

POLICE OVERSIGHT BOARD
POLICY AND PROCEDURE REVIEW SUBCOMMITTEE

May 26, 2016 – 10:00 am

Plaza Del Sol Building, 600 2nd Street NW
Planning Department 3rd Floor Small Conference Room

Members Present

Susanne Brown, Chair
Beth Mohr
Dr. Carlotta A. Garcia

Others Present

Edward Harness, Exec. Director
Miriam Verploegh
Michelle Contreras

Minutes

- I. Welcome and Call to Order:** Subcommittee Chair Brown called the meeting to order at 10:02 am.
- II. Approval of Agenda:** Copies of the agenda were distributed. No motion carried.
- III. Approval of the Minutes:** Copies of the minutes were distributed.
- A. Chair Brown read the action items from the April 19, 2016 minutes to remind everyone what was discussed at the last meeting.
- i. Miriam has retrieved data from other cities regarding body cameras.
 - ii. Beth made an attempt to get APD data, which is a work in process.
 - iii. Dr. Carlotta Garcia, who is now an official member of this committee, showed up to the Office of Police Analysis (OPA) meeting on May 25, 2016 and will give a report today.
- B. Subcommittee Member Mohr made a motion to approve the minutes for April 19, 2016 as written. Subcommittee Chair Brown seconded the motion. **Approved.**
For: Mohr, Brown
- IV. Public Comments:** None.
- V. Report from CPOA - Executive Director, Edward Harness**
- A. Executive Director attended the OPA meeting on Tuesday, May 24, 2016 and gave a report on the following items:
- i. Discussed Office of Policy Analysis (OPA) 3-29, Policy on Policy, which used to be Policies and Procedures Review Board (PPRB) 3-65.

- ii. When 3-29 came to OPA, it was suggested that changes authored by Miriam Verploegh, be added such as data collection and best practices.
- iii. Bill Slausen with Albuquerque Police Department (APD) and Jenica Jacobi with City Legal will be attending the Police Oversight Board (POB) Meeting on June 9, 2016 to clear up any misunderstandings on policy.
- iv. Policy 3-29 was approved by the Department of Justice (DOJ) and will be open for review in six months.
- v. At the next OPA meeting, the Use of Force policy will be open for the first reconsideration.
- vi. OPA meetings will be open to the public for general comment and a public input form will be distributed. The citizen will get feedback if the policy was accepted, rejected and why it was rejected.
- vii. Director Harness recommended to OPA that the citizen give the input form on policy to the Citizen Policing Council (CPC). The Police Oversight Board (POB) will be cc'd of those policy recommendations. **See Attachment "A" for Policy Recommendations to the Office of Policy Analysis form.**
- viii. Celena Espinoza with APD will be handing out the public input forms at the next CPC meeting.
- ix. An entire policy can be requested in a word version in order redline the revisions and then send it into them.
- x. APD to hire a Deputy of Communications person in order to help Celena Espinoza in the facilitation of the CPC's. Otherwise, the DOJ may contemplate that the CPOA facilitate the CPC's.
- xi. Member Mohr suggested that we contact City Council between now and January to request a different flat percentage rate for the CPOA budget in order to allow for growth.

B. Miriam Verploegh, CPOA Analyst gave her report on OPA.

- i. OPA is allowing for stakeholders to come in and weigh in on the Use of Force policy. Ms. Verploegh to attend every OPA meeting and bring a list of stakeholders.
- ii. There is spot at OPA for a POB member to be a stakeholder.
- iii. Discussed possible stakeholders and handing this task of creating a list of stakeholders over to the Outreach Committee.
- iv. Ms. Verploegh distributed and discussed the following documents:
 1. *Potential Variables to request from APD;*
 2. *3-29 The Policy Development Process*
 3. *On body Camera System policy and Decision tree and Literature Review OBCS UNM Study*

4. *Suggested Response to Measuring Biased Policing Demographic Data Collection in Police Stops*
5. *The Albuquerque Police Department Use of Force Policy: Bi-Annual and Annual Assessment and Review, Office of Policy Analysis, April 27, 2016*
6. *The Pros and Cons of a Police Take Home Vehicle Program*
See attachment “B” titled Summary report: Policy and Procedures Subcommittee by Ms. Verploegh.
 - v. The Policy on Policy 3-29 is on a six-month holding period and at that point the Policy & Procedure committee can take a to look at it and utilize the evaluation template provided.
 - vi. Since the ordinance requires the CPOA to do reports on Officer Involved Shootings, Use of Force and Citizen Complaint data, it would be reasonable for Ms. Verploegh to have access to all the data.
 - vii. Ms. Verploegh discussed the need for data access from APD.
 - viii. Ms. Verploegh and members discussed the potential variables to request data from APD. **See Attachment “C.”**
 - ix. Members discussed writing a memorandum or letter to give data access to Ms. Verploegh and to collect demographic data on traffic stops.
 - x. Members discussed items 2 through 6 of the Ms. Verploegh’s summary report.
 - xi. Members discussed that Mark Baker set up a meeting with the City and the City Attorney’s office before the September 27th review of the On Body Camera policy.

