POLICE OVERSIGHT BOARD
POLICY AND PROCEDURE REVIEW SUBCOMMITTEE
Tuesday, February 13, 2018 – 5:00 p.m.
Plaza Del Sol Building, 600 2nd Street NW
3rd Floor Small Conference Room

Members Present
Dr. William Kass, Chair
James A. Larson
Chelsea Van Deventer

Others Present
Edward Harness, Exec. Director
Diane McDermott
Maria Patterson
Jeramy Schmehl, Asst. City Atty
Jolene Luna
Charles Arasim

Minutes

I. **Welcome and Call to Order:** Subcommittee Chair Kass called the meeting to order at 5:00 p.m.
    A. Agenda. Chair Kass apologized for getting the agenda out late, though technically the subcommittee is not subject to the Open Meetings Act (OMA).
    B. Quorum. Chair Kass explained that Member Larson and Member Van Deventer will act as surrogates for Subcommittee Members Cruz and St. John in order to make subcommittee quorum.
    C. Director Harness assured Chair Kass that it was fine for the agenda to be posted when it was because are no action items on the agenda, only discussion items, and it wouldn't violate the OMA anyway because it's a subcommittee.

II. **Approval of Agenda:**
    A. Copies of the agenda were distributed.
    B. Member Larson moved to approve the agenda as written. Chair Kass seconded the motion. The motion was carried by the following vote:
      For: 2 – Kass, Larson
    C. The agenda was later amended. See item V. A. ii. for details.

III. **Approval of the Minutes from January 18, 2018:**
    A. Copies of the minutes from January 18, 2018.
    B. Member Larson motioned to approve the minutes as written. Chair Kass seconded the motion. The motion was carried by the following vote:
      For: 2 –Kass, Larson

IV.   Public Comments:
    A. Assistant City Attorney Jeramy Schmehl and Jolene Luna from APD
      introduced themselves for the record.

V.   Discussion:
    A. POB policy recommendations process—prioritizing polices for review
        i. Chair Kass explained that the subcommittee needs to resolve how to
          get the POB's recommendations process in line with APD's policy
          on policy, and part of that is figuring out how to choose which
          policies are reviewed. Chair Kass recommended they first look at
          what the City has to propose.
        ii. Member Larson moved to amend the agenda to discuss item V. B.
          first and V. A. second. Chair Kass seconded the motion. The motion
          was carried by the following vote:
          For: 2 –Kass, Larson
    B. APD policy on policies with APD/City representatives
        i. **Flowchart Explanation.** Attorney Schmehl distributed a flowchart
          that outlines the current draft of APD's policy process (see
          attachment "A").
          a. **OPA**. Mr. Schmehl explained that the Office of Policy
            Analysis (OPA) would first present the policy at an OPA
            meeting. OPA meetings would serve to both educate and
            gather input from the public and SMEs (Subject Matter
            Experts). Vicki Durham is the head of OPA and Adam
            Garcia is the SOP Liaison.
          b. Mr. Arasim (public commenter) asked if the meetings could
            be filmed. Attorney Schmehl replied that they could.
          c. **POB and SMEs**. Mr. Schmehl continued to explain that a
            policy would then go to the POB and SMEs, hopefully in a
            way that allows for collaboration between the POB and
            SMEs. The OPA would maintain a list of SMEs, making
            sure the list is of positions rather than people.
          d. Chair Kass asked who makes the SMEs, and Mr. Schmehl
            replied that almost all of the SMEs are APD experts.
          e. **Best Practices**. Chair Kass asked how they will introduce
            best practices. Mr. Schmehl explained that they would
            introduce best practices in OPA in the presentation or
            perhaps in an operating manual.
          f. **Public Comment**. Mr. Schmehl added that public comment
            would be allowed all the way up to the Policy and
            Procedures Review Board (PPRB).

g. **Personnel Comment**. Mr. Schmehl explained that the nest seven days would allow for input from personnel through PowerDMS.

h. **Public Comment**. Chair Kass asked how public comment would work. Mr. Schmehl hoped that, if the website was robust enough, the comments could be submitted online. There would also be education online for those interested. As of yet, no data has been collected around comments from the public.

i. Mr. Arasim asked if officers can comment. Mr. Schmehl replied that officers can comment through PowerDMS.

j. Member Larson asked if this flow chart will be replaced and if this is part of 3-52. Mr. Schmehl clarified that yes, they are working on this.

ii. Mr. Schmehl explained to Member Larson that 3-52 is the entire development process and OPA is just part of it. Mr. Schmehl explained that the problem with 3-52 is the PPRB because its membership and purpose have changed so there needs to be a revision of the PPRB as well.

