CITY OF ALBUQUERQUE

CIVILIAN POLICE OVERSIGHT AGENCY BOARD POLICY AND PROCEDURE REVIEW SUBCOMMITTEE

Dr. William Kass- Chair Eric Olivas Tara Armijo-Prewitt

Edward Harness, CPOA Executive Director



Thursday, January 2 at 4:30 pm Plaza Del Sol Building, 600 2nd Street NW 3rd Floor Small Conference Room

Members Present:

Dr. William Kass Eric Olivas

Tara Armijo-Prewitt(late)

Members Absent: Others Present

Edward Harness, CPOA Katrina Sigala, CPOA Diane McDermott, CPOA Ali Abbasi, CPOA

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Minutes

I. Welcome and Call to Order. Chair Dr. Kass called to order the Policy and Procedure Subcommittee meeting at 4:37 p.m.

PO Box 1293

II. Approval of the Agenda.

a) Motion. Motion was made by Member Olivas to approve the agenda as drafted. Motion passed.

Albuquerque

III. Approval of the Minutes from December 9, 2019.

a) Motion. Motion by Member Olivas to approve the minutes as drafted. Motion passed.

NM 87103

IV. Public Comment.

a) None.

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V. Discussion of process to review APD SOPs

a) Member Olivas is tasked with making the document shareable and will report back at the next Policy and Procedure meeting.

VI. Discussion of Board member conduct and ethics recommendations to CPOA

Board

a) Chair Dr. Kass will draft an outline and provide at next month's subcommittee meeting.

VII. Planning of special meeting regarding Crimes Against Children SOP's

a) Chair Dr. Kass will reach out to APD to see if they are available to do a presentation at the February board meeting.

VIII. Other business

- a) Member Olivas will make a proposal to the full board inviting Chief Geier to the February full board meeting in regards of staff changes within APD and resource allocation.
- IX. Next meeting scheduled for February 6, 2020 at 4:30pm.
- X. Adjournment. Meeting Adjourned at 6:10pm.



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SOP 3-11 - CPOA Review

SOP: 3-11	Command	Staff Responsibilities	CASA
Published: 06-Sep	o-17		
the ranks Comm assist the Chief o supporting the n	ander through Ass of Police in manage nission and vision s	cribe the roles and responsibilities of istant Chief. The command staff of the ment of the Department, including distancements of the Department, promoment's core values of integrity, respense.	ne Department will ay-to-day operations, oting community
Document Links:	noiding the Depart	ment's core values of integrity, respec	cc, lairness, and pride.
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Letter:			
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		CPOA Review	
CRC Input:			
Investigators:			
Data Analyst Input:			
Stakeholders Input:			
CPOAB Reviewer Comments:	Tracy Drager One small change Will need to reform matrix – yes, no ex Q on who is interin Will add sanctions Tabled	mat table; Q: is the command staff subject temptions methods chief?	ect to the same disciplin
CPOA Review	Date:	Reviewer:	Priority

SOP 2-92 - CPOA Review

SOP: 2-92	Crimes Against Children
Published: 25-Oct-1	
Bureau personnel of specific to the Crim policy is to respond and/or neglect will	this policy to describe the procedures to be followed by Field Services while investigating crimes committed against children. For information es Against Children Unit, refer to the Juvenile Section SOP. Department to child abuse and/or neglect, immediately. Allegations of child abuse be thoroughly investigated.
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CPOA Review	ate: Reviewer: Priority: 3

SOP 2-19 - CPOA Review

SOP: 2-19 Response to behavioral health issues CASA Published: 04-Apr-19

APD personnel working with persons in crisis will do so in a manner which meets a standard of excellence and awareness for our Department personnel, officers, and supervisors with respect to treatment and interaction of individuals with a behavioral health disorder, a developmental disability, or who are experiencing a behavioral health crisis. Individuals in behavioral health crisis will be treated with dignity; and given reasonable accommodations of their disabilities, and given appropriate access to law enforcement, government, and community services.

Officers are not mental health professionals, but they will receive on-going training to equip them with information and techniques to help them better respond to individuals with behavioral health disorders or who are in a behavioral health crisis. Officers will be trained in intervention and de-escalation techniques and will be familiar with available behavioral health resources to enhance both officer and public safety. This training does not restrict an officer's discretion to make an arrest when probable cause exists, however, officers are encouraged to jail divert individuals affected by a behavioral health disorder or in a behavioral health crisis. (See section 2-19-8, below).

