a more restrictive approach to use of force than the bare minimum required by US Supreme Court case law. That was an essential step in reversing longstanding and pervasive problems of too much force used too early and too often.

Please do not support an effort to muddy the waters about whether Albuquerque is unequivocally requiring our officers to reject past practices and to do MORE than the bare minimum to de-escalate potentially volatile situations, and to avoid uses of force. Including such references will perpetuate past practices that have led people in Albuquerque (and especially people with disabilities and their families) to fear and distrust our own police officers.

Please oppose adding any references to case law that is inconsistent with Albuquerque's wisely chosen decision to not do just the bare minimum to avoid uses of force. That is essential if we are ever going to reverse the culture of violence in our police department.

Thank you.

Peter Cubra

Law Offices of Peter Cubra
4004 Carlisle NE, Suite O,
Albuquerque, NM 87107

pcubra@qwestoffice.net



Comments Compiled by APD Forward Coalition

Date Submitted: 6-13-2018

#	Page #	Section-Subsection	Comment	OPA Response
1	1	2-52-2 (6 th ¶)	As stated in the first paragraph of this section, APD "...must also comply with even stricter standards set forth by Department policy." For this reason, we suggest that the term "unreasonable" (used twice in the 6 th paragraph be replaced with "unnecessary" or "improper". These terms more clearly reflect the stricter standard alluded to in the first paragraph of this section.	
2	1	2-52-4 A.1.	We very much appreciate the use of the term "individual" in place of "subject" as occurred in previous versions of SOP 2-52. It is critical to not use terms that are abstract or dehumanize. A big part of bringing about a culture change at APD will be to continually examine the lexicon used in SOPs, training, reports, and interactions with individuals.	
3	1	2-52-4 A.1.	We also appreciate the emphasis on de-escalation here as the first requirement and explicitly linking this requirement to the De-Escalation Policy (SOP 2-55).	
4	2	2-52-4 A.2.	Again, in keeping with making it clear that APD Policy is stiffer than the Graham Standard, we suggest that "reasonable" (and the comma) be dropped from this paragraph and simply leave the word "necessary".	
5	2	2-52-4 B.	APD Forward prefers the language suggested by the DOJ, where the paragraph would state, " <i>Force is reasonable when officers use no more force than required to perform a lawful purpose.</i> " This language is more concise and again will better lend itself to training officers whose previous training focused on the Graham Standard.	
6	2	2-52-4 C.	We appreciate replacing the word "civilian" with "individual".	
7	2	2-52-4 D.	APD Forward prefers the language suggested by the DOJ, which states in a single paragraph, " <i>Force is necessary when no reasonable alternative to the use of force exists. When force is necessary, officers shall use the minimum amount of force required and shall avoid unnecessary risk of injury to the member or any civilian.</i> " APD Forward further recommends replacing "member" with "officer" and "civilian" with "individual" in the DOJ revision above to maintain consistency in terms in the SOP. Again, the above changes more clearly reflect the higher standard than as currently	



Comments Compiled by APD Forward Coalition
 Date Submitted: 6-13-2018

			written. As currently written, this section seems to directly reflect the Graham Standard.	
8	2 and 3	2-52-4 E.	APD Forward appreciates that the OPA draft replaced the term "subject" with "individual" throughout this section and the rest of the SOP for the reasons stated above in Comment # 2.	
9	3	2-52-4 F.1.d	"To enforce a valid Certificate of Evaluation". What is a valid Certificate of Evaluation?	
10	4	2-52-5 3.b	<p>It appears that the term "Active Resistance" is being redefined as part of the Use of Force Definitions SOP 2-53 (currently published as SOP 2-55 Use of Force Appendix and "tagged" as under review on the APD SOP website, https://www.cabq.gov/police/standard-operating-procedures/standard-operating-procedures-manual). The revision draft (draft of SOP 2-53 L, page 4) indicates that APD will shortly be defining three Levels of Resistance—"Passive Resistance", "Active Resistance", and "Aggressive Physical Resistance". The result is a very different definition of "Active Resistance" than what appears in the currently under review 2-55 Use of Force Appendix. The draft of SOP 2-53 L, page 4 states that Active Resistance "Refers to instances where a subject is uncooperative and fails to follow an officer's lawful order or directions but who does not pose an imminent threat to the officer or the public [emphasis added]. Examples of passive resistance include but are not limited to standing stationary and not moving upon lawful direction, falling limply and refusing to move (dead weight), holding onto a fixed object, linking arms to another during a protest or demonstration, or verbally signaling an intention to avoid or prevent being taken into custody."</p> <p>This paragraph in the SOP is clearly reflecting the Graham standard regarding the totality of the circumstances, however, it is important that APD be very clear what level of resistance this statement refers to, so as to better facilitate communication and training. Please see also Comment #13 below.</p>	
11	4	2-52-5 8.	The qualifier regarding shooting into a "crowd" or "crowded area" as written is too subjective and open-ended. The standard here should be very high and APD Forward prefers the DOJ's concise	



