



ACPD Community Advisory Board

Date: Friday, January 8th, 2021

Time: 12 – 1:30pm

Location: Zoom Conference

In attendance: Chief Phibbs, Marcia Walsh-Aziz- (secretary taking minutes), Charles Musiba, Andrea Goldblum, Colleen Walker (by phone), Elena Getto, Katelynn Dugan, Megan Cullen, Alexis Nakabayashi, Lauren Gutierrez, Nahum Kisner, Rosanna Sweeney, Cassy Cadwallader

Absent: Mary Kate Kenney, Lisa Tafoya, Queen Pompee, Hannah White, Stephen Jefferson,

Approval of Minutes

Megan Cullen moved to approve minutes for December 3rd & 10th meetings as presented and Andrea Goldblum seconded. The motion passed unanimously.

Public Comment

No public comment.

Chairperson's Report

Marcia Walsh-Aziz represented the committee officers with no new information to report. Marcia shared that she will follow-up at the end of the meeting regarding scheduling past January.

Information Items

Chief Phibbs shared an email from the St. Elizabeth of Hungary Business Manager thanking the ACPD for their partnership around a delicate situation related to the sandwich line guests, and the assistance from Sergeant Andrew. The email thanks Sergeant Andrew and the work the department is doing to reach out the homeless population in a kind way.

Body Camera Program Discussion

Chief provided context regarding the budget and time frame for a body camera program by sharing that he wants thoughts from the committee, their impressions from what was shared and what might work for the department. Chief shared that the department is just past the mid mark of the budget year, and still has time to put together a budget proposal that would be included in next year's budget.

Andrea Goldblum asked for Chief's perspective of the pros and cons of the campus police having body cameras.

Chief provided three main pros:

- There is valid research that there is a psychological benefit that body cameras make people feel better. If that makes the community feel better, that's an important factor.
- Gain more evidence for prosecution where we are missing audio, which is incriminating evidence that is currently missing. By law this would need to be provided to the prosecution and defense, so more evidence gained using body cameras.

- Could be used in training individual officers. Would be able to address cadence and body positioning and looking to improve that officer's performance.

Chief provided cons:

- Unsure what problem is being addressed with the cameras:
 - Very few instances of use of force at the ACPD
 - Depending on how body cam footage is released, most agencies will be required to have body cameras and come up with funding but also have regulations on how and when to release the videos and very liberal even for ongoing prosecution DA can only hold on for 30 days.
 - For college campus there are a lot of events that are “dumb” and “embarrassing” that anyone could request videos of and which could be used for shaming. An actual sex assault victim's interview would be safe, but other interviews could be released. Currently the department is mandated to have these and how they are released.
 - How to keep records straight and how to integrate with body camera companies.

Charles Musiba questioned that particular kind of data or information from the cameras, and asked how would that data be stored – in-house? Or outsourced to cloud services?

Chief shared that there are different options. Some companies only offer equipment, others offer equipment and service to store, or the departments own equipment is used along with cloud storage services. At the end of the shift officers would have to download videos and then mark Meta data to associate particular sections of the video, like a traffic stop or criminal case, for example. Chief explained that time would need to be spent marking particular parts of the video. The ACPD would need to see what they are getting out of a particular service and work with the business manager department. ACPD is the only PD that works with Denver DA besides Denver PD, which currently uses a TASER AXON video associated with the case associated with a particular officer or other people that may need it. How much DA would want to stay with the same system.

Megan Cullen commented that information indicates that although the body cameras are something being asked for, it's not actually effective for goals like for improving perceptions of police or changing behavior in a reliable way. Megan also asked about finances and how money is spent, noting her hesitancy as the system is presumably extremely expensive. The ACPD CAB should contact SACAB for their desired outcome of the program, and ask them to think through what campus is trying to gain from this program.

