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CITY OF SANTA FE
MAYOR'S COMMITTEE ON DISABILITY

July 16, 2015

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MINUTES OF THE

MAYOR'S COMMITTEE ON DISABILITY

SANTA FE, NEW MEXICO

Thursday, July 16, 2015

A scheduled meeting of the Mayor's Committee on Disability was called to order by Marcia Bowman, chair, on this date at approximately 10:00 a.m. at Genoveva Chavez Community Center, 3221 Rodeo Road, Classroom 1, Santa Fe, New Mexico.

1. CALL TO ORDER

2. ROLL CALL

Roll call indicated a quorum as follows:

Members Present:
Marcia Bowman, chair
Ron Ortiz Dinkel, vice chair
Aurore Bleck
Mary McGinnis
Dave McQuarie
Nancy Pieters
Sharon Wirtz

Members Excused:
E. Meriam Jawhar
Dr. Charles Maynard

Members Absent:

Staff Present:
David Chapman, ADA Coordinator/Liaison

Others Present:
Julie Tamborine, telephonically
Elizabeth Martin, recorder for Charmaine Clair

3. APPROVAL OF AGENDA

Mr. McQuarie moved to approve the agenda as presented. Ms. Bleck seconded the motion which passed by unanimous voice vote.

4. APPROVAL OF MINUTES –June 18, 2015

Page 3, second paragraph: "The locations are problematic in intersections and one noted by Mr. McQuarie was *Clausen Street...*" is correctly spelled Clossen Street throughout the minutes.

Mr. McQuarie moved to approve the minutes of June 18, 2015 as amended. Ms. Bleck seconded the motion, which passed by unanimous voice vote.

5. PUBLIC COMMENTS

Ms. Wirtz asked to respond to Ms. Tamborine's comments. [not recorded] Ms. Wirtz explained she is the phone person for the MCS (Multiple Chemical Sensitivity) Task Force of New Mexico and she receives an average of three calls a week on the issue. She said there are people all over the country who are in the same situation. She received a call from a woman living under a tree in Sedona.

6. NEW BUSINESS

a) Police Training Regarding People With Disabilities

Sgt. Judah Montano said he is in charge of Santa Fe Police Community Relations and recruiting and training.

He said officers are trained to handle situations in crisis and an example is a domestic violence situation. He said someone called the police and the police arrive and take control of the situation and separates the parties involved to make sure everyone is safe. He said officers learn *command presence*, which is to look sharp, act professional and is what people often misinterpret as "attitude".

Police officers are taught with regard to people with disabilities, to diagnose the situation and make sure the citizen and the officer is safe. Officers use words to try to accommodate the person. When dealing with a person with a disability officers talk to them in a calm way using certain phrases and tone of voice they call "verbal judo" to de-escalate a situation.

Chair Bowman asked what training officers receive for verbal judo.

Sgt. Montano said the police department currently provides a block of verbal judo training and recently finished training with Presbyterian Medical Services (PMS) on crisis intervention. Officers that are in a situation they are not trained to handle call Presbyterian. PMS will respond 24 hours a day and help assess the situation. The department is very excited about PMS assistance, because not only do they come to the situation; they offer their services to the individual and help them get the resources needed.

Chair Bowman asked how much of the physical command type training versus the training to de-escalate a situation, is received.

Sgt. Montano said 99% of everything officers do requires a physical command of presence and is instilled early in an officers' career. He said the world is changing and Santa Fe is trying to get ahead of the curve and avoid being put into bad situations. He explained that most seasoned officers know from experience when a person is not responding to the officer and if the person is not making sense. The department is now trying to broaden the training for the newer, less experienced officers.

Ms. Pieters asked if the experience of the older, more experienced officers is used in a formal sharing with newer officers or is the training situation by situation.

