

Progress / Status Summary of the USDOJ Settlement Agreement  
Entered Into By the United States of America and the City of  
Albuquerque Regarding the Albuquerque Police Department

First Report

November, 2014 - November, 2015

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# Executive Summary

In 2014, Albuquerque Police Department (APD) Chief Gordon E. Eden, Jr. and Assistant Chief Robert Huntsman began the negotiations with the United States Department of Justice (USDOJ) Office of Civil Rights and the United States Attorney's Office in reference to the Albuquerque Police Department's Settlement Agreement. Immediately thereafter, APD began to form the considerable infrastructure needed to support and implement the directives that were detailed in the document. The department mobilized and began to set into motion a plan that assessed the Settlement Agreement requirements and broke them down into manageable sections. Stakeholders and oversight were assigned to each paragraph to ensure the requirements of each section were met in a timely manner. A budget for the first half of fiscal year 2015 and fiscal year 2016 was constructed and approved by the administration and City Council.

Considerable gains have already been achieved in the first year of this process, which are waiting to be confirmed by the federal monitor. This document provides an overview of progress achieved for each of the Settlement Agreement paragraphs, along with a short implementation plan, and the status of each requirement. This report encompasses the results of methodical planning, innovation, and hard work by APD staff **beginning in November 2014 and continuing through November 2015**.

One of the major advantages that APD has opposed to other agencies that have undergone this process is that departmental staff is motivated and ready to resolve the issues described in the Settlement Agreement as quickly as possible. Even the federal monitor acknowledged that several of the previous agencies that he has worked with were less than ready to address their agreements, further lengthening the process. APD is fully committed to resolving all of the Settlement Agreement directives within their specified deadlines. The department will leverage the momentum of its progress and the support of the community to emerge from the Settlement Agreement further engaged with its community.

Overall, progress toward achieving the directives has been steady. Beginning with Chief Eden's citywide briefings to provide all APD employees with an overview of the Settlement Agreement, department staff has acknowledged that the Settlement Agreement is important to the success of the department, and will continue to be in the future. More department involvement, like providing for a commentary period for proposed policy changes, have had a beneficial effect. APD staff is more engaged in the process, and often raise questions or identify issues that may have otherwise gone unnoticed.

As of this writing, the Department has compiled information to document compliance of approximately 119 of the Settlement Agreement directives (paragraphs). Of course, those completions are subject to the monitor's evaluation and approval. The department is working with the monitor to begin the evaluation of the "completed" paragraphs, so they can be designated as compliant and the department can consistently monitor and audit the results to ensure long-term adherence to the directives. All deadlines described in the Settlement Agreement have been met through December 2, 2015, by submitting supporting documentation to the monitor for review and evaluation.

## **Implementation**

It became quickly apparent that APD was going to need an implementation manager (similar to other cities with USDOJ agreements) to manage and focus solely on the day-to-day operations of meeting the criteria set out by the agreement. The Executive Director leads the recently-formed Administrative Support Bureau that contains Planning, Fiscal, Personnel/Payroll, Records, and Inspections/Audit personnel; groups and tasks that provide critical support to the department. These groups were combined under the Executive Director to help facilitate the execution of the agreement. The formation of the new bureau and Executive Director has already proved beneficial by shortening typical wait times for contractual and personnel services, providing expedited financial processes, and presenting a singular contact and leader for the many stakeholders involved in a project this large.

Once the Settlement Agreement was finalized and released, department staff initiated the development of the appropriate infrastructure and organization required to successfully complete the directives. APD staff formed a steering committee (the USDOJ Implementation Coordination Group) based on general categories of the USDOJ agreement. This group meets weekly and is comprised of high-level stakeholders from Internal Affairs, APD Academy, Technology Services, Quality Assurance, Policy, and the APD Executive Director of the Administrative Support Bureau who can effectively implement and manage the change process required. The weekly coordination and identification of concerns has drastically improved the department's ability to identify and implement what is required in the Settlement Agreement.