Officers and communities must act in concert with behavioral health professionals to successfully resolve an incident involving individuals in behavioral health crises. An important role for law enforcement is to, when appropriate, help people and their families access behavioral health services, substance abuse programs, hospitals, clinics, and shelter facilities. Incidents involving individuals in a behavioral health crisis require the use of special police skills and training, de-escalation techniques, and available resources to effectively and positively resolve the situation. The ideal resolution for a behavioral health crisis incident is that the individual is connected with resources that can provide behavioral health support and guidance after the crisis has been resolved.

The goal during an incident involving an individual in a behavioral health crisis is to de-escalate the situation safely with the least amount of force for all individuals involved, consistent with established safety priorities, and to ensure appropriate referrals are made for follow-up activities.

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SOP 1-88 - CPOA Review

SOP: 1-88	Sex Crime:	s Unit	
Published: 16-Jul	-19		
professional inv CSP of a victim t with the Bernali as part of the Al	estigation of all crir that is 13 years of a illo County Sheriff's	t is to provide the Department with a sminal sexual penetration (CSP) cases, in ge or older. The policy of the Sex Crime Office, SANE, Rape Crisis, and the Distraction (ASER Assault Evidence Response Team (ASER Inetration cases.	cluding attempted es Unit is to work rict Attorney's Office
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		APD Review History	
OPA:	20-Dec-18		
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CPOA Review	Date:	Reviewer:	Priority: 3

SOP 1-11 - CPOA Review

SOP: 1-11	Behaviora	l Sciences Section	CASA
Published: 31-Aug	-17		
consultation and members. The se	treatment, neede ervices are intende	SS) provides access to psychological ed by sworn and civilian personnel a ed to improve the health of individual acceptance of the second control of the s	and their family all employees, as well
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CPOAB Reviewer Comments:	domestic violence	policies which have a higher propensit calls. The PnP should also ask APD for or various kinds of calls and the policies	data regarding use-of-
CPOA Review	Date:	Reviewer:	Priority: 3

SOP 1-02 - CPOA Review

SOP: 1-02	Social med	dia
Published: 05-Se	p-19	
social media/em content or spee Department has	nployee speech. Ad ch that would impa	ablish employee rights and responsibilities as it pertains to iditionally, it is intended to protect the Department from air its efficiency or damage the reputation and trust the the community. This policy will help guide employees as ocial media
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		APD Review History
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Letter:	19-Nov-19	
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CPOAB Reviewer Comments:	policy at previous no longer is involved reviews, is the new This policy contained and the policies in the US. existed that could listed in the policy future reviews to frequently occurribut no detailed and I suggest that we reviews and modifications and modifications. This as presented at Playing reviewed to the next Having reviewed to the suggest that we review status. This as presented at Playing reviewed to the next Having reviewed to the next thaving reviewed to the next thaving reviewed to the next thaving reviewed to the next thaving reviewed to the next thaving reviewed to the next thaving reviewed to the next thaving reviewed to the next that	Is an extensive list of what is allowed and not allowed on social el indicated that these questions were derived from similar I asked the question at the PPRB regarding whether data be used to determine the frequency of the various violations with the idea that having that information would be useful in determine if the policy is effective and if these lists identified ing problems. Internal Affairs apparently has this information, nalysis has been conducted.

SOP 2-82 - CPOA Review

SOP: 2-82	Restraint and	d transportation of prisoners	
Published: 25-Oct	-17		
individuals and D Officers are resp used during a tra	Department personne consible for using the ansport unless the situ	nsure the safety, protection and secur I during transportation and when rest appropriate restraint device. A restrain uation meets an exception found in th ation of all individuals.	raints are applied. nt device will be
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CPOAB Reviewer Comments:	guerney Reviewed use of force Discussion relates to Ptu does not have see Use of force problem Less frequently when Mdc handoff can take understanding Have a joint group loc Suggested that McCle	pa coordinator, sisted devices, sehind the back but give leeway to hando e cases re prisoner transport transport in patrol vehicle – seatbelting atbelts s can occur during transport arriving at mdc e up to 45 minutes, problems with mdc/a	pd common der McClendon
CPOA Review	Date:	Reviewer:	Priority:

Nonprofit Board Member CODES OF CONDUCT AND ETHICS

Are nonprofit board members required to conduct themselves in any particular manner? Yes! Under well-established principles of nonprofit corporation law, a board member must meet certain standards of conduct and attention in carrying out his or her responsibilities to the organization. Several states, in fact, have statutes adopting some variation of these duties that would be used in court to determine whether a board member acted improperly. These standards are usually described as the duty of care, the duty of loyalty, and the duty of obedience.

