

**Progress and 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**

**Eleventh Report**

**August 1, 2019 – January 31, 2020**

Prepared by the Albuquerque Police Department Accountability and  
Oversight Division

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## **I. Introduction**

The Albuquerque Police Department (APD) and the City of Albuquerque (City) continue to work with the Department of Justice (DOJ) and the Independent Monitor (IM) to improve the overall functioning of the Department. In addition, APD has continued the work toward meeting the requirements of the Court Approved Settlement Agreement (CASA). Documents related to APD's Settlement Agreement can be located at

<http://www.cabq.gov/police/documents-related-to-apds-settlement-agreement>.

This report covers the administration's key steps taken to strengthen APD's transformation effort. The report is organized to correspond with the ten (10) sections in the CASA. APD has continued the transformation effort guided by feedback from the IM, the City, the DOJ and the Independent Monitor Reports (IMR).

### **Key Steps Taken by the Administration**

The City of Albuquerque Police Department reached a major milestone during this reporting period by publishing the new use of force policy suite. The use of force policies are comprehensive with a focus on de-escalation techniques and constitutional policing. Training on Tier 2 and 3 of the use of force policy suite occurred during this reporting period. The training was delivered using a facilitative, interactive learning platform, which increased class participation and encouraged discussions to thoroughly understand the use of force policies.

APD reconvened the Force Review Board (FRB) after a lengthy break to revamp and refine the process with assistance and feedback from DOJ and the IM. Members of the FRB received 16 hours of training and have been meeting weekly since August 2019 to review tactical activations and completed use of force cases. FRB serves as the oversight board for use of force cases and tactical activations. The FRB reviews and assesses use of force cases for policy,

training, tactics, supervision, equipment concerns as well as recognize and commend successful outcomes when handling use of force incidents.

Community engagement and outreach continues to be a high priority for APD. During this reporting period, APD was able to staff a Proactive Response Team in each area command. The Proactive Response Team is responsible for working with the community to address specific issues and improve the quality of life for both residents and businesses.

The Accountability and Oversight Division (AOD), Performance Metrics Unit (PMU) expanded the monthly audits to all six area commands during this reporting period. The PMU conducts quantitative evaluations to determine if Department personnel are meeting the requirements of Department policy and the CASA. PMU produces monthly scorecard reports to communicate those results. The scorecards represent APD's effort to self-monitor and take corrective action when findings are identified.

APD has made a significant effort to address and remedy the areas of the CASA, which are slow to move in to operational compliance. The Department has realigned resources, into areas such as the Internal Affairs Force Division, to increase efficiency and improve outcomes related to the recommendations by the IM. It is through various strategies in which APD has incorporated in to practice that demonstrates the dedication and commitment to achieve the goals of the CASA.

### **Compliance Levels and the CASA's Measurable Paragraphs**

There are two hundred seventy-six (276) paragraphs within the CASA with measurable requirements. As of the release of IMR 10, APD's overall compliance rates were as follows:

- Primary (policy) compliance – 100%;
- Secondary (training) compliance – 81%; and

- Operational compliance – 64%.

Changes in compliance rates between IMR 9 to IMR 10 were as follows:

- Primary (policy) compliance rates increased by .4% to 100%
- Secondary (training) compliance rates are up by 2.5%; and
- Operational compliance rates are up by 1.6%.

Shown below are APD's compliance rates, from IMR-10, over time between the reporting period covering IMR-1 through IMR-10 (no IMR-7<sup>1</sup>). The next IMR will be filed with the court in May 2020.



As defined in IMR-1, compliance measurements in APD's monitoring process consists of three parts: primary, secondary, and operational:

<sup>1</sup> There was no IMR-7 by agreement between the DOJ, City and Monitor and with the approval of the Court.