In coordination with the Fiscal Division, staff developed a standalone USDOJ implementation budget which is exclusively utilized to meet the requirements of the Settlement Agreement. The budget consists of categories such as support staff, training, equipment, and contractual costs. Finally, a definitive review process was created and is being utilized to ensure that only USDOJ-related expenses are charged to the specific account.

In late August 2015, the monitor and all parties to the Settlement Agreement completed and submitted to the Court a joint stipulation modifying certain deadlines in the Settlement Agreement. The document created a new date marker defined as an "operational date" of June 2, 2015, which provided the monitor and the City additional time to complete some foundational tasks. This shift was necessary to address the time period that had already elapsed before the monitoring team was fully in place which made it difficult for the team to assess progress and potential implementation of training. The shift in some early deadlines does not extend the overall length of the Settlement Agreement or the Monitor's contract.

## **Personnel / Organizational Structure**

To provide additional oversight and presence at the APD Academy, the department converted the former civilian director of training position to a Major. The new position is responsible for Settlement Agreement implementation, including overseeing the Field Training Officer program, which was moved to the Academy. The Major oversees the new needs assessment process and the collection of all training class information and assessments.

Throughout the Settlement Agreement, collection and analysis of data is referenced often. As the department began to review the requirements set forth in the Settlement Agreement, it was apparent that APD did not have the civilian staffing required to collect, analyze, and report the requested data. In response, the department proposed to add twelve civilian positions overall. The positions included bolstering staff in the Records Division, expanding Internal Affairs Division functions, increasing collection and analysis capabilities at the Academy and Tactical Support Division, and hiring several Quality Assurance Auditors and a supervisor to act as the department's "internal monitor". Following the lead of other agencies that have been in similar circumstances, the department created an Inspections/Audit Unit. In conjunction with three sworn detectives, the Quality Assurance Auditors sample and inspect supporting documentation utilizing statistical methods to ensure the department has met and will continue to meet the directives described in the agreement. They provide the department with its own "internal check" before the information is submitted to the federal monitor.

The Settlement Agreement specifically requires the department to increase their outreach efforts to people that may be in crisis [#123/124]. In response to that directive, the department added two crisis outreach clinicians. The clinicians are tasked with responding to police officer requests for assistance when they encounter citizens in crisis who may have psychological, sociological, and/or mental health emergencies.

As described in the Settlement Agreement, the department has contracted with a vendor to provide a comprehensive staffing study that will evaluate personnel levels across the entire department. APD staff has worked closely with Dr. Alex Weiss, and the final version of the report is expected in early December. Once the report is released, the City and APD will have six months to develop a staffing plan that will provide a roadmap to achieve the levels stated within the report.

## **Policies**

Policy review and revision is a major requirement of the Settlement Agreement. Just before the Settlement Agreement effective date, APD undertook the monumental task of reviewing every single departmental standard operating procedure (SOP), upwards of 200, as well as the development of new policies that were required by the agreement. In order to facilitate that process and to consistently maintain existing policy, the department created an administrative SOP Liaison position that coordinates policy changes and moves the proposals through the review process efficiently. The department also revamped its policy process, adding an SOP Review Committee comprised of four senior lieutenants and subject matter experts to review SOP proposals and changes. The department also incorporated a 15-day commentary period for all APD employees and the Citizens Police Oversight Agency (CPOA)'s Police Oversight Board (POB) to provide additional feedback and review on policy. The effects of the process is three-fold: the review committee and the Policy and Procedures Review Board (PPRB) have been able to update and modernize existing policy, making it more easily understandable and readable, and less redundant; it also allows for the incorporation of the Settlement Agreement directives in a more controlled way; and it gets each policy in front of staff, acting as a SOP refresher course. The department also has recently signed contracts with two technical writers that will be critiquing Settlement Agreement-related policies in an effort to make them easier to understand, easier to train, and

implement. Early commentary from the monitoring team has indicated that departmental policy could be improved; the points described above are some of the ways that APD is resolving their concerns.

