

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, May 6, 2021 at 4:30 p.m.
By Video Conference

Members Present:

Dr. William Kass
Tara Armijo-Prewitt
Eric Olivas

Members Absent:

Others Present

Ed Harness, CPOA
Valerie Barela, CPOA
Ali Abbasi, CPOA
Acting Commander Sean Waite, APD
Tanya LaForce, APD
Kelly Mensah, CPC
Wanda Harrison, CPC

Minutes

- I. Welcome and Call to Order:** Chair Dr. Kass called to order the Policy and Procedure Review Subcommittee meeting at 4:31 p.m.
- II. Approval of the Agenda**
- a. Motion.** A motion by Chair Dr. Kass to approve and amend the agenda to include election of the Policy and Procedure Subcommittee Chair under Item V. Other Business. Motion passed.
- III. Approval of the Minutes from April 1, 2021**
- a.** Minutes from April 1, 2021 approved.
- IV. Discussion Items:**
- a. Policies presented at P&P (formerly OPA) April 7, 2021 & April 28, 2021**
- i.** Chair Dr. Kass reported on the policies presented at the April 7, 2021 and April 28, 2021 Policy and Procedure (formerly OPA) meetings.

b. Policies reviewed at PPRB April 14, 2021, April 21, 2021 and April 22, 2021

1. Chair Dr. Kass reported on the following policies presented at the PPRB April 21, 2021 and April 22, 2021 meetings. The April 14, 2021 meeting was canceled. (see attached)
2. The Policy and Procedure Review Subcommittee recommends to submit a “No Recommendation” recommendation for SOP 2-1, SOP 2-27, SOP 2-69, SOP 2-7, SOP 2-37, SOP 3-33 and SOP 3-50 to the Policy and Procedure Unit (formerly OPA) and will present it at next regularly scheduled CPOA Board meeting for approval.
3. Chair Dr. Kass shared a Gunshot Detection hotspot map related to SOP 2-98 and the subcommittee along with CPOA Data Analyst, Ali Abbasi discussed the policy and shared their concerns.
4. The Policy and Subcommittee will continue discussions on SOP 2-98.

c. Policy and Procedure Identified SOP’s

1. SOP 3-52 Policy Development Process – Status update

- i. APD Acting Commander, Sean Waite provided a status update on SOP 3-52 and believes City Legal is now ready to move forward with the policy.

d. Traffic Stops

1. USA Today Article and Eric Olivas’s Proposal

- i. The Policy and Procedure Review Subcommittee and CPOA Data Analyst, Ali Abbasi discussed their concerns with Traffic Stops and the subcommittee recommends to move a data request and traffic stop examination proposal to the next regularly scheduled CPOA Board meeting for approval. (see attached draft)

e. IMR Liaison Appointment

1. Eric Olivas’s Proposal

- i. Member Olivas discussed his proposal and the Policy and Procedure Review Subcommittee recommends to move the IMR Liaison

Appointment proposal to the next regularly scheduled CPOA Board meeting for approval. (see attached draft)

V. Other business

- a. Member Dr. William Kass will continue as Chair of the Policy and Procedure Review Subcommittee by unanimous consent from Subcommittee Members.
- b. APD Acting Commander, Sean Waite gave a presentation on IMR-13.

VI. Next meeting June 3, 2021 at 4:30 p.m.

VII. Adjournment

- a. The meeting adjourned at 6:01 p.m.

ATTACHMENTS

DRAFT

The Civilian Police Oversight Agency Board hereby proposes that the Civilian Police Oversight Agency (CPOA) shall commence a study of uses of force and officer injury involving low level traffic stops conducted by the Albuquerque Police Department (APD). The purpose of this study shall be to determine if APD policy on traffic stops should be altered to reduce the risk of unnecessary uses of force occurring during low level stops and to improve officer safety during these encounters. The CPOA shall report back to the Board with its findings and any associated recommendations.

