

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

**Thursday, September 3, 2020 at 4:30 p.m.
By Video Conference**

Members Present:

Dr. William Kass
Tara Armijo-Prewitt (late)
Eric Olivas

Members Absent:

Others Present

Diane McDermott, CPOA
Katrina Sigala, CPOA
Valerie Barela, CPOA
Ali Abbasi, CPOA
Patricia Serna, APD

Minutes

- I. Welcome and Call to Order:** Chair Dr. Kass called to the order the Policy and Procedure Review Subcommittee meeting at 4:36 p.m.
- II. Approval of the Agenda**
- a. Agenda approved
- III. Approval of the Minutes from August 24, 2020**
- a. August 24, 2020 Minutes approved
- IV. Discussion Items**
- a. **Policies reviewed at OPA and PPRB:**
OPA: SOP 2-98 Gunshot Detection Procedure
PPRB: SOP 1-27 Cold Case Unit
SOP 2-68 Interviews and Interrogations
Published: SOP 1-13 Armed Robbery Unit
SOP 2-13 Starchase Pursuit Management
SOP 2-35 Emergency Response Team
1. Chair Dr. Kass reviewed the policies that were presented at OPA and PPRB.
 2. Chair Dr. Kass provided a summary on SOP 2-98.
 3. CPOA Data Analyst Ali Abbasi shared his concerns related to SOP 2-98.
 4. Policy and Procedure Subcommittee will work on a recommendation for SOP 2-98.
- b. **SOP 3-52 Policy Development Process Update from APD**
1. Policy and Procedure Subcommittee discussed SOP 3-52 and Chair Dr. Kass will provide an update on SOP 3-52 at the next regular scheduled CPOA Board meeting.

c. SOP 2-68 Interviews and Interrogations

1. Policy and Procedure Subcommittee will continue to work on a recommendation for SOP 2-68 and will discuss at the next Policy and Procedure Subcommittee meeting.

*****Member Armijo-Prewitt arrived at 5:06 p.m.*****

d. Telecon with Monitor regarding Conduct and Ethics Policy

1. Policy and Procedure subcommittee reviewed the Conduct and Ethics Policy recommended changes by the Monitor and Chair Dr. Kass will present the recommended changes at the next scheduled CPOA Board meeting.

V. Other Business

- a. CPOA Investigator Diane McDermott will forward Director Harness questions raised by Policy and Procedure Subcommittee Members related to the process on accessing investigative files.
- b. Chair Dr. Kass announced that the CPOA Board approved recommendation letter on SOP 2-8 Use of On-Body Recording Devices (OBRD) was sent to Chief Geier, APD on September 2, 2020.
- c. Chair Dr. Kass gave an update on the training materials provided by APD.

VI. Next meeting October 1, 2020 at 4:30 p.m.

VII. Adjournment

- a. The meeting adjourned at 5:39 p.m.

Attachments

DRAFT



2-98 GUNSHOT DETECTION PROCEDURE

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

2-73 Submission of Evidence, Confiscated Property, and Found Items

B. Form(s)

None

C. Other Resource(s)

None

D. Rescinded Special Order(s)

SO 20-28 ShotSpotter Activations and Response

SO 20-54 ShotSpotter Activations and Response

2-98-1 Purpose

It is the purpose of the Gunshot Detection Procedure to provide Department personnel with information to describe the response to ShotSpotter activations, as part of the Albuquerque Police Department's (Department) Violence Reduction Plan.

2-98-2 Policy

It is the policy of the Department to describe the activation protocols, response, and handling of those calls.

2-98-3 Definitions

A. ShotSpotter

An acoustic gunfire detection and location system that alerts law enforcement to precisely located shots fired to within 25 meters under 60 seconds.