Key policies like use of force, electronic control weapons, on-body camera systems, and internal affairs have been researched, re-written, and continually evaluated in order to reflect current best practices and incorporate the directives specified in the Settlement Agreement. These “keystone policies” are in final draft and APD will be reviewing those policies with the monitor and the USDOJ. The Department’s new barricaded subject SOP has already lessened potential deadly use of force incidents that sometimes occur with this type of event.

## **Training**

Although there are some concerns about the training component deadlines, the department’s overall leadership is pleased with the progress made in achieving the directives established in the Settlement Agreement. As previously mentioned, APD converted an existing position to a Major at the Academy to provide high-level guidance and to ensure the implementation of Settlement Agreement reforms. The Settlement Agreement requires extensive training with defined deadlines for field officers, detectives, responders, and their supervisors. A majority of the training will be provided in-house as part of the Department’s on-going training program. However, there is training required in the Settlement Agreement that will require professionals from external vendors. Some examples of this include requirements for force investigation training for Internal Affairs staff prior to conducting use of force investigations, extensive crisis intervention training, additional training for the department’s Field Training Officers and development, redesign and support of APD’s current training programs.

In the year since the Settlement Agreement effective date (November 14, 2014), the department has:

- Developed a needs assessment methodology template that will be used to approve and evaluate current and future proposed training;
- Developed new training curricula that are responsive to the Settlement Agreement, including use of force;
- Increased the number of officers proficient in Crisis Intervention Training (CIT) to over 90% of total officers;
- Began CIT training for telecommunicators;
- Improved Tactical Section training in command and control, containment, entry, apprehension, and rescue;
- Revamped the Field Training Officer program, incorporating the requirements in the Settlement Agreement as well as extending the program by an additional week;
- Started leadership and supervisory training through the FBI and International Association of Chiefs of Police (IACP);
- The Academy also acquired three portable training simulators that can be brought to any location. The simulators use video screens and simunitions to train officer response, replicating real-life situations.

## **Changes in the Internal Affairs Division**

APD's Internal Affairs (IA) Division has been transformed in organization, function, and processes. Following the model of agencies like the Las Vegas Metro Police Department, APD's IA now consists of two main parts- Internal Affairs and the Critical Incident Review Team (CIRT). The IA Division is now managed by a commander, not a lieutenant as in the past.

Organizationally, the IA section is responsible for the data collection and analysis (an important part of the Settlement Agreement); coordination with the Citizens Police Oversight Agency; and coordination of investigations by CIRT. CIRT is responsible for administrative (non-criminal) investigations of serious uses of force. The staff members have spent the last year in intensive training to prepare for their roles. CIRT staff also coordinates with a new detective unit (housed in the Professional Standards Bureau) who will assist with investigation of serious events.

The restructuring of the IA Division also included significant changes to software. APD acquired IAPro, which is quickly becoming the industry standard for managing employee information. The software will house all employee performance measurements, training, complaints, commendations, and discipline in one location. All APD supervisors will have access to IAPro's Blue Team. The software allows officers and supervisors to enter and manage incidents from the field. A simple, step-by-step internet-style interface is used, minimizing training requirements. Incidents including use-of-force, field-level discipline, complaints, vehicle accidents, and pursuits are entered and can then be routed through the chain-of-command with review and approval at each step.

A Force Review Board (FRB), which is comprised of departmental executive staff and members of the Internal Affairs Division, was created to review all serious uses of force. The FRB makes recommendations on tactics, training, and equipment based on a detailed presentation of all the facts surrounding each case. The FRB also reviews use of force trend data quarterly, as required by the Settlement Agreement.