- *Primary compliance is the “policy” part of compliance. To attain primary compliance, APD must have in place operational policies and procedures designed to guide Officers, supervisors and managers in the performance of the tasks outlined in the CASA. As a matter of course, the policies must be reflective of the requirements of the CASA; must comply with national standards for effective policing policy; and must demonstrate trainable and evaluable policy components.*
- *Secondary compliance can be attained by implementing supervisory, managerial and executive practices designed to (and effective in) implementing the policy as written, e.g., Sergeants routinely enforce the policies among field personnel and are held accountable by managerial and executive levels of the Department for doing so. By definition, there should be operational artifacts (reports, disciplinary records, remands to retraining, follow-up, and even revisions to policies if necessary, indicating that the policies developed in the first stage of compliance are known to, followed by, and important to supervisory and managerial levels of the agency).*
- *Operational compliance is attained at the point that the adherence to policies is apparent in the day-to-day operation of the agency e.g., line personnel are routinely held accountable for compliance, not by the monitoring staff, but by their Sergeants, and Sergeants are routinely held accountable for compliance by their Lieutenants and command staff. In other words, APD ‘owns’ and enforces its own policies” (IMR-1, pg. 13).*

## **Progress Report Organization**

This report addresses progress made during the reporting period, August 1, 2019 through January 31, 2020, and APD's responses to the IM recommendations. The progress report will correspond to the CASA, which is divided into ten (10) sections. This progress report includes information about all ten sections and associated subsections including any changes during the reporting period. The individual CASA paragraphs, including the corresponding CASA paragraph number, are listed after each section or subsection of the report followed by the recommendations and APD's response to the recommendations. There are sections within the CASA that are in operational compliance; therefore, there are no recommendations for the respective paragraphs. However, the paragraphs are still listed for continuity throughout the report. Several paragraphs overlap, flow into one another and have the same requirements within them. APD has addressed these paragraphs in one section, as needed for easier reading. The ten CASA sections are:

1. Use of Force: Internal Controls and Accountability;
2. Specialized Units;
3. Crisis Intervention;
4. Policies and Training Generally;
5. Misconduct, Complaint Intake and Adjudication;
6. Staffing, Management, and Supervision;
7. Recruitment, Selection, and Promotions;
8. Officers Assistance and Support; and
9. Community Engagement and Oversight
10. Assessing Compliance

## **II. APD's Progress on the CASA's Measurable Paragraphs**

The remainder of this report provides detailed information about the progress APD has made in measurable paragraphs in the ten CASA sections during the reporting period of August 1, 2019 through January 31, 2020. This will include progress made, plans to correct any problems and responses to IMR recommendations. The reader should be aware all recommendations listed throughout this progress report are from IMR-10 and each



recommendation has a corresponding recommendation number. IMR-10 may be located at <https://www.cabq.gov/police/documents/493-191101-imr-10.pdf>.

**CASA Section 1: Use of Force: Internal Controls and Accountability (Paragraphs 14-89)**

The Use of Force section of the CASA has nine subsections:

- A.) Use of Force Principles;
- B.) Use of Firearms;
- C.) Electronic Control Weapons;
- D.) Crowd Control;
- E.) Use of Force Reporting;
- F.) Force Investigations;
- G.) Force Review Board;
- H.) Multi-Agency Task Force; and
- I.) Use of Force Training.

A.) Use of Force Principles (Paragraphs 14-17)

14. Use of force by APD officers, regardless of the type of force, tactics, or weapon used, shall abide by the following requirements:

- a) officers shall use advisements, warnings, and verbal persuasion, when possible, before resorting to force;
- b) force shall be de-escalated immediately as resistance decreases;
- c) officers shall allow individuals time to submit to arrest before force is used whenever possible;
- d) APD shall explicitly prohibit neck holds, except where lethal force is authorized;

- e) APD shall explicitly prohibit using leg sweeps, arm-bar takedowns, or prone restraints, except as objectively reasonable to prevent imminent bodily harm to the officer or another person or persons; to overcome active resistance; or as objectively reasonable where physical removal is necessary to overcome passive resistance and handcuff the subject;
  - f) APD shall explicitly prohibit using force against persons in handcuffs, except as objectively reasonable to prevent imminent bodily harm to the officer or another person or persons; to overcome active resistance; or as objectively reasonable where physical removal is necessary to overcome passive resistance;
  - g) officers shall not use force to attempt to effect compliance with a command that is unlawful;
  - h) pointing a firearm at a person shall be reported as a Level 1 Use of Force, and shall be done only as objectively reasonable to accomplish a lawful police objective; and
  - i) immediately following a use of force, officers, and, upon arrival, a supervisor, shall inspect and observe subjects of force for injury or complaints of pain resulting from the use of force and immediately obtain any necessary medical care. This may require an officer to provide emergency first aid until professional medical care providers arrive on scene.
15. APD shall develop and implement an overarching agency-wide use of force policy that complies with applicable law and comports with best practices. The use of force policy shall include all force techniques, technologies, and weapons, both lethal and less lethal, that are available to APD officers, including authorized weapons, and weapons that are made available only to specialized units. The use of force policy shall clearly define and describe

each force option and the factors officers should consider in determining which use of such force is appropriate. The use of force policy will incorporate the use of force principles and factors articulated above and shall specify that the use of unreasonable force will subject officers to discipline, possible criminal prosecution, and/or civil liability.

