



# CITY OF ALBUQUERQUE

## Albuquerque Police Department

### Policy and Procedure Unit (P&P)

**MEETING MINUTES: 22-4**

**DATE: February 02, 2021**

**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
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
Judge Sharon Walton	Compliance and Oversight Division Policy Consultant
Ali Abbasi	Civilian Police Oversight Agency (CPOA)
Elizabeth Martinez	U.S. Department of Justice (DOJ)
Vicki Williams	Northeast Civilian Policing Council (CPC)
Commander Aaron Jones	Investigative Services Division (Presenter)
Lieutenant Nick Wheeler	Metro Traffic Division (Presenter)
Gregory Mondragon	Prisoner Transport Unit (Presenter)
Commander Luke Languit	Southeast Area Command (Presenter)

<b>1. SOP 1-59 (Formerly 4-4) Impact Team</b>	Presented by: Commander Aaron Jones
Discussion:	A/Commander Jones stated there have not been many changes to the policy. There were updates to language and grammar throughout the policy. Under rules and responsibilities, he added a list of what cases the Impact Unit will take. He stated the call-out procedures were updated to advise what the responding officer will do. The policy also outlines when the arrest is needed or the assistance of the Impact Team is warranted. <b>Question: Can you go through the process with us? If</b>

	<b>the Impact Team investigates this and an arrest is needed, what happens next?</b> Commander Jones stated there have been situations where the Impact Team did their investigation, an arrest warrant was generated, and they were able to make the arrest with the Field Services Bureau (FSB) present. A couple of examples were provided.
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.

<b>2. SOP 2-40 Misdemeanor, Traffic, and Parking Enforcement</b>	Presented by: Lieutenant Nick Wheeler
Discussion:	<p>Lt. Wheeler stated the name of the policy was updated and the policy was reorganized to flow better. He stated he needed to make a change to the Health Code violations section that needs to say, "the officer shall not arrest the community member for a health code violation". The added language goes with the next section stating who will issue citations. He explained that language needs to be added to state that when TraCS is down, officers will use paper citations. There is another addition that needs to be made to state, "sworn personnel shall take enforcement action whenever a traffic crash investigation indicates probable cause". <b>If you are having officers take enforcement action, there are many complaints that come through for traffic citations. Is the expectation that some type of citation has to be issued?</b> Lt. Wheeler stated officers should be issuing citations, and that this is to help make driver behavior better in the city. If the driver violates the law, they should be cited and that could help improve driving behavior. <b>Is there going to be more training to make sure this is done?</b> Lt. Wheeler stated he is thinking he will get many comments on this situation and he will advise why the department wants the officer to issue citations instead of warnings. There will be upcoming training on traffic crashes. Lt. Wheeler stated the section about re-examination of drivers by the New Mexico (NM) Motor Vehicle Division (MVD) is done through an email to the Main MVD in Santa Fe. There is not a template for this. However, there does need to be an addition that the letter should be prepared on official letterhead. <b>Under the misdemeanor section, it states that an officer shall not physically arrest then under that area it states the officer will arrest. Which is this correct?</b> Lt. Wheeler stated that is a typo and he would reword this to correct the language. <b>Under the same area it says "shall make an arrest when there is an outstanding misdemeanor warrant". Would this conflict with Standard Operating Procedure (SOP) 2-80 Arrests, Arrest Warrants, and Booking Procedures?</b> Lt. Wheeler stated he would look into this but did not have an answer at this time. <b>Who makes the most arrests in traffic situations? Is it FSB or the traffic unit?</b> Lt. Wheeler stated it depends on the situation. He would</p>

	<p>think that the DWI Unit would make the most arrests. <b>How many people are in the Metro Traffic Division and what do they do?</b> There are twenty (20) motors officers and their focus is traffic enforcement and crashes. DWI has seven (7) officers. This does not include sergeants. There are five (5) motors sergeants. There are two (2) sergeants in DWI. <b>Are there any quotas for the officers stating how many traffic stops are needed on a weekly basis?</b> Lt. Wheeler stated there are no quotas mandated. A supervisor can request a certain performance standard but that depends on the supervisor. However, there is nothing in policy mandating a certain number.</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.

<b>3. SOP 2-80 Arrests, Arrest Warrants, and Booking Procedures</b>	Presented by: Commander Luke Languit
Discussion:	<p>Commander Languit stated the biggest change was to the use of force investigations. Input was taken from Emergency Communications Center (ECC), Internal Affairs Force Division, Prisoner Transport Unit, and Scientific Evidence Division personnel. There are several supplemental special orders that were incorporated into this policy. Commander Languit stated this policy would advise how to properly arrest someone. He stated that the section regarding sworn personnel making felony arrests was updated to be clear when an officer can make a felony arrest. The subsection for misdemeanors and petty misdemeanors arrests was also updated in the policy to advise what documentation is needed. Commander Languit stated the arrest warrants section was updated to advise what is actually listed on the arrest warrant paperwork. He stated serving an arrest warrant has the same steps to follow as serving a search warrant and was added to the policy. There were updates throughout the policy to show the change from the Juvenile Section to be updated to the Special Victims Section. Commander Languit stated there was an important change to the custody of individuals section that included what is required for the detention logs, when they are completed, and what to do with the logs. He advised that language and grammar were updated throughout the policy. <b>Question: Given the number of video recordings being done by community members during arrests, how has this affected the process for training and policy changes?</b> Commander Languit stated there has not been change to this policy but it will change other aspects of the Department. The Department is not doing anything different due to an onlooker recording an arrest. <b>There are many YouTube videos where someone is recording an arrest and it indicates that certain departments and officers have a lack of communication with the public when performing an arrest.</b> Commander Languit stated there</p>