Eric C. Olivas

Chair, CPOAB on behalf of the Board

<https://www.usatoday.com/story/news/nation/2021/04/15/police-reform-fayetteville-burlington-nc-traffic-stops-policing/7225318002/>

What would happen if cops didn't make certain traffic stops? This North Carolina city offers a case study

Ahmed Jallow

Burlington (N.C.) Times-News

FAYETTEVILLE, N.C. – Before dawn one morning, a woman in her late 60s was pulled over by a police officer. The officer said she'd run a stop sign.

She denied the charge. She was trying to get to her Bible studies class, she told him. He ran her license and concluded the stop with a warning. The incident disturbed her nevertheless. Though he did not ticket her, the officer questioned her reason for being out that morning – it was too early for Bible study groups, he said.

This did not sit well with her Bible study group that day in 2013, especially one of its newer attendees, whose husband was the new Fayetteville police chief. She relayed the incident.

Harold Medlock was exasperated.

Retired Fayetteville Police Chief Harold Medlock works as a consultant and adviser for several different agencies.

“It never occurred to me that I would have a cop out there doing everything wrong, from the way you treat somebody to the basic protocols and procedures for traffic stop,” he said.

Medlock had arrived in Fayetteville convinced that the Police Department's focus regarding motor vehicles should be on speeding, stop sign/light violations, DWI and reckless driving – moving violations of immediate concern to public safety.

Stopping drivers for nonmoving violations such as equipment failures or expired registration ought to be minimized or avoided altogether, he told his department.

Less than two months earlier, a Fayetteville officer had fatally shot a man after an investigative traffic stop.

It's working in Eugene, Olympia, Denver: More cities send civilian responders, not police, on mental health calls

This is where they meet

Across the country, police pull over 50,000 drivers on a typical day, more than 20 million motorists a year. The traffic stop is the most common police-citizen interaction.

Studies have shown that Black and Hispanic drivers are disproportionately targeted for traffic stops, and once stopped, they are more likely to have their cars searched during the stop.

Police and activists agree that these stops are fraught with danger for both citizens and police. As a cop, Medlock knew there was a complicated way to fix this, and a simple one. He went with the simple one:

Get cops out of the habit of pulling over people unless they needed to do so to protect the safety of others on the road.

Would it work? Could it protect the rights of people to drive free of the fear of being profiled but keep the streets safe from bad drivers and violent crime?

When a traffic stop has nothing to do with traffic

Medlock isn't the only person to see things this way, even in a somewhat conservative, "law and order" state.

In North Carolina, police make about a million traffic stops a year. Half of those, according to Frank Baumgartner, political science professor at the University of North Carolina, Chapel Hill, are not safety-related stops.

He said stopping a driver because of a broken taillight or equipment violation does little for safety. "And it comes with a cost in terms of public trust and confidence in the police."

Baumgartner, co-author of "Suspect Citizens: What 20 Million Traffic Stops Tell Us About Policing and Race," said another concern is the use of traffic stops as a pretext for further investigations.

"The difficulty people are having is that a traffic stop is not really a traffic stop. It's an opportunity for the police to do an informal criminal investigation," he said. An analysis by Baumgartner and his colleagues shows that out of 20 million traffic stops in the state, only 2% led to arrests.

With those percentages, experts suggest, police might as well be fishing.

But it's their pond to fish. Across a span of 100 years, the growth of citizen automobility brought with it an unwelcome passenger: a constantly expanding pile of thousands of local, state and federal laws focused on policing people in their vehicles, according to Sarah Seo, professor at Columbia Law School and the author of "Policing the Open Road: How Cars Transformed American Freedom."

Sarah Seo says that the growth of American mobility came with increased police attention.

Seo said, "Public safety and traffic law enforcement merged with criminal investigations. And that was the basis for expanding the police's discretionary power."

The modern symbol of American freedom, Seo noted, is also the space in which Americans are most regulated by laws and subject to ever more intrusive discretionary policing.