Member Chelsea Van Deventer arrived at 5:20 p.m.

iii. Ms. Luna explained to Member Van Deventer that Mr. Schmehl has been assisting Ms. Luna and Cdr. Campbell in writing the policy development process. Ms. Luna added that she would love input from Director Harness and the CPOA staff.

iv. Mr. Schmehl continued to explain the flowchart.

a. **PPRB**. Member Kass asked Mr. Schmehl to explain what the PPRB and how it is mainly composed of APD personnel. Mr. Schmehl explained that the PPRB is comprised of voting members who serve the chief in matters of policy review and approval. There is a voting member (Director Harness) and non-voting member from the CPOA on it.

b. Mr. Schmehl noted that one of the problems with the way the PPRB used to function was there were a lot of online revisions that were difficult to track. Now there will be a discussion of where recommendations come from, a decision about the mechanics of the recommendation, and then a vote.

C. **Prioritization of Policies**. Chair Kass asked how policies are reviewed and prioritized within the flowchart. Ms. Luna replied that all policies will be

reviewed. Mr. Schmehl added that a calendar of upcoming policies, especially CASA-related ones, will be created.

   i. Mr. Schmehl added that the board's input on policy prioritization would be appreciated because he was reluctant to create two flowcharts, but at the same time it is clear that not all policies should be handled in the same way.

   ii. **Calendar**. Ms. Luna asked if it would be sufficient to post their calendar and state when policy is up for discussion a couple of months ahead. Chair Kass noted that that would be helpful for the POB.

      a. Ms. Luna added that, ideally, there would be a permanent OPA position to keep track of all of policies and their timelines.

      b. Member Larson argued that that the board should be able to see all the policies as long as the important policies don't get lost in the noise.

      c. Member Van Deventer asked if there is currently a policy calendar. Attorney Schmehl replied that there is an internal calendar, not a public one. Ms. Luna added that they are beginning the process of making that more available to the public.

   iii. **Policy Volume**. Member Van Deventer asked about the volume of policies and how often new or revised ones are introduced. Mr. Schmehl said that with the old process there was a new one approximately every eight weeks. Director Harness added that there are 37 policies under the ordinance that are reviewed annually based on the last time they were reviewed.

   iv. Member Van Deventer asked why they would need to triage policies if most of the policies are reviews. Chair Kass explained that there is still a large volume and it is difficult to determine which ones are the most important or which ones will be discussed.

   v. Mr. Schmehl added that reviewing these policies also presents an opportunity for educating the public and receiving input on how to improve those policies.

   vi. Member Van Deventer suggested that if they get eight to ten policies per month, they can read them and make their recommendations. Ms. McDermott suggested the board use cases to help them determine which policies are most important based on where the issues are.

   vii. **Communication.** Chair Kass noted his concern about communication. Director Harness said the communication issue could be solved by having members of OPA present at POB meetings to explain what is coming in the future.

viii. Member Van Deventer suggested picking a point person who does the first read through of the policies. Chair Kass thought that might work, but still worried about the timeline because the board also has to review them. Member Van Deventer thought that if they have three months of notice, they would have adequate time.

ix. **Data-driven Policy Recommendations**. Mr. Schmehl recommended that the scope of the policy matches the scope of the data.

x. **Presumption of Review**. Member Van Deventer suggested building in a rule for the committee that presumes the board will review policy and if a policy doesn't warrant a review then the board will rebut the presumption. That way it is a thorough process and not ad hoc decision-making.

xi. Member Larson agreed and added that they should have a process for when they identify a trend. Member Larson also suggested they flesh out this process and include what and they expect from APD and the CPOA and when they expect it.

xii. **Policy Process.** Member Larson asked Mr. Schmehl if the OPA would write the policy and then the policy would come to the POB. Mr. Schmehl envisions a presentation of the new policy at OPA.

