

# CITY OF ALBUQUERQUE



## CIVILIAN POLICE OVERSIGHT AGENCY BOARD POLICY AND PROCEDURE REVIEW SUBCOMMITTEE

*Dr. William Kass - Chair*

*Tara Armijo-Prewitt*

*Eric Olivas*

Edward Harness, CPOA Executive Director

**Thursday, February 4, 2021 at 4:30 p.m.  
By Video Conference**

**Members Present:**

Dr. William Kass

Eric Olivas

Tara Armijo-Prewitt

**Members Absent:**

**Others Present**

Ed Harness, CPOA

Katrina Sigala, CPOA

Valerie Barela, CPOA

Ali Abbasi, CPOA

Deputy Commander Sean Waite, APD

Patricia Serna, APD

Lt. Jose Sanchez, APD

Sgt. Matthew Tinney, APD

**Minutes**

**I. Welcome and Call to Order:** Chair Dr. Kass called to the order the Policy and Procedure Review Subcommittee meeting at 4:31 p.m.

**II. Approval of the Agenda**

a. Agenda approved.

**III. Approval of the Minutes from January 7, 2021**

a. January 7, 2021 minutes approved.

**IV. SOP 1-28 Downtown Unit**

a. Sergeant Matthew Tinney gave a report on the APD Downtown Unit staffing and functionality.

**V. Discussion Items**

a. **Policies presented at OPA:**

1. SOP 2-36 Police Press Relations and Release of Police Identification

2. SOP 2-64 Violence Intervention Program Custom Notification Deliveries

a. Chair Dr. Kass reported on SOP's 2-36 and 2-64 that were discussed at OPA.

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**b. Policies reviewed at PPRB:**

1. SOP 3-12 Awards and Recognition
2. SOP 3-6 Language and Access Policy
3. SOP 2-65 Language Access Procedure
  - a. Chair Dr. Kass reported on SOP 3-12, SOP 3-6 and SOP 2-65.
  - b. The Policy and Procedure subcommittee did not have any recommendations for SOP 3-12, SOP 2-6 or SOP 2-65 at this time.

**c. Selected SOP's to watch:**

1. SOP 3-52 Policy Development Process
  - a. Deputy Commander Waites provided a status update on SOP 3-52 and the policy is still in the development stage with City Legal and expects that the policy will be presented at OPA within a few weeks.
  - b. Ali Abbasi, GPOA Data Analysis acknowledged the APD Policy Team for the creation of an online policy form via Smartsheet and incorporating CPOA recommendations.
2. SOP 3-20 Overtime, Compensatory Time, and Work Shift Designation
  - a. Ali Abbasi, CPOA Data Analysis provided research and studies on his policy brief related to SOP 3-20.
  - b. Chair Dr. Kass recommends that the Policy and Procedure subcommittee and CPOA staff provide a short list of recommendations for SOP 3-20 and the subcommittee will continue discussions on SOP 3-20 at the next regular scheduled meeting.
3. SOP 1-64 K-9 Unit/SOP 2-23 Use of K9 Unit
  - a. Chair Dr. Kass recommends to table item SOP 1-64 K-9 Unit/SOP 2-23 Use of K9 Unit and he will reach out to APD staff to set up a presentation at the next regularly scheduled subcommittee meeting.
4. Other Policies selected by CPOA
  - a. Member Olivas raised concerns with the Downtown Unit and may pursue gathering more information on the unit and the Policy and Procedure subcommittee will visit the concern at a later time.

**VI. Other Business**

- a. Chair Dr. Kass spoke on the email he forwarded to the CPOAB related to Use of Force Senate and House bills.
- b. Chair Dr. Kass highlighted SOP 3-41 Complaints Involving Department Policy and Personnel that will be coming up for review at OPA in the near future.

**VII. Next meeting March 4, 2021 at 4:30 p.m.**

**VIII. Adjournment**

- a. The meeting adjourned at 5:49 p.m.

