

POLICE OVERSIGHT BOARD
POLICY AND PROCEDURE REVIEW SUBCOMMITTEE

July 20, 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

Absent

Edward Harness, Exec. Director

Others Present

Dr. Miriam Verploegh
Michelle Contreras
Leonard Waites, Visiting
POB Member

Minutes

- I. Welcome and Call to Order:** Subcommittee Chair Brown called the meeting to order at 10:05 am.
- II. Approval of Agenda:** Copies of the agenda were distributed. Subcommittee Member Mohr made a motion to approve the agenda. Subcommittee Member Garcia seconded the motion. **Approved.**
For: Brown, Garcia, Mohr
- III. Approval of the Minutes:** Copies of the May 26, 2016 minutes were distributed.
- A. Prior to the meeting, Subcommittee Chair Brown informally advised that she would like to see the action items in more detail as they are more likely to go back and revisit those items.
- B. Subcommittee Member Garcia made a motion to approve the minutes for May 26, 2016 as written and with Chair Brown's suggestion on the action items. Subcommittee Member Mohr seconded the motion. **Approved.**
For: Brown, Garcia, Mohr
- IV. Public Comments**
- A. Charles Arasim:** Summary of comments to the Policy Subcommittee: Mr. Arasim says that he appreciates the Subcommittee in all that they do as there is a lot going on externally and internally. He referred to several recent articles in the Albuquerque Journal regarding APD stopping police shooting investigations and APD's body camera policy. Mr. Arasim is concerned with his three cases that are still pending in the CPOA. He says that he interviewed as a witness in these cases back in April 2015. He feels that he is being targeted by the CPOA as well as APD when it comes to the Inspection of Public Records Act. He wants to know what is going on with

his cases. He has read previous minutes of Policy and Procedure Subcommittee, Case Review subcommittee and the Police Oversight Board meetings in which members have discussed the issues with APD's cars licensing and registration.

B. Response to Charles Arasim comments:

- i. Members had a discussion with Mr. Arasim's regarding his concern about his cases.
- ii. Members referred Mr. Arasim to the CPOA to inquire further on the status of his cases.
- iii. Dr. Verploegh will check into Mr. Arasim's case CPC 210-12 to see what the status is.

V. Report from CPOA – Miriam Verploegh

A. Dr. Verploegh distributed her summary report. See attachment "A" titled *Summary Report: Policy and Procedures Subcommittee by Miriam Verploegh: Data Analyst CPOA.*

- i. Discussed summary report item #1: *On Body Camera System Policy and Decision Tree.*
 1. To be proactive, members discussed inserting the decision tree into the policy.
 2. Members suggested adding the decision tree recommendation to the on body camera policy to send to OPA as soon as possible so that they have the chance to look at it.
 3. During the review process, OPA looks at the comments.
 4. If we rewrite, do it in the format that OPA does it, such as redlining.
 5. Subcommittee Chair Brown recommended that the release time/date of the lapel video be added to the policy and to research best practices of other cities on the release of on body camera videos.
 6. Dr. Garcia, Director Harness and Dr. Verploegh will bring the recommendation they discussed to OPA with POB's support.
 7. Dr. Verploegh will find out the date that OPA will be reviewing the camera policy and will get the Policy Subcommittee some recommendations.
- ii. Discussed summary report Item # 2: *Personal Patrol Vehicle (PPV) vs. Regular Police Fleet (RPF) vehicles* was skipped.
 1. Dr. Verploegh looked at a few different agencies and their policies on take home vehicles.
 2. Dr. Verploegh will get the Policy Subcommittee a recommendation, when the Policy Subcommittee is ready to move forward on this.
 3. Dr. Verploegh contacted someone at APD and got list of all vehicles they currently have but the list was very helpful.