	<p>needs to be a suite of policies for arrests. This policy is saying when you can make the arrest and what is needed for the arrest. This also talks about the booking procedures that are done after the arrest. However, there are policies that are needed for handcuffing and the arrest itself. When it comes to community members recording an arrest that would be part of another policy but if you are looking to see if the officer is following the right policies this would be the SOP to turn to. <b>Is there a record of good arrests being made?</b> Commander Languit stated there is tracking. This policy focuses on what is needed for the arrest. When there is failure to abide by these rules and regulations there will be tracking of the violation. <b>In SOP 3-13, it had a provision that allowed officers to use their discretion when making a decision about a “situation”. Is there something in the policy that talks about discretion for when the situation allows for discretion on the officers part?</b> Commander Languit stated that he did not know if this passed into law, however, he would look into this. <b>I think there should be language added to advise on certain situations, like domestic violence issues when the victim calls for help but has a warrant.</b> Commander Languit stated he would look into this type of situation. <b>During the meeting, it was recognized that an N/A sanction was added in error. There was a discussion about possible language change to felony arrests. There was a suggestion not to use language stating the officer has to arrest the person, as this will prohibit the officers from being able to use the jail diversion programs the department offers.</b> Commander Languit stated he would go back through the policy and revise language with the N/A sanctions. <b>When the policy talks about misdemeanor arrests what other treatment facilities are there for individuals?</b> The CARE Campus and the LEAD Program are two examples of facilities or programs that officers can use. <b>At the time of the encounter, if the person has a previous felony arrest, does that stop the person from being eligible for the jail diversion program?</b> Commander Languit stated he does not know and will look into it. <b>There have been issues with the medical staff turning away prisoners as they do not have medical providers and the Metropolitan Detention Center (MDC) is rejecting prisoners. The hospital staff have already cleared the individual. This is occurring with individuals with felony charges. Is this something that will need to be put in the policy or does this need to go up the chain of command?</b> Commander Languit advised that he does appreciate the information and does not know if it will go into this policy but will look into the situation. There is a state law that states if you have medical clearance paperwork that the prisoner is to be accepted and is currently being discussed within the chain of command.</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.
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<b>4. SOP 2-83 Hospital Procedures and Rules</b>		Presented by: Gregory Mondragon
Discussion:	<p>Mr. Mondragon stated language was clarified in the policy. “Intoxicated person” was defined in response to questions from FSB personnel. One addition was the transportation by emergency personnel versus an officer. If the person was being transported to the hospital for their safety and was not being arrested, the individual would not be transported by an officer. They would need to be transported by Albuquerque Fire Rescue (AFR). The officer or Prisoner Transport Center (PTC) personnel will watch an individual until they are discharged, if they have been admitted into a room. The paperwork would be completed with the discharge and the individual would then be taken to the MDC and booked in. When an individual has a minor injury and requests to go to the hospital, there is a section that gives the officer the discretion to take the individual to the hospital in the officer’s vehicle or an ambulance. If this is an emergency situation the individual will be transported by an ambulance. There was an addition to advise when an officer is on guard duty at a hospital that the officer would be armed. <b>What is the situation with transporting without handcuffs?</b> Mr. Mondragon stated that would not be discussed in this policy. Situations where an individual is transported without handcuffs would be in SOP 2-82 Restraints and Transportation of Individuals. SOP 2-83 is only for when the individual is already admitted into the hospital.</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.	

<b>5. SOP 2-103 (Currently 4-24) Trespass Notification</b>		Presented by: Officer Tanya La Force
Discussion:	<p>Officer La Force stated “real property” was defined. The policy was reorganized and language was updated throughout the policy. <b>Is there any training as to where someone can be asked to not return after trespassing?</b> With any public facility, you would have to have someone who is in charge of it that has to sign for the trespass documents. Someone cannot trespass on the property of a government building but if the person is causing a disturbance, the officer can ask them to leave temporarily.</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.	

<b>6. SOP 3-1 Dispatch and Radio Procedures</b>	Presented by: Officer Tanya La Force
Discussion:	Officer La Force stated this policy is being archived as the language has been added into the ECC Division, Armed Robbery Unit, and FSB SOPs. <b>No questions were asked.</b>
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.

The meeting started at 01:00 pm and ended at 2:33 pm