

**POLICE OVERSIGHT BOARD
POLICY AND PROCEDURE REVIEW SUBCOMMITTEE**

**August 24, 2016 – 9:00 am
Plaza Del Sol Building, 600 2nd Street NW
Planning Department 3rd Floor, Large Conference Room**

Members Present

Susanne Brown, Chair
Dr. Carlotta A. Garcia

Absent

Beth Mohr

Others Present

Edward Harness, Exec. Director
Michelle Contreras

Minutes

- I. Welcome and Call to Order:** Subcommittee Chair Brown called the meeting to order at 9:02 am.
- II. Approval of Agenda:** Copies of the agenda were distributed. No motion carried.
- III. Approval of the Minutes:** Copies of the July 20, 2016 minutes were distributed. Subcommittee Chair Brown made a motion to approve the minutes for July 20, 2016 as written. Subcommittee Member Garcia seconded the motion. **Approved.**
For: Brown, Garcia
- IV. Public Comments:** None.
- V. Report from CPOA –Edward Harness, Executive Director**
 - A. Data Provided by APD.** Copies of the report titled “*Data Provided by APD*” was distributed and discussed. **See attachment “A.”**
 - i. Director Harness says that we need the data unfiltered.
 - ii. Miriam Verploegh is working closely with Mark and Leslie at APD IT to acquire the data.
 - iii. **Action item:** Add to agenda for the next Policy meeting: Status of the data warehouse.
 - iv. Members discussed the vehicle data listed in the report.
 - v. **Action item:** Add to agenda for the next Policy meeting: Follow up on the analysis on preventable accidents.
 - B. Policy Recommendations to the Office of Policy Analysis for SOP 3-1.** Copies of the document titled “Policy Recommendations to the OPA” were distributed and discussed. **See attachment “B.”**

- i. The Policy Recommendations to the Office of Policy Analysis for SOP 3-1 was drafted at the request of the POB.

VI. Policy Discussion

- A. Members discussed placing an extra step in the APD's policy and procedure demand flow chart to add the POB to review all the CASA related policies after they have gone through PPRB and before it goes for the final review to OPA.
 - i. **Action item:** Add to the POB Agenda for September 8, 2016: Director Harness to draft a proposal change per Settlement Agree Paragraph 288 to incorporate a POB review of all CASA related policies.
- B. Members discussed where in the policy process the POB should look at a policy.
- C. The next OPA meeting is scheduled for August 30, 2016 at 8:30 a.m.
- D. Members discussed the EIS policy.
 - i. Subcommittee Chair Brown says that the EIS system does not have criteria in it to evaluation what the supervisors are to be doing.
 - ii. The EIS system only looks at training needs for officers, not for supervisors.
 - iii. APD supervisors are being trained on what the thresholds are and why the thresholds exist and that there are remedies available for the supervisors to guide the officers.
 - iv. APD supervisors are not being adequately trained on what those remedies are and are not adequately being trained to perform their duties and there are no sanctions if they don't carry those duties out.
 - v. Recommendation to take to OPA: Since the EIS policy is already going to be at OPA, either Director Harness or Dr. Garcia will present the EIS supervisor training recommendations and evaluation at the meeting.
 - vi. The evaluation of supervisors would be in the Supervisor SOP.
- E. Members discussed the Body Worn Camera Policy SOP 1-39. The SOP 1-39 can be located here: <http://apdsop.tripod.com/general-orders/index.htm>
 - i. Discussed the redaction process for the body worn camera recordings on page 7 letter G, number 2: *Redaction, Retention, and Release of Recordings*.
 - ii. Director Harness suggested that the parties involved have the ability to have input on release of the recordings.
 - iii. Director Harness suggested that the paragraph should be narrowed to comply with NM IPRA laws.
 - iv. Members commended CPOA Analysis Dr. Miriam Verphoegh for her outstanding work on the On Body Camera policy.
- F. Members discussed the UOF Policy hybrid system.

VII. Strengthening Ordinance

- A. Subcommittee Chair Brown will bring to the next Policy meeting the sections of the Ordinance that need strengthening.
- B. Members discussed inviting Attorney Mark Baker to attend the next policy meeting to go over those sections that need strengthening.

