

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

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<b>UNITED STATES OF AMERICA,</b>	)	
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<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>No. 1:14-cv-1025 RB/SMV</b>
	)	
<b>THE CITY OF ALBUQUERQUE</b>	)	
	)	
<b>Defendant.</b>	)	
	)	

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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

Second Report

December, 2015 - January, 2016

Prepared by William Slason, Executive Director, APD Administrative Support Bureau  
and the Albuquerque Police Department

# Executive Summary

This document provides an overview of progress achieved for each of the Settlement Agreement paragraphs, along with a short implementation plan, status of each requirement, and a description of progress achieved. The first agency report addressed the time period between November 2014 and November 2015. This second agency report encompasses the results of hard work by APD staff **beginning in December 2015 through the end of January 2016**. This report covers a relatively short period of time due to the requirement that the agency report be submitted 30 days before the monitor's report, which is expected on March 2, 2016. All deadlines described in the Settlement Agreement have been met by the City through February 2, 2016 by submitting supporting documentation to the parties (U.S. Department of Justice, U.S. Attorney's Office, and the Albuquerque Police Officers Association) and to the federal monitor's team for review and evaluation.

Overall, progress toward achieving the directives has been steady. In this executive summary, progress for the reporting period can generally be grouped under Implementation, Personnel/Organizational Structure, Policies, Training, Reporting, and Outreach. For specific responses and additional detail on a paragraph, please refer to the individual paragraph reviews.

As of this writing, the Department has compiled information to document compliance with approximately 142 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.

## Implementation

The parties continue to work together to implement the agreement, and have a monthly status conference with U.S. District Judge Robert C. Brack to keep the Court apprised of activities. The City also requested a regular weekly meeting with the monitor to expedite feedback regarding specific issues or problems that may arise. The weekly meetings are also a good early opportunity to assess if a particular approach may satisfy a Settlement Agreement directive, and provide instant feedback for stakeholders who may need clarification on a topic.

In addition to policy, the Settlement Agreement requires changes to APD processes that enhance efficiency to everyday activities. In response to Paragraph 19, the City implemented a pilot program for a new inventory process using the PeopleSoft platform which tracks serialized items. The APD Property Unit provided an inventory list of all Department-issued handguns and provided a detailed action plan to track and control the inventory and issuance of all handguns.

The Tactical Unit implemented an annual critical review process that will be held in January of each year (beginning in 2016) that will review procedures based upon critical incidents that occurred in the previous year. The annual critical review considers Force Review Board (FRB) recommendations, current laws, and best practices. Consistent with the Settlement Agreement, Department staff now collects

analytical data for the Force Review Board (FRB) which is also used during the analysis of Tactical Unit call-outs. The data includes the location, the number of arrests, whether a forcible entry was required, whether a weapon was discharged by a tactical unit member, and whether a person or domestic animal was injured or killed.

A new mission state is under development that includes references to community and problem-oriented policing principles. It is expected that the revised mission statement will be confirmed and advertised in early 2016.

As required by Paragraph 332, the City has provided the monitor with permanent office space and associated support utilizing a Family and Community Services Department building that is convenient to Downtown and mass transit.

### **Personnel / Organizational Structure**

As required in Paragraph 204, the City completed a comprehensive staffing assessment and resource study. The study was completed in December 2015 by Dr. Alex Weiss, a well-respected leader in personnel resource allocation. Based on calls for service, the Weiss study recommends raising the overall sworn count of APD officers to 1,000 if 12-hour shifts are implemented. If only 8-hour shifts are implemented, that number rises to 1,022. In addition to sworn staffing levels, the Weiss study recommended additional civilian and sworn staffing in several locations, including Internal Affairs, Communications, and the APD Academy. As also required by the Settlement Agreement, APD contracted with Ron Serpas (assisted by Dr. Alex Weiss) to begin the staffing plan which will determine how best to implement the staffing study. It is during this time that the City will collaborate with the parties on how best to implement the staffing study recommendations.