Comments Compiled by APD Forward Coalition
 Date Submitted: 6-13-2018

			language, which states, "Officers shall not discharge a firearm into a crowd." It would seem that the only time shooting into a crowded area would not necessarily be prohibited would be in the context of an <i>"active shooter"</i> as opposed to some nebulous and undefined standard where failure to shoot is likely to result in "... more and greater injuries..." For example, if an organized protest devolves into throwing rocks at counter protestors and officers, one could argue that failing to shoot is likely to result in "more and greater injuries".	
12	4	2-52-5 9.	APD Forward greatly appreciates this addition to the SOP! The only suggestion is that the word "unreasonable" be replaced with "unnecessary" or "improper". Again, these terms better reflect the APD's higher standard than Graham.	
13	5	2-52-6 6.b.	As indicated in Comment # 10 above. Does "Active Resistance" as used here actually refer to the forthcoming definition of Active Resistance quoted in Comment #10 above as presented in the draft SOP 2-53 Use of Force Definitions? It seems that the use of the term here might be a hold over to the old definition and 2-52-6 6.b. should actually refer to the higher level of resistance "Aggressive Physical Resistance", which "Refers to instances where a subject exhibits combative and/or threatening behavior, poses a threat of harm, or is actively attacking the officer." The Monitoring Team reports have repeatedly referred to confusion surrounding what is appropriate force on a handcuffed individual, both in the application of force and the subsequent use of force reporting and investigations.	
14	5	2-52-6 6 7.	APD Forward appreciates the intent of this paragraph, however, we suggest the following changes and the paragraph should state, "Any on-scene officer who observes another officer using out-of-policy force shall, when in a position to do so, safely intercede to stop the officer's actions." Further, we suggest that another sentence be added to the paragraph stating an obligation of reporting the incident. We suggest the following, "The on-scene officer who intervened or witnessed the out-of-policy use of force shall appropriately document and report the incident pursuant to SOP 2-54."	



Comments Compiled by APD Forward Coalition
Date Submitted: 6-13-2018

15	5	2-52-6 6 8.	APD Forward appreciates the direct cross reference of SOP 2-56 [sic] Use of Force Reporting and Investigations here. It should be "SOP 2-54" and <i>not</i> "SOP 2-56" (which is Force Review Board). The typo aside, it is critical to explicitly cross-reference relevant policies and requirements as appropriate. This will better lend itself to training officers and reinforcing the interrelationship of many of the SOPs and department requirements.	
16	5	2-52-6 6.C.1.	APD Forward appreciates the fact that de-escalation is listed as a requirement in this context. Again, evoking de-escalation as a general tactic (tool) to be used by an officer is critical and should be continually reinforced through training and other SOPs.	
17	6	2-52-6 6.D.2.	APD Forward prefers the language suggested by the DOJ, which states, "Any neck hold or choke hold;" It is unclear why the OPA draft has the qualifying statement, "...as defined by Department policy". Neck and choke holds are, by definition deadly force. Putting a qualifier here will likely result in continued confusion at APD regarding neck and choke holds as has been reported repeatedly by the Monitoring Team in their reports.	
18	6	2-52-6 6.D.3.	APD Forward questions the necessity of using the qualifier "intentionally" in this paragraph and recommend it be dropped from the paragraph.	
19	6	2-52-6 6.D.4.	Same as comment #18 above	
20	6	2-52-6 6.D.5.	Same as comment #18 above	
21	6	2-52-6 6.D.6.	Same as comment #18 above	
22	6	2-52-6 6.D.7.	Same as comment #18 above	
23	6	2-52-6 6.D.10.	This paragraph should be renumbered as "2-52-6 6.E." As it is not a subsection of "Deadly Force Is". The following letter designations should also be changed accordingly.	
24	7	2-52-6 6.G.1.	Please provide more specific references to certification requirements mentioned in this paragraph (i.e., formal name of relevant lesson plans and SOP number [SOP 2-54] for intermediate Weapons policy).	

CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board

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Valerie St. John

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Leonard Waites, Chair

Joanne Fine

Chelsea Van Deventer

Chantal M. Galloway, Vice Chair

Dr. William J. Kass

Date: May 7, 2018

Michael Geier, Chief of Police
City of Albuquerque
Albuquerque Police Department
400 Roma NW
Albuquerque, NM 87102

Enclosures: City of Denver law enforcement exit survey; City of Minneapolis Exit Interview Procedures; City of Minneapolis Exit Interview

Re: Exit Interviews for Departing Law Enforcement Officers, proposal.

