

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

Dr. William Kass - Chair

Tara Armijo-Prewitt

Eric Olivas

Edward Harness, CPOA Executive Director

**Monday, August 24, 2020 at 4:30 pm
By Video Conference**

Members Present:

Dr. William Kass
Tara Armijo-Prewitt
Eric Olivas

Members Absent:

Others Present

Edward Harness, CPOA
Valerie Barela, CPOA
Diane McDermott, CPOA
Ali Abbasi, CPOA
Commander Cecily Barker, APD
Officer Tanya LaForce, APD
Ron Halbgewachs, CPC
Wanda Harrison, CPC
Edwina Kiro, CPC

Minutes

- I. Welcome and Call to Order:** Chair Dr. Kass called to the order the Policy and Procedure Review Subcommittee meeting at 4:33 p.m.
- II. Approval of the Agenda**
 - a. Agenda approved
- III. Approval of the Minutes from August 6, 2020**
 - a. August 6, 2020 Minutes approved
- IV. SOP 2-8 On Body Recording Devices Recommendations**
 - a. Policy and Procedure Subcommittee discussed SOP 2-8 Use of On-Body Recording Devices (OBRD) and will submit their recommendations for approval by the CPOA Board at the August 27, 2020 Special meeting.
- V. Other business**
 - a. None
- VI. Next meeting September 3, 2020 at 4:30pm**
- VII. Adjournment**
 - a. The meeting adjourned at 5:41 p.m.

Attachments

DRAFT

CIVILIAN POLICE OVERSIGHT AGENCY

Civilian Police Oversight Agency Board

Dr. William J. Kass, Chair *Eric Olivas, Vice Chair*

Tara Armijo-Prewitt

Chantal M. Galloway

Doug Mitchell

Eric Nixon

Cathryn Starr

Edward Harness, Executive Director

August 27, 2020

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

Re: Recommendation SOP 2-8 *Use of On-Body Recording Devices*

Dear Chief Geier:

Upon receipt we are expecting that we will hear your response in accordance with the Civilian Police Oversight Ordinance.

The Civilian Police Oversight Agency Board (CPOAB) is in receipt of SOP 2-8 Use of On-Body Recording Devices which was advanced for further recommendations by the department's Policy and Procedure Review Board on August 17, 2020 and sent to the CPOA Board on August 18, 2020.

SOP 3-52 Policy Development Process describes the policy development process that APD follows. This SOP provides for a CPOA representative and a designated representative from the Board. For CASA policies, of which this is one, a period of 45 days is allowed for stakeholder recommendations after the PPRB has met and advanced the policy. For this policy, the CPOA Board recognizes the need to make a timely response so the policy can be brought into compliance with a recently passed New Mexico statute requiring on body recording device implementation throughout state law enforcement agencies.

Currently the SOP section 2-8-9 Retention and Release, Paragraph B requires that OBRD video be retained for a period of 120 days. The CPOA has found that more than 75% of citizen complaints against APD officers are resolved in favor of officer exoneration when OBRD video is available. Complainants are not time-limited filing complaints and this often leads to mismatch between department timelines for video retention and investigative timelines. Lack of OBRD video undermines trust in the investigation of citizen complaints and the overall perception of accountability for officers. We therefore recommend that the non-evidentiary OBRD video be retained for a period of at least one year.

There are other minor language editing recommendations that we believe would clarify the policy. In Section 2-8-7 Discretionary Recording paragraph B. the text, "Discretionary recording is allowed:" at the beginning of the section.

Under section 2-8-8 A.7 add a sub section with the language:

Supervisors shall prohibit officers from reviewing OBRD video before writing the incident report if they were involved in a critical incident or if the supervisor suspects the officer of policy violations

The Board supports protection of privacy rights of individuals by informing them when recording is occurring.

There are mentions of OBRD in multiple paragraphs of the CASA, many of which have found APD to be non-compliant. Given the importance of maintaining OBRD records and assessing their value, we recommend that a department unit be tasked with the responsibility to collect, maintain access and analyze OBRD program data. We suggest that the analysis consist of:

- Frequency of identified policy violations and exonerations in cases involving citizen complaints;
- APD imposed discipline as a result of violations of this policy;
- Additional training resulting from deficiency of use, review or analysis;
- Need for additional resources such as hardware, software, data storage;
- Estimate of the number of hours of evidentiary video that are reviewed;
- Any other data analyses that would enhance the ability of APD to evaluate and improve the policy;

We further recommend that the data and analyses be made available to members and stakeholders of the OPA policy development process described in SOP 3-52 Policy Development Process. A summary of any relevant data should be presented at the appropriate OPA Policy Development meetings.

Sincerely,
The Civilian Police Oversight Agency Board by

Dr. William Kass, Chair
(505) 924-3770

cc: Civilian Police Oversight Agency