During the reporting period, the APD Academy finalized its recruitment plan which is built on past successes of using the internet to recruit prospective candidates and other methods to attract qualified individuals. APD had already implemented an online application and selection process for the minimum standards which is a blind process in which age, race, gender and other identifying information is not known to any APD or City employee until after the applicant has either been qualified or disqualified from the initial application.

As a result of internal restructuring, two APD crisis clinicians are currently working under the clinical supervision of APD Psychiatrist Dr. Nils Rosenbaum and have been a great addition to the Crisis Intervention Unit (CIU) and Crisis Outreach and Support Team (COAST). CIU and COAST have also reconfigured into two teams consisting of a detective, a clinician, and a COAST member. The teams also reassessed what cases they address which have increased efficiency and delivery of services to their target population. As directed by the Settlement Agreement and to address commentary in the monitor's first report, APD is in the process of developing mobile crisis teams and working in conjunction with the Albuquerque Bernalillo County Governance Committee (ABCGC) for potential county funding.

### **Policies**

APD, through the SOP Review Committee (SOPRC) and the Policy and Procedures Review Board (PPRB), continue to review and revise APD Standard Operating Procedures (SOPs). Before the Settlement Agreement was implemented, the SOPRC and the PPRB reviewed and updated all APD SOPs. APD has

recently developed a mechanism in response to Paragraph 150 that ensures that all APD personnel review and acknowledge all updated SOPs within three months of issuance. Over the last several months, both have focused primarily on the policies that are tied to the Settlement Agreement. Over thirty APD policies have a Settlement Agreement nexus; all but three have been moved through the APD policy review and approval process and are awaiting final approval by the parties. They are listed in priority order:

2-52 Use of Force	4-04 Tactical
2-53 Electronic Control Weapons	4-03 Explosive Ordnance Disposal Unit
2-54 Use of Force Reporting and Supervisory Force Investigation Requirements	4-12 K-9 Unit
2-55 Use of Force Appendix	3-18 Supervisor's Responsibilities
3-49 Early Intervention System	1-02 Officer's Duties
1-39 On-Body Recording Devices	3-45 Review of Completed Administrative Cases
COA Rules and Regulations/Promotions	2-22 Firearms and Ammunition Authorization
2-42 Hostage, Suicidal, Barricaded Subject, and Sniper Situations	4-08 Operations Review
2-13 Response to Mental Illness	1-14 Behavioral Sciences Division
2-05 Internal Affairs Division	3-20 Department Orders
2-09 Investigative Response Team	2-04 Recruiting
2-31 Investigation of Officer Involved Shootings, Serious Use of Force, and In-Custody Deaths	3-02 Assistant Chief/Deputy Chief/Major/Commander Responsibilities
3-67 Force Review Board	3-65 Policy and Procedures Review Board
3-26 Employee Work Plans/Performance Evaluations	1-10 Peer Support Program
1-04 Personnel Code of Conduct	2-06 Uniforms
3-43 Complaints Involving Department Policy or Personnel	2-03 Training Division
1-09 Discipline	3-06 Criminal Investigations Division
1-46 Emergency Response Team	3-01 Special Investigations Division
3-19 Response to Demonstrations	

There are several SOPs that APD considers "cornerstone policies" that are critical to the daily operation and mission of the Department. The collection of use of force SOPs, including 2-52 Use of Force, 2-53 Electronic Control Weapons, 2-54 Use of Force Reporting and Supervisory Force Investigation Requirements, and 2-55 Use of Force Appendix are directives that all training will be based upon. After months of negotiation, SOP 2-52 Use of Force was approved in January 2016 by all parties and the monitor. The other related policies (SOPs 2-53, 2-54, and 2-55) are still awaiting final approval as of the date of this report. The date of the approval of the policies leaves the Academy with the absolute minimum amount of time required to meet the June 2, 2016 deadline for all use of force-related training

specified in the Settlement Agreement. The delay in the use of force policies is consistent with other policies that have been submitted in the past. The City has documentation to show that policies have been submitted multiple times since at least August 2015. The monitoring team only provided feedback on the use of force policy collection. Early submissions of policies were directly to the monitor, with the understanding that he was going to disburse them to the parties. The delay in getting adequate feedback from the parties and the length of time for review and approval of Settlement Agreement-related policies has seriously impacted the City's ability to achieve the pending deadlines associated with many of the paragraphs.