Supreme Court justices have said practically anyone could be pulled over for a perceived technical violation of motor vehicle law. Some police went from mostly investigating reported crimes to seeing a potential criminal behind every steering wheel.

Data from police departments shows that those pulled over in discretionary traffic stops tend to be disproportionately Black.

What we know: Kim Potter faces prison time, fine if convicted of second-degree manslaughter in shooting death of Daunte Wright

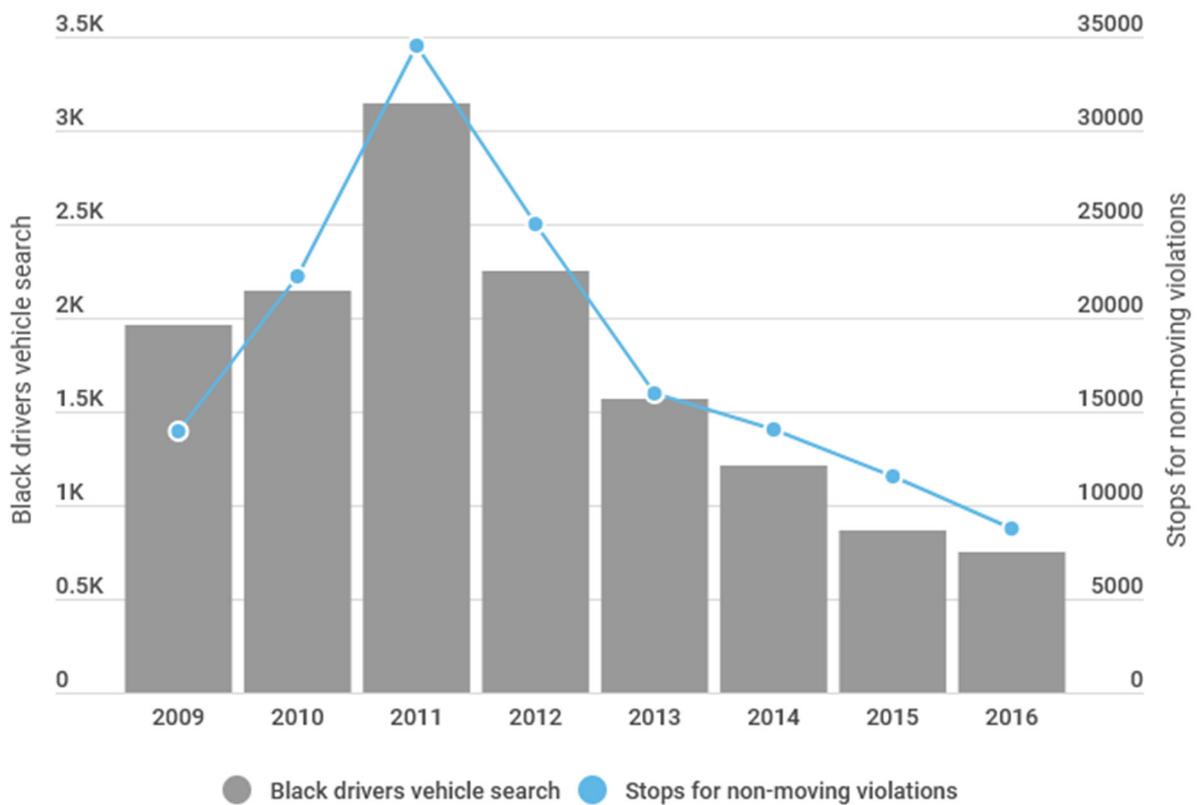
When nonmoving violation stops went down, so did vehicle searches of Black drivers

In Fayetteville from 2013 to 2016, under Medlock’s enforcement directions, stops for nonmoving violations went way down; investigative stops went to zero all four years; and stops for speeding increased.

The number of Black drivers searched from 2013 to 2016 declined by nearly 50% compared with the previous four years, according to analysis of state data.