Dear Chief Geier,

The Police Oversight Board recognizes that one of the challenges your department faces involves officer retention. Recently, your own head of recruiting, Officer Russ Alberti, reached out and made an excellent suggestion whose implementation could be helpful in understanding the root causes of this continued problem.

Alongside APD, the Police Oversight Board hereby recommends that your office begin the practice of conducting interviews of officers as they leave the department in order to determine the reasons underlying their departure. Conducting these exit interviews will assist the department's understanding of high attrition rates and will leave less to speculation. An improved understanding of the issues better equips the department to develop successful strategies to alleviate if not resolve these problems. For example, it is a widely held belief that officers leave the department for higher salaries found elsewhere. If the data collected through exit interviews supports this theory, the department will have a much more effective tool at its disposal when seeking increased funding.

Basic preliminary research reveals that exit interviews are standard tools for businesses and municipalities alike. It also appears that many law enforcement agencies currently conduct such surveys of their departing personnel. Attached are two exit interview samples that you can review in the event you decide implementing this practice would be of benefit to your agency. Hopefully, you will find these to be helpful starting points to develop something more specific if so desired. We further encourage you to visit the Minneapolis site, Minneapolismn.gov, where you will find numerous links that might assist your HR department in formulating an exit survey and also developing best practices in order to assure reliable results.

Please report your progress with this project to the Board at the August 9, 2018 POB meeting.

Page 2

Thank you for your prompt attention to this matter.

Sincerely,

Police Oversight Board

CC: Tim Keller, Mayor
Ken Sanchez, City Council President
Esteban Aguilar Jr., City Attorney
James Ginger Ph.D.
John Anderson, United States Attorney
Trina Gurule, Interim City Clerk

Exit Interview Procedures

I. Summary

The City of Minneapolis is committed to the development and retention of employees. To support this commitment, the Human Resources Department has developed an Exit Interview process and survey.

In Human Resources terms, an exit interview is set of questions that are designed to elicit information from an employee who has decided to leave the organization. The exit interview can play an important part in understanding why employees choose to leave the organization.

The information received from each exit interview provides insight into the City's work environment and the factors that may lead to an employee's decision to leave the City. Trends can be identified that may lead to changes in employment practices and the work environment. The goals of any changes that are made will be designed to improve employee retention/reduce turnover.

II. Exit Interview Process – Step By Step Procedures

The Human Resources Department has developed and utilizes a number of tools to conduct the exit interview. The exit interview can be conducted via a 1) Face-to-Face Interview, 2) Online Exit Interview that can be accessed via Survey Monkey.

The steps listed below should be followed:

- A. Once an employee provides notice that they are leaving (i.e. retiring, resigning, etc.) the City, the immediate supervisor should contact a member of their assigned Human Resources Generalist Team about the pending employee separation and request that the exit interview process be initiated. The supervisor should provide the employee's name, contact information and last date of employment.
- B. After the supervisor makes contact with Human Resources, a member of the Human Resources Generalist Team will contact the employee and ask them to participate in the exit interview process. If the employee agrees to participate, they will be provided with the option of participating in a face to face interview and/or be given the option to complete the online exit interview via Survey Monkey. (Note: Separating employees will need a link to access the online survey.)
- C. If an employee agrees to a face-to-face exit interview, they will also be asked to complete the online exit interview so data can be captured about the employee's experience working with the City. Capturing consistent data on a number of variables (i.e. work environment, salary, benefits, etc.) can provide valuable data that can be analyzed on a citywide basis or by individual City departments to identify trends on why people are leaving.
- D. For employees who are not contacted prior to their leaving the City, members of the Human Resources Generalist Team will send the former employee a notice requesting that they participate in the exit interview process albeit via the online survey and/or by completing a paper version of the survey and returning it in a postage paid return envelope. Former employees wanting to complete the online survey will need to contact Human Resources to get the link to the online survey. If the former employee wants to complete a paper survey, they can request that the form be mailed or emailed to them. Upon receiving the completed survey, Human Resources staff will input the data into the online survey.

III. Exit Interview Guidelines

Guidelines for the Exit Interview:

A. Human Resources will attempt to conduct exit interviews for all employees who voluntarily separate from the City including employees leaving appointed positions. The exit interview can be done via: 1) Face-to-Face Interview, 2) Online Exit Interview and 3) Electronic Exit Interview form that can be mailed or emailed to the employee for completion.

B. Face-to-face interviews will be conducted by a member of the department's assigned Human Resources Generalist Team. This means that the employee's direct manager or immediate supervisor should not conduct the exit interview. Having an employee from Human Resources conduct the face-to-face exit interview may improve the employee's comfort level in providing direct and honest feedback. For employees not comfortable in participating in a face-to-face interview, online and paper and pencil options are also available as described above.