**Attachments**

## Police Officer's Overtime (OT) and Little known Consequences: How Incorporating Several Recommendations can Deliver Promising Outcomes

### Context to the study

- ❖ This brief examines correlations between police officers working overtime (OT) and how it can potentially lead to increase in police misconduct incidents, increase in use of excessive force, and possibly performance and other public safety issues.
- ❖ A small but growing body of research links long hours and officer fatigue to a host of public safety issues.
- ❖ Fatigue negatively impacts any work environment, but for safety sensitive positions like police, who make split-seconds life or death decisions, usually in the middle of the night, with sometimes only 4-hour sleep or at the end of 15-hour long shift, it can often become extremely problematic.
- ❖ The distinctive challenges of the job coupled with underlying aspects of fatigue contribute to shorter lifespans among law enforcement professionals (10 years lower than other society members).

### Background & Existing Research

Fatigue is a mental and/or physical state resulting from insufficient good-quality sleep or from prolonged or intense physical, emotional, or mental effort that tends to decrease alertness, impair performance potential, worsen mood, and interfere with decision making.<sup>1</sup> To fulfil the never ending need for public safety, police departments across the country tend to authorize significant amount of OT for its existing officers without really understanding the hidden consequences it can have on work performance and public safety. Municipal governments across the country associate hiring additional officers with increased expense due to cost associated with hiring, training and providing other benefits to new officers compared to simply authorizing OT for current officers. With increasing transparency in police operations and federal monitoring and public anger towards unconstitutional policing, limited city budgets, retiring baby boomers and several other factors, law enforcement agencies struggle to fully staff their departments.

There is very little research linking fatigue to increase in use of force incidents. However, few studies suggest that high level of stress specifically in fatigued officers can lead to memory impairment that further leads to inaccurate use of force reporting. Some research suggests sleep may be important for memory consolidation, particularly for stressful incidents.<sup>3</sup> This brief explores the need to examine excessive use of force, inaccurate reporting, officer involved shooting incidents, driving accidents with high stress levels and excessive OT hours by officers. Issues like OT are almost always treated as economic issues rather than performance, health, or safety concerns<sup>1</sup> which must be given serious consideration.

Several studies conducted throughout the last two decades stresses on serious consequences that can result from fatigued Police Officers. Some research studies findings are highlighted below;

- ❖ The National Institute of Justice noted that sleep deprivation "dangerously hinders officers' ability to analyze situations and assess risk correctly, make proper decisions, and proceed towards safe outcomes<sup>2</sup>.
- ❖ When individuals are fatigued, cognitive control may be compromised, which can lead to greater racial bias in shoot/ don't-shoot decisions<sup>4</sup>.
- ❖ A study conducted by American Academy of Sleep Medicine stated "Better fatigue management might improve officers' ability to deftly manage encounters with the public in ways that win cooperation and reduce the need for use of force."
- ❖ (Basińska & Wiciak, 2012; Senjo, 2011) highlighted that fatigued officers; have impaired judgment, show an increase in and presence of severe mood swings, have increased anxiety or depression, demonstrate inappropriate reactions to a situation (excessive use of force).
- ❖ Researchers have noted that fatigue and other performance effects tend to be most pronounced at the end of a long shift (Hart & Krall, 2007).
- ❖ Night shift work has also been linked to higher injury risk in policing (Violanti et al., 2012), with findings suggesting that fatigue may be involved in the increased injury risk during night shift work when compared with day shift work.



#### How Data Can Help

This brief only identifies anecdotal evidence and existing research that relates officer's working OT with litany of problems. There are several data points that can help better understand the particular problem at APD which can include:

- ❖ Reviewing work hours of officers who are involved in most SUOF/OIS or other critical incidents
- ❖ Reviewing overtime sheets for those officers involved in CPOA investigations for misconduct
- ❖ Reviewing work hours of those officer officers who are involved in most IAPS investigations

**Example:** Top 3 earners for APD in the year 2019 and times they were investigated by IAFD for type of force used revealed the following information. Note that data presented here is only for informational purposes and does not suggest OT lead to increase in Use of Force by officers.