4. Members discussed that APD get them a map that shows where the cars are living.
- iii. Discussed summary report item #3: *Use of the term feasible in the use of force policy.*
 1. OPA limited the term “feasible” to five (5) in the use of force policy.
- iv. Discussed summary report item #4: *Budgets for Police Oversight Agencies.*
- v. Discussed summary report item #5: *Extension of Administrative review time.*
 1. Dr. Verploegh did some research on administrative review time.
 2. Discussed the time the CPOA currently has with the APOA agreement.
 3. **Action item:** Dr. Verploegh to do a memo to Chair Beth Mohr and copy Policy Subcommittee Chair Brown and she will get it to Mark Baker and Jessica Hernandez regarding adding more administrative review time in the APOA agreement.
- vi. Discussed summary report item #6: *Chris Mechels suggestions for change and revision to current APD policy.*
 1. Mr. Verploegh to meet with Mr. Mechels to get his policy suggestions.
- vii. Dr. Verploegh has not received any feedback regarding the POB’s APD’s data request.

VI. Report from OPA-Carlotta Garcia

- A. Dr. Garcia discussed her attendance to Office of Policy Analysis (OPA), which meets weekly on Tuesdays.
 - i. They have two stakeholders that they have information during the process of red lining and using Microsoft suite to get information and they are responding to that.
 - ii. In her experience, Dr. Garcia’s says that any information the POB inserts into a policy is quite minutia that they will accept. In terms of substantive changes to content in a policy, there probably won’t be any.
 - iii. Dr. Garcia says that good thing that they are there, voicing their opinions and tracking it. Right now it is a tedious process and that there is no grand standard.
- B. Discussed the staffing of Sergeants in APD.
 - i. **Action item:** Subcommittee Chair Brown requested that Director Edward Harness locate the study that was commissioned by APD as part of the Settlement Agreement looking at the staffing of the department.

- C. Discussed OPA's policy comment form. On the electronic form, the box expands when typing into it. As for citizens who hand write in the boxes and need more room, they can attach additional pages to the form.
 - i. **Action item:** That Amanda Bustos is advised on how to use and access the OPA Policy comment form electronically on APD's website in order for her to pass the knowledge on how to access and use the form and to community groups.

VII. Discussion of policy suggestions from the CPC's

- A. Discussed the following Community Policing Council's (CPC) recommendations:
 - i. Firearm sensors.
 - ii. Patrol officers are not familiar with their areas that they spend more time in an area command.
 - iii. To make sure that house numbers are clearly marked on residences so that law enforcement can locate dwellings during calls for service.
 - 1. **Action item:** Dr. Verploegh to contact Zoning to find out who is the appropriate person to send the CPC's to regarding the zoning issue.

VIII. Policy comments to send to OPA

- A. Discussed informing the CPC's to forward their recommendations directly to OPA since there is a formal process in place.
- B. Policy Subcommittee Chair Brown will write a memo to the SE Command CPC about the three (3) recommendations and what the Policy Subcommittee is doing.
- C. Dr. Verploegh to take copies of Policy on Policy 3-29 and the comment form to the CPC Summit.

IX. Other policy concerns/business

- A. **NM Law Enforcement Academy**
 - i. A question for Mark Baker, Esq. attorney for the POB: What is the role the POB has in reference to the recommendation for officers who are terminated from APD to have their law enforcement licenses suspended and/or revoked?
 - ii. **Action item:** To find out more information regarding the LEA 90 form.
- B. **Drug testing for officers involved in OIS cases**
 - i. Discussed the drug testing for officers who are involved in officer-involved shootings.
 - ii. To draft another letter to clarify the Chief's response that they have sent this issue to City Legal/Human Resources.
 - iii. Discussed if performance enhancing drugs on the IA list because a lot of those lead to aggression.