C. The exit interview is designed to solicit information from exiting employees about themselves, their department and management. Additionally, the interview will ask about satisfaction levels with different aspects of the organization that may have influenced their decision to leave the City.

D. Exit interviews are confidential and will be used by Human Resources to identify trends as to why people are leaving and which may lead to changes in employment practices designed to improve the City work environment and improve employee retention.

E. Request and verify that all company property (i.e. laptops, cell phones, etc.) and materials (Manual, Working Papers, etc.) have been returned.

IV. Conducting the Face-To-Face Exit Interview - Human Resources Staff

A. Try and set up the interview at least one week before the employee's departure date.

B. Stress that the meeting is voluntary, informal and confidential. If the employee does not want to participate in a face-to-face interview, ask them to complete the online survey.

C. Before conducting a face-to-face exit interview, be sure the employee is provided with a data practices advisory.

D. Expect emotion and allow the employee to express their thoughts and feelings without interruption.

E. Listen and clarify any concerns. However, do not discuss how problems can be resolved.

F. Set the right tone. Be warm, receptive and interested in what the employee has to say. Listen. Don't insert personal comments, provide opinions or defend the City and its actions. Your role is to gather information and stay objective.

G. Before or after completing the face-to-face exit interview, ask the employee to complete the online survey.

H. Be sensitive to legal exposure in the areas of harassment or discrimination.

I. Thank employees for taking the time to share their thoughts with you.

V. Job Comparison Questionnaire

A. At the request of the department, Human Resources can mail a "Job Comparison Questionnaire"

B. The Job Comparison Questionnaire

C. The information contained within a completed Job Comparison Questionnaire

VI. Follow-up Steps

The Human Resources Department will periodically download the information captured in Survey Monkey to analyze the data that has been collected. Once the analysis is complete, Human Resources staff will develop one or more executive summaries; one for the entire City and others for individual departments.

These reports will provide summary information to individual City department management. The summary may include 1) Ratings on different variables such as the work environment, salary and benefits, quality of supervision, etc.; 2) Comments sorted by subject matter; and 3) Potential recommendations for improving the work environment and increasing employee retention. City departments will be asked to incorporate any recommendations in their business plans, as appropriate.

VII. Related Documents

- A. [Exit Interview Survey](#). (Note: To be completed by employees who *voluntarily* separate.)
- B. [Exit Interview Survey \(Transfer Version\)](#).
- C. [Exit Interview Cover Letter](#)
- D. [Job Comparison Questionnaire](#)

Last updated Feb 6, 2018

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Accessibility:

For reasonable accommodations or alternative formats, contact 311.

People who are deaf or hard of hearing can use a relay service to call 311 at 612-673-3000.

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Para asistencia 612-673-2700, Yog xav tau kev pab, hu 612-637-2800, Hadii aad Caawimaad u baahantahay 612-673-3500.

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**City & County of Denver STOP Survey
Strategic Programs, Inc.**

No Answer/ Does not apply	Strongly Disagree	Disagree	Somewhat Agree / Somewhat Disagree	Agree	Strongly Agree
N	1	2	3	4	5

Orientation (Answer if you've been with the company less than one year) *(SP Note: Tenure Groupings report group)*

1. I was made to feel welcome as a new employee
2. My orientation provided the information I needed to be successful
3. Policies and procedures unique to my department were thoroughly explained
4. The information covered in Field Training/Job Training adequately prepared me to do my job Sheriff Dept
5. The Field Training Leader/Job Trainer presented information in a way that was easy to understand Sheriff Dept
6. The reality of my job matched the expectations I had when I was hired
7. If you answered 3 or below to the previous question, please explain what was different than you expected

Team, Culture & Climate

8. I was proud to work for the City & County of Denver
9. I was proud to work for my agency EI*
10. Employees were treated fairly (regardless of their race, gender, age, sexual orientation, etc.)
11. I liked working with my coworkers
12. I felt valued as an employee
13. I would recommend my agency as a good place to work EI*
14. Overall, I was satisfied working at my agency EI*
15. I understood how the work I did related to the overall goals and priorities of the City
16. I understood how the work I did related to the overall goals and priorities of my agency
17. The work I did was aligned with my personal goals and interests Sheriff Dept

Job Satisfaction

18. I liked the type of work I did
19. I was motivated to go beyond what was normally expected of me to help my agency be successful EI*
20. My work gave me a sense of personal accomplishment EI*
21. I was appropriately involved in decisions that affected my work
22. My workload allowed me to maintain a good work/life balance