DUTY OF CARE

The duty of care describes the level of competence that is expected of a board member and is commonly expressed as the duty of "care that an ordinarily prudent person would exercise in a like position and under similar circumstances." This means that a board member owes the duty to exercise reasonable care when he or she makes a decision as a steward of the organization.

DUTY OF LOYALTY

The duty of loyalty is a standard of faithfulness; a board member must give undivided allegiance when making decisions affecting the organization. This means that a board member can never use information obtained as a member for personal gain but must act in the best interests of the organization.

DUTY OF OBEDIENCE

The duty of obedience requires board members to be faithful to the organization's mission. They are not permitted to act in a way that is inconsistent with the central goals of the organization. A basis for this rule lies in the public's trust that the organization will manage donated funds to advance the organization's mission. This duty also requires board members to obey the law and the organization's internal rules and regulations.

WHAT ARE THE RESPONSIBILITIES OF INDIVIDUAL BOARD MEMBERS?

- Attend all board and committee meetings and as many functions, such as special events, as possible.
- Be informed about the organization's mission, services, policies, and programs.
- Prepare for board and committee meetings by reviewing the meeting agenda and supporting materials.
- Serve on committees or task forces and offer to take on special assignments when your capacity allows.
- Make a personal financial contribution to the organization.
- Inform others about the organization. Advocate for the organization.
- Suggest possible nominees to the board who can make significant contributions to the work of the board and the organization.
- · Keep up-to-date on developments in the organization's field.
- Follow conflict-of-interest and confidentiality policies.
- Assist the board in carrying out its fiduciary responsibilities, such as reviewing the organization's financial statements.



CODES OF ETHICS

There has been increasing concern about ethical behavior in nonprofit — particularly charitable — organizations in recent years. Public scandals in the nonprofit sector have drawn attention to the need for an increased level of board accountability. In response, many organizations have developed codes of

ethics. These documents encompass the values of the organization and provide a code of conduct for employees and volunteers, including board members. While a values statement guides the organization in a strategic, fundamental way, codes of ethics shape the actions, behaviors, and decision making of an organization in a more explicit way.

NONPROFIT BOARD MEMBER CODES OF CONDUCT AND

Although a code of ethics by itself cannot prevent wrongdoing, it conveys a strong message both internally and externally about the culture and work of the organization.

Key Elements

- Serves as an overarching statement for other policies that establish standards of integrity and accountability.
- Should outline the process and/or mechanism for implementing the defined culture and values within the organization from top to bottom. A values statement is sometimes incorporated into the code of ethics.
- Often general in nature. Some issues, such as confidentiality, conflict of interest, and nepotism, may be addressed in separate policies.

Practical Tips

- Define what ethical behavior means for your organization and clarify accepted professional standards.
- Separate staff and board issues. Board members and staff members often get confronted with different situations based on their role vis-à-vis the organization, its constituents, and the community at large.
- When discussing the code with staff and board members, it is often useful to provide examples of unacceptable behavior.
- As a way to stress the importance of the code, some organizations request a signature from board and staff members as a sign of understanding and acceptance of the standards.
- Once the code is established, it should be reviewed periodically by the staff and board for possible revision. In this way, the language of the code will continue to serve the expectations and needs of the organization.

NONPROFIT BOARD MEMBER CODES OF CONDUCT AND

SAMPLE CODES OF ETHICS

The following samples range from very general to specific, with each reflecting the organization's values and culture.

This policy establishes a formal statement about promoting ethical conduct.

As a nonprofit organization at the forefront of [purpose of organization], XYZ's policy is to uphold the highest legal, ethical, and moral standards. Our donors and volunteers support XYZ because they trust us to be good stewards of their resources, and to uphold rigorous standards of conduct. Our reputation for integrity and excellence requires the careful observance of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity.