16. In addition to the overarching use of force policy, APD agrees to develop and implement protocols for each weapon, tactic, or use of force authorized by APD, including procedures for each of the types of force addressed below. The specific use of force protocols shall be consistent with the use of force principles in Paragraph 14 and the overarching use of force policy.
17. Officers shall carry only those weapons that have been authorized by the Department. Modifications or additions to weapons shall only be performed by the Department's Armorer as approved by the Chief. APD use of force policies shall include training and certification requirements that each officer must meet before being permitted to carry and use authorized weapons.

There were no recommendations for the use of force principles paragraphs.

B.) Use of Firearms (Paragraphs 18-23)

18. Officers shall carry or use only agency-approved firearms and ammunition while on duty.
19. APD issued Special Order 14-32 requiring all officers to carry a Department-issued handgun while on duty. APD shall revise its force policies and protocols to reflect this requirement and shall implement a plan that provides: (a) a timetable for implementation; (b) sufficient training courses to allow officers to gain proficiency and meet qualification requirements within a specified period; and (c) protocols to track and control the inventory and issuance of handguns.

20. Officers shall be required to successfully qualify with each firearm that they are authorized to use or carry on-duty at least once each year. Officers who fail to qualify on their primary weapon system shall complete immediate remedial training. Those officers who still fail to qualify after remedial training shall immediately relinquish APD-issued firearms on which they failed to qualify. Those officers who still fail to qualify within a reasonable time shall immediately be placed in an administrative assignment and will be subject to administrative and/or disciplinary action, up to and including termination of employment.
21. APD training shall continue to require and instruct proper techniques for unholstering, drawing, or exhibiting a firearm.
22. APD shall adopt a policy that prohibits officers from discharging a firearm from a moving vehicle or at a moving vehicle, including shooting to disable a moving vehicle, unless an occupant of the vehicle is using lethal force, other than the vehicle itself, against the officer or another person, and such action is necessary for self-defense, defense of other officers, or to protect another person. Officers shall not intentionally place themselves in the path of, or reach inside, a moving vehicle.
23. APD shall track all critical firearm discharges. APD shall include all critical firearm discharges and discharges at animals in its Early Intervention System and document such discharges in its use of force annual report.

**APD's Summary: A.) Use of Force Principles (Paragraphs 14-17) and B.) Use of Firearms (Paragraphs 18-23)**

During this reporting period, the Training Academy completed the 2019 Day and Low Light Firearms Qualifications to include an eight-hour classroom training block. The Training Academy provided instruction on the difference between a modified weapon and accessory during the classroom portion of training. This training was based on the updated policy language

outlined in Department Special Order 19-117 APD SOP 2-3 Firearms and Ammunition

Authorization – Differences between Modifications and Accessories, which will be incorporated into policy.

**Recommendations for Paragraphs 17-23:**

4.7.4-6a: Develop an action plan, complete with actions, responsibilities, and due dates for addressing the concerns outlined in paragraphs 17-19 and implement the plan as warranted.

4.7.4-6b: Involve APD's inspections and audit personnel in the development of the action plan.

4.7.8a: APD's Training Academy command should build comprehensive training evaluation systems that assess the degree to which the officers and supervisors they train understand the trained processes and can execute the trained requirements in the field.

4.7.8b: As a result of the articulated need in "a" above, the Academy command should be looped in to field inspections reports (and other internal assessments) and should ensure that all current or planned training functions include responses to issues uncovered during those processes.

4.7.9a: Complete planned training for Paragraphs 86-88.

4.7.9b: Evaluate the effectiveness of these paragraphs via report review processes, supervisory use of force review practices, and other reasonable modalities (identified by APD).