Chief shared that, on the surface, body cameras can end so much doubt for people. In one study, officers were more likely to be assaulted by suspects. So we can share with the campus community the direction we want to go. Chief doesn't think the cameras would hurt the ACPD but they would have a good robust program to get a result that people hope for.

Chief read the SACAB minutes where they discussed a body camera program, and shared that the president of SACAB had met with Representative Leslie Herod of the Colorado Senate who raised an important point, which is that SACAB had not run past the idea past BIPOC in the campus community or see if a body camera program accomplished what was needed in the community. Chief noted that typically people who felt negatively towards the police didn't feel better about the camera program.

Katelynn Dugan asked what feedback the board has received. In talking about the SACAB update, Katelynn noted that Chief received from the campus that perception is everything, and hearing what the community has to say would influence her decision.

Chief shared that there have been different groups with petitions, and that those groups have not directly talked with Chief or his officers about a body camera program. Body cameras have come up twice as a reasonable thing to do to help people feel better on campus. Chief met with leaders from CU Denver with

the same resources he shared with CAB members. Chief also watched a video from the CU Denver Office of Public Affairs with public panels which documented not much benefit from the cameras. Some other student groups on campus, like the Students for a Democratic Society, want a lot of things including disbanding the police, but body cameras too, and there have been random individuals asking about it because of the Colorado law. Four body cam companies a day petition the Chief to use their services. The main message has been there will be a representative group and we want to study it and bring in the CAB can allow time on this and diving into this now. Not make rash decisions one way or the other.

Andrea Goldblum asked if something like a focus group or group surveys sent to students, faculty, and staff, as well as open comments and advertising very specific questions about our campus police wearing body cameras, would be a good way to get general feedback. Andrea expressed appreciation for what the student leaders do, but thinks there are other people not communicating with them to get those opinions.

Charles Musiba asked what the alternative would be. Charles noted that one of the major issues happens when there is a police officer and civilian in the absence of audio you can have a camera, but wondered how that is preserved so that people trust the police officer.

Chief shared that, in Elizabeth, police had audio recorders and would save the audio related to that ticket number if it was asked for. The experience with that process was good if there was a complaint about an officer. Chief offered an example of a civilian complaint in which they were sincere that the officer was rude. Chief looked into it and listened to the audio, and shared with the individual that the officer recorded the incident and didn't sound rude, and then asked if they could all listen to the recording together. The individual with the complaint agreed, and after listening shared with Chief that the audio sounded like a true and accurate representation of the incident, and that the individual's recollection was different due to a preconceived bias. In this example, the individual withdrew their complaint. Other agencies resolve citizen complaints, but may be too quick to dismiss the person with the complaint. Chief shared that there have been seven complaints against officers not related to courtesy, that are more technical with some created from an internal complaint that had happened here. Chief noted that the ACPD doesn't have a problem that needs to be solved, but that body cameras would provide more evidence in a case. Chief also noted that body cameras can be important and eliminate any doubt. Chief shared that the most serious complaint against an officer was a person who was allegedly sexually assaulted during a traffic stop. The prosecution did have body camera footage from the Denver PD, and the DA charged the woman with false reporting. The Denver cameras clearly benefited the police department.

Chief likes the idea of the community coming into these big topics, and noted that a survey would be important. Chief would like the help of some PhDs to get the right survey material and analyze it the right way, and that the process would benefit from that in a lot of ways. Chief recommended that maybe parole officers utilize it, that an NCO wouldn't need it, and that the department follow the state law to determine what would be required to be recorded. Chief noted that they can look at scale and always expand or contract. It isn't all or nothing, and the policy would be something that the board works on.

Andrea Goldblum asked if it is possible to do a pilot with a few officers at a time and compare outcomes with those that are and aren't wearing cameras.

Chief shared that that is a potential option, and noted that someone else would need to pick the officers randomly to decide who had cameras and who had different or no equipment. Chief shared that he would look into whether these companies would allow him to try/loan the equipment for a month and then review the results.

Andrea Goldblum noted important considerations in developing the policies to go along with the program, including when individuals have access and when officers can turn the cameras on and off.

