



CITY OF ALBUQUERQUE

Albuquerque Police Department

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

MEETING MINUTES: 21-11

DATE: July 14, 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	Compliance and Oversight Division (COD)
Kelly Mensah	Community Policing Council Liaison
Dr. William Kass	Civilian Police Oversight Agency Board (CPOAB)
Edward Harness	Civilian Police Oversight Agency (CPOA)
John D'Amato	Albuquerque Police Officers' Association (Legal)
Elizabeth Martinez	U.S. Department of Justice (DOJ)
Richard Johnson	CPOAB
Sharon Walton	Compliance and Oversight Division Policy Consultant
Dr. Phillip Jameson	Community Member
Acting Commander Richard Evans	Internal Affairs Force Division (IAFD) Presenter
Ali Abbasi	CPOA
Troy Nicko	Academy Division
Marteessa Billy	CPC Office Assistant
Lieutenant David Saladin	Academy Division
Lieutenant Mark Landavazo	COD TDY
Carlos Pacheco	City Attorney
Trevor Rigler	City Attorney

1. SOP 2-52 Use of Force: General		Presented by: Acting Commander Richard Evans
Discussion:	A/Commander Evans advised they restructured and cleaned up language to coincide with current policy practices. The reasons why	

force is used was added to the policy for clarification. Sanctions were updated to align with current discipline guidelines. The wording on using the weapon-mounted light was updated to advise when the light can be used to illuminate a potential threat. There was also an addition to the procedure after an individual was restrained in a facedown position to indicate that the individual shall be placed on their side or sitting position when safe to do so and the officer will monitor the individual for any breathing problems or signs of distress. When an officer witnesses a fellow officer using force that is out of policy, the witness officer shall intercede to stop the use of force. Language to advise officers to pre-plan de-escalation techniques for the situation, when feasible, was added to the policy. Many areas were updated to align with other Department policies. Reaching into moving vehicles was updated in the policy to only be done when necessary. Discharging a firearm from or at a moving vehicle is not allowed, unless there is no reasonable alternative such as is necessary for self-defense or protection of another individual. An addition was made to the policy for an officer to request medical attention for individual(s) after a Level 2 or Level 3 use of force. Medical aid will be immediately requested with no delay, such as waiting for a detective to conduct an administrative interview. The officers in the field were already providing the medical assistance but it was not in policy so it was added. **Question: Is there anything that changes the character of the policy from the previous policy?** There have not been any major changes, most updates were to update language and best practices. **Question: Why were some areas of the policy removed?** The area in question was not removed but was reworded and clarified. **Question: There were questions on de-escalation but individuals were asked to hold questions until the de-escalation SOP was presented. Question: How are Department personnel being evaluated if they use the minimum amount of force? Is it the Force Review Board that does the evaluation or who does the evaluation?** Internal Affairs Force Division (IAFD) does all Level 2 and Level 3 use of force investigations. They evaluate whether the minimum amount of force was used and, if it was not, then the IAFD requests an investigation or requests that the officer be trained. The investigation can also cause the type of force that was used to be out of policy depending on the outcome of the investigation. **Question. It states an officer transports an individual to the hospital after a use of force, and they are to notify the Emergency Communications Center (ECC). How often is this done?** This is a common practice for officers to transport the individual after the use of force. The transportation is sometimes done by the officer that uses the force or by another officer if available. The officer transports the individual and contact is then made where the individual is to obtain pictures and any other contact that is necessary.

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 2-53 Use of Force: Definitions	Presented by: Acting Commander Richard Evans
Discussion:	<p>Acting Commander Evans explained this policy is important to provide clarification with definitions through many policies. The policy statement conveys that the Department follows a consistent list of terms. The "complaint of pain" was defined to be clear when there is a complaint of pain there is not always an injury involved. "Deadly force" was defined and examples of deadly force that are prohibited were given and explained as to why some items were added as deadly force. The "deficient review" definition was added it relates to investigations that if it is not supported by evidence or it is not resolving material discrepancy it is a deficient review and can lead to discipline of the detective. The "de-escalation" definition was explained. The use of commands as a de-escalation technique are not a de-escalation technique that can be used. The definition of "empty-hand takedown" is important as that determines the type of investigation that will occur, such as if IAFD will be investigating or the chain of command will do the investigation. The definition of "electronic control weapon (ECW)" and its use was explained. ECW application means that an electric surge was administered. "Feasible" was defined due to its use through many of the use of force policies. "Injury" was defined to articulate what an injury is as it affects how other policies will be investigated. "Level 1 Use of Force" was defined to add whether the use of force was unintentional or unavoidable. This covers any show of force and the techniques. "Level 2 Use of Force" and "Level 3 Use of Force" also had wording added to include whether the use of force was unintentional or unavoidable. An investigation will not be investigated as a use of force unless the force strikes and individual. "Level 3 Use of Force" had redundant language removed. The types of resistance were defined so Department personnel know the difference between active and passive resistance. The "material discrepancy" definition was added as it effects the investigations being done. A definition for "non-force complaint of pain from handcuffing" was added to address complaints of pain from applying handcuffs, which will not be investigated as a use of force. "Rendering aid" was defined to advise that providing aide, such as CPR, is not a use of force. Question: What is the distinction of imminent and immediate threat. What is the training that allows sworn personnel to distinguish the difference? An immediate threat is delivered without delay, where an individual is about to hit the officer or has a gun pointed at them. Imminent threat is building up and going into the direction of the threat but is not at an immediate threat. Question: How does the process move to getting a proportionate use of force by the officer or has this now, because it is immediate magnitude</p>

