

**POLICE OVERSIGHT BOARD
POLICY AND PROCEDURE REVIEW SUBCOMMITTEE**

**Thursday, October 26, 2017 – 5:00 p.m.
Plaza Del Sol Building, 600 2nd Street NW
Basement Hearing Room #160**

Members Present

Dr. William Kass, Chair
Susanne Brown
Valerie St. John

Others Absent

Eric Cruz

Others Present

Edward Harness, Exec. Director
Michelle Contreras
Miriam Verploegh, UNM

Amended Minutes

(See Appendix A for Amendments)

- I. Welcome and Call to Order:** Subcommittee Chair Kass called the meeting to order at 5:02 p.m.
- II. Approval of Agenda:** Copies of the agenda were distributed. Subcommittee Member Brown made a motion to approve the agenda. Subcommittee Member St. John seconded the motion. The motion was carried by the following vote:
For- 3: Brown, Kass, St. John
- III. Approval of the Minutes:**
- A. Minutes for September 28, 2017**
- i. Members discussed the September 28, 2017 Policy subcommittee minutes.
 - ii. A motion was made by Member Brown to accept the September 28, 2017 Policy Subcommittee minutes as written. Subcommittee Member St. John seconded the motion. The motion was carried by the following vote:
For: 3 – Brown, Kass, St. John
- IV. Public Comments** – There were no public comments.
- V. Discussion:**
- A. Review history of policy recommendations. See attachment “A.”**
- i. Members discussed the review of policy recommendations list that was distributed. Member Kass distributed the policy history form to the Members in order for them to insert information, if applicable.
 - ii. Member St. John inquired about the status about some of the policies that have been addressed.

- iii. Meriam Verploegh from UNM pulled all the data onto her computer that she had done last year and can fill in the information that she and Member Brown previously worked on.

B. Code 3 policy recommendation discussion.

- i. Members discussed the code 3 policy as to whether there should be some change in the authorization as to whether a code 3 used in priority 1 calls or other recommendations they can make.
- ii. Discussed ways they can incorporate the policies that are pending into a case management system in order to keep track of them.
- iii. Discussed the Pursuit Vehicles policy. Member Brown researched and found that the Association of Police Chief's and Policy Executive Research Forum (PERF) have model policies on pursuit of vehicles. In addition, Member Brown also looked at Seattle's policy.
 - a. In order to get access to model policies from PERF and the Association of Police Chiefs, the CPOA will look into becoming members of these organizations.
- iv. Member Brown spoke with Erica Wilson from Emergency Communication Center (ECC) on her research on the timing of code 1 calls and the speed of the emergency vehicles.
- v. Ms. Miriam discussed her research on the use of emergency medical vehicles and that told members that they can look through the literature review and let her know if they have any questions (See attachment "B").
- vi. Discussed the possibility of raising the threshold of the code 3 response to a call.
- vii. Dr. Verploegh recommended that a good place to start is for the ISR to conduct the research and look at best practices, followed by researching at model policies from other cities and compare. Dr. Verploegh will pull 5 or 6 policies and look at the thresholds for both speeding and pursuit of vehicles.
- viii. Dr. Verploegh was debriefed about the recommendation by Major Tyler and Assistant City Attorney Jeramy Schmehl that the POB policy recommendations not go through the Office of Policy Analysis (OPA) but it will go to the Standard Operating Procedure Review Committee (SOPRC) then to Policy Procedure and Review Board (PPRB).
 - a. The Policy on Policy will not be discussed until after the new Administration comes into office because the DOJ believed it would be fruitless.
 - b. Discussed that while waiting for the new administration, it would be a good opportunity for the POB to put together a

good case on the policies they want to recommend so that the Chief will approve it.

- c. The only leverage the POB has is in the ordinance and a more attentive City Council, who will hold the department accountable.
- ix. Member St. John recommended that whenever the POB members go to CPC meetings that they not discuss policies if they haven't been voted on.

C. Discussion of case management systems for tracking policy

- i. A discussion was had about the creation of a case management system for tracking policy; to create a form for organizing some of the information that is located regarding the policy recommendations.
- ii. Dr. Verploegh discussed her ideas about how to organize the policies such as Access data bases.
- iii. Discussed using the easiest possible method that all the members can access the data.
- iv. Also discussed possibly using SharePoint to keep the data.

VI. Report from CPOA

A. Report from CPOA - Director Edward Harness

- i. **Mediation MOU.**
 - a. The Mediation MOU is with Dr. Ginger's office for his review.
 - b. The CPOA Office will be ordering self-addressed envelopes for the survey that will be mailed to the participants.
- ii. **Daigle Training.** The Daigle training will start on Monday, October 20, 2017 through Friday, November 3, 2017 and breakfast will be served for each day. There will be 50 people attending.
- iii. **Regional NACOLE Training.** There is a regional NACOLE training from November 30, 2017 through December 1, 2017.
- iv. **NACOLE Research Training.** The NACOLE Research training is in June.
- v. **OPA Meeting.** The next OPA meeting is on November 15, 2017.
- vi. **Social Media Policy.** Director Harness attended a small planning group meeting for the Social Media policy on October 20, 2017 and made some recommendation that will go to OPA.
- vii. **Pre-Judge Brack Meeting.** There will be a pre-Judge Brack meeting on November 14, 2017. The topics for the meeting may be the mediation MOU and the video download issue.
- viii. **Post-Judge Brack Meeting.** The post-Judge Brack meeting will be on November 17, 2017 at 10:00 a.m. to discuss about moving forward with the knowledge of the new Mayor elect.