VI. Follow up on letters sent to the Chief of Police.

- A. Director Harness discussed that he has not received a response letter from the Chief of Police regarding the letter the POB on April 18, 2016 in reference to the Use of Force Policy.
- B. Members discussed that Director Harness and Attorney Mark Baker discuss the “feasible” at the POB Meeting.
- C. As next steps, Director Harness recommended that the POB address City Council if the Chief does not respond to their inquiries.
- D. Discussed that the POB do a follow up letter to City Legal and HR to clarify the drug testing policy for officers who are involved in firearm discharges.
- E. Director Harness recommended that the following be agenda items for the full board to act on, they are:
 - i. To do a follow up letter addressed to the City Attorney and Human Resources regarding substance abuse policy for officer involved firearm discharges;

- ii. To do a follow up letter addressed to City Council for the lack of response for the POB concerns of the use of force policy and the Boards input.
- F. Chair Brown requested that Ms. Verploegh do a search of the word “feasible” in other UOF policies in other cities, such as LA County, Seattle, and Portland.

VII. Other Business

- A. Members discussed the letter to the Chief regarding the After-hours and Weekend Contact for Probation and Parole. Ms. Verploegh to draft letter and circulate to the committee members within the next 24 hours. **See Attachment “D.”**
- B. Discussed placing the APOA Collective Bargaining Agreement, which is expiring next month, onto the Policy Subcommittee Agenda.
 - i. During negotiations with APOA, the committee to make sure that the Board has a seat at the bargaining table.
 - ii. Discussed negotiating timelines and review periods for investigations.
- C. Members discussed contemplating taking a month off.
- D. Members discussed Member Garcia’s position in voting in subcommittee and POB meetings.
- E. Members discussed Member Garcia’s training and ride-a-longs.

VIII. Action Items:

- A. CPOA/POB to request a flat percentage for the CPOA budget between now and January 2017;
- B. To instruct Mark Baker to set up a meeting with the City and the City Attorney’s office before the September 27th review of the On Body Camera policy.
- C. Ms. Verploegh to do a search of the word “feasible” in other policies in other cities, such as LA County, Seattle, and Portland.
- D. Place APOA Collective Bargaining Agreement negotiations on the Policy and Procedure Subcommittee Agenda.

IX. Next Meeting: The next Policy and Procedure Subcommittee will be held on June 21, 2016 at 10:00 a.m.

X. Adjournment: Subcommittee Chair Brown made a motion to adjourn the meeting. Subcommittee Member Mohr seconded the motion. **Approved. For: Brown, Garcia, Mohr**

Meeting adjourned at 12:00 p.m.

Approved by:
Dr. Susanne Brown, Chair
Policy Review Subcommittee

Date

CC: Julian Moya, City Council Staff
Natalie Y. Howard, City Clerk
Dan Lewis, City Council President

Policy Recommendations to the Office of Policy Analysis Date: SOP: Name of Agency:
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RECOMMENDATION 1			
Section(s) of the policy (Ex: 3-29-2 Definitions)			
Issue			
Recommendation			
Recommendation made by	<input type="checkbox"/> Office of Policy Analysis		<input type="checkbox"/> Other stakeholder:
Supporting research, best practices, data trends, etc.			
For OPA USE ONLY Recommendation adopted by:	OPA <input type="checkbox"/> Yes <input type="checkbox"/> No If no, why	SOPRC <input type="checkbox"/> Yes <input type="checkbox"/> No If no, why:	PPRB <input type="checkbox"/> Yes <input type="checkbox"/> No If no, why:
RECOMMENDATION 2			
Section(s) of the policy (Ex: 3-29-2 Definitions)			
Issue			
Recommendation			
Recommendation made by	<input type="checkbox"/> Office of Policy Analysis		<input type="checkbox"/> Other stakeholder:
Supporting research, best practices, data trends, etc.			
For OPA USE ONLY Recommendation adopted by:	OPA <input type="checkbox"/> Yes <input type="checkbox"/> No If no, why	SOPRC <input type="checkbox"/> Yes <input type="checkbox"/> No If no, why:	PPRB <input type="checkbox"/> Yes <input type="checkbox"/> No If no, why:
RECOMMENDATION 3			
Section(s) of the policy (Ex: 3-29-2 Definitions)			
Issue			
Recommendation			

Attachment "A"