Immediate Supervisor (Refers to direct supervisor)

23. My supervisor clearly communicated expectations for my performance
24. My supervisor gave me useful feedback on my performance
25. My supervisor was effective in resolving issues
26. My supervisor treated me respectfully
27. My supervisor held my peers and me to the same work standards
28. My supervisor held people accountable for doing quality work

Senior Leadership (Refers to Executive Leadership Team)

29. Senior Leadership communicated a clear vision and plan for my agency's future
30. Senior Leadership followed through on commitments
31. Senior Leadership was effective in solving key organizational issues

STOP Model

- 32. Senior Leadership provided strong and consistent leadership
- 33. Senior Leadership was sincerely interested in my well-being

Communication

- 34. Communication tools (i.e. newsletters, bulletin boards, emails, company website) were useful
- 35. I trusted the information I received from my agency
- 36. I received important organization information in a timely manner
- 37. My ideas and suggestions were given consideration
- 38. Communication between divisions was effective
- 39. I was expected to speak up about any agency practices and policies that were ethically questionable
- 40. I did not fear retaliation when expressing my opinions
- 41. How could the Sheriff Department better communicate with employees? Sheriff Dept

Service & Quality

- 42. Customer satisfaction was a top priority at my agency
- 43. My coworkers were committed to delivering high quality work
- 44. Employees were encouraged to share ideas for improving service and quality

Resource Management

- 45. The amount of work I was expected to do was realistic
- 46. I had the resources and equipment I needed to be successful at my job
- 47. My agency did a good job of recruiting quality people

Training & Career Development

- 48. I had the opportunity for professional development at my organization.
- 49. I had someone at work who encouraged my professional development
- 50. In my division, the most qualified individuals were promoted
- 51. I received adequate training to be successful at my job

Policies & Procedures

- 52. Sheriff Department policies and procedures affecting my job were reasonable Sheriff Dept
- 53. Policies and procedures were administered fairly Sheriff Dept
- 54. Which policies and procedures made your job more difficult? Sheriff Dept

Compensation

- 55. I was paid fairly for the work I did
- 56. My compensation was competitive with similar organizations

Benefits (Answer only if you received benefits from the organization)

- 57. Overall, the benefit package met my needs
- 58. My benefits were competitive with similar organizations

Rehire Potential

- 59. I would consider returning to the City & County of Denver
- 60. I would consider returning to the same agency
- 61. I would consider returning to the same supervisor
- 62. What would it take for you to return to the City & County of Denver?

63. If you responded with a 3 or above to any of the Rehire Potential questions, the City & County of Denver is interested in receiving your information. All your other answers to this survey remain confidential. Do you give permission for us to share your name, contact information, and comments from the Rehire Potential section with the City & County of Denver regarding future potential employment? Yes No

Exit Factors

64. Please rate the following factors in terms of how much impact they had on your decision to leave your agency. Please skip this question if you left for involuntary reasons.

No Answer/ Does Not Apply	No Impact	Some Impact	Strong Impact	Main Reason for Leaving
N	1	2	3	4

A. Compensation/pay	N <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>
B. Benefits	N <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>
C. Supervision	N <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>
D. Senior Leadership	N <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>
E. Job duties	N <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>
F. Career development opportunities	N <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>
G. Schedule	N <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>
H. Workload	N <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>
I. Work environment	N <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>
J. Communication	N <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>
K. Job security	N <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>
L. Expectations vs. Reality	N <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>
M. Personal Reason	N <input type="checkbox"/>	1 <input type="checkbox"/>	2 <input type="checkbox"/>	3 <input type="checkbox"/>	4 <input type="checkbox"/>

Comments (Your responses in the following open-ended comment section will remain confidential, meaning that your name will not be associated with each comment; however, any identifiable information included in your comments will be reported as entered)

65. What were your most important reasons for leaving your agency?

66. What could your agency have done to prevent you from leaving?

67. What was the best thing about working for your agency?

68. Are you a sworn officer? Yes No **Sheriff Dept**

69. Are you leaving the Sheriff Department to work for another law enforcement agency? Yes No **Sheriff Dept**

70. Do you know of any compliance or integrity issues that have not been addressed with your agency (e.g., improper, unethical or unlawful behavior)? If yes, please explain.

71. (Answer only if you responded to the previous question) The City & County of Denver takes these issues seriously and would like to be made aware of them. We will be forwarding this issue/s to the City & County of Denver. As much information as you can share will be most helpful (i.e., department, location, job titles, etc). All your other answers to this survey remain confidential. Do you give permission to identify your name with this

STOP Model

specific comment? If yes, this will give the City & County of Denver an opportunity to follow up and you may be contacted for more information. Yes No

72. Is there anything else you would like to add?

City of Minneapolis Exit Interview (Revised October 2017)

Introduction and Data Practices Advisory

The purpose of this survey is to gather information in an effort to identify issues and improve the City's employment practices and work environment which the City hopes will improve employee retention. The City is committed to providing a positive work environment for its employees.

