



CREATING POSITIVE CHANGE

MEETING MINUTES
SOUTHEAST AREA COMMUNITY POLICING COUNCIL
Thursday, October 19, 2017 – 6:00 PM
CESAR CHAVEZ COMMUNITY CENTER
7507 KATHRYN SE
ALBUQUERQUE, NM

In Attendance:

CPC Voting Members(7)

- Frank Ernst, Vice-Chair
- Todd Kersting
- Jeffrey Archuleta
- Michael Kruchoski
- Paula Metzner
- Caroline Monie
- Kathleen Burke

CPC Voting Members Absent(2):

- Ron Halbgewachs, Chair - Excused
- Amir Chapel – Excused

APD Representatives(3)

- Sergeant Roger Legendre, APD
- Officer Robert Carlson, APD
- Yvette Marentes, CPC Admin

Community members in attendance (18):

Rosemarie Baca, Gina Naomi Dennis, Jarvis Boykin, Sandra Perea, Hannah Syme, Heidi Williams, Sue Brown, Kathie Isquibel-Baca, Torild Kristiansen (LWVCNM), Anne Kass, Bill Kass, Tony Pirard, Joyce Marie Deppa, Steve Overman, Marcia Congdon, Robin Elkin, Michelle Kavanaugh, George Jones.

Introductions

Frank Ernst, Vice-Chair introduced himself and went around the room for all board members to introduce themselves and why there are here. All attendees also introduced themselves and why they are here.

Call to Order - Vice-Chair Frank Ernst

Meeting was called to order at 6:26 pm

Frank gave a description of the CPC's and a brief history, noted CPC is independent of the police department.

Gary Peterson has had to resign due to other activities and organizations he has, he cannot make the time commitment.

Determination of Quorum

Quorum for the meeting has been met, 7 members out of 9 on the council are present.

Approval of Agenda

Motion to approve agenda was made and passed with amendments to strike the August meeting minutes and item #8 (CPC Strategic Plan Discussion)

Introduction of new Council Officer: Kathleen Burke

Kathleen Burke introduced herself. She lives in SE in the International District and she is honored to be here. She is very active with the homeless female population and works with Street Safe New Mexico; they advocate and seek to help and serve homeless women in the district. They feel that there is room for improvement and would like to see police officers take homeless women to a drop-in center instead of jail; they see the revolving door that is happening. She is here to serve her city and her neighborhood.

Approval of August & September Minutes - Secretary, Mike Kruchoski

Mike Kruchoski stated that August Minutes are not ready but he is close to getting ready. Paula Metzner asked if there is anything we can do to help get them ready.

Mike stated that he is very close to finishing and that there is nothing for the rest of the board to do for the time being.

Motion to approve minutes was made. However, there are several adjustments to the meeting minutes that Ron Halbgewachs wanted to correct but he is not here. Admin. Yvette Marentes suggested not discussing the minutes because of all of the changes that were needed. She suggested that we discuss them over email and she will get the adjustments and then make changes accordingly. The board approved this recommendation

There is now a Facebook page that has been made as well as comment cards. Todd Kersting would like people to take the cards to make suggestions and recommendations so that we can get everything posted to the page and move from there.

Discussion of SOP 2.52 Use of Force & related documents (40 minutes)

Discussion on SOP 2.52 use of force was had between Council members. Visitors are

able to comment towards the end of the meeting.

The Council Members went through the SOP 2.52 and all have their copies.

- Assessing the situation (Paragraphs 1-11)

Comment: It seems like Item #2 is one of the worst situations when there is a large crowd and that there is not enough time to arrest someone.

- Sergeant Legendre stated that unfortunately if there is a crowd or circumstances that are not safe for the officers, they may not have the time to not use force.

Question: Does that mean that most of the SOP is based on a one on one or does it deal with use of crowds?

- Sergeant Legendre, there is no situation that is black and white they are all different. If the officer is not in immediate danger they will have the opportunity to use their crisis intervention training. If there is a mass population and other people may not be safe, they will need to take action however, the goal is to slow the situation down.

- Item #4 - Mental health

Question: Are all officers getting CIT training?

- Sergeant Legendre, yes they all get 40 hours of training in the academy they can also choose to go through additional training to be a eCIT (enhanced Crisis Intervention Team) trained officer. Once they become a eCIT officer, they can take calls where a eCIT officer is requested to handle a certain situation dealing with mental crisis.

Question: Behavioral health initiative has funded full time mental health providers to help the police with these issues. Do you feel that will be enough?

