



CITY OF ALBUQUERQUE

Albuquerque Police Department

Policy and Procedure Unit (P&P)

MEETING MINUTES: 22-2

DATE: January 5, 2022

TIME: 1:00 pm – 3:00 pm

VENUE: Zoom Web Conference

ATTENDEES:

Patricia Serna	Policy and Procedure Unit
Officer Tanya La Force	Policy and Procedure Unit
Angelina Medina	Policy and Procedure Unit
Commander Jason Sanchez	Compliance and Oversight Division
Lieutenant Matthew Chavez	Compliance and Oversight Division
Trevor Rigler	City of Albuquerque Office of the City Attorney
Diane McDermott	Civilian Police Oversight Agency (CPOA) Executive Director
Dr. William Kass	Civilian Police Oversight Agency Board (CPOAB) Chair
Sergeant Phetamphone Pholhiboun	Missing Persons Unit (Presenter)
Cara Garcia	Performance Metrics Unit (Presenter)
Sergeant Bonnie Briones	Special Operations Division (Presenter)
Ali Abbasi	Civilian Police Oversight Agency (CPOA)
Acting Commander Richard Evans	Internal Affairs Force Division (Presenter)
Acting Sergeant Dave Taylor	Auto Theft Unit (Presenter)
Acting Commander Aaron Jones	Investigative Services Division (Presenter)
Judge Sharon Walton	Compliance and Oversight Division Policy Consultant

1. SOP 1-13 Armed Robbery Unit		Presented by: Sergeant Phetamphone "Bobby" Pholhiboun
Discussion: Sgt. Pholhiboun stated the policy has been reorganized and language was updated throughout the policy to coincide with the current practices. There were comments regarding 1-13-4B.1. He explained that the Emergency Communications Center (ECC) contacts the on-call Armed		

	<p>Robbery unit Detective or if they give the Detective's phone number to the Field Services Bureau (FSB) supervisor, the FSB supervisor would determine whether the call fits the Armed Robbery Unit requirements and then the supervisor will contact the ECC to obtain the on-call Detective's phone number. Special Order (SO) 18-117 refers to call-out procedures and states the supervisor will be making the notifications to the on-call Detective. Question: How many people are in the Armed Robbery Unit? How many calls does the Unit get? How long until the case is resolved? Sgt. Pholphiboun stated that currently there are five (5) Detectives who transferred from the Violent Crimes Section. As far as timelines to solve the armed robberies, with the current practice and COVID-19, they try to complete anything with a high case solvability rating first. The new focus is serial offenders who harm businesses. He could not advise on timelines due to it depending on the evidence. Is there a prime time when cases are more likely to be solved? Or if they get to a certain time, they are not likely to be solved? Sgt. Pholphiboun stated if there is good evidence within the week it occurs, there is a better chance to solve the case. How many cases do you get in a month or a year? The Sergeant stated he does not know the exact number but it is a high number, especially during the holiday seasons. The Armed Robbery Unit is also part of the FBI Task Force and the case numbers would be mixed in with APD's case numbers.</p>
Action:	The draft SOP, as presented, was reviewed by P&P and will be uploaded in the Department's document management system for the 15-day commentary period.

1. SOP 1-61 Internal Affairs Force Division	Presented by: Acting Commander Richard Evans
Discussion:	A/Commander Evans stated he tried to mirror Standard Operating Procedure 1-62 Internal Affairs Professional Standards (IAPS) Division. Commander Evans confirmed that his hope is that during the next revision, he can make more enhancements. The policy gives a lineup of what the IAFD is comprised of and the training requirements for sworn personnel. A/Commander Evans stated he thinks that listing the Commander's responsibilities was important because he believes that many policies are missing this. The Commander is responsible for everything that comes out of the Division. The IAFD has four (4) Deputy Commander spots that with their responsibilities listed in this policy. The reason they have four (4) Deputy Commander positions is because it is required that a Commander approve force and misconduct investigations. With the volume of cases that the IAFD has, there has to be appropriate staffing to keep the process flowing properly. He stated now that they are nearing the required staffing there are no force cases that have passed the timeline. The IAFD Lieutenant and Sergeant responsibilities have been outlined. The IAFD Coordinator does most of the data information. The Case Manager is a position they are currently