Chief noted that many cameras have an alibi feature, so recording actually is happening prior to hitting the record button and that is included in the recording. State Law 20-17 has pretty severe penalties for not having the camera on which may not be fair to officers and victims. An analogy is; we're all pretty good

about wearing masks but we've all likely left our office or forgotten our mask, as it's a natural tendency. Chief noted the need for a fair policy, but knows that the board needs to remain natural. If there isn't a recording when there could have been, you can't rely on the officer's testimony because they forgot to turn on the camera. Chief noted that the board needs to balance it out in the policy area and look through State Law 20-17 to see what matches the college environment.

Megan Cullen dropped a link in the chat which illustrates that new body camera programs not to be put into place compared to other things that do help.

Charles Musiba noted that if something of this caliber has to be implemented, there is a big chunk of money that could go into something else. Charles recommended developing a questionnaire and gauging how the campus community views body cameras, and asking the right type of questions to figure out the perception.

Lauren Gutierrez asked whether it would be worth the effort to educate people about body cameras.

Colleen Walker agreed with Lauren's point, and noted the excellent conversation. Colleen noted that the board is looking to figure out what the campus is trying to gain and whether body cameras would get us there. Colleen agreed that educating along the way and educating ourselves with the body of knowledge out there and what the research is saying could be effective for the community.

Chief noted that students are the biggest portion of the campus population, and asked how the students feel individually.

Lauren Gutierrez noted that if campus police decided to get body cameras, the benefit would be for the police. Lauren voiced that she is against the campus police getting body cameras, and would be interested in what policy looks like in Lexipol.

Chief shared that he can show the board the Lexipol policy, and that they're all a little different and the definitions are different for State Law 20-17. Chief noted that most enforcement agencies don't use them in investigations without the suspect present, so when working with other witnesses officers don't always have to have the camera on. There are some penalties for multiple violations of not turning cameras on and Lexipol covers this topic specifically, although every state is coming up with different laws. Colorado state laws are very different from other state laws.

Lauren Gutierrez commented that technology doesn't reform organizations, organizations shape and form the technology.

Chief agreed with Lauren's point, and noted that we can put technology in place and still manipulate policy to get outcomes that the technology wasn't meant for.

Alexis Nakabayashi feels more in the middle. In the George Mason article, Alexis points out that what was mentioned is that camera strength accountability and that "introducing body cameras may not achieve this goal if the accountability is already weak." Alexis asked how ACPD officers are currently held accountable. If there are repercussions for their actions, then body cameras may be a plus both if the officer deserves to be punished or are falsely punished for something that didn't happen.

Chief noted another wise comment, and shared that he can talk about accountability in an upcoming meeting, providing policies in advance that are related to accountability and misconduct. Chief can give a description of department guidelines around discipline to see how they are currently handling discipline. He thinks that the policy is about right, but acknowledged that getting outside input would help the department feel confident that the policy is fair and adequate and that people are being held accountable.

Elena Getto voiced that she is leaning towards against body cameras, and that the funding is a big thing. Elena thinks a lot of people just want things to get done, and don't realize how much it will cost with training and equipment.

Cassy Cadwallader shared that the goal of training and having a high profile camera system on camera or audio is really the thing that we're looking for, or trust.

Colleen Walker noted the psychological benefits of feeling engaged and that law enforcement is a partner vs an adversary. Colleen shared that she knows the ACPD, and that they are a partner and that anyone could reach out to them in a moment's notice. Colleen shared that one of her critical goals over all, after research and surveys, is if cameras can't get us there is to see what helps the community feel a sense of partnership and perception of safety. Colleen noted that some of our students come from the Denver suburbs and that people are strongly influenced by their environment and are coming from other areas with other perceptions of police. Colleen noted the importance of understanding psychological nuances to be able to get to our goals.

