



CITY OF ALBUQUERQUE

Albuquerque Police Department

Policy and Procedure Unit (P&P) (Formerly OPA)

MEETING MINUTES: 21-8

DATE: June 2, 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
Acting Commander Sean Waite	Policy and Procedure Unit
Kelly Mensah	CPC Liaison
Dr. William Kass	Civilian Police Oversight Agency Board (CPOAB)
Trevor Rigler	City Attorney
Sgt. Brandon Wesenberg	Electronic Support Unit
Lt. David Saladin	Training Division
A/Commander Matthew McElroy	Scientific Evidence Division
JD Maes	Academy Division
Edward Harness	CPOA
Wanda Harrison	CPC Member
Ali Abbasi	CPOA
Lt. Matthew Dietzel	Crisis and Intervention Section
Sharon Walton	Policy Consultant

1. SOP 1-44 (Formerly 8-12) False Alarms Unit		Presented by: Officer Tanya La Force
Discussion:	Officer La Force advised this policy is being deleted. The Albuquerque Police Department (APD) no longer handles false alarm calls for service. Since APD no longer handles these calls, there is no need for this policy. There were no questions asked during the meeting.	

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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2. SOP 1-57 (Formerly 5-7) Identification/Disposition Unit		Presented by: A/Commander McElroy
Discussion:	A/Commander McElroy stated there were changes to the organization of the policy. The general rules were discussed and explained as to why the Department does fingerprinting and background checks on individuals. Question: Is there a continuing education process for the technicians/staff that work in the unit? FBI controls the AFIS database and the Identification/Disposition Unit are trained and/or sent to training for best practices updates.	
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 2-59 Extreme Risk Firearm Protection Order		Presented by: Lt. Matthew Dietzel
Discussion:	Lt. Dietzel advised that the Extreme Risk Firearm Protection Order became a law last year. This policy was created to incorporate the new law into process for the Albuquerque Police Department. The definitions in the policy were taken from the current law. When discussing the rules and responsibility, Lt. Dietzel explained how the new law works and that the individual's family/friends (reporting party) will be the person to start the process and the person who needs to have the document notarized. The policy goes over age limits for reporting parties, as well as other requirements and procedures with the process. Lt. Dietzel explained the process for the return of the firearm and the process in case the firearm needs to be seized for a longer time. Question: Did the Special Order that went out in May 2020 when the law took in affect guide the process? The Special Order guided the process, though APD has not filed any orders with the new law. A friend or family member has to step forward to request the firearm be taken away and explain why. Question: Have you had a conversation with any outside agencies that have filed requests with the new law? The Department has contacted police agencies in Florida that have a large amount of requests filed that were approved and implemented.	
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.	

4. SOP 2-108 Electronic Communications Privacy Act	Presented by: Sgt. Brandon Wesenberg
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(ECPA) Procedures	
Discussion:	<p>Sgt. Wesenberg advised this policy is a combination of 3 special orders that guided the process for the Electronic Communications Privacy Act (ECPA). Sgt. Wesenberg advised there are many forms used with this policy and explained their usage. The procedures for search warrants that include the ECPA were explained. A change was made to explain that information collected cannot be deleted if found to be unnecessary to the present case. All information collected will be sealed in evidence and not deleted. The sealing of electronic information was explained that a court order would be needed to view the sealed information. The process for pinging/tracking a cell phone was explained and that a warrant will be needed. Question: Is the reporting of public data information with the Attorney General? The form is on the IPRA webpage for the Attorney General. Question: How often does APD use this process? There were 240 ECPA warrants issued last year by APD. NMSP and BCSO also use the ECPA and report to the Attorney General's office. Question: Since New Mexico has more restrictions than the federal guidelines, would APD be able to assist the federal government if the situation would violate state law? APD would assist in federal investigations that would be under the federal jurisdiction. If the investigation is not federal APD will abide by the state guidelines. Question: Why would this policy not allow the Evidence Unit technician to delete unrelated information? The information will be sealed and put into evidence in case more information is needed outside of the original request but would need a court document to reopen the sealed information.</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>

5. SOP 3-31 Physical Fitness		Presented by: JD Maes
Discussion:	<p>Mr. Maes advised this policy promotes physical fitness in the Department. The officers are mandated to show up but do not have to be part of the test. The policy promotes physical fitness with an incentive program. There is a screening process for overall health to make sure there are no adverse health issues that may disqualify the officer from the program. If an officer participates and obtains the minimum standards for the fitness assessment, they receive TOBANK time. TOBANK time is time off that the officer can use within one year. The type of tests and full process of the administered exam and screenings were explained. If an officer does not meet the minimum standard, the officer can request to join a health and wellness program to help the officer improve their health and be able to meet the minimum standards. The standards and TOBANK hours received were explained</p>	

	<p>and shown on a chart. In addition to time off, there is also an award that is given to the Most Physically Fit officers. Question: How do you deal with the difference in men and women in the tests? To keep the test gender neutral, there are awards for most physically fit female and most physically fit male officers. Question: The fitness level chart does not show gender neutral scores is there a difference? The Department used to use a male and female time now the current standard that was obtained for the State of New Mexico is now a combination of male and female times. This created a one standard for all, as the Department is one Department.</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>