Recommendation made by	<input type="checkbox"/> Office of Policy Analysis	<input type="checkbox"/> Other stakeholder:	
Supporting research, best practices, data trends, etc.			
For OPA USE ONLY Recommendation adopted by:	OPA <input type="checkbox"/> Yes <input type="checkbox"/> No If no, why	SOPRC <input type="checkbox"/> Yes <input type="checkbox"/> No If no, why:	PPRB <input type="checkbox"/> Yes <input type="checkbox"/> No If no, why:

RECOMMENDATION 4

Section(s) of the policy (Ex: 3-29-2 Definitions)			
Issue			
Recommendation			
Recommendation made by	<input type="checkbox"/> Office of Policy Analysis	<input type="checkbox"/> Other stakeholder:	
Supporting research, best practices, data trends, etc.			
For OPA USE ONLY Recommendation adopted by:	OPA <input type="checkbox"/> Yes <input type="checkbox"/> No If no, why	SOPRC <input type="checkbox"/> Yes <input type="checkbox"/> No If no, why:	PPRB <input type="checkbox"/> Yes <input type="checkbox"/> No If no, why:

RECOMMENDATION 5

Section(s) of the policy (Ex: 3-29-2 Definitions)			
Issue			
Recommendation			
Recommendation made by	<input type="checkbox"/> Office of Policy Analysis	<input type="checkbox"/> Other stakeholder:	
Supporting research, best practices, data trends, etc.			
For OPA USE ONLY Recommendation adopted by:	OPA <input type="checkbox"/> Yes <input type="checkbox"/> No If no, why	SOPRC <input type="checkbox"/> Yes <input type="checkbox"/> No If no, why:	PPRB <input type="checkbox"/> Yes <input type="checkbox"/> No If no, why:

RECOMMENDATION 6

Section(s) of the policy (Ex: 3-29-2 Definitions)			
Issue			

Recommendation			
Recommendation made by	<input type="checkbox"/> Office of Policy Analysis	<input type="checkbox"/> Other stakeholder:	
Supporting research, best practices, data trends, etc.			
For OPA USE ONLY Recommendation adopted by:	OPA <input type="checkbox"/> Yes <input type="checkbox"/> No If no, why	SOPRC <input type="checkbox"/> Yes <input type="checkbox"/> No If no, why:	PPRB <input type="checkbox"/> Yes <input type="checkbox"/> No If no, why:

RECOMMENDATION 7			
Section(s) of the policy (Ex: 3-29-2 Definitions)			
Issue			
Recommendation			
Recommendation made by	<input type="checkbox"/> Office of Policy Analysis	<input type="checkbox"/> Other stakeholder:	
Supporting research, best practices, data trends, etc.			
For OPA USE ONLY Recommendation adopted by:	OPA <input type="checkbox"/> Yes <input type="checkbox"/> No If no, why	SOPRC <input type="checkbox"/> Yes <input type="checkbox"/> No If no, why:	PPRB <input type="checkbox"/> Yes <input type="checkbox"/> No If no, why:

RECOMMENDATION 8			
Section(s) of the policy (Ex: 3-29-2 Definitions)			
Issue			
Recommendation			
Recommendation made by	<input type="checkbox"/> Office of Policy Analysis	<input type="checkbox"/> Other stakeholder:	
Supporting research, best practices, data trends, etc.			
For OPA USE ONLY Recommendation adopted by:	OPA <input type="checkbox"/> Yes <input type="checkbox"/> No If no, why	SOPRC <input type="checkbox"/> Yes <input type="checkbox"/> No If no, why:	PPRB <input type="checkbox"/> Yes <input type="checkbox"/> No If no, why:

**Summary Report: Policy and Procedures Subcommittee
Miriam Verploegh: Data Analyst CPOA**

1. **Potential Variables to request from APD**
 - Document describes data the CPOA would like to have access to.
2. **Policy on Policy:**
 - The CPOA discussed the potential for a Policy on Policy with OPA
 - The CPOA drafted a document outlining the Policy on Policy which would:
 - work to incorporate best practices, model policy, state law, general guidelines, and research.
 - provide policy writing process with an agreed upon template
 - provide a space for assessment and revision on the back end .
 - Provide a description of mission and responsibilities of current policy writing bodies.
 - Draft document of Policy on Policy is enclosed along with two documents outlining important ideas for effective policy writing.
3. **On Body Camera System Policy and Decision Tree**
 - A draft decision tree was compiled with some potential ideas for when officers should use their camera, when they can use their camera, and when they should not use their camera.
 - Recommendations from the UNM OBCS study are summarized. Recommendations not in the current policy are highlighted.
 - Copy of current OBCS policy is attached.
4. **Collection of Demographic Data in Traffic Stops:**
 - Why there is a need to collect demographic data: Over time, police leaders have come to recognize the existence of racially biased policing and the serious threat it poses to building strong relationships between police and the communities they serve. Police agencies have responded with a variety of strategies, including collecting and analyzing data on vehicle and pedestrian stops, targeted recruiting programs to increase diversity in recruit classes, accountability measures, training officers on implicit bias, mentoring programs, and community outreach units that focus on building relationships with every community in their jurisdictions. This paper addresses the possibility of collecting demographic data in pedestrian and traffic stops.
 - Data Collection Paper Includes:
 - Arguments for and against data collection
 - Why we need certain elements in the data collection
 - Ideas for data and variables to include
5. **Recommendation for Use of Force Assessment**
 - In accordance with the 6 month review from DOJ OPA is interested in looking into developing an assessment of UOF in the field rather than working to rewrite the policy. To address this need the CPOA has drafted a potential recommendation for assessment of UOF. This document includes:
 - The importance of assessment
 - DOJ assessment requirements
 - Ideas for qualitative and quantitative assessment indicators that could be used to look at semiannual and annual assessment of use of force.
 - Attached are the requirements of the CASA