XYZ will comply with all applicable laws and regulations and expects its directors, officers, and employees to conduct business in accordance with the letter and spirit of all relevant laws; to refrain from any illegal, dishonest, or unethical conduct; to act in a professional, businesslike manner; and to treat others with respect. Directors and officers should not use their positions to obtain unreasonable or excessive services or expertise from XYZ's staff.

In general, the use of good judgment based on high ethical principles will guide directors, officers, and employees—with respect to lines of acceptable conduct. However, if a situation arises where it is difficult to determine the proper course of conduct, or where questions arise concerning the propriety of certain conduct by an individual or others,—the matter should be brought to the attention of XYZ. Employees should contact their immediate supervisor and,

if necessary, the director of human resources. Board members should raise any such concerns with the chair or the treasurer of XYZ's board. In all questions involving ethics and conduct, the board will make relevant determinations, except that any individual whose conduct is at issue will not participate in such decisions.

NONPROFIT BOARD MEMBER CODES OF CONDUCT AND



We, as XYZ professionals (staff and board members), dedicate ourselves to carrying out the mission of this organization. We will do the following:

- 1 Recognize that the chief function of XYZ at all times is to serve the best interests of our constituency.
- Accept as a personal duty the responsibility to keep up-to-date on emerging issues and to conduct ourselves with professional competence, fairness, impartiality, efficiency, and effectiveness.
- 3. Respect the structure and responsibilities of the board, provide them with facts and advice as a basis for their making policy decisions, and uphold and implement policies adopted by the board.
- 4. Keep the community informed about issues affecting it.
- 5. Conduct our organizational and operational duties with positive leadership exemplified by open communication, creativity, dedication, and compassion.
- 6. Exercise whatever discretionary authority we have under the law to carry out the mission of the organization.
- 7. Serve with respect, concern, courtesy, and responsiveness in carrying out the organization's mission.
- 8. Demonstrate the highest standards of personal integrity, truthfulness, honesty, and fortitude in all our activities in order to inspire confidence and trust in our activities.
- 9. Avoid any interest or activity that is in conflict with the conduct of our official duties.
- 10. Respect and protect privileged information to which we have access in the course of our official duties.
- 11. Strive for personal and professional excellence and encourage the professional developments of others.

SAMPLE #3 | This code of conduct sets its standard by stating what the board and key staff will not do. It also includes a signature line and reporting procedures.

It is the intent of XYZ to strive for the highest ethical conduct from all board and staff. The leadership is particularly sensitive to individuals who hold management and governance positions of trust and confidence in fulfilling the mission and goals of the organization. These sensitive positions include officers, key senior staff members designated by the chief executive, and members of the board. In an effort to achieve the highest standards of conduct, each officer, key staff member, and board member is requested to acknowledge (by signing) the following adopted Code of Ethics by [month/day] each year. This acknowledgement will be kept on file in the human resource department.

All officers, key staff members, and members of the board of XYZ are required and expected to exercise the highest ethical standards of conduct and practice fundamental honesty at all times.

In support of XYZ's standards of high ethical conduct, each officer, key staff member, and board member WILL NOT

- deceive, defraud, or mislead XYZ board members, officers, staff members, managers, supervisors, or other associates, or those with whom XYZ has business or other relationships
- misrepresent XYZ in any negotiations, dealings, contracts, or agreements
- divulge or release any information of a proprietary nature relating to XYZ's plans, mission, or operational databases without appropriate approval
- obtain a personal advantage or benefit due to relationships established by any officer, senior staff member, or board member by use of the organization's name
- accept individual gifts of any kind in excess of \$[xxx], in connection with the officer's, key staff member's,
 or board member's relationship with XYZ. All such gifts are to be reported to the chief financial officer
 who shall divulge gifts received during the calendar year to the audit committee withhold their best efforts
 to perform their duties to acceptable standards
- engage in unethical business practices of any type
- · use XYZ property, financial resources, or services of XYZ personnel for personal benefit
- violate any applicable laws or ordinances

Infractions of this Statement of Personal and Professional Standards of Conduct are to be reported directly to any member of the audit committee who shall, in his or her determination, bring the infraction to the full executive committee.