2-98-4 Procedures

7

A. Emergency Communications Center

1. ShotSpotter will be generated as a Priority 1 call and response will be in accordance with established SOPs.



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OPA Draft 08/26/2020

2. The Emergency Communications Center (ECC) will monitor ShotSpotter.;
3. When an activation occurs, ECC will enter a call for service to the appropriate area command. -The call will be entered as a 39-3S (shots fired-ShotSpotter).;
4. Dispatcher of the area command will dispatch according to the priority system.;
5. If an officer receives the ShotSpotter notification in their assigned area command on their mobile data terminal (MDT) or City-issued cellphone, they will advise the dispatcher over the radio if they are in the area.; The dispatcher will then dispatch an available officer to the ShotSpotter call for service.
- The
6. dispatcher will log the unit on the computer-aided dispatch (CAD) system.;
7. Dispatch a minimum of two (2) officers. Additional units may be dispatched, as needed.;
8. Advise the field supervisor of the nature of the call. -If an area supervisor isf unavailable, advise a supervisor from another area command.
9. The ECC will monitor the ShotSpotter software application.
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10. When a ShotSpotter notification event is identified, ECC will enter a call for service in the CAD system as a Priority 1 with a type code of 39-3S.
11. The dispatcher will simultaneously voice and digitally dispatch the Priority 1 event immediately as an “all ops transmission.”
12. If no units are available, the dispatcher will notify the field supervisor of the pending call and add remarks indicating which field supervisor was notified.
13. If additional calls for service are identified as possibly related to the ShotSpotter event, the dispatcher will voice the additional information to the responding units. The related event will be cross-referenced to the ShotSpotter event if it is determined to be related.
14. If an officer does not locate a scene or evidence, the officer will add comments to the call. Dispatch will create a 64S call to be dispatched to a Crime Scene Specialist (CSS).

B. Patrol Response



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1. Officers shall use the twenty-five (25) meter radius to approach the scene, using a strategic approach, being aware that an offender or multiple offenders may be on-scene.;
2. Notify the ECC when responding to the scene of a ShotSpotter related incident.;
3. Request additional field units for assistance, as needed.;
4. Any non-uniformed or plainclothes officers who respond or who are in the area of a ShotSpotter activation shall advise the ECC and ensure that they are clearly marked as a police officer and identify their vehicle description.
5. Canvass, on foot, the precise location identified via the ShotSpotter system for victims, evidence, and witness(es). Officers should search, at a minimum, for evidence within a 25-meter radius of the "dot" for evidence with particular emphasis on:
 - a. Locating shell casings; and-
 - b. Shell casings shall be collected and submitted to the crime lab at the scene of all alert incidents regardless if a victim is struck or located.
6. Officers shall exit their patrol vehicle and search for:-
 - a. Victims;
 - b. Suspects;
 - c. Evidence; and
 - d. Witness(es).
7. When appropriate, contact the investigative unit, in accordance with established SOP(s).
8. If completing a case report, document if the incident is ShotSpotter related for follow-up investigators. -Refer report to the appropriate investigator, in accordance with established Standard Operating Procedures.
 - a. Reports shall be forwarded by the end of shift.
9. If an officer does not locate a scene or evidence, the officer will add comments to the call.

C. Real Time Crime Center

1. In the event that ShotSpotter receives a positive response reference a shot in the area, a notification will be sent to the Real Time Crime Center (RTCC) and ECC where a call for service will be generated by ECC. The assigned RTCC operator will log on to the call and, based on the initial review of the call, the operator will utilize the video network to identify a possible target vehicle in the area or advise



officers of any suspicious activity. -If limited information becomes available (e.g., partial plate, partial name, etc.), the operators will be responsible to assist in locating any additional information that would be relevant to making a proper identification of the subject(s) involved.

2. As the investigation occurs, if an intended target is identified, information pertaining to the victim and/or offender will be provided by the RTCC to the requesting units. The RTCC operator will provide all relevant history, address, and vehicle information, as long as it is pertinent to the request and investigation. Once the RTCC operator emails the information, they will create a log through SharePoint and attach a copy of the distributed information.

D. Crime Scene Specialist (CSS) Follow-up Canvass

1. If an officer does not locate a scene or evidence, the officer will add comments to the call.
2. A dayshift CSS will respond back to the original ShotSpotter alert location during daylight hours to search for evidence.
 - a. The CSS will conduct a 25-meter radius canvass on foot of the ShotSpotter "dot," with particular emphasis on locating shell casings.
 - i. The CSS should utilize a metal detector while conducting the canvass.
 - b. Shell casings will be collected at the scene of all alert incidents, regardless if a victim or property is struck or located.
3. If the CSS does not locate a scene or bullet casing, the CSS will add comments to the CAD that no evidence was located.
4. If the CSS locates a crime scene, i.e., more than one bullet casing, a Field Services Bureau (FSB) officer will be dispatched to the scene to write the original report.
 - a. The CSS will process the scene and collect the evidence.

—CSS will follow the evidence collection procedures, consistent with SOP Submission of Evidence, Confiscated Property, and Found Items.

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5.



1-27 COLD CASE UNIT

Related SOP(s), Form(s), Other Resource(s) and Rescinded Special Order(s):

A. Related SOP(s)

1-66 Missing Persons Unit (Formerly 5-3)

2-74 Submission of Cases to the District Attorney

5-3 Criminal Investigations Division

B. Form(s)

None

C. Other Resource(s)

None

D. Rescinded Special Order(s)

(Placeholder)

1-27-1 Purpose

The purpose of the Cold Case Unit is to investigate all unsolved homicides or unsolved endangered missing persons in which the principal investigator has exhausted all leads.