- ix. **Weekly monitor's meeting.** Director Harness attended the weekly monitor's meeting with the DOJ and APD to discuss the video download issue.
- x. **Dr. Ginger's Presence in Albuquerque, NM.** Discussed the monitor's presence in Albuquerque while he is monitor.
- xi. **City Council Pushback.** Discussed how they can fix the relationship with City Council after the Mayoral Forum issue in order to find sponsors for the amended ordinance. Director Harness suggested that they POB members have conversations with City Councilors to emphasize that they are their board and they need their support.
 - a. **Policy Subcommittee Script.** Member Brown suggested that a script be drafted in order for the members to use when they talk with City Councilors by December.
 - b. **Monthly Meeting with City Council.** Discussed the proposal that the POB members have a monthly briefing with a City Council representative after the board meeting.
- xii. **HR Promotion Policy.** Discussed the HR Promotion Policy how can we make sure we are at the table to talk about community policing. Director Harness stated that it has to follow the process and posted and suggested to wait for the comment period.

VII. Other business. None.

VIII. Next Meeting: Members discussed two possible dates; they are Wednesday, November 21, 2017 and Thursday, November 30, 2017. Member Kass requested the Senior Administrative Assistant Michelle Contreras contact Policy Subcommittee Member Cruz to see if he is available on the one of the two dates. The date to be determined.

IX. Adjournment: Subcommittee Member St. John made a motion to adjourn the meeting. Subcommittee Member Brown seconded the motion. The motion was carried by the following vote:

For: 3 – Brown, Kass, St. John

Meeting adjourned at 6:38 p.m.

Approved by:
William Kass, Chair
Policy Review Subcommittee

Date

CC: Julian Moya, City Council Staff
Trina Gurule, Interim City Clerk
Isaac Benton, City Council President

Minutes drafted and submitted by:
Michelle Contreras, Senior Administrative Assistant

DRAFT

Police Oversight Board

Policy and Procedure Review Subcommittee

Amendment to the Minutes for October 26, 2017

On November 30, 2017 at the regular meeting of the Policy and Procedure Review Subcommittee, Subcommittee member Valerie St. John requested that the minutes for the October 26, 2017 Policy Subcommittee meeting be amended to clarify Item 5, B ix.

The changes are as follows:

V. Discussion:

B. Code 3 Policy Recommendation Discussion

ix. Member St. John suggested that members of the board should not discuss policy in a public forum until the rest of the board has had an opportunity to hear, review, and vote on such policies. Subcommittee Chair Kass does not agree with Member St. John's suggestion.

viii. Corrected the last name spelling of Assistant City Attorney from Schmeil to Schmehl.

Submitted by: Michelle Contreras, Senior Administrative Assistant
Civilian Police Oversight Agency
Dated: December 26, 2017

Attachments

DRAFT

POB policy recommendations

Start	Policy	Champion	SOP	Action/Description
2016	Behavioral Sciences	SB	SOP 2-19	Response to behavioral health issues
2016	Body Camera	SB		
2016	Chief of Police	SB	SOP 2-8	Requirements for chief
2016	Rape Kit Backlog	SB		
2016	Use of Force Policies	JF	2-52 2-53 2-54 2-55 2-58	
2016	Internal Affairs	SB		
2016	Crimes against children	SB		
Nov-16			SOP 3-1	Currently this refers to the field services bureau.
Nov-16	APD Policy on Policies	wjk	SOP 3-29	Recommendation to place POB at end of policy process rejected in favor of keeping CPOA as a stakeholder without a special position – Sep 2017 DOJ Elizabeth Martinez has objected to this and wants a meeting between APD/CPOA/DOJ to discuss
Jan-17	Domestic Violence	Sue Brown	SOP 4-25	
Jul-17			SOP 3-29	letter to Ginger says chief does not address obligation under CASA paragraph 288
Jul-17		Sue Brown	SOP 2-56	Force review board
Aug-17	CYFD-APD	Paul Skotchdopole		
Aug-17	ordinance implementation	wjk	SOP 3-44	Review of completed administrative investigation cases – Suggested by EH as a means to insert ordinance requirements

Attachment “A”

Literature Review: Use of Emergency Vehicles

Authors: Miriam Verploegh, Ph.D.

Date: October, 25 2017

Problem Description and Recommendation: Recent APD responses using Code 3 (lights and siren) responses have resulted in severe injury and death to innocent bystanders. Emergency vehicle operation data suggest that while the accident rate is significantly higher when operating emergency vehicles at high speed, only a small improvement in outcome is observed. We recommend that the normal authorized response to Priority 1 calls be changed to Code 1, obeying all traffic laws without the use of lights and siren. This recommendation will hold except under unusual circumstances determined by supervisory level officers.

