Force Review Board – Chief's Report

CHIEF'S REPORT (P78F)

DECEMBER 10, 2020

TIME: 1004 TO 1220 HOURS

APD HEADQUARTERS - CHIEF'S CONFERENCE ROOM (VIA TELECONFERENCE)

FRB CHAIR (P78)	DCOP [redacted] (Management Services and Support Bureau) – via teleconference
VOTING MEMBERS (P78)	DCOP [redacted] (Special Operations Bureau) – via teleconference DCOP [redacted] Investigative Bureau) – via teleconference DCOP [redacted] Field Services Bureau) – via teleconference Commander [redacted] Foothills Area Command) – via teleconference Lieutenant [redacted] (Training Academy) – via teleconference
NON-VOTING MEMBERS (P78)	Lindsay Van Meter (City Legal) – via teleconference Judge Rod Kennedy (Legal) – via teleconference Edward Harness (CPOA Director) – via teleconference Lieutenant [redacted] (FRB Admin Personnel/IAFD) – via teleconference Julie Jaramillo (FRB Admin Personnel/AOD) – via teleconference
REPRESENTATIVES	Commander [redacted] (SOD) – via teleconference Deputy Commander [redacted] (IAFD) – via teleconference Lieutenant [redacted] (IAFD) – via teleconference Lieutenant [redacted] (CIT) – via teleconference Sergeant [redacted] (SOD) – via teleconference Sergeant [redacted] (Training Academy) – via teleconference Detective [redacted] (IAFD) – via teleconference Patricia Serna (OPA) – via teleconference
OBSERVERS (P78b)	Sergeant [redacted] (Presenter/SOD) – via teleconference Detective [redacted] (Presenter/IAFD) – via teleconference DCOP [redacted] Compliance) – via teleconference Sergeant [redacted] (IAFD) – via teleconference Sergeant [redacted] (IAFD) – via teleconference Sergeant [redacted] (IAFD) – via teleconference Sergeant [redacted] (SOD) – via teleconference Detective [redacted] (IAFD) – via teleconference Elizabeth Martinez (USDOJ) – via teleconference Patrick Kent (USDOJ) – via teleconference Stephen Ryals (USDOJ) – via teleconference Yvonnie Demmerritte (USDOJ) – via teleconference Andrea Jones (Tactical Support Specialist) – via teleconference
PREVIOUS MINUTES	December 3, 2020 - approved
UNFINISHED BUSINESS	• None

REFERRAL RESPONSE(S)					
CASE NUMBER	**MEETING DATE**	**REFERRAL**	**REFERRAL PARTY**	**ACTION TAKEN**	**STATUS**
20-0007881	9/17/2020	The Training Academy will create and conduct refresher training regarding the good faith exception and how it is addressed in NM along with applicable case law and officers articulating their known facts regarding search and seizure.	A/Commander [redacted]	Sergeant [redacted] completed an extension request memo for an update on December 31, 2020	Update due 12/31/2020

CASE #: 20-0055908	DATE OF INCIDENT: JULY 14, 2020	LOCATION: [redacted]	TIMES: DISPATCH / ON SITE: 1911 HOURS CALL TO TACTICAL: 2100 HOURS SWAT ACTIVATION: 2216 HOURS
TYPE: SOD (P78)			

CASE PRESENTER	SERGEANT [redacted]
DID THE LEAD DETECTIVE PRESENT THE CASE? (P78b)	☐ YES ☐ NO ☒ NOT APPLICABLE
WHY DID THE LEAD INVESTIGATOR NOT PRESENT THE CASE?	☐ LEAD INVESTIGATOR NO LONGER IN UNIT ☐ LEAD INVESTIGATOR NOT AVAILABLE TO PRESENT ☐ LEAD INVESTIGATOR WAS CASE PRESENTER ☒ NOT AN IAFD PRESENTATION
INJURIES SUSTAINED	☐ YES ☒ NO
DAMAGE TO PROPERTY	☐ YES ☒ NO
DID EACH VOTING MEMBER OF THE FORCE REVIEW BOARD REVIEW THE MATERIAL PRIOR TO THE MEETING? (IN THE EVENT A VOTING MEMBER DID NOT REVIEW THE MATERIAL, THEY WILL BE INELIGIBLE TO VOTE ON THE CASE. THIS WILL RESULT IN THE BELOW QUESTION, "DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE" TO BE ANSWERED "YES".)	FIELD SERVICES DEPUTY CHIEF REPRESENTATIVE ☒ YES ☐ NO ☐ NOT PRESENT ADMINISTRATIVE DEPUTY CHIEF REPRESENTATIVE ☒ YES ☐ NO ☐ NOT PRESENT INVESTIGATIVE DEPUTY CHIEF REPRESENTATIVE ☒ YES ☐ NO ☐ NOT PRESENT TRAINING ACADEMY REPRESENTATIVE ☒ YES ☐ NO ☐ NOT PRESENT FIELD SERVICES COMMANDER REPRESENTATIVE