attempting to fill. A/Commander Evans stated they included investigating procedures and timelines. Similar to the IAPS Division, consultation with the DA on possible criminal cases and briefing the Chief of Police was added. Cooperation with the Civilian Police Oversight Agency (CPOA) was added to the policy. **Question: At the end of the policy where it talks about the CPOA it says, “Level 3 use of force incidents”. However, the CPOA does review Level 1 and 2 use of force incidents. Why does it only say Level 3? Can this be taken out or changed to say review of use of force incidents?** A/Commander Evans stated he could change it to force incidents and no levels. **In the last Force Review Board (FRB) there was a question about something that was identified that seemed to have been unanswered by the IAFD investigation. What is the mechanism to address that?** A/Commander Evans stated the FRB would do a referral, which will require a response from the IAFD Commander. If something was unanswered, there can be a referral for more information on the missed question. He can review a case and find information that is not present and questions that are unanswered, then get the answer to that question. A/Commander Evans can then send it to the CPOA to review. **You mentioned there is a forty (40) hour training for officers that transfer into IAFD. How long has this been going on? Is this a sufficient effort?** A/Commander Evans stated it is a new process. They have developed a now sixty (60) hour training program. It is not a Detective Training but training on the IAFD process. It has been sent to the Academy Division for their review and approval. Ten (10) hours have been approved and that is mostly interviewing training. The rest is an onboarding process. This will include assigning equipment, cubical assignment, and confidentiality. The next will be practice case review. This goes on for two to three weeks for sworn personnel. If they do not reach both field and case sufficiency, then they will be extended in the program and receive more training. The civilians have around 90 days' worth of training. They are being trained on Ten Codes, how to use a radio, and weapons training. There is a formal process going through the approval process. **Has the External Force Investigation Team (EFIT) been a significant part of developing that curriculum? Does that program go through any DOJ or IMT approval process under the CASA or are you doing it on your own?** A/Commander Evans stated they do it on their own. EFIT does not have much input in the training process but it does go through the DOJ and IMT approval as part of the process. He was approved by the City Council to bring in Aegis, which is an organization that provides this type of training. Under the EFIT stipulated order, they are required to bring in an external vendor to bring in that training. **So EFIT has been more of a on-the-job training. Has that been compared with what you are going to receive with Aegis? Is there going to be conflicting information that the Detectives are working through?**

	A/Commander Evans stated he can see what they are saying but there are not many concerns. This is similar to some the techniques they were taught. He will be working hard to make sure there is not conflicting information. Aegis will review the CASA and the training to ensure that what they are training does not conflict with the CASA. There was a discussion on the new process in training to follow a seven (7) step process for approving the trainings. How is this process going to be listed somewhere? A/Commander Evans stated the Academy Division Commander is involved in the seven (7) step process and implementation of the process.
Action:	The draft SOP, as presented, was reviewed by P&P and will be uploaded in the Department's document management system for the 15-day commentary period.

2. SOP 1-91 (Currently 1-92) Tactical Emergency Medical Support (TEMS)	Presented by: Sergeant Bonnie Briones
Discussion:	Sergeant Briones stated they wanted to separate the units currently outlined in SOP 1-92 Specialized Tactical Units. She created a handbook for TEMS. They also removed anything that was not applicable to TEMS. No questions were asked.
Action:	The draft SOP, as presented, was reviewed by P&P and will be uploaded in the Department's document management system for the 15-day commentary period.

3. SOP 1-92 (Formerly 6-8) Special Weapons and Tactics (SWAT) (Formerly Specialized Tactical Units)	Presented by: Sergeant Bonnie Briones
Discussion:	Sgt. Briones said a handbook was created specific to the SWAT Unit. She said that they removed any information that did not pertain to SWAT. No questions were asked.
	The draft SOP, as presented, was reviewed by P&P and will be uploaded in the Department's document management system for the 15-day commentary period.

4. SOP 1-96 (Currently 1-92) Crisis Negotiation Team (CNT)	Presented by: Sergeant Bonnie Briones
Discussion:	Sergeant Briones reiterated what was stated before about SOP 1-92. She said a handbook was created specific to the CNT Unit. She said that they removed any information that did not pertain to CNT. No questions were asked.