Katelynn Dugan noted that what she was trying to say at the beginning of the meeting is that the board is coming at the issue and are being educated and are reading through the studies, and wonders what the downside would be to any sort of polling that the board does to educate the community.

Marcia Walsh-Aziz noted one of the benefits that hasn't been discussed, which is that these recordings can be used for evidence in cases. Marcia asked what kind of cases Chief thinks would benefit from this kind of added evidence, and if he could think of any cases in which it would have been helpful to have had body camera footage.

Chief noted the difference in policing on campus, and shared that most people the ACPD arrests are warrants, or people who already committed a crime, and that's what they will be prosecuted for. The audio from the encounter of a warrant doesn't mean anything. Chief noted that the second crime category would be related to trespassing, which part of that is establishing that the individual doesn't have permission to be in a particular place and noting what kind of warning was given, and the ACPD has cameras for that. Chief noted that sometimes the ACPD responds to interpersonal violence and interviewing for those kinds of crimes you can capture things that they say later. When they have reluctant victim on video they may be afraid of economic retaliation. Chief noted that in the more common crimes like theft, trespassing, and warrant arrest, the interview type of situations are an everyday thing. Where you get more investigations would be DUI where you get the slurred speech and non-sequeters, and body cameras would definitely help there. The DA prosecutors seem pretty happy with their cases, the current cameras can show it in progress without the officer being there.

Lauren Gutierrez asked if body cameras would help our specific police department save money or assist with conflict resolution.

Chief shared that body cameras may help to get lawsuits dismissed, and noted that one doesn't want to fight a case or choose not to because law suites are more expensive in the long run. Chief shared that the ACPD hasn't been sued at all. There were two officers related to a traffic accident which had indications that the officers were in the wrong, and the state paid out on those cases. It was a case of property damage, those were the two times. Not sued for violation of constitutional right or excessive force, just two traffic accidents.

Alexis Nakabayashi asked what parts of the budget Chief would be taking away from in order to implement body cameras.

Chief shared that he will cover the budget with the group during trainings and how the ACPD is funded. Basically, out of a \$4M dollar budget the ACPD has \$400,000 in operating expenses and everything else in operations, including all of the training, all the office products, tablets, a new record management system, all of the Tasers all have to come out of that. The body worn camera cost could go up to \$60,000 but

personnel would not be affected. The department can't afford any less officers, most likely this would be an add to the budget and we are tight and frugal and we'll see more details on that during the trainings.

Andrea Goldblum asked if the department could apply for any grants from the Department of Justice.

Chief shared that federal grants are not available, but that the governor's proposed budget includes \$3.5M for state agencies for body cameras, if the ACPD will be in on state agencies and talking to governor's office. Chief noted the many questions, and that the legislature has to approve that budget. Chief would like to get the help with that, but noted that other departments have even worse economic problems to worry about right now.

Chief shared that next week's training hour will be the administrative hour and will include budget, patrol operations, acting commander in community outreach, training and records.

Action Items

No action items.

Board Comments/Announcements

Rosanna Sweeney mentioned the AHEC website, and that the Zoom info available was old. Marcia Walsh-Aziz explained that this meeting's link was changed at the last minute, so the link on the website should be correct for future meetings.

Marcia Walsh-Aziz mentioned that we need to change the biweekly meetings starting in February. In order to find a time, the new poll will include times that creep outside that 5pm window. Marcia will be sending the link and asked participants to please fill it out so we can find a new time. Marcia noted that meetings in January will not change.

Proposed Agenda Items for Future Meetings

Chief recommended the following items:

- Accountability current

- Policy related to SB 20-17 bill, what Lexipol and other policies operating body cameras

- Advisory board Research

- Survey material – subcommittee

- Online, in person, interviews,

- Community feedback opportunities:

 - Sharing information- how we want to educate the community

The following members volunteered for the Survey and Community Education Sub-committee/project:

Lauren Gutierrez,

Elena Getto, Andrea Goldblum.

Adjournment

The meeting was adjourned.