



Minutes of the Northwest Area Community Policing Council

Regular Meeting

Monday, October 10, 2016

Northwest Area Command

10401 Cibola Loop NW

Albuquerque, NM 87120

1. Call to Order

Chairperson, Eric Jackson, called the meeting to order at 6:00 p.m. (MST) on Monday, October 10, 2016.

BOARD MEMBERS PRESENT:

Chairperson Eric Jackson
Jill Greene
Judy Kanester
Thomas Borst
Cmdr. John Sullivan
Pete Gelabert

STAFF PRESENT:

Celina Espinoza, APD
Mr. David Gold, Facilitator, Office of Diversity and Human Rights

CITIZENS PRESENT:

20+ Citizens attended.

2. Approve Minutes

Chairperson Eric Jackson's motion to approve the September 12, 2016 minutes, seconded by David Dunlap, passed unanimously. It was noted that Nicole Chavez-Lucero's name needs to be added.

3. Approve Agenda

Jill Greene's motion to approve the agenda for October 10, 2016, seconded by Eric Jackson, passed unanimously.

4. Speaker Lt. James Collins – Force Investigation Team

Lt. Collins is the Lieutenant of the Force Investigation Team.

- The settlement agreement created categories of force, lower level and serious. FIT team does serious use of force. This includes: lethal, hospitalization, loss of consciousness, 15 second taser, 3 baton hits.
- CIRT does administrative agreement.
- The settlement says Internal Affairs does criminal. APOA doesn't allow it so IA is strictly administrative.
- FIT does officer involved shooting. CIRT does other training.
 - FIT splintered into two groups. Can't have criminal and admin investigators reporting to same commander.
 - Collins answers to Huswick, Weber and Norris answer to IA commander, Jeremy McCraig.
- FIT looks at the underlying crime, to determine reasonable or unreasonable. Investigates if there is apparent criminal conduct. If officer does something that shocks conscience. Standards are different for citizens.
- Graham vs. Conner allows officers use of force. Must be for lawful purpose. APD policy is much stricter than case law. The word "minimum", instead of "reasonableness". So policy violations may not always be a crime. FIT finishes then submits to DA. Officer may be listed as victim. DA decides whether to charge offender. They may see something and call back. So there are checks and balances.
- CIRT does policy, equipment, training and tactics. They ask: how do we get better, is equipment good, do we need something or get rid of something, is training needed? If they find misconduct they send it to FIT, or Internal Affairs.
 - Their investigation moves to Force Review Board.
 - For example a SWAT review. Did SWAT do A well, B well, C OK.
 - CPOA on board. Asst Chief, majors, Commander, Dept psychologist. They and make findings and determination of how to make it better.
- FIT operates as APD representative to multi-agency task force: Bernallillo, APD, Rio Rancho, State Police. It is an integrity check and helps with manning.
 - For any officer involved shooting (OIS), the lead agency is where the officer worked. CIRT will be there to look at admin/policy force.
 - Releasing video of officer involved shootings occurs after witnesses are interviewed. If it ECSO investigation, it is up to them. If it ESCO, or marshall, not APD. They have different thresholds.
- Question: has training changed since the 21 foot rule? The "rule" was developed by Dennis Juler who decided it was not a rule. It is the minimum distance where an assailant with an edged

weapon can charge you before you can draw. Now 30-40' is used. We don't rush into close distance. Better to be farther away, or use cover and concealment.