## **Reporting**

The Settlement Agreement requires detailed data collection, analysis, and reporting across many departmental functions. APD staff has expended a great deal of effort creating the collection and reporting mechanisms that were required. They include:

- Additional use of force reporting required by the Settlement Agreement has been incorporated in the APD Annual Report;
- Improved reporting for tactical deployments and review, increasing accountability;
- Additional reporting for tactical deployments has been implemented, including canine and SWAT;
- Multiple methods have been created to collect, track, and analyze data including mental health contacts;
- APD submitted data that met the nine-month deadlines including paragraph #115. APD will provide the Mental Health Advisory Committee (MHAC) with Crisis Intervention Training (CIT), Crisis intervention Unit (CIU) and Crisis Outreach and Support Team (COAST) data. The MHAC

will review the behavioral health training curriculum; identify mental health resources; network; and provide guidance on scenario-based training.

- City IT developed two additional methods to collect information related to compliance efforts. The SharePoint sites were developed for Violent Crimes and Property Crimes. The sites are in the pilot phase. To date, sites have been developed to collect data for the Special Investigations Division, Crisis Intervention Training, Violent Crimes, Property Crimes, and Crimes Against Children Units.

## **Equipment / Software**

Training all respective staff as stated in the Settlement Agreement has required innovation within the department. Training of officers, while still maintaining sufficient staffing of patrol, has been challenging. In order to balance the training and patrol requirements, the department has utilized appropriate online instruction whenever possible. The department has heavily utilized Public Service University (PSU) and PowerDMS as platforms to provide the needed training online, and it also provides a method to track all training completed both online and in the classroom. PSU is an online educational platform that provides instruction and testing capabilities to all city employees. PowerDMS is APD's online document distribution system that provides APD employees a method to view, comment, and acknowledge the receipt of important departmental documents. Online training from both platforms can be completed at the staff's convenience, as opposed to being required to sit in a traditional classroom environment. Of course, some of the training (especially use of force and others) will require a hands-on approach since some portions may not be appropriate for online training.

All investigative units have been audited and their equipment inventoried to ensure they meet the requirements and scope of their respective duties.

As mentioned earlier, IAPro and Blue Team will play extensive roles in the successful completion of IA-related Settlement Agreement requirements.

On-body cameras are an integral tool for officer accountability and supervisory effectiveness. APD was an early implementer of the technology and continues to be committed to equipping each officer with a camera. In addition to developing an advanced policy that used the ACLU national policy as a guiding principle and research by the University of New Mexico, the department has also sought and received federal grant funding for additional camera purchases.

## **Outreach**

Beginning even before the Settlement Agreement effective date, the department and the City Mayor's Office has implemented a multi-faceted approach to community outreach.

The department established, trained, and continues to support Community Police Councils (CPCs) within each of the City's six area commands, which submit recommendations and input to the Albuquerque Chief of Police through the chain of command. Community Policing Councils are designed to foster better policing and community practices and community-police relationships. The six Community Policing Councils in Albuquerque coincide with the six Albuquerque Police area commands. The goal of

each Community Policing Council is to engage in candid, detailed, and meaningful dialogue between Albuquerque Police and the citizens. This serves to identify concerns, problems, successes, and opportunities within each area command and for the department as a whole. Each of the six Community Policing Councils is composed of members from the community who have resided within or have businesses within the boundaries of their area command for at least three years and Albuquerque Police officers assigned to that area command.

The Albuquerque Collaborative on Police-Community Relations was created to seek input from all interested community stakeholders in order to set goals and expectations and develop sustainable community-policing strategies. This process will determine the goals and expectations that our residents and our police officers have for the City, the department, and police-community relations, as well as to provide specific solutions to address them.

An extensive outreach campaign was implemented to make citizens more aware of the methods that can be used to submit a civilian complaint. The forms are available at dozens of City facilities and online. All of the documents are available in both English and Spanish. In addition, all departmental staff were trained in civilian complaint intake, consistent with the Settlement Agreement.

