

11/23/20 – CITY COUNCIL WORK SESSION

Recording link:

<https://www.youtube.com/watch?v=zYK9FyY3azI&list=PLHNIqu06Rclraw0BAaIBrHZnHGle-pCqa&index=268&t=17900s>

From the agenda packet: “On July 17, 2020, the City entered into a settlement agreement with the Estate of Antonio Valenzuela. As part of the agreement, the City agreed to present to City Council various policies for the Las Cruces Police Department in regard to the use of force.” The settlement agreement requires the city consider eight possible policy changes but the city is not required to make those changes. The conversations below occurred during the use of force presentation.

Time: 4:20:44

Councilor Gandara: As you know, I have appreciated the leadership right of LCPD being the front runner and the trailblazers, as you might call it as it relates to a lot of these. I continue to hear that all these policies are in place, but I can't help but to think, then, why are we in the predicament that we're in currently, right? What needs to happen? And, as you know, and we've said this publicly, we have a public safety committee that we haven't got ramped up, but we have, you and I, Councilor Vasquez, sit on a mitigation community, community mitigation committee that meets every couple of weeks we've talked a lot about our policies being transparent. You see the transparency page on LCPD that's been created. We are talking a lot about the trainings that are available, the caliber of training. With resumes, but, I guess I'm, I'm concerned that although we are the, the leaders if you will, trailblazers, and then we have this. And this is been very costly to us. So, I guess I wanted be assured that, we have some, assessments about our supervision and kind of an action moving forward related to how we're going to handle this.

Mayor Miyagishima: Mayor Pro Tem, I don't think this is really appropriate for us to discuss anything in particular regarding this. I think it's just strictly go over the policies, have your comments. I'll be more happy to share with you in, in private my take on, on what you have to say. But I can assure you that the city has always worked to do the best they can and, and, you know, I think, I think I mentioned before you, the newest, the four newest council members, there was a there was a time where we were just, the claims against the City were, were so minimal for, or even the amounts that we paid. That I just knew, I just knew, that it was going to come back and, and swing the other way and, just things, things seemed to even out. If I may, with all due respect, follow up on that in person.

Time: 4:51:21

During discussion on requiring annual mental health exams for police officers

Damian Martinez, private attorney who represents city in police cases: The collective bargaining agreement is a contract between its fully, between the city and its police officers. So, you just can't make a requirement to adopt mental health tests without going through the collective bargaining agreement. And, I would, if Miss Vega-Brown has any comments or, or, anyone from the department (trails off)

Mayor Miyagishima: Jennifer, I think with this, you're going to make this recommendation that it go to the, get vetted through the public safety PRC. Is that what you're, it is that what that means there at the bottom? [Referring to bottom of slide that is visible on the screen. See image of slide]

City attorney Jennifer Vega-Brown: Thank you, mayor and council. This is Jennifer Vega-Brown. Yes, in order for us to really discuss the implications for this type of, the possibility of this type of policy there are many, many, many considerations, so I think it would be appropriate for it to be vetted to Public Safety Select Committee to be, with recommendations back to city council.

Time: 4:52:42

Councilor Bencomo: Jennifer, since you're off mute, I'll ask you a couple questions. You, earlier you went through the different kinds of policies right? CMP's, SROs, the general orders. Where in this, this sort of process does council policy recommendations fit?

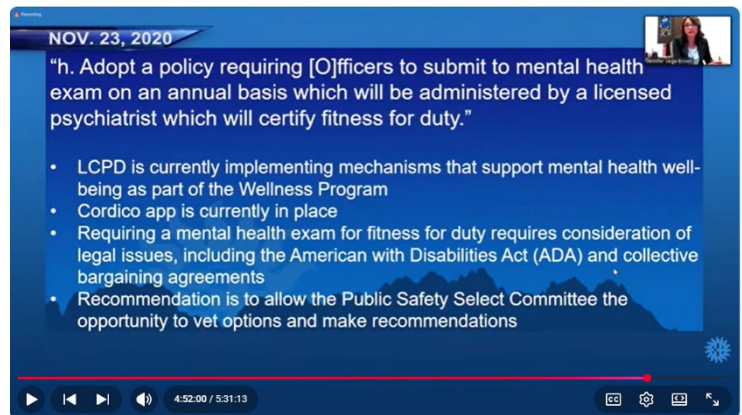
Vega-Brown: Mayor and council, this is Jennifer Vega-Brown, there are no policy recommendations necessarily from council. That's one of these things would be vetted through, that's why I suggested the Public Safety Select Committee. So, that when it comes to some of these, like the mental health, that is something that does not exist. An annual mental health evaluation, the way that it is outlined in the agreement does not currently exist so that would be something that we should already, that we should vet through the select committee.

Time: 5:02:50

Councilor Bencomo: I mean, I think we're, Mayor, this is definitely about both protecting city resources and protecting city residents as well.

Mayor Miyagishima: You know, and I'll admit, and I was talking to someone the other day, you know, I've been with the city so long that I think of our police officers as my sons and daughters. I'm old enough to be there, probably their dad. And it's like, hey, you know what? Our guys don't do anything wrong. It's your guys. It's your department that does. But I know once in a while our people will mess up. But the fact of the remains is they put their lives on the line for us every day. Every day. I mean, the stuff they deal with. I know you know that. I know you know that. I know you understand that. But all I'm just asking is that we have that meeting so we can share some issues. And if you still choose to, you know, discuss them, great. That's all I'm asking.

Councilor Bencomo: I think it's really unfair, Mayor, for you to make a correlation between the people who want accountability between not realizing and respecting the kind of sacrifice that our law enforcement, those two things are not related. I



absolutely have respect and gratitude towards our law enforcement agents. This isn't what that's about. Your accountability and my accountability come every four years. People will choose, they will decide whether they want to keep us around or not. It has been our duty within those four years that there is accountability everywhere else. And that's what people are asking us to do. It is not a hard lift. It's about accountability and people wanting to feel safe. I think you want to feel safe in your community. I want to feel safe in my community, and we should all have that.

Mayor Miyagishima: I hear you. And with all due respect, the emails I got was that we conform to the eight can't wait. And I think it's fair to say that other than maybe one item, we were there. So, but again, I'm just merely asking you as a consideration, and then also to allow this to go to the Public Safety Committee. You know, earlier when we'll propose something, you'll hear one of the council members or two of them say, hey, you know what? That's what the PRC is for. Let's follow procedure. Yeah, and it's kind of hard. I forget that we have the PRCs, but that's what was disclosed. That's why they were made. And I think that's what we should follow procedure. Councilor Flores. [Councilor Flores asks her questions]