4.7.9c: Build continuous quality-improvement loops that tie in-field performance with training practices and ensure error-correction loops are incorporated to facilitate removal of "errors" from the use of force training processes (including line, supervisory and management levels).

4.7.10a: Continue the work currently being done to bring annual reports into the required cycle, including the report for 2018.

**Response:**

- In September 2019, the APD Training Academy began the 2019 Day and Low Light

Firearms Qualifications. During these sessions, sworn personnel were also trained on the difference between a weapon modification and weapon accessory in accordance with Department Special Order 19-117 which provides clarification to the definitions of modifications and approved accessories to firearms.

- The Performance Metrics Unit conducted monthly inspections for a sample of officers throughout the Field Services Bureau for compliance with paragraph 18 which stipulates officers shall carry or use only agency approved firearms and ammunition while on duty.
- The Training Academy has been utilizing the 7-step process since 2018. The checks and balances, as well as the review process have allowed the Training Academy to continuously improve courses based on feedback from participants. The Training Academy is receiving quarterly reports from Internal Affairs Force Division. These reports contain data on force trends as well as areas for improvement, allowing the Training Academy to design and deliver data-driven instruction. Training Committee will begin meeting this year. The Committee will be receiving data and recommendations from numerous stakeholders to ensure the training needs of the Department are met.
- During this reporting period, Tiers 1-3 of the 4 Tier use of force training were completed. The Training Academy is completing the final edits and preparation for Tier 4 training which will be the reality-based training component for the use of force policy suite.
- APD has spent a significant amount of time conducting a rigorous review of the data, validating data in source systems, executing quality checks, making corrections and ensuring data are properly collected and entered in the future. However, the data warehouse, which is used to extract the data for the Use of Force annual report, experienced failures within the system. The City of Albuquerque's Department of Technology and Innovation is working to

resolve the issues. Once the data warehouse is working properly, APD will be able to extract the data and finalize the Use of Force annual reports.

C.) Electronic Control Weapons (Paragraphs 24-38)

24. ECWs shall not be used solely as a compliance technique or to overcome passive resistance. Officers may use ECWs only when such force is necessary to protect the officer, the subject, or another person from physical harm and after considering less intrusive means based on the threat or resistance encountered. Officers are authorized to use ECWs to control an actively resistant person when attempts to subdue the person by other tactics have been, or will likely be, ineffective and there is a reasonable expectation that it will be unsafe for officers to approach the person within contact range.
25. Unless doing so would place any person at risk, officers shall issue a verbal warning to the subject that the ECW will be used prior to discharging an ECW on the subject. Where feasible, the officer will defer ECW application for a reasonable time to allow the subject to comply with the warning.
26. ECWs will not be used where such deployment poses a substantial risk of serious physical injury or death from situational hazards, except where lethal force would be permitted. Situational hazards include falling from an elevated position, drowning, losing control of a moving motor vehicle or bicycle, or the known presence of an explosive or flammable material or substance.
27. Continuous cycling of ECWs is permitted only under exceptional circumstances where it is necessary to handcuff a subject under power. Officers shall be trained to attempt hands-on control tactics during ECW applications, including handcuffing the subject during ECW application (i.e., handcuffing under power). After one standard ECW cycle (5 seconds), the

officer shall reevaluate the situation to determine if subsequent cycles are necessary.

Officers shall consider that exposure to the ECW for longer than 15 seconds (whether due to multiple applications or continuous cycling) may increase the risk of death or serious injury. Officers shall also weigh the risks of subsequent or continuous cycles against other force options. Officers shall independently justify each cycle or continuous cycle of five seconds against the subject in Use of Force Reports.

28. ECWs shall not be used solely in drive-stun mode as a pain compliance technique. ECWs may be used in drive-stun mode only to supplement the probe mode to complete the incapacitation circuit, or as a countermeasure to gain separation between officers and the subject, so that officers can consider another force option.
29. Officers shall determine the reasonableness of ECW use based upon all circumstances, including the subject's age, size, physical condition, and the feasibility of lesser force options. ECWs should generally not be used against visibly pregnant women, elderly persons, young children, or visibly frail persons. In some cases, other control techniques may be more appropriate as determined by the subject's threat level to themselves or others. Officers shall be trained on the increased risks that ECWs may present to the above-listed vulnerable populations.
30. Officers shall not intentionally target a subject's head, neck, or genitalia, except where lethal force would be permitted, or where the officer has reasonable cause to believe there is an imminent risk of serious physical injury.
31. ECWs shall not be used on handcuffed subjects, unless doing so is necessary to prevent them from causing serious physical injury to themselves or others, and if lesser attempts of control have been ineffective.