Research Summary:

The use, impact, and safety of emergency lights and sirens (L&S) by emergency vehicles has been debated in the research on medical services and law enforcement. Research on response times, patient or criminal transport, and victim outcomes has revealed that the impact of using emergency lights and sirens is minimal when it comes to reducing response times and better patient or crime victim outcomes (Murray & Kue, 2017). Furthermore, while the intended impacts of L&S are minimal the potential risks of vehicle crashes and harm to the general public are evident. The current research suggests no significant improvement on outcomes in emergency service driving and in fact suggests potential worsening to certain aspects of patient care during transport (Murray, 2017). This review will summarize the research on L&S use in terms of its overall benefits and risks for the larger community. This literature review seeks to inform the understanding of L&S and how evidence based practices could be used to modify and strengthen current APD policy in a way that will support the needs of law enforcement while maintaining an emphasis on community safety. By better understanding how the use of L&S by law enforcement is related to injury, fatality, and effectiveness of police, we can improve safety for police officers and the public.

Research has shown that in situations where police officers have been in pursuit or responding with L&S they have a higher likelihood of being involved in accidents that could cause injury or fatality to the general public (Hutson, et al. 2007; Chu, 2016). For example, research finds that there are similar numbers of officers hurt or killed in traffic accidents as there are responding to emergency calls or high-speed pursuits. Halliday (2005) stated that, "approximately half of all officers killed in the line of duty are killed in vehicle accidents or other traffic accidents (Halliday, 2005. Pg. 2)." Pursuits in particular have a high probability of crash injury and fatality. Dunham et al. (1998) completed research that found that in the United States approximately 40% of all pursuits resulted in a crash, 20% ended with injuries, and 1%. More recent findings suggest that a majority of fatalities in pursuit occurred on non-highway roads at nighttime (Rivara & Mack, 2004). It is clear that the use of emergency driving by law

enforcement should be used carefully and with discretion. The literature on Police vehicle emergency driving can be further informed on the considerable amount of research that has been completed on emergency vehicles.

Emergency Response Vehicles:

Several articles have been published on medical emergency response vehicles and their impact on transportation time, medical outcomes, and public safety risks. In general it is understood that as vehicle speed increases so does the likelihood of accident (Nilsson, 2004). Further research has shown that emergency response has a higher likelihood of accident than non-emergency response (Becker et al., 2003; Kahn et al., 2001; Solomon, 2003). Emergency driving also in some circumstances causes risks for civilian drivers as they try to clear the road for the emergency vehicle. These types of accidents have been referred to as wake-effect accidents, occur more than accidents involving the emergency vehicle, and have results of injury and death in some instances (Clawson et al., 1997).

Research also shows that in some cases issues of injury and fatality are connected to the public's driving practices. In some cases, civilians created a higher probability of accident because they failed to pull over to allow emergency vehicles to pass (Chu, 2016). This finding might lead to a policy recommendation that government entities invest in an awareness campaign about the importance of pulling over for emergency vehicles to reduce injury and support the effort to respond to emergencies (Savolainen et al. 2010).

One reason that the literature has been critical of emergency driving is that the time saved between emergency and non-emergency driving (between 1-4) minutes is marginal considering the dangers it poses to the general public and emergency drivers themselves (Brown et al., 2000; Ho and Lindquist, 2001; Hunt et al., 1995). Other medical benefits to individuals receiving services has also shown to be limited considering the potential downfalls of this type of driving (Kahn et al., 2001; Lawrence, 1994; Solomon, 2003). Due to the danger of accident and fatality connected to emergency driving literature has typically recommended that the use of high speed driving only be utilized in the most critical calls where survival of individuals involved is in question.

Distracted Driving:

It is important to note that beyond emergency response there are other factors that impact likelihood of injury, Crashes, and Fatalities. For example, there is a considerable number of recent studies documenting the relationship between the use of communication devices, distracted driving and accidents. Research shows that use of technology like this has a direct impact on driving ability and performance (Klauer et al., 2014; Drews et al., 2008; Weiss, 2007; Kass et al., 2007; Strayer et al., 2003; Strayer and Johnston, 2001; Redelmeier and Tibshirani, 1997). In fact, Redelmeier and Tibshirani (1997) found that use of a cellular phone increased probability of accidents between 300 and 650%. Research finds that use of these types of

devices decreases situational awareness, attention, and driving ability to such an extent that they suggest that 80% of collisions are related to distracted driving (Weiss, 2007). It is suggested that talking on a cell phone produces the same level of impairment as being intoxicated at a blood alcohol level of 0.08 (Drews et al., 2008). These types of communication devices are common in law enforcement vehicles and in many cases it is required for them to use these technologies while they are driving. Because a majority of law enforcement vehicles have transitioned to single-officer patrol cars they have less support in completing their technical job duties while also driving. Beyond the use of emergency procedures, it is also important to include discussion of distracted driving as an important factor in protecting law enforcement and the public on the road.

Attachment “B”

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Attachment “B”

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Attachment "B"