1-27-2 Policy

It is the policy of the Albuquerque Police Department (Department) to provide rules and responsibilities to Department personnel when investigating unsolved homicides.

1-27-3 Rules and Responsibilities

A. Cold Case Unit Responsibilities:

1. Maintain all files of unsolved cold case homicides in a secure environment.;
2. Maintain cases in the case management system for information tracking, and crime analysis.;
3. Assume case responsibility of reopened cases and conduct follow-up investigation, including but not limited to, interviewing or re-interviewing witnesses, informants, or suspects.;
4. Notifies the primary detective, if this individual is still working for the Department, when a cold case is being worked and gives the detective periodic progress



updates. Under circumstances as determined by the Cold Case Unit Sergeant, a case may be returned to the original detective for investigation or completion.

5. Prepare and submit a monthly activity report.;
6. Assist officers, the District Attorney, or other agencies in documenting and/or directing information concerning cold case homicides.;
7. Analyze cold homicide cases with any new and available forensic technologies, where appropriate.;
8. Correspond with other agencies within New Mexico and throughout the nation regarding cold homicide cases.;
9. Maintain a working relationship with the New Mexico Survivors of Homicide support organization., and
10. Assist other homicide or violent crime-investigating units (i.e. Robbery, Crimes Against Children, FASTT, etc.) within the Criminal Investigations Division (CID), whenever necessary.;
11. Works with the National Missing and Unidentified Persons System (NamUs) for all unsolved missing persons cases, which are maintained ~~kept~~ in the Cold Case Unit.
12. Cold Case Unit detectives will be in an on-call status.

B. Cold Case Sergeant Responsibilities

1. The Sergeant will conduct a case review of incoming cold case homicides to ensure that all leads have been exhausted. Prior to acceptance into the Cold Case Unit, authorization will be given from the Section Lieutenant.

~~—Cold Case Homicide Unit~~

- ~~—The Cold Case Homicide Unit notifies the original primary detective, (if this individual is still working for the Department,) when a cold case is being worked, and gives the detective periodic progress updates. Under circumstances as determined by a Violent Crimes supervisor, a case may be returned to the original detective for investigation or completion.~~

C. Cold Case Ppriority is determined by the following factors:

Priority is determined by the following factors:

1. Statutory rRequirement;



2. Statute of limitations;

3. Legal issues examined; and

4. Other factors, including but not limited to:

- a. Whether the ~~is~~ case file is completed. This includes the original report, Violent Crimes supplemental reports, Major Crime Scene Team (MCST) crime scene and lab reports, neighborhood canvass forms, and autopsy reports;
- b. Availability of evidence;
- c. Witness statements;
- d. Suspect statements;
- e. Age of case;
- f. New ~~i~~ information and ~~r~~ Requests;
- g. Crime Stopper tips;
- h. Tips from another law enforcement agency;
- i. Jailhouse information;
- j. Information from professional sources, such as private investigators and attorneys;
- k. Request made by family members and/or acquaintances of the victim; and
- l. Media inquiries.

D. Leads and Tips

As leads develop and/or tips come in, the Cold Case Unit reports the information to the sergeant/Homicide sergeant, when necessary, and conduct follow-up investigations.

- 1. The Cold Case detectives document the outcome of the lead or tip within 72 hours and submit it in writing to the unit sergeant for review.
- 2. The written report will be included with the case file.
- 4.3. Should the lead or tip result in a cleared case and/or an arrest, the Cold Case detective completes the case in accordance with SOP Submission of Cases to the District Attorney ~~SOP~~.

1-27 Cold Case Unit (Currently 5-3) 15-Day Commentary 7-23-20

Comment	User	Action Taken
Looks good	e43046 - Trina Ortegon	None
I have reviewed this and I have no additional comments to add	E12631 - Dennis Trujillo	None
1-27-3A4 and 1-27-3A5 are very specific tasks that should be assigned to a specific unit as opposed to the general unit duties. Maybe should be the sergeant duties.	P2908 - Arturo Sanchez	This is describing the detectives tracking their cases, and notification to work directly with the original case agent on their case. NO ACTION NECESSARY



2-68 INTERVIEWS AND INTERROGATIONS

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

- [2-8 Use of On-Body Recording Devices](#)
- [2-22 Juvenile Delinquency](#)
- [2-60 Preliminary and Follow Up Criminal Investigations](#)
- [2-82 Restraints and Transportation of Individuals](#)

B. Form(s)

None

C. Other Resource(s)

None

D. Rescinded Special Order(s)

None

2-68-1 Purpose

The purpose of this policy is to provide procedures to personnel who are completing interviews and interrogations.

2-68-2 Policy

It is the policy of the Albuquerque Police Department (Department) to ensure interviews and interrogations are conducted in accordance with New Mexico State Law.