32. Officers shall keep ECWs in a weak-side holster to reduce the chances of accidentally drawing and/or firing a firearm.
33. Officers shall receive annual ECW certifications, which should consist of physical competency; weapon retention; APD policy, including any policy changes; technology changes; and scenario- and judgment-based training.
34. Officers shall be trained in and follow protocols developed by APD, in conjunction with medical professionals, on their responsibilities following ECW use, including:
  - a) removing ECW probes, including the requirements described in Paragraph 35;
  - b) understanding risks of positional asphyxia, and training officers to use restraint techniques that do not impair the subject's respiration following an ECW application;
  - c) monitoring all subjects of force who have received an ECW application while in police custody; and
  - d) informing medical personnel of all subjects who: have been subjected to ECW applications, including prolonged applications (more than 15 seconds); are under the influence of drugs and/or exhibiting symptoms associated with excited delirium; or were kept in prone restraints after ECW use.
35. The City shall ensure that all subjects who have been exposed to ECW application shall receive a medical evaluation by emergency medical responders in the field or at a medical facility. Absent exigent circumstances, probes will only be removed from a subject's skin by medical personnel.
36. Officers shall immediately notify their supervisor and the communications command center of all ECW discharges (except for training discharges).

37. APD agrees to develop and implement integrity safeguards on the use of ECWs to ensure compliance with APD policy. APD agrees to implement a protocol for quarterly downloads and audits of all ECWs. APD agrees to conduct random and directed audits of ECW deployment data. The audits should compare the downloaded data to the officer's Use of Force Reports. Discrepancies within the audit should be addressed and appropriately investigated.
38. APD agrees to include the number of ECWs in operation and assigned to officers, and the number of ECW uses, as elements of the Early Intervention System. Analysis of this data shall include a determination of whether ECWs result in an increase in the use of force, and whether officer and subject injuries are affected by the rate of ECW use. Probe deployments, except those described in Paragraph 30, shall not be considered injuries. APD shall track all ECW laser painting and arcing and their effects on compliance rates as part of its data collection and analysis. ECW data analysis shall be included in APD's use of force annual report.

**Recommendations for Paragraph 24-25, 27, 29, 32 and 38:**

- 4.7.23a: APD should conduct an internal review of compliance for paragraphs 24, 25, 27, 29, 32, and 38 using a broader sample.
- 4.7.23b: Error rates should be reported for each paragraph (24, 25, 27, 29, 32, and 38), listing the number of events sampled and the number of errors identified, by area command, shift, and supervisor.
- 4.7.23c: For each area command, shift and supervisor identified with multiple errors, develop a remediation process that addresses the officer, the officer's supervisor, and the shift command structure.

4.7.23d: Ensure that the errors identified in the internal review are analyzed and categorized by policy segment, supervisor, lieutenant, and area command.

4.7.23e: Require specific and meaningful “intervention,” based on errors attributable to sergeants, lieutenants, and area command. Multiple failures should not be addressed through verbal reprimands, but should be addressed by re-training, documented counseling, or other tangible methods consistent with APD disciplinary policy.

4.7.23f: Six months after remedial steps, re-visit the respective area commands and sample a second set of OBRD reviews to determine if compliance levels have improved.

4.7.23g: If compliance levels have not improved, consider appropriate remediation or discipline for the responsible sergeants, lieutenants, and area commanders.

4.7.23h: Repeat steps 1-6 until error rates are less than five percent.

4.7.23i: The internal review should focus on areas of non-compliance noted by the monitor and other internal processes.

**Response:**

- The Performance Metrics Unit conducts monthly audits, resulting in scorecards and monthly reports. The audits are conducted at officer and supervisory levels to determine whether personnel are abiding by policy. Officers and supervisors are evaluated on policy requirements that include, but are not limited to, quarterly uploads, carrying the ECW in weak side holster, and if supervisors are conducting monthly weapons inspections. Failures to meet the requirements results in a policy violation and a request to initiate an internal affairs investigation. APD has continued to improve compliance scores to meet the requirements of the CASA as illustrated in the June 2019 and January 2020 scorecards (See Appendix A).