Sgt. Montano said to become a police officer takes about a year and they first learn the basics followed by attending the Police Academy. After the Academy, an officer is partnered with seasoned officers in a three-month field training program. New officers are taught how to handle situations and at the end of the field training will be assisted by seasoned teams that help them handle situations they have not yet encountered. He said in Santa Fe the police officers are safer because most of the time two officers are assigned to a call.

Chair Bowman said she was pleased to see the article in the newspaper about the Santa Fe Police Department working with PMS. She asked if the training with PMS is a formal training with individual officers.

Sgt. Montano said PMS has attended several briefings and in other situations have talked with the entire department and explained their services. They provided contact information, on-call numbers and pamphlets that have already been used by the police officers in a situation with a suicidal teen. Officers would have taken the person to the hospital in the past and never know the outcome, but PMS will now provide services and counseling and if needed, medication.

Mr. Ortiz Dinkel said much of what Sgt. Montano described with the officer training has to do with communication. He said he works for the NM School for the Deaf. He asked what protocols are in place to deal with a deaf individual who would have difficulty communicating.

Sgt. Montano said there have been cases at the School for the Deaf. He said the School is a state run organization and the state police are primarily responsible unless there is an emergency. He said the police department does have translators they can contact, if needed.

Mr. Ortiz Dinkel said the state police do a good job on the school property, but he was thinking about out in the community; there is a sizable deaf community.

Sgt. Montano said in his experience it is rare that an officer cannot communicate with someone. There is always someone to help or a person writes or types something on their phone and sometimes officers work with a family member to translate. He said officers are very resourceful at finding help.

Mr. McQuarie said police departments are required to do annual training for all officers on civil rights and ADA codes and most departments around the country do not. He asked if Santa Fe does that training.

Sgt. Montano explained that the Santa Fe Police Department receives a list of required training from the Department of Public Safety. The Department has to maintain 40 hours of annual training in order to remain an accredited department. He said he is not sure about the training Mr. McQuarie refers to, but the department has held training on handling people with disabilities and varied topics in that realm; service dogs, etc.

Mr. McQuarie asked who in the department is designated to handle ADA issues and report to the City ADA Coordinator. Sgt. Montano replied that he was not aware of that.

Mr. McQuarie asked what an officer does with a person who is speeding or is being arrested, if that person has a service animal. He asked if the officer would report the incident to the City ADA Coordinator. Mr.

McQuarie said each department should report to the coordinator and there should be at least one person in each area.

Sgt. Montano said he would talk to his supervisor about that. He said if a person was arrested that has a service animal; he thought the animal would probably be sent to Animal Control. He said every situation is different.

Ms. Wirtz said there were two incidences that led to the Committee wanting information on officer training. She said one is a member of the Committee who has a head injury and was pulled over for a traffic violation. She said the member explained to the policeman about her head injury and asked that he not shine his flashlight in her eyes. The light could have caused the member to not be able to drive.

Sgt. Montano said he doesn't know what occurred that night, but an officer's first priority is always safety. Shining a flashlight into a person's eyes is more a safety issue for the officer. He said the officer never knows until they assess the whole situation and has to take all necessary precautions.

Ms. Bleck said it would seem in that case that there might have to be more aftercare for the person. She said she has concerns now from videos where officers are yelling at people to get on the ground. She said she wouldn't be able to get on the ground.

Sgt. Montano said it is situational and normally officers do not put people on the ground; it is not safe or necessary.

Ms. McGinnis asked if Sgt. Montano had had a lot of training dealing with people with cognitive disabilities from developmental delay, a brain injury, etc.

Sgt. Montano said there has been some formal training, but the officer would investigate. The department does have training on a Silver Alert or missing persons. He said officers can handle a situation like a person doing something illogical, like being naked in the winter, but it is harder to recognize slight variations in behavior.

Ms. McGinnis said there are people who function with a developmental disability that might be hard for an officer to identify. She said that person might learn more slowly and does not think as quickly.