**Sgt M. H\*\*\*\*\*:** Authorized Deployment (11 times), Display Rifle (1 time), Distributed Orders (2 times), K-9 apprehension bite (1 time), Ordered Force: (1 time) **SALARY (2019): \$193,666.40**

**SPO B. J\*\*\*\*\*:** Empty Hand Technique (3 time), Display Handgun (1 time) **SALARY (2019): \$188,884.04**

**Sgt P. P\*\*\*\*\*:** Authorized Deployment (1 time), K-9 Apprehension bite (11 times), K-9 Apprehension injury (3 times), NFDD (3 times), Display Handgun (1 time), Empty Hand Techniques (3 times), Impact 40-mm (1 time) **SALARY (2019): \$166,813.86**

**Discussion:** This research only highlights why excessive amount of OT by officers should be monitored. The purpose of this brief as evident by past research studies only support the need to identify those officers who may have been using unnecessary force which could potentially be avoided if the officers were not fatigued. This brief does not suggest that all OT is problematic, but only advises how excessive OT hours can influence officer's ability to rightfully protect and serve the members of the community as well as unintentionally cause themselves harm. Office of Internal Audit in 2017 audit of APD OT found that APD does not monitor officer OT for irregular activity, unauthorized OT was paid out on transactions not approved or recorded according to SOPs (of \$6,630 OT transaction 37,942 may not have been authorized) and recommended APD should create report for Chief on weekly, monthly, quarterly and annual basis identifying highest OT recipients and those receiving 10 or more hours OT each week. APD responded their Fiscal Division will design and distribute reports as suggested by OIA by end of March 2017. CPOAB should follow-up with APD, and if possible, request if those reports can also be provided to CPOA Executive Director when sent to Chief.

#### Recommendations

Understanding the relationship between officer's working excessive hours of OT and unintended consequences it can have is important and valuable. DC Smathers in his presentation to CPOAB highlighted that each 10% reduction in OT leads to approximately \$1.8 million in savings based on 2018 OT spending data. Some recommendation to consider include:

- ❖ **IAFD and Crash Review Board start capturing 2 data points pertinent to officer(s) OT for all SUOF/OIS/Vehicle Crashes incidents**  
This analysis will reinforce the need to limit OT for certain officers who are repeatedly involved in such incidents and are frequent target of IAFD, IAPS or CPOA investigations. 1) If officer(s) were on OT ATOI (Yes, No). 2) How many hours did officer work in the last two weeks leading up to the date of incident. These 2 data points will produce reasonable data to make analysis within one to two-year time frame.
- ❖ **Based on the review of APD data and also research on best practices and policies that were implemented in other cities to address this issue, policy recommendations should be made. Some of these policies may include:**
  - ❖ Mandatory Rest Period & Peer Support Program attendance for Officer involved in Critical/OIS incident.
  - ❖ Supervisors incorporating officer's input into shift scheduling with the aim of avoiding OT.
  - ❖ Stripping officers from any pension or other benefits to be received from City, if found guilty on OT fraud (even if officer resign in lieu of termination). These steps are necessary to send a message across department personnel that there are consequences to conduct that is not aligned with the values of the department.
- ❖ **Devise a 5-year plan to reduce 3 to 5% OT costs each year to potentially save City \$1 million each year along with reduction in inadvertent costs associated with OT**

#### References

1. Vila, B., Morrison, G. B., & Kenney, D. J. (2002). Improving shift schedule and work-hour policies and practices to increase police officer performance, health, and safety. *Police quarterly*, 5(1), 4-24.
2. Senjo, S. R. (2011). Dangerous fatigue conditions: a study of police work and law enforcement administration. *Police Practice and Research: An International Journal*, 12(3), 235-252.
3. Genzel, L., Spoormaker, V. I., Konrad, B. N., & Dresler, M. (2015). The role of rapid eye movement sleep for amygdala-related memory processing. *Neurobiology of learning and memory*, 122, 110-121.
4. Ma, D. S., Correll, J., Wittenbrink, B., Bar-Anan, Y., Sriram, N., & Nosek, B. A. (2013). When fatigue turns deadly: The association between fatigue and racial bias in the decision to shoot. *Basic and applied social psychology*, 35(6), 515-524.
5. Study of police officers finds fatigue impacts tactical social interaction (American Academy of Sleep Medicine, 2016)