A revised on-body camera policy is pending review and approval by all parties. The Department has developed a needs assessment, curriculum, and testing methodology for the on-body recording device; the Department is awaiting final approval before policy distribution and training.

Other policies have undergone significant review and revision based on commentary in the monitor's first report, including SOP 1-46 Emergency Response Team (revised unit's mission, omitting the use of canines in crowd control, including an after action review protocol, and addressing inconsistencies or redundancies in associated policies); SOP 2-03 Training Division (require four years of experience as a sworn non-probationary officer); SOP 2-05 Internal Affairs (includes citizen complaint intake protocols and retaliation review procedures); and SOPs 4-04 SWAT, 4-12 K9, and 4-03 Explosive Ordnance Disposal Unit (Bomb Squad), among others listed.

APD is working in conjunction with City legal staff to amend the City Personnel Rules and Regulations, Chapter 200.3, Police Department Promotional Procedures, to meet the requirements of the Settlement Agreement. Although the Department believes that the existing language satisfies the requirements of the Settlement Agreement, the City is moving to further bolster and clarify its position regarding the promotion of sworn staff. In order to amend the City's Personnel Rules and Regulations, City legal staff will work with City Human Resources to revise the rules, which requires a public hearing and comment period pursuant to City ordinance.

## **Training**

Utilizing the monitor's methodology, the Academy has developed needs assessments, exams, lesson plans, and training objectives for each proposed training course and has rolled out training on complaint intake, community policing, and supervisory responsibilities. APD continues to partner with Public Service University and other platforms to develop appropriate content to meet the requirements of the Settlement Agreement. Training curriculum and scenario-based training documents have been provided to the monitoring team for review and consideration.

With the approval of SOP 2-52 Use of Force by the parties and the federal monitor, use of force training began in January 2016 in order to meet the specified June 2, 2016 deadline. Reality based training will be utilized as part of the 40-hour block of use of force training to address stress training, low light training, force decision making, and threat assessment techniques. The use of force training will also include firearms instruction and will address de-escalation, self-management techniques while under stress, threat awareness, and situational awareness. Use of force training is expected to be completed by the June 2<sup>nd</sup>, 2016 deadline. Annual Electronic Control Weapon (ECW) certifications will be a part of

the Maintenance of Effort (MOU) training in order to meet the requirement set forth in the Settlement Agreement.

Other training was completed in this reporting period. APD completed training for transition of weapons that included proper techniques and holstering. This topic will be covered again in the 40 hour block of use of force training and as well as the 2016 annual qualifications scheduled in February. Forty-eight supervisors completed the 28-hour FBI Law Enforcement Development Supervisors course; twenty-three supervisors completed the 120-hour IACP Leadership in Police Organizations course.

Crisis Intervention Training (CIT) has been completed for all APD sworn personnel. APD's telecommunicators have also completed 24 hours of behavioral health training, exceeding the 20 hours required by the Settlement Agreement. During the course of the scenarios (which are often facilitated by CIU detectives) skilled crisis de-escalators are identified for future consideration for crisis certified responder positions, as required in Paragraph 125. All scenario events are also followed by a facilitator debriefing which allows for further discussion about class participants.

Utilizing the video evidence software platform, APD staff added an additional category for collected on-body camera videos so they may be referred to the Academy for review and used for training purposes.

## **Reporting**

To help facilitate accurate and timely reporting, APD's use of force form has been highlighted to show the areas in which each level of command reviews a use of force incident as part of the process of supervisory reporting. The form was provided to the monitoring team for review and consideration of Departmental efforts to document a robust review process by the chain of command. A use of force event flowchart was also created in order to graphically represent the steps required to process a use of force event. The flowchart will also be used in use of force training classes.