Signature		Date
Name (please	print)	



National Association for Civilian Oversight of Law Enforcement

Code of Ethics

PREAMBLE

Civilian oversight practitioners have a unique role as public servants overseeing law enforcement agencies. The community, government, and law enforcement have entrusted them to conduct their work in a professional, fair and impartial manner. They earn this trust through a firm commitment to the public good, the mission of their agency, and the ethical and professional standards described herein.

The standards in the Code are intended to be of general application. It is recognized, however, that the practice of civilian oversight varies among jurisdictions and agencies, and additional standards may be necessary. The spirit of these ethical and professional standards should guide the civilian oversight practitioner in adapting to individual circumstances, and in promoting public trust, integrity and transparency.

PERSONAL INTEGRITY

Demonstrate the highest standards of personal integrity, commitment, truthfulness, and fortitude in order to inspire trust among your stakeholders, and to set an example for others. Avoid conflicts of interest. Conduct yourself in a fair and impartial manner and recuse yourself or personnel within your agency when a significant conflict of interest arises. Do not accept gifts, gratuities or favors that could compromise your impartiality and independence.

INDEPENDENT AND THOROUGH OVERSIGHT

Conduct investigations, audits, evaluations and reviews with diligence, an open and questioning mind, integrity, objectivity and fairness, in a timely manner. Rigorously test the accuracy and reliability of information from all sources. Present the facts and findings without regard to personal beliefs or concern for personal, professional, or political consequences.

TRANSPARENCY AND CONFIDENTIALITY

Conduct oversight activities openly and transparently, providing regular reports and analysis of your activities, and explanations of your procedures and practices to as wide an audience as possible. Maintain the confidentiality of information that cannot be disclosed and protect the security of confidential records.

RESPECTFUL AND UNBIASED TREATMENT

Treat all individuals with dignity and respect, and without preference or discrimination including, but not limited to: age, ethnicity, citizenship, color, culture, race, disability, gender, gender identity, gender expression, housing status, marriage, mental health, nationality, religion, sexual orientation, socioeconomic status, or political beliefs, and all other protected classes.

OUTREACH AND RELATIONSHIPS WITH STAKEHOLDERS

Disseminate information and conduct outreach activity in the communities that you serve. Pursue open, candid, and non-defensive dialogue with your stakeholders. Educate and learn from the community.

AGENCY SELF-EXAMINATION AND COMMITMENT TO POLICY REVIEW

Seek continuous improvement in the effectiveness of your oversight agency, the law enforcement agency it works with, and their relations with the communities they serve. Gauge your effectiveness through evaluation and analysis of your work product. Emphasize policy review aimed at substantive organizational reforms that advance law enforcement accountability and performance.

PROFESSIONAL EXCELLENCE

Seek professional development to ensure competence. Acquire the necessary knowledge and understanding of the policies, procedures, and practices of the law enforcement agency you oversee. Keep informed of current legal, professional and social issues that affect the community, the law enforcement agency, and your oversight agency.

PRIMARY OBLIGATION TO THE COMMUNITY

At all times, place your obligation to the community, duty to uphold the law and to the goals and objectives of your agency above your personal self-interest.

The following oversight agencies have adopted the NACOLE Code of Ethics:

- Citizen Oversight Board, City & County of Denver, CO
- Citizens' Law Enforcement Review Board, San Diego County, CA
- Citizens' Review Board on Police Practices, San Diego, CA
- Civilian Review Board, Eugene, OR
- Independent Review Panel, Miami, FL
- Milwaukee Fire and Police Commission, Milwaukee, WI
- Office of Citizen Complaints, San Francisco, CA
- Office of Community Complaints, Kansas City, MO
- Office of Police Complaints, Washington, D.C.
- Office of Professional Accountability, Seattle, WA
- Office of the Community Ombudsman, Boise, ID
- Office of the Independent Monitor, City & County of Denver, CO
- Office of the Independent Police Auditor, Bay Area Rapid Transit District, San Francisco, CA
- Office of the Independent Police Auditor, San Jose, CA
- Office of the Police Auditor, Eugene, OR
- Office of the Police Ombudsman, Spokane, WA
- Richmond Police Commission, Richmond, CA