Action:	The draft SOP, as presented, was reviewed by P&P and will be uploaded in the Department's document management system for the 15-day commentary period.
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5. SOP 2-48 Towing and Wrecker Services	Presented by: Acting Sergeant Dave Taylor
Discussion:	<p>A/Sgt. Taylor stated the policies have not changed much. Some changes were made due to problems with getting notification in a timely manner with vehicle identification number (VIN) altered vehicles. This is due to VIN numbers being altered or the vehicle not being sent to the auto theft garage. Another issue was the Department not being contacted by the towing company when a vehicle is sent to inside storage and then getting a call from the tow company asking what to do with the vehicle. The City has a list of wrecker services that rotate. The companies have gone through the inspections and are required to have an inside storage. There are times that the vehicle has been sitting there so long that the company starts to run out of inside storage. When the company is the on-call wrecker service, they do not have inside storage room due to having too many vehicles. There is a City towing ordinance that also relates to this policy. A/Sgt. Taylor stated there is a 414-day time-period during which the Department has to hold a vehicle for a search warrant. After the 14 days, the tow service is authorized to release the vehicle. He stated he is hoping to provide Department personnel the steps for vehicles without a VIN or an altered VIN. This would state that the Auto Theft Unit would be notified when a vehicle has been towed and that vehicle is to be sent to the auto theft garage to be properly identified. If the vehicle is not operational, then the vehicle is sent to the on-call tow yard and the Auto Theft Unit is to be notified and advised what tow yard it was sent to. Question: The language that states the vehicle cannot be released to a responsible party. I would suggest that this be documented as to why this cannot be done. The CPOA has received several complaints and questions, such as ,why a spouse cannot take the vehicle. A/Sgt. Taylor stated that could be added to the Uniform Incident Report stating why this has not been released or that the vehicle owner has given permission for this person to take the vehicle.</p>
Action:	The draft SOP, as presented, was reviewed by P&P and will be uploaded in the Department's document management system for the 15-day commentary period.

6. SOP 2-49 Inspection of Motor Vehicles	Presented by: Acting Sergeant Dave Taylor
Discussion:	A/Sgt. Taylor stated that some of the Department's sworn personnel are certified VIN Inspectors. They have taken the 24-hour class and are able to write up the affidavit that is required by the Motor Vehicle

	<p>Department (MVD) for Level 3 inspections. The community members come to the auto theft garage every Tuesday or they go through the Chief's Overtime (COT) Program to schedule these types of inspections. He stated the Department will hold certified VIN Inspectors accountable if their certification expires and they continue to write VIN affidavits because of the liability to the Department. He stated when a vehicle is seized due to being altered, it is important for the Auto Theft Unit to be notified. He said the report has to be sent to the Auto Theft Unit Detective within 24 hours.</p> <p>Question: When you were talking about how important it is to be certified, there is a sanction classification of 5 but for Chief's Overtime there is an "N/A".</p> <p>The COT Program will not allow someone to apply for Chief's Overtime if their certification is not up-to-date.</p>
Action:	<p>The draft SOP, as presented, was reviewed by P&P and will be uploaded in the Department's document management system for the 15-day commentary period.</p>

7. SOP 2-78 (Currently 4-25) Domestic Violence	Presented by: Acting Commander Aaron Jones
Discussion:	<p>A/Commander Jones stated they found conflicting information and historical language that no longer applies. He stated the draft policy has been vetted by the City Attorney's office so that all the statutory information and the language that refers to a household member or domestic violence-related charges are up-to-date. There has not been any large operational changes on what is expected of officers. There were updates to historical things that over time, technology has allowed us to move away from, such as written statements versus getting statements on an on-body recording device (OBRD).</p> <p>Question: I know use of force incidents happen during certain types of calls. Do you have data on use of force for domestic violence calls?</p> <p>Commander Jones stated that use of force cases increase with domestic violence calls. There are certain things the Department is doing to address that. He stated that what it comes down to is education. Also, this is improved through information gathering so that if officers are going to a domestic violence call, with assistance from our Real Time Crime Center (RTCC), the information the officers can get firsthand when en route to these calls should help to address and equip them with the information needed to reduce the need to use force. However, any specific language to use of force was not used in the policy, as it will be in the use of force policies. This way there is not conflicting information in multiple policies.</p> <p>Do you have a way of tracking the effects of the efforts you are making to reduce the use of force by contacting RTCC or getting more information? Is there a way to measure whether it is working?</p> <p>A/Commander Jones stated he would refer the</p>

	<p>question to the IAFD Commander to be answered. A/Commander Richard Evans stated they are still in the process of repairing IAFD and that he hopes to take more data from these types of calls to implement such improvements and to find new ways to avoid force situations. Currently, he does not think they are pulling the data. He is in the process of working with data analytics personnel to get this information. A/Commander Jones stated the Department is looking to improve the analytics side when it comes to use of force. In the future, they will have things in place to gather that data is a useable way to adjust our course, if needed, or if they are doing something right then to stay on that path.</p> <p>On page 9, there is a provision that states, “...enforce the provisions of custody as outlined in the order of protection that directs removing a child from the non-custodial parent or guardian”. There was conflicting information in another policy stating that an officer will not remove the child from the home and will just document it. Has that conflict been resolved or does this still conflict? Commander Jones stated he does not know how civil orders go. He did notice some other conflicting information and has taken care of those. However, he does not remember that conflict showing up here and does not know what policy is being referred to. I would advise double-checking this as it is a conflict when investigating community member complaints where the policy would say you are not taking the child away you are only documenting it and another policy says you need to take the child away and both parents are arguing about it. This is often an issue when child custody complaints come in. If this could be double-checked that there is not that conflict of language. Commander Jones stated he would look into this to make sure that the two policies do not conflict with each other. I also noticed about the notification of a victim. Is the turnaround time so quick that the offender can be arrested and released the same day and the notification does not get to the victim? Commander Jones stated that this does happen, though it is rare. Once the offender is released, there is a call to the CARE center to notify the victim of the release of the offender. I do not think there is a way to address this in policy as it is not a Department-only issue because it would involve the courts and jails also. He has seen in practice where if the notification cannot be done over the phone, an officer is dispatched to notify the victim in person. In general, has this victim notification process been efficient? He stated he thought the process has been efficient in most of the cases.</p>
Action:	The draft SOP, as presented, was reviewed by P&P and will be uploaded in the Department's document management system for the 15-day commentary period.