In order to meet the requirements of Paragraph 37, APD has developed a process to ensure that officers download ECW data quarterly. APD has acquired the download cords for the ECWs. Both sergeants and the administrative lieutenant at each area command will be responsible for the collection and review of the ECW data. Training on this new process will be incorporated with new supervisor training. APD has developed a show of force form that will enable the Department to track all ECW laser painting and arcing that is awaiting review and feedback by the monitoring team.

The Force Review Board (FRB) has been created and continues to meet to discuss serious uses of force events. Special Weapons and Tactics (SWAT) activations have been presented and reviewed. Discussions of tactics, equipment, and procedures were included in the meetings. The FRB has also reviewed quarterly use of force trend data as required by the Settlement Agreement.

The Department is revamping an updated Employee Work Plan (EWP) performance evaluation for supervisors, to include quality of supervisory investigations, constitutional policing, integrity, community policing, and critical police functions. The final draft of the EWP will be forwarded to the monitoring team for consideration and approval. A copy of the draft EWP has been sent to the Enterprise Resource Planning (ERP) team to configure the electronic version of the EWP. An example of the electronic version will be provided to the monitoring team for review and approval.

All training records are now being archived at the APD Academy. As a long-term solution, City IT staff are exploring the addition of a training module to PeopleSoft; as well as considering the Public Service University platform as a vehicle for centralized recordkeeping.

Over 95 percent of APD personnel have completed training and test questions related to the intake process of civilian complaints. Before deployment, the Department submitted the training video and data test questions to the monitoring team for review. APD will re-evaluate those individuals that did not complete the training due to leave (military leave, FMLA, etc.) to ensure these individuals are trained upon their return to work.

## **Outreach**

Community Policing Councils (CPCs) have been meeting on a monthly basis since November 2014. All submitted proposals and recommendations from CPCs are subject to a documented formal review and response process with established deadlines. An annual report summarizing CPC proposal results for 2015 is expected in March 2016. In response to concerns expressed by amici regarding the functioning of the CPCs, the City has contracted with a member of the federal monitoring team, Steven Rickman, to provide technical assistance. The assistance will include development of CPC orientation materials and information on relevant best practices delivered in facilitated sessions with APD staff to CPC leadership and key community stakeholder groups. In addition, ongoing assistance will be provided through monthly status and problem solving calls with APD staff and CPC leadership. An evaluation questionnaire will be administered to CPC participant's pre- and post-technical assistance provision to assess impact and effectiveness.

Per Paragraph 111, the City established the Mental Health Response Advisory Committee (MHRAC) in December 2014. Regular meetings have been held monthly since then. Bylaws were completed in June 2015, several subcommittees were created that address information sharing, resources, and training. APD consistently sends collected mental health data to the group for review and analysis, and has submitted crisis intervention training curriculum for review by the MHRAC. APD has also submitted several related policies that are pertinent, including SOPs 2-42 Hostage, Suicidal, Barricaded Subject and Sniper Situations and 2-13 Response to Mental Illness.

Several APD public outreach programs have undergone changes or updates. The "Coffee with a Cop" program is ongoing, with meetings held in different communities on a monthly basis. Although the "Talk with a Cop" program's contract expired, APD is evaluating its effectiveness for possible renewal. Correspondence from the "Talk with a Cop" interactions will be compiled and made available for monitor review. The "Civilian 49" program is primarily used to request assistance from the public in solving crime. The "I am APD" initiative has been replaced with the "Good News About Cops" program using positive interactions captured with on-body cameras.

APD is reviewing all content related to civilian complaints on the City website and hard copy promotional material. Complaint forms were drafted in English and Spanish. The Spanish brochure was re-evaluated and revised to be more readable and user friendly. The updated Spanish version of the brochure was submitted to the monitor for review and approval. A Spanish language APD Twitter feed has been created. A Weekly 30-minute talk show for the Spanish speaking community is being hosted on Radio Lobo. Also, the Mexican consulate has indicated interest in a monthly post from APD for their

monthly newsletter. APD completed distribution of all brochures, posters, CPC forms to all libraries, recreation centers, and APD buildings open to the public.