Attachment “B”

- OPA is also interested in bringing in stakeholders to speak to the committee about community needs around specific polices.
 - Attached is a drafted document outlining a first attempt at identifying potential community stakeholders in Albuquerque that could be contacted to present at OPA.
- 6. **Personal Patrol Vehicle (PPV) vs. Regular Police Fleet (RPF) vehicles**
 - At the last Policy and Procedure Subcommittee meeting it was suggested that APD might benefit from moving from PPV's to RPF's. A document was drafted outlining a cursory review of the literature and research on PPV's vs. RPF's. The document includes:
 - A summary of the problem
 - The Pros and Cons with each system
 - Attachment of the IACP recommendation for take home vehicles

Potential Variables to request from APD

Use of Force full data

Date, case number, district, location, force type, area command, officer and citizen injury
Type of force, reason for UOF, arrested, citizen and officer demographics, number of
officers who are identified in the Early Intervention System for which use of force is a
factor, or have more than one instance of force found to violate policy; Locations where
use of force took place, How are de-escalation techniques used.

OIS full data

Case number, date, day of week, time, shift, location, race, gender, injuries of officer and
citizen, force type, officers present when shots fired, number of shooters, officer name,
rank race gender, age, years of experience, # of hits

Arrest and Citation data

Age, sex, race, arrest date, arrest time, arrest location, incident offence, incident location,
charge, charge description, district, neighborhood, mental health status, homeless,

Officer Demographics

Education, race, military status, date of hire, rank, age, sex

Vehicle Accidents

Case number, date, time, day, shift, area, unit, location, circumstances

Data from PowerDMS

We could look through employee suggestions on policy

Early Intervention System Data on Officers

Name of Officers flagged in the system
Why are they flagged in the system
Discipline or action taken to adjust the situation

Attachment "C"

CIVILIAN POLICE OVERSIGHT AGENCY

Police Oversight Board Beth Mohr, Chair Leonard Waites, Vice Chair
Susanne Brown Eric H. Cruz Joanne Fine
Carlotta Garcia Dr. Lisa M. Orick-Martinez Rev. Dr. David Z. Ring III
Edward Harness, Executive Director

May 12, 2016

Gorden E. Eden, Chief of Police
City of Albuquerque
Albuquerque Police Department
400 Roma NW
Albuquerque, NM 87102

RE: After-Hours and Weekend Contact for Probation and Parole

Dear Chief Eden,

In order to facilitate the safe transfer of individuals for whom a warrant has been issued and given to the Albuquerque Police Department (APD) for transport back to a secure facility after-hours and/or weekends, the Police Oversight Board recommends the following:

1. APD maintains a liaison to the State of New Mexico's Probation and Parole office; the liaison would be APD's point of contact for field officers to report issues regarding the deployment of their duties with regard to executing warrants.
2. APD gets from the State of New Mexico's Probation and Parole office an after-hours and/or weekend contact number for APD field officers, which is staffed by an on duty employee (not automated or voice mail) in order to clarify orders or field officers to discuss the disposition of cases. The State of New Mexico's Probation and Parole office contact information should be kept current and given to APD's dispatchers who support field officers.

The issue of good communication and smooth transfer is especially critical in the case of juveniles for whom a warrant has been issued. The burden of completing the required paperwork and corroborating information on the orders for field officers is acute in the case of juveniles.

Overall field officers are doing their best to work cooperatively with probation and parole, but they are often faced with having to hunt for contact numbers, probation and parole officers, and/or a probation and parole employee who may take a call on behalf of the office. Garnering an empowered liaison and an agreement from the State of New Mexico's Probation and Parole office to be available after-hours and on weekends will benefit both APD field officers and the citizens they serve.

Sincerely,

POB

Two POB members have had recent ride alongs with a POB member which is a very appropriate process that would be most helpful.

Attachment "D"