In the preceding four years, 5,980 Black drivers had been searched. That number went down to 3,059 during Medlock’s four years as chief.

The blue line represents stops made by the Fayetteville police for non-moving violations over 8 years. The columns represent the number of Black-driven vehicles searched. In 2013 Fayetteville police ceased 'investigative' stops and de-emphasized non-moving violations.



Source: North Carolina State Bureau of Investigations.

Focused traffic enforcement for moving violations such as speed or stop/red light violations skyrocketed from 13,000 a year to 46,000 a year in four years.

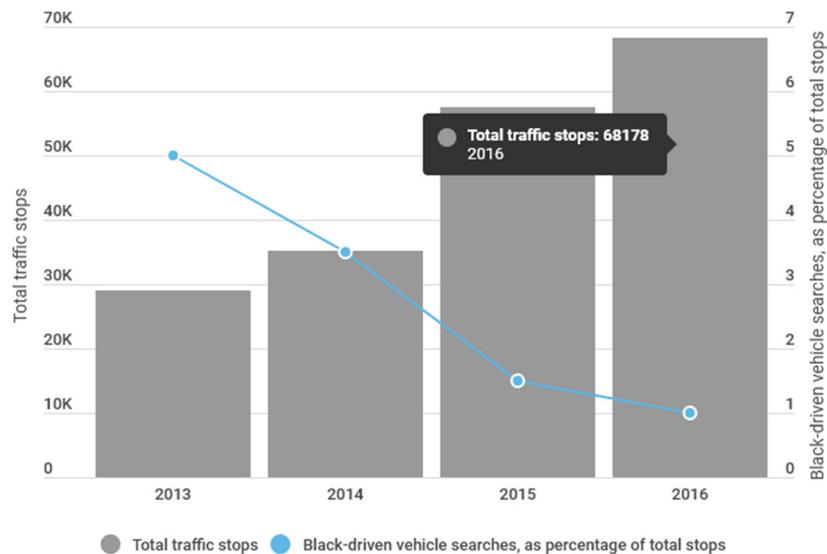
The policing had its effect on its main target: Traffic fatalities went down, proving wrong the predictions of critics that traffic safety would decline.

Medlock was excited when he saw what other numbers decreased. “Uses of force went down, injuries to citizens and officers went down, and complaints against officers went down.”

Black drivers in America have long complained about how often they get stopped for petty traffic or equipment violations – failure to signal, broken license plate lights or other technical violations, all of which have little to do with traffic safety. Baumgartner said focusing enforcement efforts on safety-related violations will build trust between the police and residents.

“It will have a big impact on poor people. It will have a big impact on people who drive older cars, and it will have a very big impact on Black and Hispanic drivers, because if they knew that they were only going to get pulled over for running through a stop sign or excessive speeding, they will feel much more confident that they could be treated fairly by their police,” he said.

Between 2013 and 2016, Chief Harold Medlock was de-emphasizing non-moving violations while aggressively stopping drivers for speeding, driving while impaired and other safe movement violations. Traffic fatalities decreased; the statistically fruitless searches of Black-driven vehicles also went down.



Source: North Carolina State Bureau of Investigations.

One of the 100 voices interviewed for the Future of Police project, Mike Aikens of Anderson, South Carolina, said that as a Black man, he feels uncomfortable when he’s driving and sees a police vehicle behind him.

And he’s a cop.

There's a reason Aikens said he had to have "the talk" with his two sons about how to behave if they are pulled over by police: "I'd be a liar if I said that I'm not worried when I am off duty and in my plain clothes and a cop gets behind me. What if they don't know me? What will happen?"

The Fayetteville statistics would not have stopped him from having that talk with his sons. "Does taking away certain stops take away worry? No. Because you never know for sure what is going to happen."

James McCabe spent 21 years in the New York Police Department before becoming a professor at Sacred Heart University in Connecticut.