Please complete each of the 23 questions contained in the survey, choosing the answer that best reflects your experiences and opinions. The survey should take approximately 10-15 minutes to complete.

By completing this survey you are being asked to supply private or confidential information about yourself. You are being asked to complete the survey to help the City understand what factors led to your decision to terminate your employment. Your responses will be placed into a database which will be analyzed for trends so the City may determine what actions, if any, can be taken to improve employee retention and reduce turnover.

Your participation in this survey is voluntary. There will be no adverse consequences should you decline to participate.

The following personnel may have access to the information you supply as part of the exit interview:

A. Your Individual Responses

1. Staff from the City of Minneapolis Human Resources Department. (**Note:** Under certain policies and regulations, Human Resources staff may be required to share information with certain administrators from your department who have a need to know. Examples would include alleged policy violations, illegal activity, etc.)
2. Persons or entities authorized by state or federal law.

B. Summary Data Compiled from All or a Subset of Survey Respondents

1. Staff from the City of Minneapolis Human Resources Department.
2. Appropriate supervisors and administrators from City departments.
3. Policy Makers including Elected Officials.
4. Persons or entities authorized by state or federal law.

By proceeding, you acknowledge that you have read and understand the information outlined above and agree to supply some or all of the information requested in the questions contained within the Exit Interview.

Section I -- Demographics - Please provide some personal information about yourself including job title, length of service with the City and the department you are leaving.

1. Employee Name (Optional):

2. Job Title:

3. Last Date of Employment:

4. Gender (Optional):

Female

Male

5. Race/Ethnicity (If you are multi-racial, please select one race you most closely identify with (Optional)):

Asian or Pacific Islander

American Indian or Alaskan Native

Black

Hispanic

White

Two or More Races

6. Length of Service:

Under 2 years

2 but less than 5 years

5 but less than 9 years

10 but less than 15 years

Over 16 years

7. Most Recent Department:

911 (If you select this response go to question 11)

311 (If you select this response go to question 11)

Assessor (If you select this response go to question 11)

Attorney (If you select this response go to question 11)

City Clerk (If you select this response go to question 11)

City Coordinator (If you select this response go to question 11)

Civil Rights (If you select this response go to question 11)

Communications (If you select this response go to question 11)

Community Planning & Economic Development (If you select this response go to question 9)

Convention Center (If you select this response go to question 11)

Emergency Management (If you select this response go to question 11)

Finance & Property Services (If you select this response go to question 11)

Fire (If you select this response go to question 11)

Health & Family Support (If you select this response go to question 11)

Human Resources (If you select this response go to question 11)

Information Technology (IT) (If you select this response go to question 11)

Internal Audit (If you select this response go to question 11)

Neighborhood & Community Relations (If you select this response go to question 11)

Police (If you select this response go to question 11)

Public Works (If you select this response go to question 8)

Regulatory Services (If you select this response go to question 10)

8. If you are leaving the Department of Public Works, what division did you last work?

Administration

Fleet Services

Solid Waste and Recycling Services

Surface Water and Sewers

Traffic and Parking Services

Transportation Maintenance and Repair

Transportation, Planning and Engineering

Water Treatment and Distribution Services

9. If you are leaving the Department of Community Planning and Economic Development (CPED), what division/work unit did you last work?

- Administration and Operations
- Business Development
- Business Licensing
- Construction Code Services
- Development Review - Customer Service Center
- Employment and Training
- Land Use, Design, and Preservation
- Long-Range Planning (Includes Community Planning, Public Art and Research)
- Residential Finance
- Residential Real Estate Development
- Zoning Administration

10. If you are leaving the Department of Regulatory Services, what division/work unit did you last work?

- Administration and Community Engagement
- Animal Care and Control
- Code Compliance and Traffic Control
- Fire Inspection Services
- Housing Inspection Services
- Operations

Section II - Satisfaction - Please comment on how satisfied you were with various aspects of your job.

11. **Physical Work Environment** – Please rate your level of satisfaction with the following characteristics of the physical work environment. Also, indicate if the characteristic was a factor in your decision to leave the City of Minneapolis.