- Sergeant Legendre is not familiar with what they are doing so he cannot comment on that.
- Frank Ernst stated, Albuquerque's CIT department is one of the premier in the country. They are counseling other police departments in the country.
- SOP 2.19 addresses mental health issues

- Section C - De-escalation (Paragraphs 1 -6)

Question: Michael Kruchoski questioned the legal language of obligation. The use of the word "Shall" comes under a lot of scrutiny. The federal government is transitioning to use "must". He thinks that it is comprehensive and well written. However those words are subject to interpretation.

- Section D - Objectively Reasonable Force (Paragraphs 1-5)

Question: Item #4, What does a "reasonable officer on the scene" mean?

- The officer must have a review of the entire situation.

- Sergeant Legendre explained that what scares one officer may not scare another. DOJ came in because of lack of documentation. They have to articulate why they used the force that they did. This was something that was not being done previously. There are times when there may not be more than one officer on the scene. However, depending on the call, one officer could not be allowed to go alone. It depends on the situation. A “reasonable officer” is someone that has their camera on and has been given the same training as all other officers. The use of force must be reasonable and if use of force is used, the reasons why must be articulated. A lot of times they have to go through all of the options they have available to them. Every situation is different, there is SOP for just about everything and the test of reasonableness comes from their training and ability to handle a situation correctly. They look at the officer, the person, if there were weapons involved and the situation when doing a use of force analysis. If it is determined that an officer violated the SOP at that point they take corrective action which is part of their discipline matrix.

- SOP changed in June of this year; officers are still getting used to the learning process.

- Mike Kruchoski: this is about the policy to follow the procedures and then the training that helps the officers be prepared to assess the situation. It is the Policy and expectations this is how we are going to police our community and then we are going to train officers. Then the officer can articulate this in a report that makes it possible for leadership to review the case. Policy, training, application then leadership follows up with whether or not it was legitimate. Corrective action can include additional training, etc., not always disciplinary action.

- E. Minimum Amount of Force

- F reasonable force (Paragraphs 6-7)

- G Use of force to Effect a Detention, Conduct a Search, or Make an Arrest

- Frank commented on second paragraph; he thinks that it should say “always” identify themselves as a peace officer before using force. What does “feasible” mean?

- Sergeant Legendre referred to a domestic violence call where he sees someone hitting someone and then needs to intervene as there is no time to announce himself. However, they should be introducing themselves and speaking as to why they are there and that they are with APD. It just depends on the situation and if a rapid response is required they will engage, for example a life issue. They will always try to say something prior to use of force.

- Todd Kersting went through the citizens’ police academy and explained that they put them through real life scenarios and he realized that once you are in that situation you have a different perspective. Luckily though training you can try and reason with the person before someone gets seriously injured.

- Frank noted all CPC members are asked to go through the Citizens Police Academy and there were plenty of scenarios and it gave them a better appreciation for the split-

second decision that officers have to make when they do not have much time.

- H. Lawful Objectives

- I. Levels of Force

- Michael Kruchoski commented that any use of force is reviewed after the fact. Being able to articulate what the policy says also has to be investigated by the supervisors to say that yes this happened. The ongoing concern in the community is that now that it has been investigated are the corrective actions appropriate? He trusts that supervisors reviewing the use of force are doing a diligent job.

- Sergeant Legendre commented and gave a scenario where an officer was not part of the use of force but he didn't put on a seatbelt on a person under arrest. The person had use of force from another officer and was injured and the seatbelt would have hurt the person even more. But, even though he wasn't part of the use of force he became part of the investigation. What happens with corrective action is that it is progressive. If he does it again, it can show repetitive behavior and the discipline is progressive. Corrective action can be verbal, written, suspension, or termination.

Monthly Crime Report from SE Area Command (5 minutes)

Sergeant Legendre stated that he has a unit dedicated to community policing and he recently got two officers assigned to him. They are reaching out to the neighborhood associations, schools, and religious foundations and seeing what best way to engage with the community to strengthen trust and collaboration to the community.

Sergeant Legendre addressed helicopters that are flying around. Often then can see things in other neighborhoods. A helicopter in your area doesn't necessarily mean they are targeting that specific neighborhood. The helicopters will go out on all kinds of things and different types of calls as well. There is no website to let the public know why or where a helicopter is dispatched. If you are in that neighborhood and it is an emergency that involves the neighborhood, you will hear police announcements coming from the helicopter. They also do a reverse call back where dispatchers will also call your landline and say there is a police emergency.