VIII. Other Business. None.

IX. Action Items:

- A. Add to September 19, 2016 Policy and Procedures Subcommittee agenda the following topics:
 - i. The status of the data warehouse.
 - ii. Follow up on the analysis on preventable accidents.
 - iii. News article in the Santa Fe New Mexican regarding the State auditor talking about the policy problems regarding the slow rate in which rape kits are tested.
- B. Add to September 8, 2016 POB agenda the following topics:
 - i. Director Harness to draft a proposal change per Settlement Agree Paragraph 288 to incorporate a POB review of all CASA related policies.
 - ii. Director Harness to request that whoever from Internal Affairs is going to present at the next POB, to make a presentation to the POB regarding the policies and procedures when an officer is involved in a traffic accident to include timelines.
 - iii. Update status regarding the letter to Chief Eden Jr., regarding drug testing.

X. Next Meeting: The next Policy and Procedure Subcommittee will be held on September 19, 2016 at 9:00 a.m.

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

Meeting adjourned at 10:50 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

Data Provided by APD

1. Officer Demographics:
 - a. name, department, education, age
2. Arrest Data:
 - a. date reported, time, case number, cad number, description, incident type, offence charge, # of offences, race, sex, age, area, zip
3. Accident Data:
 - a. accident descriptions and a data set including name of officer, date, location, case number, and finding
4. Officers with vehicles who live outside of the city:
 - a. ID, name, department, city, zip -
 - b. Officers with vehicles, rank, type of car
5. Comments from DMS on the settlement agreement policies

Data Still Needed and Not Provided in These Data Sets:

1. Demographics:
 - a. Start date, race and ethnicity, shift, area command, rank sex, years employed, military status
 - b. We need to tie demographic data to other data like arrest data. Without being tied it's difficult to make any claims about trends and patterns in behavior.
2. Arrest Data:
 - a. Citizen ethnicity, employer school name, officer data and demographics
3. Demographic data about the officer

What the data tells us:

1. We could make some tables describing general breakdown of officer age and education (Figure 1 and 2)
2. Breakdown of overall offense type and charge type of arrests
 - a. Race (I would like to wait for ethnicity information) and area breakdown of offenders (Figure 3)
3. Number of accidents per month and ratio of preventable and non-preventable accidents, repeat officers in accidents. (Figure 4 and 5)
4. What does it cost the city for officers to drive to Albuquerque (gas?)

Long Term Research Questions:

1. Is there a correlation between race and sex of offender or rank and time in service of officers and the likelihood of arrest? Are these variables correlated with the type of charge, injury, or likelihood of a use of force?
2. Are differences in officers (demographic, experiential, and educational) correlated with differences in behavior? What similarities do officers who have a high number of CPC's, IA investigations, Use of Force or arrests have in common?

Attachment "A"

Figure 1:

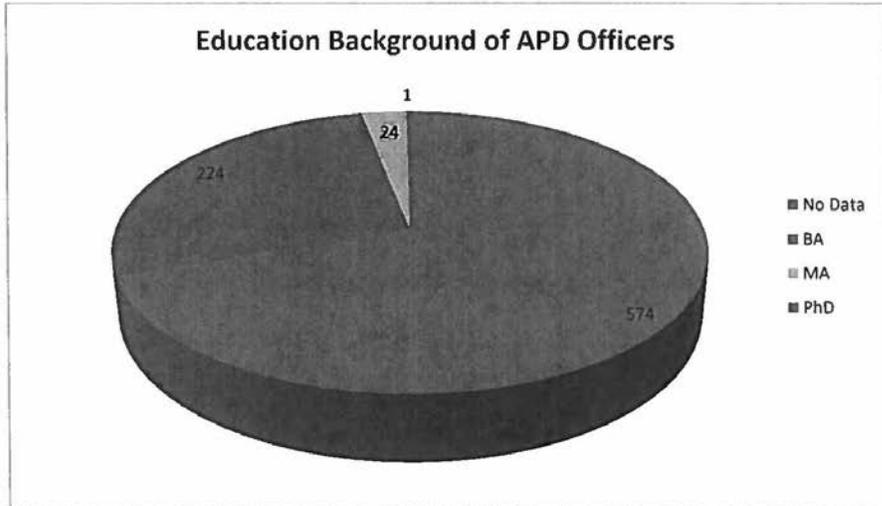
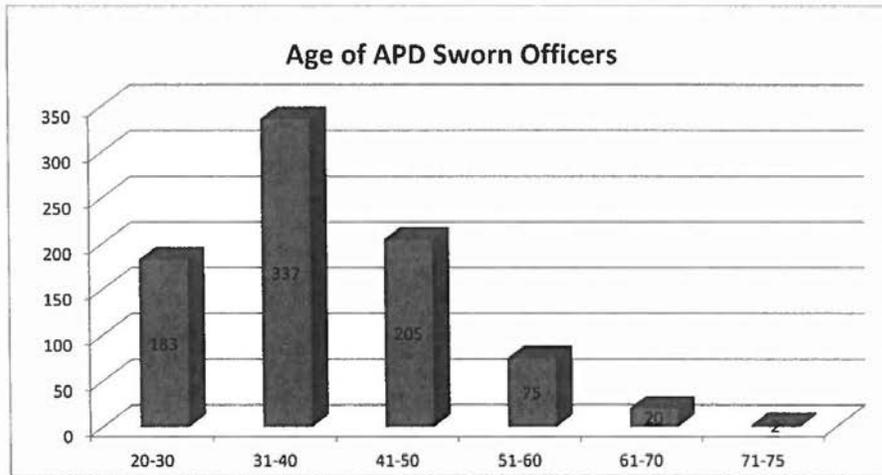