- On January 11, 2020, APD published the new use of force policy suite, which includes ECW paragraph requirements.
- As of the same date, IAFD took over investigations of levels 2 and 3 use of force cases. At a minimum, the use of an ECW will be a level 2 use of force; therefore, the ECW paragraph requirements will heavily rely on the quality of IAFD's investigations. Each CASA requirement is included in the IAFD data and evaluative forms. Any failures and deficiencies of ECW usage will be addressed by IAFD.
- IAFD provides the APD Training Academy with quarterly updates on trends and patterns for use of force. These trends and patterns will be used in future training and will include a focus on ECW usage, effectiveness and policy findings. If IAFD identifies policy violations, the division is trained to conduct internal affairs investigations for those violations.

D.) Crowd Control and Incident Management (Paragraphs 39-40)

39. APD shall maintain crowd control and incident management policies that comply with applicable law and best practices. At a minimum, the incident management policies shall:
- a) define APD's mission during mass demonstrations, civil disturbances, or other crowded situations;
  - b) encourage the peaceful and lawful gathering of individuals and include strategies for crowd containment, crowd redirecting, and planned responses;
  - c) require the use of crowd control techniques that safeguard the fundamental rights of individuals who gather or speak out legally; and
  - d) continue to prohibit the use of canines for crowd control.

40. APD shall require an after-action review of law enforcement activities following each response to mass demonstrations, civil disturbances, or other crowded situations to ensure compliance with applicable laws, best practices, and APD policies and procedures.

**APD's Summary: D.) Crowd Control and Incident Management (Paragraphs 39-40)**

During this reporting period, APD worked on updating SOP 2-35 (formerly 2-29) Emergency Response Team (ERT) which is currently in the policy development process. Upon approval of SOP 2-35, stage two and three of the ERT training program will be finalized.

**Recommendations for Paragraphs 39-40:**

4.7.26-27a: APD must develop and deliver a meaningful training program to its ERT and Field Services members that is centered on crowd control policies. That training should include scenarios, practical exercises, and lessons learned from previous APD responses to events. Training must meet the instructional objectives documented within APD lesson plans.

4.7.26-27b: APD must ensure that its After-Action Reports follow a standard structure and include mechanisms for communicating needed revisions to policy and training within the agency. We encourage APD's ERT Commanders to review past reports and to incorporate AAR procedures and forms (previously agreed upon) into SOPs.

4.7.26-27c: Any recommendations made from After-Action reporting should follow a logical and repetitive cycle wherein APD can demonstrate it adequately "closes the loop" on lessons learned via effective planning, training, and operations.

**Response:**

- APD continues to work to develop a meaningful training program for field services officers and ERT members. ERT leadership is working with the Training Academy to develop this program upon approval of APD SOP 2-35.

- A standardized template will be used for After-Action Reports (AAR) and incorporated into policy.
- Recommendations received from AAR's follow a logical cycle wherein the APD Operations Review Lieutenant documents and provides training recommendations based on lessons learned.

E.) Use of Force Reporting (Paragraphs 41-45)

41. Uses of force will be divided into three levels for reporting, investigating, and reviewing purposes. APD shall develop and implement a use of force reporting policy and Use of Force Report Form that comply with applicable law and comport with best practices. The use of force reporting policy will require officers to immediately notify their immediate, on-duty supervisor within their chain of command following any use of force, prisoner injury, or allegation of any use of force. Personnel who have knowledge of a use of force by another officer will immediately report the incident to an on-duty supervisor. This reporting requirement also applies to off-duty officers engaged in enforcement action.
42. The use of force reporting policy shall require all officers to provide a written or recorded use of force narrative of the facts leading to the use of force to the supervisor conducting the review or the APD officer conducting the investigation. The written or recorded narrative will include: (a) a detailed account of the incident from the officer's perspective; (b) the reason for the initial police presence; (c) a specific description of the acts that led to the use of force, including the subject's behavior; (d) the level of resistance encountered; and (e) a description of each type of force used and justification for each use of force. Officers shall not merely use boilerplate or conclusory language but must include specific facts and circumstances that led to the use of force.