The numbers notwithstanding, police still have motivation to make discretionary stops

James McCabe said police officers are under pressure to show their value.

The criminal justice professor at Sacred Heart University and a 20-year veteran of the New York Police Department said a traditional way to do that is to enforce traffic rules when not answering calls.

McCabe said that in most departments, "you'll see an overwhelming concentration of self-initiated traffic stops by the police."

Additional patrol time freed because of a reduction in traffic stops could be spent addressing crime trends and working with the community, he said.

Saving lives or sowing distrust? The story of 338,000 traffic stops

Baumgartner said police agencies should de-emphasize all traffic laws in North Carolina except speeding, DWI, running stop signs or lights and other "unsafe movement."

Drilling down to a specific region, it becomes apparent how such a change could affect policing.

The 11 law enforcement agencies around the North Carolina cities of Burlington, Asheboro and Lexington and their surrounding counties provide a representative sample of many areas in America outside big cities. It's a mix of urban and rural, town and gown and agriculture and industry. A lot of people drive to and from work on roads including 25 mph city streets, long rural two-lane roads and 70 mph state highways.

From 2010-2019, law enforcement agencies made about 526,000 traffic stops, according to data provided to the state by police.

Of those stops, only 187,300 stops were for speeding, DWI, stop sign or stoplight violations.

If police followed a plan similar to Medlock and Baumgartner's ideas, nearly 65% of those stops – more than 338,000 traffic stops – would never have happened.

Assuming 15 minutes of officer time for each stop (some studies estimate closer to 20 minutes), that's almost 85,000 officer hours.

From the citizen's point of view, that's 85,000 hours that they would not have spent on the side of a highway or road in the past 10 years.

Put another way, that means a driver was pulled over and sitting on the side of the road for almost every minute of the 10-year period under discussion, all for nonmoving potential violations.

What can officers do if they are not doing traffic enforcement?

Early in his term as police chief, Medlock was on his way to a City Council meeting when a call came in through the dispatch: Cops were fighting with rowdy teens, the caller said. The chief turned around and headed to the scene.

When he arrived, he saw two of his officers playing basketball with the neighborhood kids. There was no fight. Someone who didn't want the kids playing basketball in the street called it in as a fight.

A century of intrusive modern policing: How did we get here? (In our cars.)

Medlock engaged some other neighborhood kids. They talked about school and yearbooks, he said. Other officers from the department joined in. This was impromptu community policing at work, he said. It was one of his most memorable moments.

"We shouldn't be in our cars waiting for that next 911 call," he said. "We should be engaged with the community. We should be addressing problems with the community that are important to that particular neighborhood."

He said in community policing, "you gain a tremendous amount first of relationship building and trust. And when you have trusted people, they're going to share information with you."

Medlock knows no approach is perfect or foolproof. "But at the end of the day, you're not harassing people, you're not making them mad, and you're not fishing," he said.

Editor's note: This story was originally published March 22 by the Burlington (N.C.) Times-News, part of the USA TODAY Network.

Follow reporter Ahmed Jallow on Twitter: @AhmedJallow

7 April 2021 P&P Unit

1. SOP 2-107 Use of Crime Scene Specialist (CSS) Unit v Presented by Lt. Matthew McElroy

[2-107 Use of Crime Scene Specialist Unit OPA Draft 04-07-21](#)

2. SOP 3-15 Sworn Personnel Positions and Seniority v Presented by Sgt. Paul Haugh

[3-15 Sworn Personnel Positions and Seniority OPA Draft 04-07-21](#)

3. SOP 3-16 Seniority (to be deleted) v Presented by Sgt. Paul Haugh

[3-16 Seniority OPA Draft 04-07-21](#)

4. SOP 3-40 Civil Litigation Process v Presented by Commander Zakary Cottrell

[3-40 Civil Litigation Process OPA Draft 04-07-21](#)