Figure 2:



Attachment "A"

Figure 3:

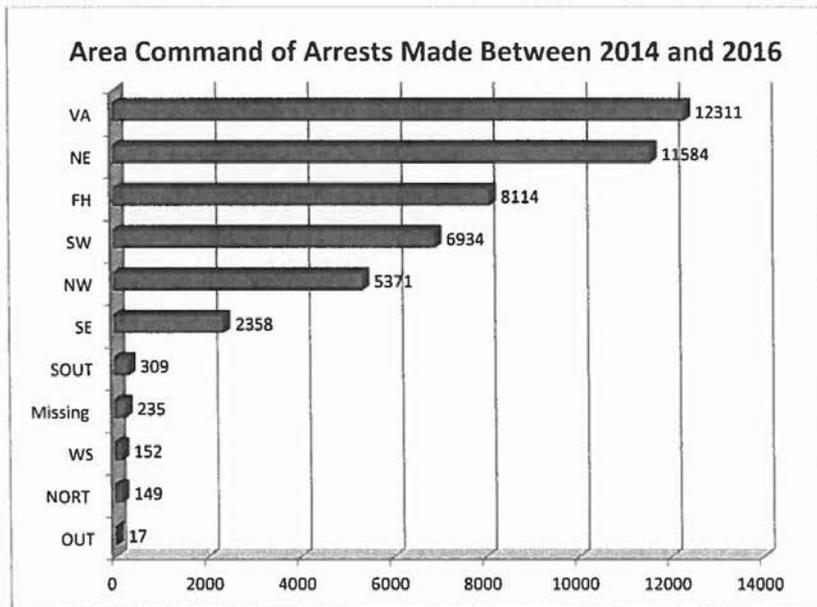
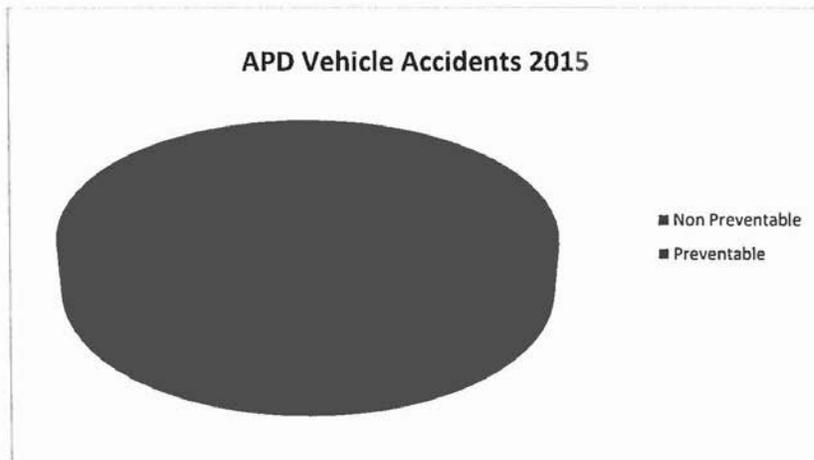