43. Failure to report a use of force or prisoner injury by an APD officer shall subject officers to disciplinary action.
44. APD policy shall require officers to request medical services immediately when an individual is injured or complains of injury following a use of force. The policy shall also require officers who transport a civilian to a medical facility for treatment to take the safest and most direct route to the medical facility. The policy shall further require that officers notify the communications command center of the starting and ending mileage on the transporting vehicle.
45. APD shall require officers to activate on-body recording systems and record all use of force encounters. Consistent with Paragraph 228 below, officers who do not record use of force encounters shall be subject to discipline, up to and including termination.

F.) Force Investigations (Paragraphs 46-77)

46. The three levels of use of force will have different kinds of Departmental review. All uses of force by APD shall be subject to supervisory review, and Level 2 and Level 3 uses of force are subject to force investigations as set forth below. All force reviews and investigations shall comply with applicable law and comport with best practices. All force reviews and investigations shall determine whether each involved officer's conduct was legally justified and complied with APD policy.
47. The quality of supervisory force reviews shall be taken into account in the performance evaluations of the officers performing such reviews.
48. APD agrees to develop and implement force classification procedures that include at least three categories of types of force that will determine the force review or investigation required. The categories or types of force shall be based on the level of force used and the

risk of injury or actual injury from the use of force. The goal is to promote greater efficiency and reduce burdens on first-line supervisors, while optimizing critical investigative resources on higher-risk uses of force. The levels of force are defined as follow:

- a. Level 1 is force that is likely to cause only transitory pain, disorientation, or discomfort during its application as a means of gaining compliance. This includes techniques which are not reasonably expected to cause injury, do not result in actual injury, and are not likely to result in a complaint of injury (i.e., pain compliance techniques and resisted handcuffing). Pointing a firearm, beanbag shotgun, or 40 millimeter launcher at a subject, or using an ECW to “paint” a subject with the laser sight, as a show of force are reportable as Level 1 force. Level 1 force does not include interaction meant to guide, assist, or control a subject who is offering minimal resistance.
- b. Level 2 is force that causes injury, could reasonably be expected to cause injury, or results in a complaint of injury. Level 2 force includes use of an ECW, including where an ECW is fired at a subject but misses; use of a beanbag shotgun or 40 millimeter launcher, including where it is fired at a subject but misses; OC Spray application; empty hand techniques (i.e., strikes, kicks, takedowns, distraction techniques, or leg sweeps); and strikes with impact weapons, except strikes to the head, neck, or throat, which would be considered a Level 3 use of force.
- c. Level 3 is force that results in, or could reasonably result in, serious physical injury, hospitalization, or death. Level 3 force includes all lethal force; critical firearms discharges; all head, neck, and throat strikes with an object; neck holds; canine bites; three or more uses of an ECW on an individual during a single interaction regardless of mode or duration or an ECW application for longer than 15 seconds, whether



continuous or consecutive; four or more strikes with a baton; any strike, blow, kick, ECW application, or similar use of force against a handcuffed subject; and uses of force resulting in a loss of consciousness. As set forth in Paragraphs 81-85 below, APD shall continue to participate in the Multi-Agency Task Force, pursuant to its Memorandum of Understanding, in order to conduct criminal investigations of at least the following types of force or incidents: (a) officer-involved shootings; (b) serious uses of force as defined by the Memorandum of Understanding; (c) in-custody deaths; and (d) other incidents resulting in death at the discretion of the Chief.

49. Under the force classification procedures, officers who use Level 1 force shall report the force to their supervisor as required by Paragraph 42; Level 1 uses of force that do not indicate apparent criminal conduct by an officer will be reviewed by the chain of command of the officer using force. Level 2 and 3 uses of force shall be investigated by the Internal Affairs Division, as described below. When a use of force or other incident is under criminal investigation by the Multi-Agency Task Force, APD's Internal Affairs Division will conduct the administrative investigation. Pursuant to its Memorandum of Understanding, the Multi-Agency Task Force shall periodically share information and coordinate with the Internal Affairs Division, as appropriate and in accordance with applicable laws, to ensure timely and thorough administrative investigations of uses of force.
50. The supervisor of an officer using force shall respond to the scene of all Level 1, 2, and 3 uses of force to ensure that the use of force is classified according to APD's force classification procedures. For Level 2 and Level 3 uses of force, the supervisor shall ensure that the Force Investigation Section of the Internal Affairs Division is immediately notified and dispatched to the scene of the incident to initiate the force investigation.