			☒ YES ☐ NO ☐ NOT PRESENT			
DID THE BOARD REVIEW THE CASE WITHIN 30 DAYS OF RECEIVING THE CASE INFORMATION? (P78a)			☒ YES ☐ NO			
DID THE BOARD GENERATE A REFERRAL REQUESTING ADDITIONAL INVESTIGATION TO IMPROVE THE FORCE INVESTIGATION FINDINGS? (P78c)			☐ YES ☒ NO			
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ NO			DID THE FRB, BY A MAJORITY VOTE, IDENTIFY CONCERNS, DEFICIENCIES, OR SUCCESSES NOT IDENTIFIED BY THE CASE PRESENTER FOR:			
(P78e)	POLICY	TACTICS	EQUIPMENT	TRAINING	SUPERVISION	SUCCESSES
	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO
WAS A POLICY VIOLATION IDENTIFIED BY THE BOARD?			☐ YES ☒ NO			
PERSONNEL RESPONSIBLE FOR ENTERING THE INTERNAL AFFAIRS REQUEST (IAR)			N/A			
SOP TITLE OF VIOLATION			N/A			
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ NO			FOR TACTICAL ACTIVATIONS ONLY: WAS THE TACTICAL ACTIVATION IN ACCORDANCE WITH THE DEPARTMENT'S SPECIALIZED RESPONSE PROTOCOLS?			
MAJORITY VOTE			☒ YES ☐ NO ☐ NOT A TACTICAL ACTIVATION			
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ NO			FOR TACTICAL ACTIVATIONS ONLY: ARE THERE ANY OTHER CONCERNS, DEFICIENCIES, OR SUCCESSES RELATED TO THE UNITS THAT REQUESTED TACTICAL SUPPORT NOT IDENTIFIED BY THE CASE PRESENTER?			
MAJORITY VOTE			☐ YES ☒ NO ☐ NOT A TACTICAL ACTIVATION			
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ NO			FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, VOTE THAT THE IAFD INVESTIGATION WAS THOROUGH AND COMPLETE? (P73a)			
MAJORITY VOTE			☐ YES ☐ NO ☒ NOT AN IAFD INVESTIGATION			
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ NO			FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, DETERMINE THAT THE UOF IS CONSISTENT WITH DEPARTMENT POLICY? (P78d)			
MAJORITY VOTE						

	☐ YES ☐ NO ☒ NOT AN IAFD INVESTIGATION
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ NO	FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, DETERMINE THAT THE IAFD INVESTIGATOR'S FINDINGS ARE SUPPORTED BY THE PREPONDERANCE OF EVIDENCE? (P78a)
MAJORITY VOTE	☐ YES ☐ NO ☒ NOT AN IAFD INVESTIGATION
DISCUSSION	☒ YES ☐ NO
DISCUSSION TOPICS	1. COMMENDED SOD'S EFFORTS ON SELF-CRITIQUE 2. INQUIRY OF CNT/ECIT CERTIFICATION OF SOD 3. VERIFICATION OF DATE OF SOD'S CIT TRAINING AND IMPROVEMENT OF TACTICS SINCE TRAINING 4. PLANS FOR IMPROVEMENT ON FUTURE TRAINING REGARDING CIT COMMUNICATION DURING CRITICAL INCIDENT 5. TIMELINE FOR SOD'S SECONDARY REVIEWS TO BE COMPLETED 6. PROCESS OF REVIEWING OBRD'S FOLLOWING TACTICAL ACTIVATION WHERE NO FORCE IS USED 7. POTENTIAL USE OF FORCE IDENTIFIED AND INVESTIGATION UNDERWAY 8. PROCESS/POLICY FOR UNREPORTED/UNIDENTIFIED USE OF FORCE AND OBRD REVIEW OF ENTRY TEAM ON TACTICAL ACTIVATION 9. CONSIDERATION OF RELOCATING A PSD WHEN VERBAL COMMANDS ARE BEING GIVEN TO AN INDIVIDUAL

DID THE CPOA EXECUTIVE DIRECTOR HAVE THE OPPORTUNITY TO ASK QUESTIONS OR MAKE A STATEMENT TO THE PRESENTER? ☒ YES ☐ NO	
DISCUSSION TOPICS	1. AFFIRMED SAME CONSIDERATION OF RELOCATING A PSD WHEN VERBAL COMMANDS ARE BEING GIVEN TO AN INDIVIDUAL

