



**CITY OF ALBUQUERQUE**  
**Albuquerque Police Department**  
**Policy and Procedure Unit (P&P)**

**MEETING MINUTES: 22-7**

**DATE: March 09, 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
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) Chairman
Deputy Commander Kenneth Willey	Special Operations Division (Presenter)
Deputy Commander Mark Torres	Real Time Crime Center (Presenter)
Sergeant Xavier Chacon	Operations Review Section (Presenter)
Lieutenant Paul Haugh	Operations Review Section (Presenter)
Lieutenant Jennifer Garcia	Community Engagement Section (Presenter)
Kelly Mensah	Community Policing Council (CPC) Liaison
Vicki Williams	Community Policing Council (CPC)
Judge Sharon Walton	APD Policy Consultant
Ali Abbasi	Civilian Police Oversight Agency (CPOA) Investigator

<b>1. SOP 1-64 (Formerly 6-9) Patrol Canine (K-9) Unit</b>	Presented by: D/Commander Kenneth Willey
Discussion:	D/Commander Willey explained this SOP guides the unit itself, whereas SOP 2-23 guides Field Services Bureau (FSB) personnel. He explained the goal is to move to a more FSB presence, rather than K-9 Unit Handlers being on-call and performing call-outs. In the future, after training and certification requirements are met, they will have K-9 Handlers more readily available in the field. He confirmed the provisions in both policies were aligned. He confirmed the SOP was published in

2019. The section on area and building searches was revised to allow FSB supervisors more discretion. For example, the provisions allow for FSB sworn personnel to respond to phone calls from people who can clear the vast majority of the structure. This is in lieu of requesting for a K-9 Handler to be called out. The revised provisions also enable Special Operations Division (SOD) leadership to adhere to APD's use of force SOPs. He explained that the section on use and deployment of PSDs align with *Graham v. Connor* standards. He confirmed they refined the provisions to decrease conflicts in orders and to improve checks and balances among SOD leadership. **Question: This policy indicates that the department will engage in bite data and bite ratio analysis and may subsequently make changes in the policy in response to data trends. Answer: D/Commander verified bite ratio data are collected, stored, and updated on a weekly basis. He said that they are uploaded in the data warehouse and made available for the Internal Affairs Force Division (IAFD). He said they calculate ratios for the K-9 Handler and for the entire unit. He said that if there is an increase in bite ratios, SOD leadership convenes to discuss. Question: The draft indicates that a bite ratio of higher than 20% triggers analysis by SOD leadership. Why 20%? Answer: He confirmed they have not exceeded a bite ratio of 20%. He explained that they have not exceeded 8% in the last year and right now the unit average is around 5%. Question: Do you have any data on how that compares to the national average? Answer: He said he did not. Question: Why does a bite ratio that exceeds 20% trigger an intervention? Answer: It was established by the U.S. Department of Justice. Question: A question was asked about why the provision that prohibits deployment of a PSD because it is merely a force option was removed and why the provision that prohibits deployment of a PSD on visibly pregnant woman, a young person, or an elderly person was removed. Answer: He stated that his understanding is that those provisions and relevant factors for deployment were incorporated in the draft for SOP 2-23. He explained that some of the material on the training and care of the PSD was moved into the unit's handbook. Question: It was explained that the provision that directs the K-9 Handler to verbally warn the individual that they will deploy their PSD was removed. Answer: D/Commander Willey confirmed this is more in the policy draft for SOP 2-23. Question: A question was asked about the provision on tactical activations, who has the final say, and who has the final decision-making authority when deploying a PSD. Where is this provision? Answer: He explained that SOP 1-64 is for the unit. For the time being, APD is not deploying its PSDs for tactical activations in light of manning shortages and changes in experience levels among SWAT team members. Currently, APD is relying its partner agencies until APD**