Sgt. Montano said the Committee should remember that when police enter a situation they are not there to teach, they are there to take control of a dangerous situation or prevent a violation of the law.

Ms. Beverly Weiler introduced herself and Ms. Lani Moore. Ms. Weiler works with Big Brothers Big Sisters. She said they are advocates for a 19 year old woman with multiple disabilities; seizure disorder and developmentally delayed and a mental illness, PTSD.

Ms. Weiler explained that the young woman has incidents where she is out of control. The girl's father was told because his daughter is 19 that he should call the police. There was an incident where the father called the police because the daughter had escalated out of control and she kicked an officer and the police pressed charges.

Ms. Wirtz said the young woman was taken to jail for a week in the medical unit and was emotionally harmed by the situation. She said the charges were dropped after going through the courts, but a lot of mistakes were made both in the system and at the jail. She said the family thought everything had been worked out with the case manager, but police arrested the young woman on a warrant last week. She said the woman operates on a mental capacity of a 5-6 year-old and couldn't understand why police came to her house and handcuffed her.

Ms. Wirtz said the father tried to contact anyone he could for help, including the case manager. He was told by everyone they couldn't do anything. She said the District Court had picked up the case, but the girl had not received notice and was never summoned to court.

Ms. Weiler said police took this girl away from her home and family and terrorized her. She said there should be something in place that first says do no harm, in the same manner of a person who goes to the hospital. She said she understands that police have to first protect themselves, but how does the police protect the other person and prevent them harm.

Sgt. Montano said police were called because of an out of control situation. He said looking at it from the officer's standpoint, the call escalated from a heated situation where the girl was already out of control and then she attacked the officer. He said 90% of the time people give up when police show up. He said when the offender goes the extra step and attacks an officer, what else would they do. He said if the young woman cannot be controlled by her father or the police, at what point does that stop and citizens of the neighborhood and the family safe.

He said jail is traumatizing and no one wants to go to jail, but kicking an officer is a felony offense. He said the Magistrate Court can drop the case, but if it goes to District Court they have a right to prosecute.

Ms. Weiler said she understands, but there could be training in place for officers so they not only hear about the situation [they're going into], but determine what can be done. She said there could be a backup plan; someone officers can call in to help. She said she is concerned about who the people are that are being trained and called in to help. She said more and more people have developmental issues such as autism, mental illness, etc. and we cannot just put them all in jail.

Sgt. Montano said he agrees, but police need to protect society. He said if a person is talking, the officers have time to assess the situation, but when kicking officers and attacking her father, officers have to stop the action. He said he does not know about the situation or how much the officers knew, but officers had to respond and protect themselves and the family the second that things escalate.

Ms. Weiler asked what would happen with people who cannot talk and engage in the process so police can assess the situation, someone with autism for instance. She said there are a lot of people who cannot have that kind of conversation and this woman could not carry a logical conversation.

Sgt. Montano said the officer has to investigate, but when the situation becomes dangerous the talking had to stop.

Ms. Bleck said there seems to be two different situations; one where someone needed help from the police. The second situation was not the family calling the police, but the police were there on behalf of the court.

Ms. Bleck said at that point she thought having as much information about the situation, such as a person of special needs, is safer for everyone. She asked about the caretaker for the young woman.

Ms. Weiler said the caretaker was taken into another room.

Sgt. Montano explained that when someone is being arrested on a warrant, officers separate the person because it is safer. He said as soon as a judge signed the warrant the discretion to make the arrest was taken out of the police officers' hands and going in with more knowledge would not have changed the situation.

Ms. Bleck thought the situation was one that could continue to get worse if the woman continues to get warrants and be isolated from her family.

Sgt. Montano explained that the girl's caretakers, social workers and case managers should speak on her behalf at court so this never happens again.

Ms. Moore said this child/woman can escalate and the person who is interacting with her could cause her to escalate. She thought training to deal with that type of individual might avoid escalation. She said, "*You come to this child all the time, so it should be in the system somewhere how to handle her*".