APD frequently hosts 'Coffee with a Cop' events at area businesses and community meeting places to ensure the public has a casual opportunity to get to know individual officers within the department, ask questions, and build relationships.

APD's Community Outreach Director and APD's public information officers utilize social media to distribute information highlighting the work in the community by the department's officers and the responsibilities required of them with the goal of fostering an atmosphere of mutual respect.

APD developed and implemented mechanisms to measure officer outreach to a broad cross-section of community members. The outreach places an emphasis on mental health and establishing extensive problem-solving partnerships. The partnerships aim to develop and implement cooperative strategies that build mutual respect and trusting relationships with this broader cross-section of stakeholders.

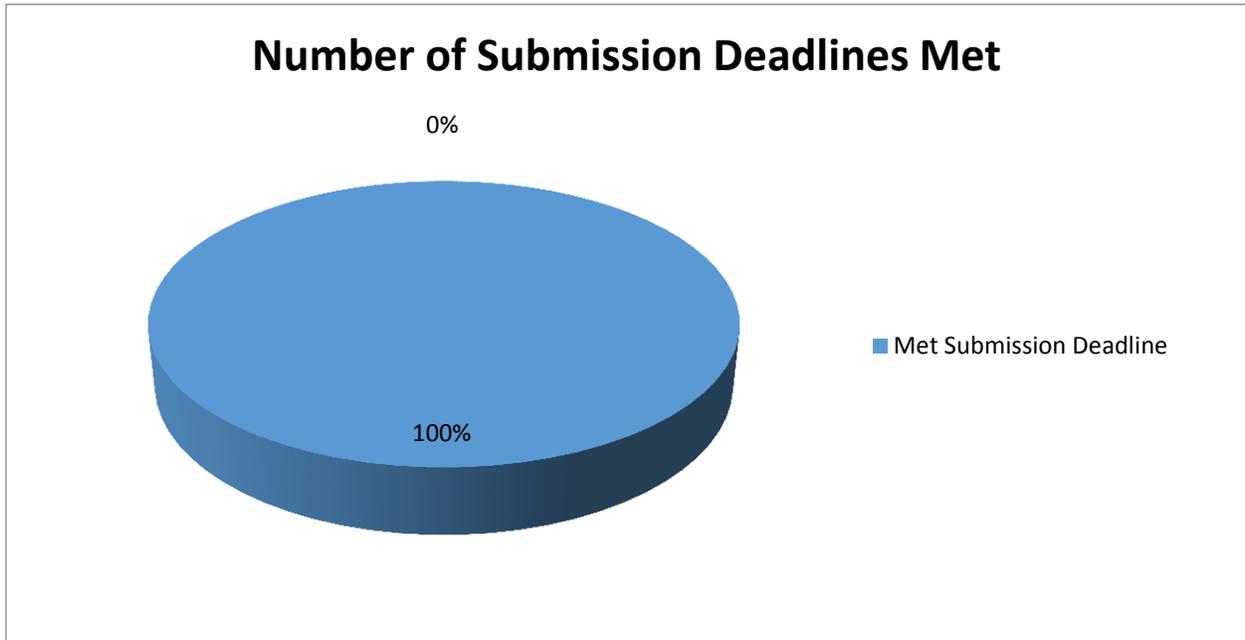
APD stakeholders helped create the MHAC, which is comprised of members from APD, medical, and the mental health community. The MHAC is tasked with analyzing and recommending appropriate changes to policies, procedures, and training methods regarding police contact with persons who may be mentally ill or experiencing a mental health crisis.

The Settlement Agreement requires officers to attend at least two community events per year. The department has determined that each officer easily outpaces that directive and meets far more often with the community at events. The challenge has been developing a reliable method to document the encounters and transfer the information and concerns collected to other department staff who can affect change based on the information received.