As directed by Paragraph 248, the Behavioral Health Division is working in conjunction with the lieutenant lead to develop an officer support program. A Peer Support Coordinator position description has been developed and responsibilities were defined. Multiple informational pieces to promote the program have been created. Protocols have been developed when there is a call-out to address clinical incident stress debriefing and to have a clear outline of what an officer can expect. APD is planning on analyzing officer involved shootings for the last ten years and seek out feedback from those involved officers to develop a needs assessment and gain perspective on what the Department can implement or continue to do to offer support.

APD implemented a digital calendar to track attendance of community events with an integrated comment area for describing contacts made and topics discussed. The commentary will be assessed and passed on to the appropriate point of contact so that it can be addressed and analyzed. Officer attendance at community outreach events will also be added to monthly reports to allow better tracking.

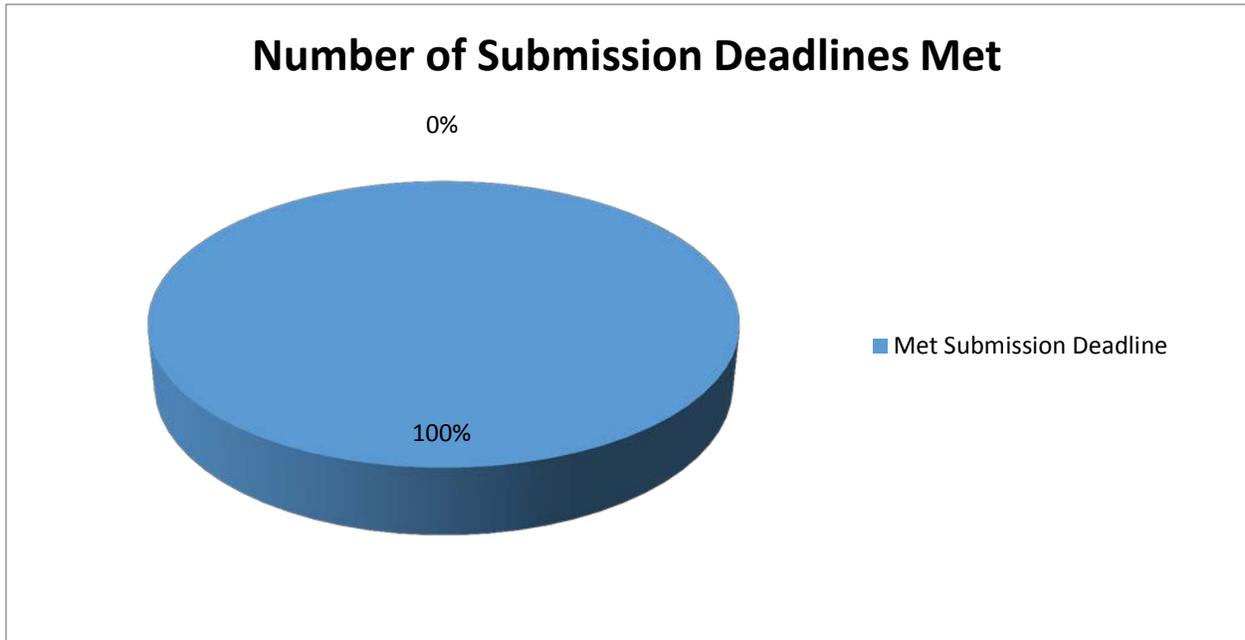
Monthly crime statistics are now available at <http://www.cabq.gov/police/internal-reports/monthly-reports>. A brochure entitled “What Should I Do If I Am Stopped By a Police Officer?” was designed and over 40,000 copies were printed. The brochures have been distributed at APD area commands, City of Albuquerque facilities, and driving instructor businesses.