Sgt. Montano said again, if the situation is escalating, that is dangerous and officers only know that a man is being attacked by his daughter and the information they were given by the 911 dispatcher.

Ms. Bleck asked if this would be the kind of situation that the arrangement with PMS would help.

Sgt. Montoya said it could be, but no one knows what really happened. He said everyone is going off of information they were told. He said officers are trained in law enforcement and people that break the law and they are not trained as social workers, counselors or therapists.

Ms. Weiler asked where in the law is a place that says "*let's slow this down until we can have someone with her*"; similar to someone that has a service dog. She said this woman did not get her medication and could have had a seizure in jail. Her life was at risk and no one would listen because they just wanted to follow the law. She said granted the woman is very hard to deal with in those situations and anyone trying to deal with her should be commended, but in this situation not only was nothing happening, there was plenty of opportunity to get help and they did not.

Sgt. Montano said officers cannot give people medication and is why the woman was taken to the hospital where there are people who can understand her disability and her medication needs.

Ms. Weiler suggested that part of the officer training be a red flag or something in the system indicating people with disabilities, homeless, etc., who are chronically in the system. She said there is no place for this young woman to go and we have to find a way to make this work.

Sgt. Montano agreed. He said law enforcement is not always the best tool to handle this type of situation, but it is the only tool they have. He said there are flags in the system, but someone has to note them.
Ms. Bleck asked if there could be another option for serving a warrant for this type of person. She thought if the father had been called beforehand, he would have brought his daughter in to avoid the trauma of police

coming to the house and handcuffing her. She said there could be something in the system like "*known to be like a five or six year old in mental capacity.*"

Sgt. Montano said there is always a better way to handle things, but based on what he heard, if the girl is already attacking her dad and is prone to violence, they will bring her to the police department.

Ms. Weiler said there are so many situations in society and we can say this is the best we have, but Sgt. Montano is present so everyone can learn how they can do better. She said they cannot settle; they have to help each other do better.

Sgt. Montano said he understands what members are saying. He said Santa Fe has over 90,000 people and with the surrounding area about 130,000 people. He said there was an order from the court and the only information police had is that the person has a history of attacking her father and police officers. He said policies and procedures are in place to keep all parties safe.

Ms. Bleck said there might need to be a special category for "developmentally 5 or 6 year olds". She said if the department had called the young women's father and asked how best to deal with the warrant, he would have told them.

The Committee members discussed the arrest and possible options.

Ms. McGinnis asked if the Santa Fe Police Department was willing to do training regarding dealing someone with a diminished mental capacity. She said in order to "red flag" her, there has to be a list that officers watch for.

Mr. Ortiz Dinkel said he thought the Committee understands the protocols the police department is under and PMS will be a good option. He said it would be wise for the Committee to invite Presbyterian to discuss these situations and they might be able to make suggestions for training.

Mr. Chapman offered to invite PMS to a Committee meeting. He added that Chair Bowman had sent him the article on the County alliance with PMS and he would send that to everyone.

Ms. Wirtz said another thing that people can be disabled by is chemical sensitivity. She said an officer wearing strong aftershave could make them sick. She told about a friend who had problems because of the officer's strong fragrance and another woman with a seizure disorder that is triggered by strong fragrances. She said the officers need to be aware of situations that are different from the norm.

Sgt. Montano said the police are not trained to handle every situation and he had no idea that when he wears aftershave his contact with someone might make them sick. He said officers have to enforce the laws and keep people safe.

Chair Bowman said the Santa Fe Police Department does a much better job than most. She said that is not to say that improvements can't be made and that is really where the Committee is coming from.

She said she is a physical therapist and works in in-patient rehab and deals with people with all sorts of disabilities. She said she has to figure out with every patient how it will work. She said some have developmental disabilities and some are agitated with a brain injury, and you find a way.