Crime Report:

Sergeant Legendre:

1908 incidents from September 21st to October 18th not including accidents.

189 larceny, 155 auto thefts, 165 auto burglaries, 242 domestic violence's, etc.

Lots of shootings but none became a homicide.

Public Comments, Questions, Responses (30 minutes)

- Talking about Crisis intervention, have you taken the training?

- Sergeant Legendre has gone through all training. The name of the training has changed and he has not gone through the enhanced training. It is optional to the officers to do it and if they do and are part of the eCIT (enhanced Crisis Intervention Team,) they get a pay increase.

- Regarding the SOP, who works on it and who signs off on it?
 - Sergeant Legendre: There is an SOP board composed of lieutenants that review and go through a whole process. More or less they get suggestions and feedback from entities like the CPC and talk about them and then make changes to the SOP if needed. All officers also get to make recommendations before the changes are made.

A member from the public wanted to express gratitude to the CPC for their time and to Sergeant Legendre and to citizens for being here. One thing she loves about this meeting is that it is very collaborative. She encourages all to come to the next meeting. Behavioral health is a big issue in our community, we can reduce crime if we address these issues. Most people that commit crimes are probably under the influence.

- Cold cases who do you contact and how long does a normal case go into being a cold case?
 - There is a cold case unit and detectives that work in the unit. ○ ATF(Alcohol, Tobacco, Firearms,) 2-3 months ago there was a case where ATF came in, people got arrested and it was claimed that there was a disproportion of black people that were arrested and other people that were supposed to get arrested did not get arrested. People are afraid of ATF because they felt that ATF is being prejudice.
 - What part of Albuquerque did it take place in?
 - Sergeant recalls the operation and arrests but does not have info on what happened.
- Regarding questions about SOP, community policing councils are encouraged to submit recommendations that could affect police operations. The police oversight board has an SOP subcommittee that is also tasked to make recommendations to APD regarding changes to the SOP's. Member that attended can take recommendations to the Police Oversight Board (POB). There is a process to getting the changes made and the POB is trying to get more community involvement.

Comment: There are no definite reforms that are happening to APD. There was no discipline on an officer that killed a young boy. The officer is back on the streets. It is all of the community that needs to work together.

- Sergeant Legendre: It is best to have the facts together before making a judgment call on anybody. He gets frustrated when the community sees something happen and jumps the gun based off of what they think and what the media says. APD didn't investigate that. It was a state police investigation about the 6 year old boy that was killed. Try and get your facts straight before you make an opinion.

- Thank you to all of the officers that support us all of the time. Without them there would be a lot of anarchy in the streets. Thank you to all in the meeting that are here to try and make a change too. Police can be scrutinized to the point that it is hard for them

to do their jobs.

- Frank Ernst wants to stress that we need to be the first line of defense for our own safety. His neighbor left the back window open and was robbed. We need to take charge of our own safety.
- Someone expressed concern that we still need 400 police officers and mayoral candidates are both saying they have ways to get more officers, is this realistic?
 - Sergeant Legendre: It depends on the time frame to be realistic. The Academy holds around 50 cadets and they typically graduate between 25-35 cadets two times a year. The amount brought in compared to the amount retiring or leaving to other areas is disheartening.
 - Frank Ernst: It is more than just money that keeps us from getting other officers; there are other factors involved.

Agenda items for next meeting

- a. Speaker - Officer Russell Alberti, APD/Recruiting
- b. Continued Discussion of SOP 2.52 Use of Force

Other Business

Todd Kersting stated that we are going to continue to look into addressing on how to connect people that cannot make the Council meeting. They are trying to look at Facebook live and see about other ways to bring the meeting to the community. Also, he saw some information on the ring, cameras for the doorbell, it is decreasing a lot of crime. He may want to bring in stats on this and “Teeniors” organization that helps people with technology. Zoom is another form of tech that allows people to see the meeting from anywhere in the system.

Ron Halbgewachs asked visitors to please make sure you signed in and that you gave your email address to keep in touch. We are trying to get the DA to come in and speak with us regarding revolving door that is happening.

Adjournment

Meeting was adjourned at 7:50 pm

Next meetings: November 16, December 21

NOTE: The next Independent Monitor’s Report by Dr. Ginger, Report 6, is scheduled to be filed on November 2, 2017, and the Federal Court has tentatively scheduled a public hearing on November 16, 2017.