8. SOP 2-88 Bait Car Program

Presented by: Acting Sergeant Dave Taylor

Discussion:	A/Sgt. Taylor stated they use the Crime Analysis Unit and requests from area commanders, lieutenants, and sergeants to place the bait cars in areas that they consider a hot zone. He stated under section 2-88-4 B.1.a.i. it states. "Emergency Communications Center (ECC) and responding personnel shall switch their radio channel to "bait car" under the CAD-Spec 1 Talk Group for the entire duration of the call". The supervisors from the Auto Theft Unit and the ECC both monitor that radio channel when they are tracking a bait car. Question: Is that a recorded channel? No that is not a recorded channel. This is due to the public being able to scan for the radio channel. This can cause a safety issue when the call is in progress. They do switch back to the dispatch air that they are assigned to when performing the stop. What is the expectation when the bait car is stolen? Is it to catch the immediate offender or is it to get to an organization? A/Sgt. Taylor stated it is both. There are times when it is used to detain the immediate offender and there are times it will lead to a chop shop or a VIN switching investigation. There are situations where they have caught a homicide subject that has taken the vehicle. He stated it just depends as offenders may use stolen vehicles to commit a crime.
Action:	The draft SOP, as presented, was reviewed by P&P and will be uploaded in the Department's document management system for the 15-day commentary period.

9. SOP 3-7 Remote Work		Presented by: Cara Garcia
Discussion:	Ms. Garcia stated she is a civilian manager at APD. She said that this is a new policy for remote work. She briefly reviewed the eight sections in the draft. She said the draft was developed to align with City of Albuquerque Administrative Instruction (AI) Number 7-66 and explained that the AI was sent out by the Mayor's Office. The AI provides requirements on what has to be outlined in a remote work policy for the City and some of the language in the policy is from the AI. There is a remote work agreement for APD specifically and that the City has their own form. The first section goes over the policy and purpose. The definitions section has outlined what remote work will be considered and the fact that it can only be done in the state. There are some extra qualification guidelines to be completed if someone were to request to work remotely and out-of-state. There are eligibility factors that must be met to be considered for working remotely. There are some ineligibility factors that will prohibit the employee from being considered to work remotely. The work schedule for the employee will have to be listed in the agreement. Ms. Garcia stated they wanted to make sure they added language to state employees are aware that if a division head or direct supervisor requests they report to the office, the employee must return to the office. The location of the remote work site would be the employee's home. The equipment and location of the worksite is tracked	

	<p>on the remote work agreement. The intellectual property was added to advise the work the employee is working on is still the intellectual property of the City even if they are working at home. Ms. Garcia stated language was added to advise that the Department or City will not provide reimbursement for utility costs. There was clarification to advise there is mileage reimbursement if the employee is doing City travel, which starts from the worksite where the employee works (i.e., the employee's home.) Remote work productivity and expectations were added and how the supervisor will be tracking the work. Remote work procedures were added to advise on how to request remote work and who will approve the remote work agreement, starting from the employee's direct supervisor all the way to the Chief of Police. This allows the Chief of Police to know how many people are requesting this. Ms. Garcia stated that the policy does not supersede any Collective Bargaining Agreement (CBA) or union contract. Question: Is this more restrictive than any city policy? Ms. Garcia stated this is new information. The AI that was published last year as guidance for writing the policy; however, that AI provided requirements as far as a remote work policy guideline. The policy for each agency can be more strict than the AI. Ms. Garcia quickly reviewed the remote work agreement that will be sent to the Policy and Procedures Review Board (PPRB) for final approval.</p>
Action:	The draft SOP, as presented, was reviewed by P&P and will be uploaded in the Department's document management system for the 15-day commentary period.

Started at 1:00 pm Ended at 2:36 pm.