CASE #: 20-0007132 / 20-0007386	DATE OF INCIDENT: JANUARY 23, 2020	LOCATION: [redacted]	TIMES: DISPATCH / ON SITE: 2250 HOURS
TYPE: LEVEL 3 - OIS (P78)			
CASE PRESENTER	DETECTIVE		

DID THE LEAD DETECTIVE PRESENT THE CASE? (P78b)	☐ YES ☒ NO ☐ NOT APPLICABLE
WHY DID THE LEAD INVESTIGATOR NOT PRESENT THE CASE?	☐ LEAD INVESTIGATOR NO LONGER IN UNIT ☒ LEAD INVESTIGATOR NOT AVAILABLE TO PRESENT ☐ LEAD INVESTIGATOR WAS CASE PRESENTER ☐ NOT AN IAFD PRESENTATION
INJURIES SUSTAINED	☒ YES ☐ NO
DAMAGE TO PROPERTY	☒ YES ☐ NO
DID EACH VOTING MEMBER OF THE FORCE REVIEW BOARD REVIEW THE MATERIAL PRIOR TO THE MEETING? (IN THE EVENT A VOTING MEMBER DID NOT REVIEW THE MATERIAL, THEY WILL BE INELIGIBLE TO VOTE ON THE CASE. THIS WILL RESULT IN THE BELOW QUESTION, "DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE," TO BE ANSWERED "YES".)	FIELD SERVICES DEPUTY CHIEF REPRESENTATIVE ☒ YES ☐ NO ☐ NOT PRESENT ADMINISTRATIVE DEPUTY CHIEF REPRESENTATIVE ☒ YES ☐ NO ☐ NOT PRESENT INVESTIGATIVE DEPUTY CHIEF REPRESENTATIVE ☒ YES ☐ NO ☐ NOT PRESENT TRAINING ACADEMY REPRESENTATIVE ☒ YES ☐ NO ☐ NOT PRESENT FIELD SERVICES COMMANDER REPRESENTATIVE ☒ YES ☐ NO ☐ NOT PRESENT
DID THE BOARD REVIEW THE CASE WITHIN 30 DAYS OF RECEIVING THE CASE INFORMATION? (P78a)	☒ YES ☐ NO
DID THE BOARD GENERATE A REFERRAL REQUESTING ADDITIONAL INVESTIGATION TO IMPROVE THE FORCE INVESTIGATION FINDINGS? (P78c)	☐ YES ☒ NO
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ NO	DID THE FRB, BY A MAJORITY VOTE, IDENTIFY CONCERNS, DEFICIENCIES, OR SUCCESSES NOT IDENTIFIED BY THE CASE PRESENTER FOR:

(P78e)	POLICY	TACTICS	EQUIPMENT	TRAINING	SUPERVISION	SUCCESSES
	☐ YES ☒ NO	☒ YES ☐ NO	☐ YES ☒ NO	☐ YES ☒ NO	☒ YES ☐ NO	☐ YES ☒ NO

WAS A POLICY VIOLATION IDENTIFIED BY THE BOARD?	☐ YES ☒ NO
PERSONNEL RESPONSIBLE FOR ENTERING THE INTERNAL AFFAIRS REQUEST (IAR)	N/A
SOP TITLE OF VIOLATION	N/A

DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ NO	FOR TACTICAL ACTIVATIONS ONLY: WAS THE TACTICAL ACTIVATION IN ACCORDANCE WITH THE DEPARTMENT'S SPECIALIZED RESPONSE PROTOCOLS?
MAJORITY VOTE	☐ YES ☐ NO ☒ NOT A TACTICAL ACTIVATION
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ NO	FOR TACTICAL ACTIVATIONS ONLY: ARE THERE ANY OTHER CONCERNS, DEFICIENCIES, OR SUCCESSES RELATED TO THE UNITS THAT REQUESTED TACTICAL SUPPORT NOT IDENTIFIED BY THE CASE PRESENTER?
MAJORITY VOTE	☐ YES ☐ NO ☒ NOT A TACTICAL ACTIVATION
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ NO	FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, VOTE THAT THE IAFD INVESTIGATION WAS THOROUGH AND COMPLETE? (P78a)
MAJORITY VOTE	☒ YES ☐ NO ☐ NOT AN IAFD INVESTIGATION
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ NO	FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, DETERMINE THAT THE UOF IS CONSISTENT WITH DEPARTMENT POLICY? (P78d)
MAJORITY VOTE	☒ YES ☐ NO ☐ NOT AN IAFD INVESTIGATION
DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE? ☐ YES ☒ NO	FOR IAFD INVESTIGATIONS ONLY: DID THE FRB, BY A MAJORITY VOTE, DETERMINE THAT THE IAFD INVESTIGATOR'S FINDINGS ARE SUPPORTED BY THE PREPONDERANCE OF EVIDENCE? (P78a)
MAJORITY VOTE	☒ YES ☐ NO ☐ NOT AN IAFD INVESTIGATION
DISCUSSION	☒ YES ☐ NO
DISCUSSION TOPICS	1. NEED FOR SPECIALIZED UNITS TO PROVIDE NOTIFICATION TO COMMUNICATIONS OF THE LOCATION OF THEIR ONGOING OPERATIONS AND THE INFORMATION TO BE PROVIDED TO THE FIELD SUPERVISOR 2. DEBRIEF/AAR PROCESS AFTER CRITICAL INCIDENT 3. ABILITY TO ACCOUNT FOR ROUNDS FIRED DURING OFFICER INVOLVED SHOOTING 4. POLICY REQUIREMENTS FOR SHOOTING THROUGH A WINDSHIELD UNDER EXTREME CIRCUMSTANCES 5. EDUCATION FOR OFFICERS ON HOW TO COMMUNICATE WITH INDIVIDUALS SUFFERING FROM DRUG INDUCED PSYCHOSIS AND STATISTICS ON THE RELATION