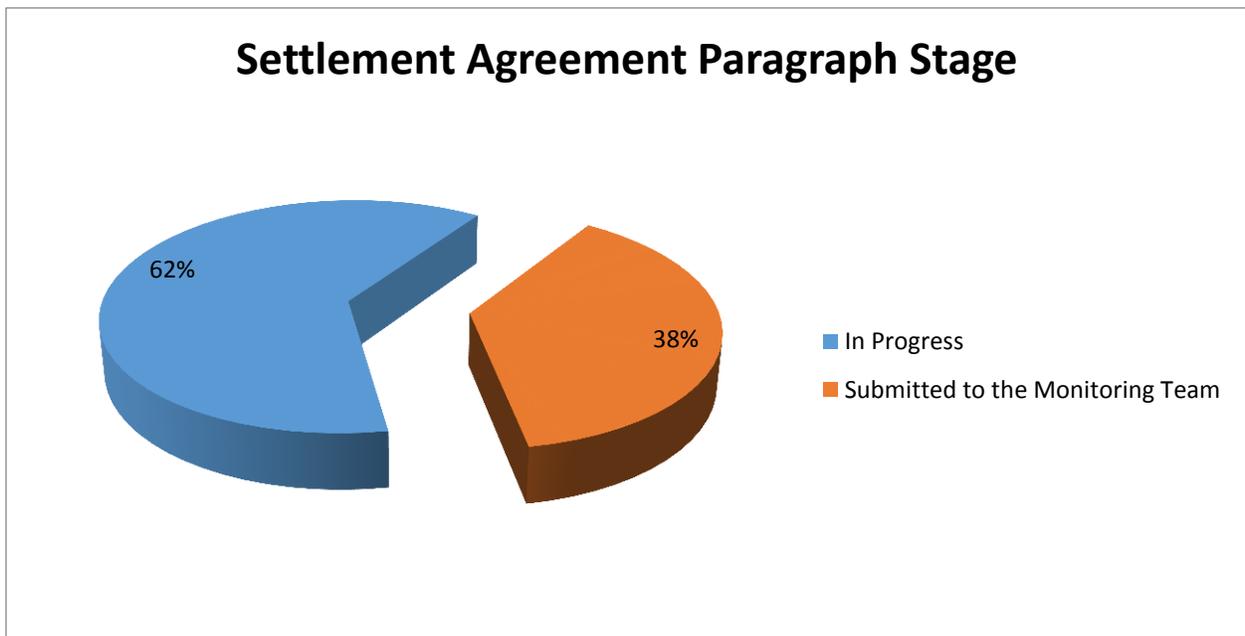
## **Conclusion**

As described above, the Albuquerque Police Department has made significant progress in satisfying the requirements of the Settlement Agreement. Considerable work has been made in developing an infrastructure to support and implement the many directives of the Settlement Agreement, including investments in personnel, training, hardware, software, and equipment. Most of 2015 was devoted to analyzing the agreement, assigning responsibilities, and developing processes and associated policies that will define the path to success. During 2016, stakeholders will complete the primary compliance requirements and focus on secondary compliance levels, which include the successful completion of all training. By the end of 2016, the department is expected to be in full compliance with all directives contained within the Settlement Agreement. APD and other entities named in the Settlement Agreement are motivated to see a successful and timely resolution to this process, and are committed to working closely with the monitoring team and the parties to ensure compliance of all aspects of the agreement.

## Progress



Through December 2<sup>nd</sup>, 2015 the City of Albuquerque has met all of the required nineteen submission deadlines that are defined in the Settlement Agreement.



As of December 2<sup>nd</sup>, 2015 the City of Albuquerque has submitted information supporting over a third of the Settlement Agreement paragraphs and are waiting for feedback from the monitor regarding their status. Many of these submissions relate to requirements that are not yet due in the Settlement Agreement. Sixty-two percent of paragraphs are in progress.

# Individual Paragraph Reviews