- In writing reports, we now encourage explaining in greater detail, like talking to a neighbor.
- Question: Do they submit dashcam, personal cam? Yes. You can put in attachments. It is a misconception that officer can pick and choose. As soon as it is connected, the whole thing is downloaded. The camera has a 30 second buffer, so it prerecords. Camera is always on, so it uses batteries. Can't tamper with it.
- Question: How long do you keep videos? 120 unless tagged to case. Then through case. Officers can ask that some videos are held longer.
- Question: Can't sergeants make sure assigned correctly? Yes. They also review investigation, procedures, etc. If it is a Blue Team entry, reviewed at levels up to Area Commander. We review every second of video, Sgt, Lt., Area Commander, three levels of review. We check to see if training is working.
- Question: How are shared learnings incorporated? To create a new procedure, and new training procedure? That is the point of CIRT. Preliminarily they send out Awareness Report. Then it is reviewed by board. Videos can be disseminated. CIRT looks at practices nationwide. They reach out to agencies to find best practices. I repeated training and learned new stuff. Went through Reality Based Training. I learned a lot.
- Question: Improvements you've seen in self-reporting/Blue Team? Elaborate on Graham vs. Conner? Graham is the standard. Supreme Court decision in 1989. Defined reasonableness based on: severity of crime, immediacy of threat to officers/other, resistance to arrest or trying to flight. For example. Armed robbery. Lower court brought in calculus of reasonableness. Disparity in size. Weather conditions. Lighting conditions, well lit, dimly lit. But courts look at standard. Scott vs. Harris in 2007.
- A verbal statement can be used instead of written. It can be stronger. You can explain more. Written reports are improving but verbals are more descriptive. We improved report writing. Officers need to be more elaborate. How did you take a person down to the ground? We are articulating and putting in descriptive use of force language.
- Shocking of conscience. We expect officers to use force when appropriate. Must be judicious. One of few jobs in country where force is acceptable. It's bad if an officer hits suspect in back of head, while sitting in handcuffs. However any use of force is ugly. It will never look nice, even if reasonable. Our ultimate goal is not to use force at all.
- Technology has some pitfalls. Some believe officer's recollection should match camera. The brain is chemical, camera is mechanical. Officers aren't lying, but they may remember differently. Our brains only record what we need to survive. Officers may think they fired three times, but didn't deploy weapon. Recollections can be different. You don't always remember immediately what you did.
- Question: Walk us through. Officer in the NW is called to a domestic. Clear aggressor. Takes to ground. Bloodies nose. Sgt will start a use of force investigation. Officers enter to Blue Team. On scene we interview officer, offender. Who decides FIT team case? On scene supervisor. If clear cut, we send two detectives out. Easy. If gray, not so easy. FIT is good, because under settlement agreement we document city-wide, rather than by individual area command. Up to officer and supervisor to determine.

If it's not picked up immediately, and is later picked up by supervisor, they call CIRT first. If we see something bad, we go to DA first. So far there hasn't been anything bad.

- Question: DOJ said we needed to improve this? Is DOJ now happy. Yes: they like the consistency in documentation. We created the two teams after a trip to Vegas. Vegas was pro-active. No settlement. They didn't like that we didn't consult DA on one. Monitor said it was best to consult with outside agency. FIT agreed. Has had it's bump and kinks. A simple call can yield 2 inches of paper. We can always improve.

5. Area Command Report

Commander Sullivan spoke. "I am always here to answer questions."

Question: This was walk to School Week. Could we have officers at major intersections? There were a lot of rear-end accidents. When I get emails, I will post officers. If there is a lot of speeding let me know. Any time you see traffic issues, let us know. Another bad traffic area is by Wal-mart. Send an email. Give me times. With 12 hour shifts I have more man-power.

With Halloween, officers will be in neighborhoods. Don't dress up like clown for Halloween. We don't usually get nationwide crime trends. Pete has Halloween safety tips. Cottonwood, all stores will have candy.

If you see a spike in neighborhood get hold of Pete. We have tools to help. I have a lot of resources.

Question: Space on website for reporting? I am working of Web site. I want a good proactive web site. We use Nextdoor app. Check www.northwestareacommand.com. Work in progress.

Send us pictures of videos of suspicious individuals. Licence plates. Eventually will be on web site so you can get on it from mobile phones. Get the best picture you can, but be safe.

6. Celina

Resolutions: Ear protection for dogs probably won't be approved, but the accident tool one probably will.

Safe zones: Valley is green, foothills was green. Green is new national trend for those zones.

Question: Does the Real Time Crime center monitor? You can call 242-COPS and they will be monitoring. Officers still have to be dispatched. But data is more tangible. You'll also have video of the crime.

Westside Coalition Candidates meeting is Nov 2, 7PM. Taylor Ranch CC. Meet local candidates. List of questions so they will have a few minutes each. You can get there early and talk to them.

Nicole has new CPC brochures.

7. Adjournment

There being no further business to be brought before the Board, Chairperson Eric Jackson reminded everyone of the next Regular Meeting of the Council on Monday, November 11, 2016 at 6:00 p.m. at the Northwest Area Substation. The meeting adjourned at 8:00 p.m.

SUBMITTED:

READ AND APPROVED:

Mr. David Gold
Secretary to the Board

Mr. Eric Jackson
Chairperson of the Board