	BETWEEN OFFICER INVOLVED SHOOTINGS AND DRUG INDUCED PSYCHOSIS 6. OFFICER AWARENESS OF THE OPTICS OF THEIR ACTIONS AT THE SCENE OF A CRITICAL INCIDENT

DID THE CPOA EXECUTIVE DIRECTOR HAVE THE OPPORTUNITY TO ASK QUESTIONS OR MAKE A STATEMENT TO THE PRESENTER? ☒ YES ☐ NO	
DISCUSSION TOPICS	1. OPTIONS OF DEPLOYING K-9 THROUGHOUT A CRITICAL INCIDENT/ACTIVE SHOOTER

DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE FOR THE REFERRAL? ☐ YES ☒ NO	REFERRAL INFORMATION
TYPE OF REFERRAL(S): (P78e)	☐ POLICY ☐ POLICY VIOLATION (IAR) ☐ TRAINING ☐ SUPERVISION ☐ EQUIPMENT ☒ TACTICS ☐ SUCCESS (IAR)
REFERRAL(S): (P78e)	THE FRB HAS IDENTIFIED A CONCERN RELATED TO TACTICS SPECIFIC TO THE NEED TO IDENTIFY BEST PRACTICES BETWEEN DISPATCH, SPECIALIZED UNITS AND FIELD SERVICES DURING A CRITICAL INCIDENT. COMMANDER [redacted] WILL CREATE A TASK FORCE TO STUDY BEST PRACTICES FOR COMMUNICATION BETWEEN DISPATCH, SPECIALIZED UNITS AND FIELD SERVICES DURING A CRITICAL INCIDENT
EMPLOYEE RESPONSIBLE FOR RESPONDING TO REFERRAL(S): (P78e)	COMMANDER [redacted]
DEADLINE: (P78e)	DECEMBER 31, 2020

DID ANY MEMBER IN ATTENDANCE FAIL TO VOTE FOR THE REFERRAL? ☐ YES ☒ NO	REFERRAL INFORMATION
TYPE OF REFERRAL(S): (P76e)	☐ POLICY ☐ POLICY VIOLATION (IAR) ☐ TRAINING ☒ SUPERVISION ☐ EQUIPMENT ☐ TACTICS ☐ SUCCESS (IAR)
REFERRAL(S): (P73e)	THE FRB HAS IDENTIFIED A CONCERN RELATED TO SUPERVISION SPECIFIC TO THE NEED TO COMMUNICATE TO OFFICERS TO BE AWARE OF THE OPTICS OF THEIR ACTIONS AFTER A CRITICAL INCIDENT (EX. LAUGHING AT THE SCENE, HIGH-FIVING EACH OTHER, ETC.). IAFD SERGEANT [redacted] WILL ADD AN EXCERPT TO THE IAFD BULLETIN TO REMIND OFFICERS TO BE COGNIZANT OF THE OPTICS OF THEIR ACTIONS AFTER A CRITICAL INCIDENT (EX. LAUGHING AT THE SCENE, HIGH-FIVING EACH OTHER, ETC.)
EMPLOYEE RESPONSIBLE FOR RESPONDING TO REFERRAL(S): (P72e)	SERGEANT [redacted]
DEADLINE: (P78e)	DECEMBER 31, 2020

Next FRB Meeting: December 17, 2020

Signed: [redacted]
Interim Chief of Police