Figure 4:



Attachment "A"

Figure 5:

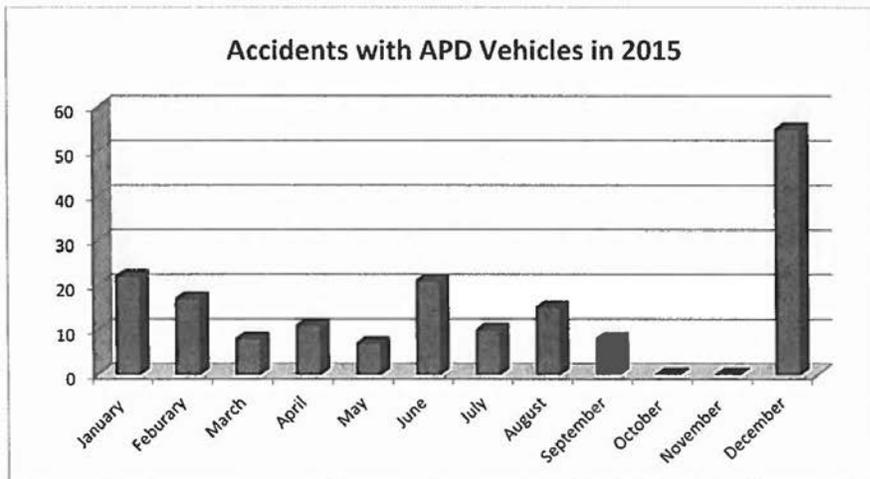


Figure 6:

Average gas price in NM 2016	2.1/gallon
Estimated miles to the gallon	20 average
Estimated average of gallons/tank	10 gallons/tank on average
Estimated miles / tank	200 miles per tank
Miles driven per day outside the city (from the Big I to destination)	4,242 miles driven by officers outside the city per day
Tanks used by officers driving outside the city per day	21 tanks per day
Price of gas used per day by officers driving outside the city	424.2\$ Per day
Cost to the city in gas for vehicles outside the city limits	101,760\$/ year

*These are rough estimates based on state and national averages. Further information is required for a more accurate estimate. This is just in gas and does not include cost of wear and tear on vehicles.

Attachment "A"

Data Provided by APD

1. Officer Demographics:
 - a. name, department, education, age
2. Arrest Data:
 - a. date reported, time, case number, cad number, description, incident type, offence charge, # of offences, race, sex, age, area, zip
3. Accident Data:
 - a. accident descriptions and a data set including name of officer, date, location, case number, and finding
4. Officers with vehicles who live outside of the city:
 - a. ID, name, department, city, zip
 - b. Officers with vehicles, rank, type of car
5. Comments from DMS on the settlement agreement policies

Data We Could Request as a Follow Up

1. Demographics:
 - a. race and ethnicity, shift, area command, rank sex, years employed
 - b. We need to tie demographic data to other data like arrest data. Without being tied it's difficult to make any claims about trends and patterns in behavior.
2. Arrest Data:
 - a. Citizen ethnicity, employer school name, officer data and demographics
3. Demographic data about the officer

Research Questions:

1. We could make some tables describing general breakdown of officer age and education
2. Breakdown of overall offense type and charge type of arrests
 - a. Age, sex, and race and area breakdown of offenders
3. Number of accidents per month and ratio of preventable and non-preventable accidents, repeat officers in accidents.
4. What does it cost the city for officers to drive to Albuquerque (gas?)
5. Summary of overall comments on certain policies.

Attachment "A"

Policy Recommendations to the Office of Policy Analysis

Date: 8-22-2016

SOP: 3-1

Name of Citizen/Agency: Police Oversight Board

E-mail address: cabqpob.cagarcia@yahoo.com.sg



RECOMMENDATION 1			
Section(s) of the policy (Ex: 3-29-2 Definitions)	Purpose, Selection, Duties, Evaluation, and Succession		
Issue	The community is interested in the selection and duties of the Chief of Police. This is not adequately described in SOP 3-1. It does not include things mentioned in Seattle's police department Selection and Duties of the chief for example and Seattle is often referred to as having exemplary policies. In fact, this SOP as currently written, does not adequately describe what APD's chief of police already does. When the existing policy was being reviewed at PPRB, these concerns were brought up and the suggestion made there to rewrite this and refer this policy to OPA. POB has done this re-write as well as has voted as a board to recommend this new content for SOP 3-1		
Recommendation	The recommendation is attached below.		
Recommendation made by	<input checked="" type="checkbox"/> Office of Policy Analysis	<input type="checkbox"/> Other stakeholder:	
Supporting research, best practices, data trends, etc.	These recommendations have been formulated with fragments from observed duties of the APD chief, City of Albuquerque Policies, the Duties of the Chief of Police from Seattle, LAPD, Kensington, New Hampshire, and Wikipedia.		
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:

Albuquerque Police Department, Office of Policy Analysis

Attachment "B"

SOP 3-1 Selection, Authority, and Responsibilities of the Chief of Police

3-1-1 Purpose

The chief of police is the community's chief peace officer and is responsible for the overall functioning of the department, staff, policies and budget. The chief of police is the face of the department to the public, serves as an appointee of the mayor, and is confirmed by City Council.

3-1-2 Selection

Candidates for the chief of police shall be certified law enforcement officers with progressive experience over at least 10 years with an additional 5 years of supervisory experience. The appointment shall be made by the mayor with confirmation by the City Council. The qualifications of the candidate and their vision for APD will be made available for public inspection prior to any confirmation vote by City Council.

3-1-2 Duties

1. Oversee all the staff, sworn officers, and civilian employees.
2. Conduct annual written performance evaluations of deputy chiefs and majors.
3. Respond to correspondence directed to the chief.
4. Call for audits as appropriate for deployment of staff, budget expenditures, and department property to improve overall police operations.
5. Formation of the department budget in conjunction with City Council.
6. Determination of the on-duty status of any officer involved in a shooting or other high profile case.
7. Spokesperson for high profile cases.
8. Declaration of honorary events as parades and other tributes.
9. Commemoration of officers for outstanding services.
10. Spokesperson for any major changes in policy and procedures.
11. Establishes the department's strategic objectives, policies, directives, regulations, and procedures based on the needs of the community and the police department.
12. Continually monitors and evaluates the effectiveness and responsiveness of the department.
13. Conducts regular inspections of the Department's facilities, personnel, and equipment.
14. Responsible for training programs being in compliance N.M. Department of Public Services, APD policy, and in accordance with existing state and federal guidelines.
15. Cooperates with law enforcement officials from other jurisdictions on investigations and in the apprehension and detention of suspects.
16. Plans, implements, and maintains effective community relations and public education programs.

Attachment "B"

17. Serves as primary representative of the department with civic organizations, public interest groups, elected representatives, and civilian police councils by attending meetings related to public safety problems.
18. Insures that any complaints against the department or its personnel are handled effectively and in a timely manner.
19. Actively participate in professional law enforcement associations.
20. Prepare and present concise and meaningful oral and written material relating to the activities of the Department.
21. During a state of emergency such as a large civil disturbance, natural disaster, nuclear accident, the chief will assume the leadership role for the department in planning, coordinating and directing all activities to restore peace

3-1-3 Evaluation

The major performs a written evaluation of the chief of police performance of duties annually and submits it to city council for consideration of contract renewal.

3-1-3 Succession

In the event that the chief becomes incapacitated they will be replaced by the deputy chief on an interim basis.

*Formulated with fragments from observed duties of APD chief, City of Albuquerque Policies, the Duties of the Chief of Police from Seattle, LAPD, Kensington, New Hampshire, and Wikipedia.

Attachment "B"



ALBUQUERQUE POLICE DEPARTMENT
ADMINISTRATIVE ORDERS

SOP 3-01

Effective: 01/15/16 Expires: 01/15/17 Replaces: 04/27/15

3-1 AUTHORITY AND RESPONSIBILITIES

3-1-1 Rules

A. Chief of Police

1. Is appointed by the Mayor of Albuquerque and is directly responsible to the Chief Administrative Officer for the efficient conduct and operation of the Police Department.
2. Has the responsibility for the assignment and reassignment of all personnel and the efficiency, discipline, general conduct, and appearance of such personnel. In this capacity, the Chief of Police shall have the authority to prescribe, promulgate, and enforce rules and regulations for the operation of the department.
3. May authorize personnel to deviate from the provision of these manuals when the Chief of Police believes such deviation to be in the public interest.