xiii. **Data**. Mr. Schmehl brought up the question of data. Chair Kass noted that data can get overwhelming and there should be a structure regarding what data they collect and present. They have to figure out how to incorporate that into their own policy.

   a. Member Van Deventer asked if the CPOA has a data analyst. Director Harness explained that they are working on the contract.

xiv. **Policy Process and Public Comment**. Director Harness asked why a policy would go to OPA first, questioning the value of having public comment so early in the process. Director Harness suggested that public comment should happen later in the process. He also suggested the POB would be a more productive avenue for public comment.

xv. Mr. Schmehl clarified that he believes it will be important to get the policy out in front of a large group, but conceded that perhaps it would be better if this step was not necessarily a part of the policy development process.

xvi. Director Harness further pointed out that APD has the right to rewrite their policy and that it makes more sense to have public input once there is a draft to revise. Ms. Luna explained that the Subject Matter Experts (SMEs) would already have met with stakeholders and written a draft of a fine-tuned policy by that point.

xvii. Member Kass agreed with Director Harness that it is likely that, at OPA, people will air grievances without reading or understanding the new policy, so it makes sense for this commenting to be filtered through the POB.

xviii. **Moratorium on Policies**. Director Harness asked if 3-52 is stalled. Mr. Schmehl explained everything is stalled at this point, though it may be pushed out next week. It will be put in place before any other policies.

xix. **Flowchart: CASA-related Policies.** Mr. Schmehl explained that in the next step of the flowchart, CASA-related policies would go to the POB for thirty days. At fifteen days, it would go to parties and the monitor for comment, and then at thirty days Mr. Schmehl would receive it and prepare a resolution draft. Then, it would go to the monitor for approval before going to the chief for review and approval, after which it would go onto PowerDMS for personnel to sign off on.

xx. Chair Kass asked for an example of a CASA-related policy that the POB would weigh in on. Director Harness provided SOP 3-41 as an example; it did not even mention the POB.

xxi. Ms. McDermott stated that the CASA will not exist forever so the policy has to take that into account; that is why all policies should go through the POB. Director Harness added that he POB would vote on whether they wanted to have input in a policy or not.

xxii. **Flowchart Suggestion**. Member Van Deventer suggested moving "CASA" to follow "POB review" in the flowchart. Mr. Schmehl asked if they could send their recommendations to him so he could make these changes to the flowchart.

xxiii. **Subcommittee Process**. The subcommittee members discussed what they should talk about in the next meeting. Member Van Deventer offered to put some ideas about on paper about a subcommittee process.

xxiv. **Policy on Policy**. Member Van Deventer suggested to Mr. Schmehl that they put the presentation online and Director Harness suggested presenting it at POB meetings; that way, it would become public record through the minutes.

xxv. **Old OPA Commenting Process**. Director Harness noted that the way OPA meetings used to be run was productive in terms of handing out comment forms to the public and then responding to those comments. Mr. Schmehl thought that sounded beneficial.

VI.   Report from CPOA – *Director Harness*

A. **Data Contract.** Director Harness met with Mr. Schmehl, Deputy Chief Garcia, Attorney Jackson, and Dr. Verploegh to talk about the data contract.

B. **Revised Ordinance.** Director Harness sent out the revised ordinance from Chris Melendrez that was voted on by the POB in July. Director Harness explained some of the changes.

C. **Ordinance Change.** Chair Kass explained to the new members how the policy subcommittee is attempting to educate City Council about their proposed ordinance changes. Chair Kass met with Isaac Benton, who has agreed to be a sponsor but suggested that they find an additional sponsor.

VII. **Other Business:** None.

VIII. **Next Meeting:** The next meeting will occur on Tuesday, February 27, 2018 at 3:00 p.m.

IX. **Adjournment:** Subcommittee Member Van Deventer made a motion to adjourn the meeting. Member Larson seconded the motion. The motion was carried by the following vote:
For: 3 –Kass, Larson, Van Deventer

Meeting adjourned at 6:37 p.m.