Chair Bowman said her sense was the fire department deals with a lot of people in their new program that have emotional issues, if not cognitive issues.

The Committee discussed their experiences with emergencies and incidents with the Fire Department/EMTs.

7. OLD BUSINESS

a) MCD Sub-Committee Reports

- Plan Review – Dave McQuarie

Mr. McQuarie said there was one plan review that will be in the packet next month. He noted that a copy of the letter he sent to the City Manager is in the packet. The letter outlines the federal and legal requirements the City Manager is responsible for and includes pertinent questions.

He said the next thing is a plan review request and there is an email in the packet from Michelle Martinez about curb cuts and curb ramps. He said he asked Mr. Chapman to advise Ms. Martinez that according to the Santa Fe Resolution, Section 3 "*you must submit all public works plans to MCD for review.*" He said he doesn't want to see any more of what they did last September. He said now when he crosses Zia Road he has to go a mile and a half out of his way to cross.

- Transportation –Mary McGinnis- No Report due to no TAB meeting

- Media - Dr. Maynard / Ms. Jawhar- No Report

b) Taxi Update- Aurora Bleck

Ms. Bleck said she emailed and called Jon Bulthuis, but did not get an update. She added that she does know that a Santa Fe citizen has filed a Department of Justice (DOJ) complaint over the lack of accessible taxi cabs.

c) Transition Plan Update- Dave Chapman

Mr. Chapman said he has set up a meeting with the Mayor on Tuesday to touch base on several things, one being the Transition Plan. He said the good news is that they have another meeting with the MPO (Metropolitan Planning Organization) for next month on the bus stop analysis that fits into the Transition Plan. He is on schedule for the RFP to go out in September.

He will meet with Mr. Pino tomorrow to follow up on his position and hopes to get direction this week.

He said the Plan Review scheduled Monday will not go forward until Desiree can be there.
Mr. McQuarie asked Mr. Chapman if the Engineering Division had contacted him about the plan review for the church bus stop or the Santa Fe Place bus stop.

Mr. Chapman said he talked with engineering about the bus stop changes lined up. He said 90% conceptual is done and plans are received for plan review at 25 percent.

Ms. Bleck said the Santa Fe Place Bus Transit Center is going to move to the other side of Cerrillos Road.

Mr. Chapman added that Transit and the Santa Fe Police Department will share the building. The state legislature appropriated $880,000 for "phase 2" for the portion that will house the police department.

Mr. McQuarie said at conception is the perfect time for a plan review. Mr. Chapman said he is managing the legislative appropriation for the City and can send the timeline.

ITEMS FROM MEMBERS AND STAFF

Mr. Chapman said he requisitioned a phone for the meetings. He confirmed consensus of the Committee to have the August meeting at GCC even with the construction over the pools.

Ms. Bowman said she will be the chair of the National Church Appointments Committee and applied to be a CARF (Commission on Accreditation for Rehabilitation Facilities).She will not be at the September meeting.

Mr. Ortiz Dinkel said he will give Mr. Chapman his personal email address, etc. since he is retiring.

Mr. Chapman offered to send an updated member list with contact information. Mr. McQuarie asked that he also send a copy of the contact information for City Councilors, the Mayor, etc. at the same time.

Ms. Bleck said she has been doing research on the electronic cigarettes. She said a lot of what she is getting is "we don't know yet, because no research has been done." She said a major concern is the ingredient put in with the liquid is often formaldehyde. She said the American Association for Cancer Research and the American Society of Clinical Oncology like that the e-cigarettes could help people quit smoking, but recommends prohibiting their use in places where cigarette smoke is prohibited.

NEXT MEETING: Thursday, August 20, 2015

ADJOURN:

Having completed the agenda and with no further business, the meeting adjourned at 11:50 p.m.

Approved by:

_____

Marcia Bowman, Chair

Submitted by:

Charmaine Clair

Charmaine Clair, Stenographer