2-68-3 Definitions

A. Detention of Witnesses

The detention of witnesses is a seizure as defined by the Fourth Amendment of the U.S. Constitution. This detention should be a reasonable stop, which interferes minimally with the liberty of the individual.

B. Witness

Any individual who sees, hears, or otherwise has information relevant to the investigation, such as audio or visual recordings, of a criminal act or major event. There is no reasonable suspicion or probable cause to believe these individuals are



committing a crime.

7 2-68-4 Rules and Procedures

A. Officers/detectives conducting interviews of witnesses shall:

1. Conduct a preliminary interview to determine if an individual has information pertinent to the investigation of the crime.
2. Ask witnesses if they are willing and able to remain on scene to provide information to investigators.
3. Attempt to obtain a written or recorded statement from witnesses who do not wish to remain on scene.
4. If witnesses refuse to give a statement, officers/detectives shall use the Crime Scene Canvass and Witness Information Form and complete the following:
 - a. Use a separate form for each person contacted and each location that contact is not made;
 - b. Ensure that witness' signature is completed;
 - c. Document in their report who they contacted and where; and
 - d. Provide detectives with all Crime Scene Canvass & Witness Information Forms immediately upon detectives' arrival at the scene.
5. Ask witnesses, who express a willingness to remain at the scene, not to discuss the incident with other witnesses, media or other citizens, including using their mobile communication devices to discuss the incident.
 - a. Officers shall not seize the mobile communication devices from witnesses without probable cause.
6. Detectives shall make every attempt, as soon as possible, to accommodate witnesses who need to leave a scene before being interviewed.

5 7. Physical Detention of Witnesses

- a. Unless articulable facts that the individual is dangerous exists, officers shall not pat down, handcuff, or otherwise physically detain individuals who have been identified as witnesses.
- b. Officers may prevent witnesses or others from entering a crime scene that is secured or may remove witnesses from within a secure crime scene perimeter, as this does not constitute a detention in and of itself.
- c. Officers may transport witnesses to a substation or another location only upon their express consent. They may withdraw this consent at any time.
- d. Officers shall not detain witnesses within their own home without the consent of the witness. The witness may withdraw their consent at any time.



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B. On Scene Supervisor

1. Shall assign an officer to act as a liaison for these witnesses. The officer shall allow witnesses to access food, water, restrooms, and a telephone if at all possible, and provide updates to witnesses as they become available.
2. May request the Mobile Community Substation to respond to provide a comfortable place where witnesses may wait.
 - a. In the event there is a large number of witnesses, officers and detectives may request a secondary Mobile Community Substation or will make an effort to secure a location for witnesses to wait for detectives if they so choose.

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C. Custodial Interviews and Interrogations

1. Department personnel will:
 - a. Electronically record (audio/video) all custodial interrogations in their entirety;
 - i. If the location of the interview has video capability the interview must be video recorded;
 - ii. In the event the location does not have video recording capability, the officer will use their on-body recording device to record the interview and or interrogations;
 - iii. In the event that there is no audio or video recording capabilities, officers will notify their supervisor;
 - iv. Supervisors shall ensure the officer is provided with an appropriate location equipped with appropriate recording devices.
 - b. Include the advice of constitutional rights, per Miranda, on the recording;
 - c. Tag the recorded interview into evidence; and
 - d. Document in the report that the interview was electronically recorded.
 - i. The reason for not recording the interview will be documented in the officer's report.

7

D. General Security Concerns

1. The interview rooms shall be located in secured areas.
2. All arrestees/prisoners shall be searched prior to being brought into the interview room.
3. Only one (1) arrestee/prisoner at a time should be in the interview room. All arrestees/prisoners will be handcuffed prior to entry of the interview room. Handcuffs may be removed at the discretion of the officer/investigator detective conducting the interview.



4. While an officer is conducting an interview or interrogation, a second officer should be present in the room or monitoring. If the interviewer needs assistance, they shall verbally and/or physically summon the officer monitoring the interview, or utilize the "emergency" key on their police radio.

E. Weapons Control

1. Officers may remove their firearm when conducting interviews in a secure location.

7

F. Interviews and/or Interrogations at Hospitals

1. Officers/Detectives shall not interfere with medical treatment and, when feasible, should be conducted during normal visiting hours.
2. If the individual is being treated in a limited access area (e.g. ICU/CCU), arrangements will be made with the attending physician.

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PROCEDURAL ORDERS

SOP 2-68

Effective: 07/09/20

Review Due: 07/09/21

Replaces: 01/17/16

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[2-8 Use of On-Body Recording Devices](#)

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2. If the individual is being treated in a limited access area (e.g. ICU/CCU), arrangements will be made with the attending physician.