	<p>can increase SOD staffing. Question: In the reporting and investigation section it indicates what IAFD personnel must do but it doesn't indicate what the K-9 Handler must do in terms of reporting after they deploy their PSD as a force option. Answer: He explained that the responsibilities for the K-9 Handler were remitted because these are outlined in the use of force policies. Question: You mentioned that language was changed in this policy in order to align it with the FSB's vision but the explanation about activations was unclear. Answer: Alarm call activations are more so going to be handled by FSB. They will clear the building if they can visually clear the business front. Question: Could you go into a little bit more detail about working with partner agencies? Answer: For tactical activations specifically, APD employs its SWAT team to resolve an incident. Currently, APD is not using its own K-9 Handlers for those types of activations because of the current staffing shortages in the unit and because APD has a lot of younger operators on its SWAT team who have not worked around APD's current PSDs. Question: Who are among the partner agencies that you work with? Answer: Currently, APD works with the Bernalillo County Sheriff's Office (BCSO), the Rio Rancho Police Department (RRPD), and New Mexico State Police (NMSP). Question: You have new SWAT team members who are not familiar with your PSDs. That doesn't mean that they would be the handler, they're just working in proximity to the PSD. Is that correct? Answer: That is correct.</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>2. SOP 1-71 (Currently 4-1) Operations Review Section</b>	Presented by: Lieutenant Paul Haugh
Discussion:	<p>Lt. Haugh explained significant changes were made in the section, therefore, are reflected in the draft. He confirmed that there are many other SOPs that are cited back to because of the new duties and the new SOPs that have been developed since then. He said the dynamic of the section has changed over the last six years since the policy was published. The old SOP only gave a brief outline of what section personnel did. He said he got rid of the material on the reserve officer program because the program no longer exists. He reviewed the duty assignments and how the most of their responsibilities have been outlined in their respective SOPs. He explained that the facility management responsibilities were outlined in this SOP. <b>No questions were asked.</b></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>3. SOP 2-23 (Formerly 2-45) Use of</b>	Presented by: D/Commander Kenneth

Patrol Canine (K-9) Unit	Willey
Discussion:	<p>D/Commander Willey explained that the purpose of this SOP is more so for pre-deployment and post-deployment criteria for K-9 Handlers and how to apply them in the field. He said they mirrored the language with this SOP and SOP 1-64. He verified that the provisions on area searches align with the use of force SOPs and adhere to <i>Graham</i> factors. He explained the policy language was refined to mitigate a conflict in orders and to improve the checks and balances conducted by SOD leadership at pre-deployment and post-deployment. He said that in the building searches section, they tailored it more to, one, address the future goal of the unit to have more of a presence in the field and, two, tailor down the application of PSDs conducting area and building searches to ensure that contact would be made with the responsible party (RP) prior to searching to ensure that there are no innocent people in the structure, as well as to verify whether the RP would want to press charges. He confirmed that the area searches section aligns with <i>Graham</i> factor requirements. He said that the K-9 Handler Sergeant will respond to large area searches to better manage unit functions. He said the policy seeks to ensure that PSDs are deployed for forced entries into schools and large warehouse-type facilities. This is because those types of building searches are beyond the scope of what FSB is expected to do. He said that when an individual has barricaded themselves in a vehicle APD will not deploy a PSD. The policy was revised to seek to prevent a conflict in orders that mirror the needs of the department and unit. <b>Question: How do you view the resulting changes in moving K-9 out into the field and the likelihood of them being deployed? Do you see this as a problem or a concern? What's going to be in place to ensure a smooth transition?</b> <b>Answer: The criteria for PSD deployment have been outlined appropriately. The goal is to make them more readily available for FSB personnel and to decrease wait time for FSB personnel who are holding a perimeter on these locations. This will hopefully clear up some of these calls. Question: Does that require an increase in staffing within the unit? Answer: It won't require an increase in staffing but rather a reallocation of staffing and scheduling to better reflect the needs of the field. Currently, they have four vacancies, but only three of the handlers are certified and able to deploy. They have four additional officers who are completing on-the-job (OJT) training. Question: In the section on apprehending a fleeing individual, there was a concern with the language and how it says that a K-9 Handler will deploy their PSD on individuals who have committed a felony crime. There are a lot of felony crimes that may not warrant deployment of a PSD in order to apprehend the individual. Answer: He said the handlers extensively train on legal requirements and the severity of crimes. He verified that a K-9 Handler won't deploy their PSD for certain crimes but rather on</b></p>