❖ **Office/Work station**

1 - Very Dissatisfied 2 - Somewhat Dissatisfied 3 - Somewhat Satisfied 4 - Very Satisfied Check if this is a factor in your departure

❖ **Staff facilities (lunch room, restroom, etc.)**

1 - Very Dissatisfied 2 - Somewhat Dissatisfied 3 - Somewhat Satisfied 4 - Very Satisfied Check if this is a factor in your departure

❖ **Work Location (City Hall, Public Service Center, Precinct, Fire Station, Public Works Building, etc.)**

1 - Very Dissatisfied 2 - Somewhat Dissatisfied 3 - Somewhat Satisfied 4 - Very Satisfied Check if this is a factor in your departure

12. **Training and Development** - Using the rating scale below, how would you rate the following six items? Also indicate if the item was a factor in your decision to leave the City.

1 - Very Dissatisfied 2 - Somewhat Dissatisfied 3 - Somewhat Satisfied 4 - Very Satisfied Check if this is a factor in your departure

❖ **On the job training**

1 - Very Dissatisfied 2 - Somewhat Dissatisfied 3 - Somewhat Satisfied 4 - Very Satisfied Check if this is a factor in your departure

❖ **Management support for career development**

1 - Very Dissatisfied 2 - Somewhat Dissatisfied 3 - Somewhat Satisfied 4 - Very Satisfied Check if this is a factor in your departure

❖ **Recognition for achievements**

1 - Very Dissatisfied 2 - Somewhat Dissatisfied 3 - Somewhat Satisfied 4 - Very Satisfied Check if this is a factor in your departure

❖ **Performance evaluations**

1 - Very Dissatisfied 2 - Somewhat Dissatisfied 3 - Somewhat Satisfied 4 - Very Satisfied Check if this is a factor in your departure

❖ **Opportunities for advancement in the Department you are leaving**

❖ **Opportunities for advancement in the City**

1 - Very Dissatisfied 2 - Somewhat Dissatisfied 3 - Somewhat Satisfied 4 - Very Satisfied

Check if this is a factor in your departure

13. **Most Recent Position** - Please rate your level of satisfaction with your last position. In addition, please indicate if this was a factor in your decision to leave the City of Minneapolis.

❖ **Understanding of my role and responsibilities in the department**

1 - Very Dissatisfied 2 - Somewhat Dissatisfied 3 - Somewhat Satisfied 4 - Very Satisfied

Check if this is a factor in your departure

❖ **Variety of work required in the job**

1 - Very Dissatisfied 2 - Somewhat Dissatisfied 3 - Somewhat Satisfied 4 - Very Satisfied

Check if this is a factor in your departure

❖ **Work Schedule (Hours of Work)**

1 - Very Dissatisfied 2 - Somewhat Dissatisfied 3 - Somewhat Satisfied 4 - Very Satisfied

Check if this is a factor in your departure

❖ **Ability to provide input into issues that affected my job**

1 - Very Dissatisfied 2 - Somewhat Dissatisfied 3 - Somewhat Satisfied 4 - Very Satisfied

Check if this is a factor in your departure

14. **Most Recent Department** - Please rate your level of satisfaction with the following characteristics of the department where you last worked. In addition, indicate if the item was a factor in your decision to leave the City of Minneapolis.

❖ **Communication of department goals**

1 - Very Dissatisfied 2 - Somewhat Dissatisfied 3 - Somewhat Satisfied 4 - Very Satisfied

Check if this is a factor in your departure

❖ **Communication of department policies and procedures**

1 - Very Dissatisfied 2 - Somewhat Dissatisfied 3 - Somewhat Satisfied 4 - Very Satisfied

Check if this is a factor in your departure

❖ **Communication of decisions affecting you and your job**

1 - Very Dissatisfied 2 - Somewhat Dissatisfied 3 - Somewhat Satisfied 4 - Very Satisfied

Check if this is a factor in your departure

❖ **Management commitment to diversity**

1 - Very Dissatisfied 2 - Somewhat Dissatisfied 3 - Somewhat Satisfied 4 - Very Satisfied

Check if this is a factor in your departure

❖ **Treatment from coworkers**

1 - Very Dissatisfied 2 - Somewhat Dissatisfied 3 - Somewhat Satisfied 4 - Very Satisfied

Check if this is a factor in your departure

❖ **Level of cooperation and teamwork *within* the department**

1 - Very Dissatisfied 2 - Somewhat Dissatisfied 3 - Somewhat Satisfied 4 - Very Satisfied

Check if this is a factor in your departure

❖ **Level of cooperation and teamwork with *other* departments**

1 - Very Dissatisfied 2 - Somewhat Dissatisfied 3 - Somewhat Satisfied 4 - Very Satisfied

Check if this is a factor in your departure

❖ **Policy Compliance – Management Adherence to the Ethics in Government Code**

1 - Very Dissatisfied 2 - Somewhat Dissatisfied 3 - Somewhat Satisfied 4 - Very Satisfied

Check if this is a factor in your departure

15. **Immediate Supervisor** – Please rate your level of satisfaction with your immediate supervisor on the various items included in this section. In addition, indicate if the item was a factor in your decision to leave the City of Minneapolis.