## **Conclusion**

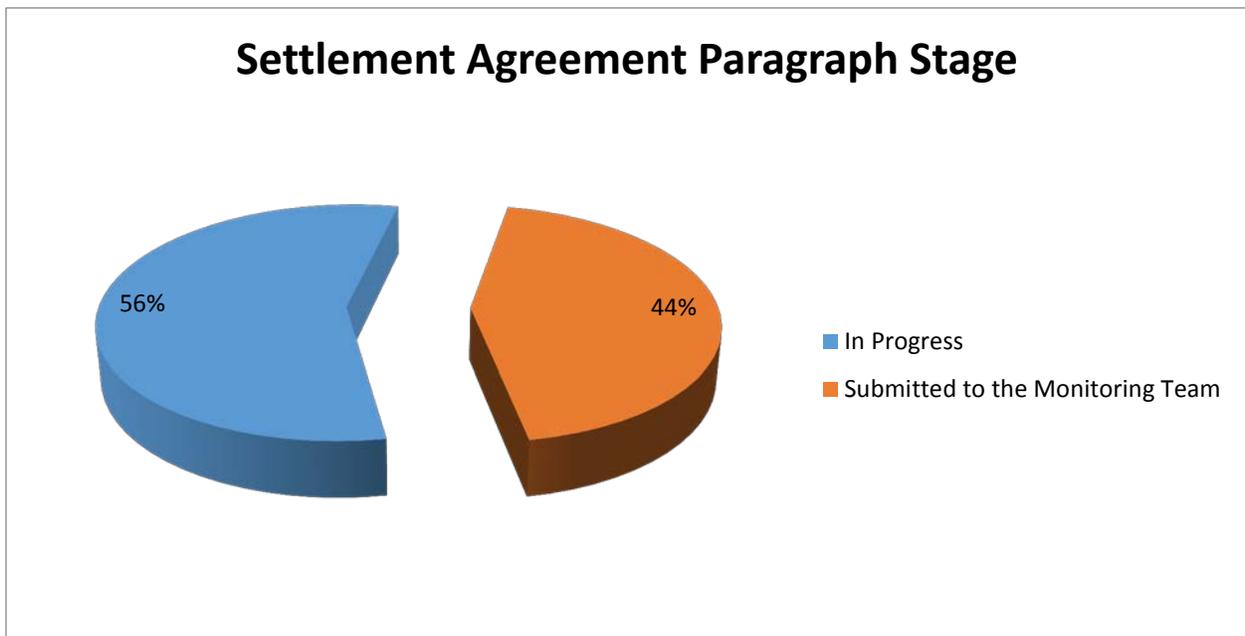
As described above, the Department continues to make significant, focused gains on meeting the requirements of the Settlement Agreement. Much effort and time has been expended to develop a use of force policy collection that is acceptable to all of the parties. After months of negotiation and to ensure the Department meets its deadlines, representatives of the parties decided to meet face-to-face weekly to expedite the approval of proposed policies. The City is hopeful that the new process will assist all parties in achieving the directives laid out in the Settlement Agreement. Time related to policy review and approval still continues to be the biggest hurdle associated with all of the tasks required. The City is pleased with the approval of the “cornerstone” use of force policies, and will build upon them to formally instruct all sworn officers before the stated deadline.

It is extremely helpful to have the federal monitor locally situated. Dr. Ginger’s willingness to move to Albuquerque during this critical period will be a primary influence on the City’s ability to achieve all of the requirements in the Settlement Agreement. Having the opportunity to address issues as they arise with the monitor, to gain feedback on thoughts and proposals, holding weekly briefings, and for him to attend live training as it occurs cannot be understated.

## Progress



Through February 2<sup>nd</sup>, 2016 the City of Albuquerque has met all of the required eighteen submission deadlines that are defined in the Settlement Agreement.



As of February 2<sup>nd</sup>, 2016 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. Fifty-six percent of paragraphs are in progress, forty-four percent have been submitted to the monitor, an increase of six percent from last report (December 2, 2015).

# Individual Paragraph Reviews