_____   _____
Approved by: Date
William Kass, Chair
Policy Review Subcommittee
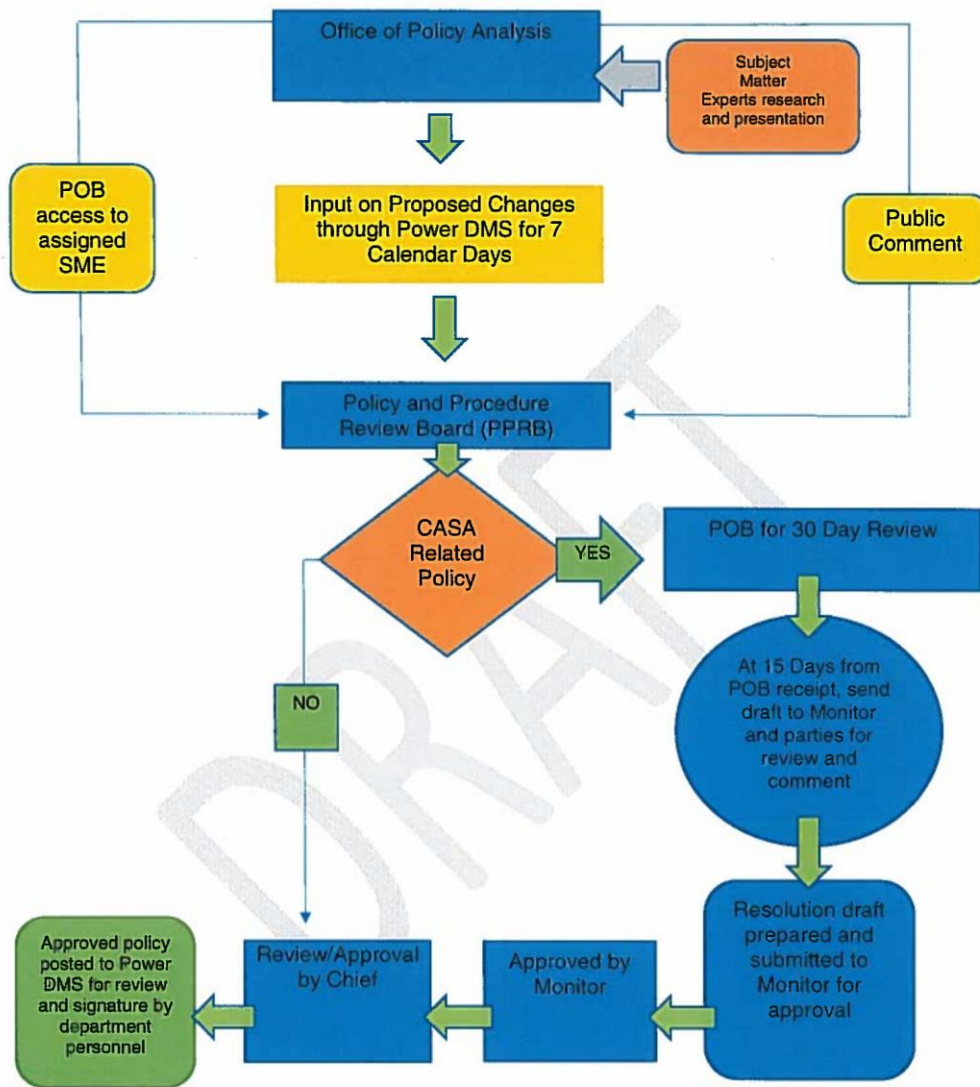
CC: Julian Moya, City Council Staff
          Trina Gurule, Interim City Clerk
          Isaac Benton, City Council President (via email)

Minutes drafted and submitted by:
Maria Patterson, Temporary Administrative Assistant

Attachments

Office of Policy Analysis

Subject Matter Experts research and presentation

POB access to assigned SME

Input on Proposed Changes through Power DMS for 7 Calendar Days

Public Comment

Policy and Procedure Review Board (PPRB)

CASA Related Policy

YES

POB for 30 Day Review

NO

At 15 Days from POB receipt, send draft to Monitor and parties for review and comment

Resolution draft prepared and submitted to Monitor for approval

Approved policy posted to Power DMS for review and signature by department personnel

Review/Approval by Chief

Approved by Monitor

As of 2-1-18

Attachment "A"

Civilian Police Oversight Agency
Police Oversight Board – Policy & Procedure Subcommittee
Minutes – February 13, 2018