	<p>individuals who have a propensity towards committing violent crimes. They refrained from listing out the crimes in the draft. Comment: It was understood that APD doesn't want to create an exhaustive list of crimes and understands that this is all driven by urgency. It was suggested to enhance the provision with the understanding that a lot of it is addressed in training. Answer: He said he agreed. Question: In doing research on PSDs, it was determined that other law enforcement agencies attach a camera to their PSD to help when going into confined spaces and attach speakers to remotely retrieve their PSD. Did APD ever consider the option of cameras and speakers to aid the handler out in the field? Answer: He said it has been considered. He explained that as an experienced handler of 10 years and an instructor, he explained that the camera can get hung up in curtilage of confined spaces where upon the PSD becomes stuck and the PSD becomes frantic. It also gives the individual a position of advantage over the PSD because it's something that they can grab on to and allows them to hold onto the PSD. But he agreed that there are some instances where that would be a very valuable tool. Question: In the current SOP, for tactical activations and getting assistance from other departments, do non-APD handlers follow their own or APD's policies? Answer: They abide by their own policies but during a tactical activation that is being controlled by APD, the deployments are authorized by the APD Tactical Commander. Question: Is there an actual agreement in place with the other agencies? Answer: There are MOUs with BCSO and NMSP, and one in the process with RRPD.</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>4. SOP 2-25 (Formerly 1-28) Bomb Threats and Bomb Emergencies</b>	Presented by: Sgt. Matt Groff
Discussion:	Sgt. Groff was unable to attend the meeting.
Action:	The Policy and Procedure Unit will reschedule Sgt. Groff's presentation of SOP 2-25.
<b>5. SOP 2-34 Notification of Significant Events</b>	Presented by: D/Commander Mark Torres
Discussion:	D/Commander Torres reviewed the policy statement. He confirmed they updated the subsection on current or on-going significant incidents and the Emergency Communication Center (ECC) shift supervisor's responsibilities. It was explained that ECC assisted in reviewing the subsection. <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.

<b>6. SOP 2-74 Submission of Felony Cases to the District Attorney</b>		Presented by: Officer Tanya La Force on Behalf of Lieutenant Jennifer Garcia
Discussion:	<p>Officer La Force explained that the prior version didn't mention the Shield Unit but recently a lot of the cases that go to the District Attorney are submitted through the Shield Unit so the change was made in the draft. She confirmed that the material was reorganized and some material was added to outline when the case can be submitted to Shield Unit personnel. She explained that contact information for the juvenile District Attorney was added. <b>Question: A question was asked about whether this SOP deals with a specialty unit of people who are employed for this purpose. Answer: She explained that there is a specialized unit, it is the Shield Unit that handles cases for homicides and fatal crashes. Shield Unit personnel provide the discovery to the DA's Office for all felony cases. Question: Can you make the distinction between what is handled by the Shield Unit and what this SOP governs? Answer: Shield Unit personnel are responsible for all felony cases. The overlap between the two SOPs would be anything that the Homicide Unit does and what the Metro Traffic Division does for fatal crashes. Shield Unit personnel still have to compile all information and send it to the DA's Office. Comment: A suggestion was made to cite to the Shield Unit SOP.</b></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>7. SOP 3-21 Scheduled and Unscheduled Leave</b>		Presented by: Sergeant Xavier Chacon
Discussion:	<p>Sgt. Chacon explained that not too many changes were made. He explained that the sections on leave taken under the Family Medical Leave Act (FMLA) and injured light duty (ILD) leave were revised. <b>Question: There are times when investigators need to determine whether an officer is on leave. They will reach out to a sergeant but do not receive a response. Answer: Sgt. Chacon confirmed that the Operations Review Section Staffing Detective tracks the five types of leave and that he is the point of contact.</b></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>8. SOP 3-24 In the Line-of-Duty Death Notifications and Benefits</b>		Presented by: Lieutenant Paul Haugh
Discussion:	<p>Lt. Haugh explained that the policy was updated to properly outline how line-of-duty death notifications should be approached and handled. He confirmed that sanction classifications were preserved on the section that prohibits the release of information to the media and language was revised to provide clear guidance on how to deliver a death notification to family. He confirmed that various sanctions were added in other areas. <b>Question: Is this SOP more so about notification of line-of-</b></p>	

	<p><b>duty deaths when an officer dies? Answer: He confirmed it is but that there is a section on the procedures for when civilian personnel pass away. Question: Is some of this notification process something that could be transferred over to when officers encounter individuals who are found deceased on the scene? Answer: He said that the processes are different. For example, you're not going to have the Chief of Police come out when an officer finds a deceased community member. He said maybe training officers through the academy, training officers on SOPs, and looking at the Chaplain Unit SOP would be better. They often assist with those types of death notifications. Comment: There was a discussion about which would be the correct SOP on which to make an SOP recommendation. Answer: He thought the Chaplain Unit SOP might be the best. He explained that sometimes a chaplain is unavailable so it falls back onto the officer to make these types of notifications.</b></p>
Action:	<p>The draft SOP, as presented, was reviewed by P&amp;P and will be uploaded in the Department's document management system for the 15-day commentary period.</p>