28 April 2021 P&P Unit

SOP Number and Title	Presented By
1-84 (Currently 8-4) Records Division 1-84 (Currently 8-4) Records Division P&P Draft 04-28-21	Kathy Roybal-Nunez
1-90 (Currently 5-1) Special Investigations Division 1-90 (Currently 5-1) Investigative Services Division P&P Draft 04-28-21	Commander Norris
2-72 (Currently 2-91) Procedures for Serious Crimes Call-Outs 2-72 (Currently 2-91) Procedures for Serious Crimes Call-Outs P&P Draft 04-28-21	Lt. McElroy, A/ Lt. Apodaca
2-111 (Currently 1-86, 8-5, 8-6, 8-7, 8-8, 8-9, 8-10, 8-13) Records Division Units	Kathy Roybal-Nunez

5 May 2021 P&P Unit

P&P Meeting Presentations:

1. SOP 1-14 Rapid Accountability Diversion Program
v Presented by Commander Collins
2. SOP 1-17 Aviation Division
v Presented by D/Commander Jeremy Bassett
3. SOP 1-31 Court Services Unit
v Presented by Sgt. Andrew Wickline
4. SOP 1-75 Planning Division
v Presented by Maria Garcia-Cunningham
5. SOP 2-75 Request for Legal Opinions for the City Attorney
v Presented by Patricia Serna
6. SOP 3-23 Retirement Observance
v Presented by Sgt. Haugh

14 April PPRB – Cancelled

21 April 2021 PPRB

Number	Title	Presented By
1-36	Officer Wellness Program 1-36 Officer Wellness Program PPRB Draft 04-21-21 – Tabled	Lt. Bret White
2-1	Uniforms Passed 2-1 Uniforms PPRB Draft 04-21-21	Det. Carlson
2-27	Rescue Task Force Passed 2-27 Rescue Task Force PPRB Draft 04-21-21	Sgt. DeFrates
2-69	Informants Passed 2-69 Informants PPRB Draft 04-21-21	Commander Norris
2-98	Gun Shot Detection Procedure Passed 2-98 Gunshot Detection PPRB Draft 04-21-21	Sarah Masek

22 April 2021 PPRB

2-7	Damage to Civilian Property passed 2-7 Damage to Civilian Property PPRB Draft 04-22-21	Lt. Jennifer Chacon
2-37 (currently 4-16)	Meal Breaks passed 2-37 (Currently 4-16) Meal Breaks PPRB Draft 04-22-21 passed	Commander Yara
3-33	Performance Evaluation and Management System (PEMS) passed 3-33 Performance Evaluation and Mangement System PPRB Draft 04-22-21	Lt. Bret White
3-50	Forms Control passed 3-50 Forms Control PPRB Draft 04-22-21	Angelina Medina
Form	PEM Command Initiated Assessment Form passed	Lt. Bret White
Form	PEM Employee Self-Assessment Form passed	Lt. Bret White
Form	Level 1 Assessment Form passed	Lt. Bret White
Form	Level 2 Assessment Form passed	Lt. Bret White

Form	Monitoring Plan Form- supervisors to be trained to implementing plan, attempt to standardize performance improvement plan passed	Lt. Bret White
Form	PEMS Monitoring Plan Form passed Applies to all levels of 'officer' except Dept chief	Lt. Bret White

Background:

The Board is asked to go to in person viewings of the IMR draft. Due to IPRA issues, it is my understanding that the Board cannot have access to this legally privileged material in virtual format. The Board is still encouraged to view the draft to identify any potential errors or issues that should be addressed with the monitor prior to publishing. This helps the Board to potentially avoid embarrassing errors or other misunderstandings that would be more difficult to handle after the public release.

It does not seem to be a good use of Board time to ask all members to individually view the document. This duplicates the effort and work.

Proposal:

The Board Chair shall appoint one Board member to act as the IMR Liaison. The liaison is responsible for viewing the IMR, identifying any potential concerns, conferencing with the Executive Director on concerns, and notifying the Board of these concerns.