❖ **Demonstrated fair and equal treatment**

1 - Very Dissatisfied 2 - Somewhat Dissatisfied 3 - Somewhat Satisfied 4 - Very Satisfied Check if this is a factor in your departure:

❖ **Addressed complaints and/or concerns**

1 - Very Dissatisfied 2 - Somewhat Dissatisfied 3 - Somewhat Satisfied 4 - Very Satisfied Check if this is a factor in your departure:

❖ **Welcomed suggestions**

1 - Very Dissatisfied 2 - Somewhat Dissatisfied 3 - Somewhat Satisfied 4 - Very Satisfied Check if this is a factor in your departure:

❖ **Gave clear instructions**

1 - Very Dissatisfied 2 - Somewhat Dissatisfied 3 - Somewhat Satisfied 4 - Very Satisfied Check if this is a factor in your departure:

❖ **Fostered a productive work environment**

1 - Very Dissatisfied 2 - Somewhat Dissatisfied 3 - Somewhat Satisfied 4 - Very Satisfied Check if this is a factor in your departure:

❖ **Provided frequent feedback on job performance**

1 - Very Dissatisfied 2 - Somewhat Dissatisfied 3 - Somewhat Satisfied 4 - Very Satisfied Check if this is a factor in your departure:

❖ **Consistently applied policies and procedures**

1 - Very Dissatisfied 2 - Somewhat Dissatisfied 3 - Somewhat Satisfied 4 - Very Satisfied Check if this is a factor in your departure:

❖ **Made good use of your skills/abilities**

1 - Very Dissatisfied 2 - Somewhat Dissatisfied 3 - Somewhat Satisfied 4 - Very Satisfied Check if this is a factor in your departure:

Please provide the name of your supervisor:

16. **Performance Reviews** - When was your last performance review?

- Less than 1 year ago
- 1-2 years ago
- Over 2 years ago
- Never

17. **Salary & Benefits (Total Compensation)** - On a scale of 1 to 4, how would you rate the following? Also indicate if the item was a factor in your decision to leave the City of Minneapolis.

❖ **Salary**

1 - Very Dissatisfied 2 - Somewhat Dissatisfied 3 - Somewhat Satisfied 4 - Very Satisfied Check if this is a factor in your departure

❖ **Health Insurance**

1 - Very Dissatisfied 2 - Somewhat Dissatisfied 3 - Somewhat Satisfied 4 - Very Satisfied Check if this is a factor in your departure

❖ **Dental Insurance**

1 - Very Dissatisfied 2 - Somewhat Dissatisfied 3 - Somewhat Satisfied 4 - Very Satisfied Check if this is a factor in your departure

❖ **Wellness Programs**

1 - Very Dissatisfied 2 - Somewhat Dissatisfied 3 - Somewhat Satisfied 4 - Very Satisfied Check if this is a factor in your departure

❖ Retirement Benefits

1 - Very Dissatisfied 2 - Somewhat Dissatisfied 3 - Somewhat Satisfied 4 - Very Satisfied Check if this is a factor in your departure

Section III – Employee Retention Strategies - The next questions focus on employee retention and will help the City understand what strategies it may take to retain its most valuable resource; its employees.

18. Please identify up to the top three reasons you are leaving the City of Minneapolis:

- Different position
- Excessive workload
- Family circumstances
- Health reasons
- Lack of recognition
- Lack of training opportunities
- Promotional opportunities
- Relocation
- Retirement
- Salary/Wage
- Supervisor
- Work location
- Work schedule (shifts)
- Work/Life balance
- Workplace culture and values
- Other (please specify)

19. What is your primary reason for leaving the City of Minneapolis?

20. What could have been done to keep you from leaving the City of Minneapolis?

21. If accepting a position with a different employer, what does the new job offer you that your job at the City of Minneapolis does not?

Section IV - Final Comments – To complete the exit interview; please answer the last four questions.

22. Would you work for the City of Minneapolis again in the future?

Yes No

23. Would you recommend employment with the City of Minneapolis to a friend or relative?

Yes No

24. Overall Work Experience - On a scale of 1 to 4, how would you rate your overall experience working for the City of Minneapolis? Also indicate if the item was a factor in your decision to leave the City.

1 - Very Dissatisfied 2 - Somewhat Dissatisfied 3 - Somewhat Satisfied 4 - Very Satisfied Check if this is a factor in your departure

25. Closing Question – Do you have any additional information you are willing to share with us?

Conclusion - Thank you for your time and consideration. Your responses are important and will assist the City of Minneapolis in improving employment practices and the work environment.