- iv. After this is found out, to do recommend that a letter be re-written by the chair regarding the drug testing.
 - v. **Action item:** Dr. Verploegh to draft a follow-up letter regarding the alcohol/drug testing.
 - vi. Chair Brown recommended that if they do a recommendation that they include a specific time period when they have to show up to the lab and include testing for performance enhancing drugs.
- C. Other Policy questions.
- i. As to OIS cases, why would IA ever delay their internal investigation there are supposed to do parallel investigation and why?
 - ii. **Action Items:** Policy Subcommittee Chair Brown recommended the following tasks for Director Harness:
 - 1. Director Harness to have a conversation with IA Commander to understand what is going on with the seven (7) OIS cases that are IA before the next meeting and if necessary they can come back with a policy committee recommendation and then write a letter.
 - 2. Director Harness to check on the other three (3) OIS cases that the District Attorney has not given an answer on.
 - iii. Policy Subcommittee Chair Brown gave examples of how Cleveland Police Oversight Board does policy.
 - 1. The policies that the DOJ has highlighted that they have found are problematic and are divided up between various members of the oversight board.
 - 2. Each group looks at best practices and recommendations and they get together with the City's lawyer to verify if the policy is constitutional.
 - 3. **Action item:** Add to the August 11, 2016 POB Agenda the following item: Policy Subcommittee Chair Brown to ask the full POB if they would be interested in dividing up the DOJ policies to each POB member for their review.

X. Action Items:

- A. Dr. Verploegh to do a memo to Chair Beth Mohr and copy Policy Subcommittee Chair Brown and she will get it to Mark Baker and Jessica Hernandez regarding adding more administrative review time in the APOA agreement.
- B. Subcommittee Chair Brown requested that Director Edward Harness locate the study that was commissioned by APD as part of the Settlement Agreement looking at the staffing of the department.
- C. That Amanda Bustos is advised on how to use and access the OPA Policy comment form electronically on APD's website in order for her to pass the knowledge on how to access and use the form and to community groups.

- D. Dr. Verploegh to contact Zoning to find out who is the appropriate person to send the CPC's to regarding the zoning issue.
- E. To find out more information regarding the LEA 90 form.
- F. Dr. Verploegh to draft a follow-up letter regarding the alcohol/drug testing.
- G. Policy Subcommittee Chair Brown recommended the following tasks for Director Harness:
 - i. Director Harness to have a conversation with IA Commander to understand what is going on with the seven (7) OIS cases that are IA before the next meeting and if necessary they can come back with a policy committee recommendation and then write a letter.
 - ii. Director Harness to check on the other three (3) OIS cases that the District Attorney has not given an answer on.
- H. Add to the August 11, 2016 POB Agenda the following item: Policy Subcommittee Chair Brown to ask the full POB if they would be interested in dividing up the DOJ policies to each POB member for their review.

XI. Next Meeting: The next Policy and Procedure Subcommittee will be held on August 24, 2016 at 9:00 a.m.

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

Meeting adjourned at 11:33 a.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

Attachments

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

- 1. 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.
- 2. 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
 - Other department policies
 - List of how many vehicles are in the department
- 3. Use of the term feasible in the use of force policy**
 - Average of 6.3
 - OPA recently reduced it to 5
- 4. Budgets for Police Oversight Agencies**
 - Summary of oversight agencies shoes an average of about .4% of overall police budgets (Doesn't take into account size of agency or whether they have a flat percentage of the police budget or are not connected to the police budget.
 - Campaign Zero's oversight recommendations
- 5. Extension of Administrative review time**
 - While the CPOA recognizes that timeliness in police complaints is important for building community trust and accountability, the timelines currently in place are particularly limiting to allowing oversight and APD to provide the best review of cases it is charged with handling.
 - A review of research, best practices, and other departmental policy suggests that 180 days is a reasonable limit on review of police complaints.
 - The CPOA would like to request that another 30 days be added onto the administrative review period.
- 6. Chris Mechels suggestions for change and revision to current APD policy**
 - Mr. Chris Mechels has taken the time to outline some very important ideas and critiques of APD policy. The CPOA shares his concern about certain APD policy and his interest in working to make them better. The CPOA is invested in prioritizing work on APD policy in order to make it as concise, evidence based, and in keeping with current state and federal law as possible. I hope that we can continue to work with Mr. Mechels to amend APD policies.

Attachment "A"