	<p>of the event, been suspended? The officer is still held to the same standards of minimum, reasonable, necessary, and proportional that are in policy. Just because there is an immediate threat does not mean you use any force you want or that is available. The officer has to use force that is the minimum amount. Question: What feedback did you get from personnel regarding the language update? The policy changes were review by the command staff at IAFD. They received concerns from the field officers and supervisors that advised of issues with verbiage that were causing delays, unnecessary investigations, or unintentional consequences. Question: How is that feedback obtained and analyzed? The Policy and Procedure Unit keeps a log of every comment and all comments are reviewed as the policy is going through the current revision period. Question: Why was the definition of “imminent threat” taken out of the definition section? The Policy and Procedure Unit will reach out to the previous policy owner to find out why the definition was removed. Question; How much use of force data were analyzed in order to make the changes as suggested from personnel? The policy is reviewed yearly and feedback from personnel and City legal is considered for updates and changes. Question: Do you think that this is premature given the fact that Phase IV Use of Force training is not completed? I believe we are behind and need to catch up and any further delays could become problematic.</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.

<p>3. SOP 2-54 Intermediate Weapons Systems</p>	<p>Presented by: Acting Commander Richard Evans</p>
Discussion:	<p>The purpose and policy statement language, as well as the language throughout the policy has been updated. The difference between a verbal warning and an announcement was explained and an example was given. An intermediate weapon system is not to be used when the individual is only showing passive resistance. The officers are not to use Oleoresin Capsicum (OC) spray on nonviolent peaceful protesters who are showing passive resistance. The different modes on the ECW were added to have clarification for the officer. Sanctions were updated and added through the policy to coincide with current practice. After the first cycle use of the ECW, the situation is to be re-evaluated. The officer does not remove the ECW probes unless exigent circumstances occur. Additional language was added for post-ECW application for officers to notify medical services about an individual who was “tased” who may be under the influence, for an individual showing any symptoms of excited delirium, or who was kept in a prone position after the ECW was used. Supervisor investigative duties was added for when the ECW is accidentally discharged. The distance of effectiveness was added to each</p>

	<p>intermediate weapons system. Question: What are the effective ranges of the ECW and OC Spray? The reason to the question is if you are using a baton, you have closed the distance in a hands-on situation. How do the officers deal with the gap between use of force at a distance and hands-on use of force? How is lethal force employed when the force is magnified in the view of the officer when the gap is closed in? The distance of the threat is not the only factor when using the intermediate weapons and the use of force. The appropriate level of force must be evaluated. Distance can change the level of force but the threat is also factored in. The totality of the circumstances has to be evaluated. Question: The distance factor has the potential to overwhelm the situation. Will it cause excessive force? If a person has a knife and is fifty (50) feet away, they would not be a deadly threat; however if they are ten (10) feet away this is now a deadly threat. The distance, the weapon, and intent all have to be taken into consideration. Question: How is this policy put into practice? At the Academy Division, they train quite a bit for use of force and they train on use considerations when coming into contact with deadly threats. Question also answered by the Academy Division... Distance in training is emphasized on every intermediate weapon system. The distance is to be evaluated and choosing the correct weapon needed for the situation and the distance. There are distance explanations on the long-distance weapons. The minimum distance is also trained as to what is too close when using certain weapons. There are drills during ECW training and the officer is trained about when the distance is effective and when it is not. The Academy Division does get feedback from during training sessions, and field personnel. Personnel are trained to gain distance when they are able to in order to attempt to de-escalate the situation. The officer should not close the distance to use the weapon, such as a baton. There are times where the situation escalates quickly and the officer is unable to gain distance or de-escalate.</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.

<p>4. SOP 2-55 Use of Force: De-escalation</p>	<p>Presented by: Acting Commander Richard Evans</p>
Discussion:	<p>Techniques and guidelines were updated to explain the ways to de-escalate a situation in order to gain voluntary compliance and reduce the need to use force. Some de-escalation techniques that are used were added to the policy. When feasible, the officer should use de-escalation techniques to help the situation and, if needed, additional resources should be requested (e.g., Crisis Intervention Team (CIT), social services, etc.). De-escalation is mandated when there is no immediate necessity to act. It was explained that verbal commands and</p>

	<p>orders are not de-escalation techniques. Question: It should be important to learn from previous events. What are examples of successful de-escalation and when de-escalation was unsuccessful? CIT does keep track of information they obtain from the field to add to their Department training. They highlight techniques that work well in the field and when they are advised that a technique did not work well. Question: What is learned from the lack of de-escalation techniques or unsuccessful techniques? Mandatory training referrals are sent to the Academy Division and, when a pattern is seen, the Academy Division advises the CIT to assist with any issues that are found. When there is a lack of training or the need for more training is identified, the Academy Division implements new trainings to assist with de-escalation techniques. There is a program that assists with reviews from CIT and what occurs with de-escalation techniques. Questions: Knowing how many internal affairs referrals have been done for failing to de-escalate is a good way to evaluate the effectiveness of the policy. The violations of the policy may not be the policy deficiency but could also be a training or supervision deficiency. If you look at the violations and see a pattern, it could show a policy deficiency. A general discussion took place about de-escalation and policy following a question about de-escalation training and policy. Question: This area is potentially an area the Civilian Police Oversight Board (CPOAB) can look at and see about reviewing to see if there is room for guidance and the CPOAB can provide to the Department. What the Department can do to encourage the field to use de-escalation with new techniques and training is something maybe the CPOAB can explore. The Department is bringing in new analysts and looking at getting data together. The board is encouraged to assist with policy responsibility to help the Department in this area. The CPOAB will look into this.</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>