51. A supervisor who was involved in a reportable use of force, including by participating in or ordering the force being reviewed, shall not review the incident or Use of Force Reports for approval.
52. For all supervisory reviews of Level 1 uses of force, the supervisor shall:
  - a) respond to the scene and immediately identify the officer(s) involved in Level 1 use of force;
  - b) review the involved officer's lapel video, determining whether the incident involves a Level 1 use of force;
  - c) review the lapel video of other officers on-scene where uncertainty remains about whether the incident rises to a Level 2 or Level 3 use of force;
  - d) examine personnel and the subject for injuries and request medical attention where appropriate;
  - e) contact the Internal Affairs Division to conduct a Level 2 or Level 3 use of force investigation if lapel video does not affirm a Level 1 use of force;
  - f) gather any evidence located at the scene of the Level 1 use of force;
  - g) capture photographs of the officer(s) and subject involved in the Level 1 use of force;
  - h) require the submission of a Use of Force Report from the involved officer by the end of shift; and
  - i) conduct any other fact-gathering activities while on-scene, as necessary, to reach reliable conclusions regarding the officer's use of Level 1 force.
53. Each supervisor shall complete and document a supervisory force review of a Level 1 Use of Force within 72 hours of the use of force. Any extension of this 72-hour deadline must be authorized by a Commander. This review shall include:

- a) all written or recorded use of force narratives or statements provided by personnel or others;
  - b) documentation of all evidence that was gathered, including names, phone numbers, and addresses of witnesses to the incident. In situations in which there are no known witnesses, the report shall specifically state this fact. In situations in which witnesses were present but circumstances prevented the author of the report from determining the identification, phone number, or address of the witnesses, the report shall state the reasons why. The report should also include all available identifying information for anyone who refuses to provide a statement;
  - c) the names of all other APD employees witnessing the use of force;
  - d) the supervisor's narrative evaluating the use of force, based on the supervisor's analysis of the evidence gathered, including a determination of whether the officer's actions complied with APD policy and state and federal law; and an assessment of the incident for tactical and training implications, including whether the use of force could have been avoided through the use of de-escalation techniques and
  - e) documentation that additional issues of concern not related to the use of force incident have been identified and addressed by separate memorandum.
54. Upon completion of the review, the reviewing supervisor shall forward the review through his or her chain of command to the Commander, who shall review the entry to ensure that it is complete and that the findings are supported using the preponderance of the evidence standard. The Commander shall order additional review when it appears that there is additional relevant evidence that may assist in resolving inconsistencies or improving the

reliability or credibility of the findings. These reviews shall be completed electronically and tracked in an automated database within the Internal Affairs Division.

55. Where the findings of the supervisory review are not supported by a preponderance of the evidence, the supervisor's Commander shall document the reasons for this determination and shall include this documentation as an addendum to the original review. The supervisor's superior shall take appropriate action to address the inadequately supported determination and any deficiencies that led to it. Commanders shall be responsible for the accuracy and completeness of the Level 1 force reviews prepared by supervisors under their command.
56. Where a supervisor repeatedly conducts deficient supervisory force reviews, the supervisor shall receive the appropriate corrective and/or disciplinary action, including training, demotion, and/or removal from a supervisory position in accordance with performance evaluation procedures and consistent with any existing collective bargaining agreements, personnel rules, Labor Management Relations Ordinance, Merit System Ordinance, regulations, or administrative rules. Whenever a supervisor or Commander finds evidence of a use of force indicating apparent criminal conduct by an officer, the supervisor or Commander shall suspend the supervisory force review immediately and notify the Internal Affairs Division and the Chief. The Force Investigation Section of the Internal Affairs Division shall immediately initiate the administrative and criminal investigation.
57. When the Commander finds that the supervisory force review is complete and the findings are supported by the evidence, the file shall be forwarded to the Performance Review Unit of the Compliance Bureau. The Performance Review Unit shall review the supervisory force review to ensure that it is complete and that the findings are supported by the evidence. The

Performance Review Unit shall ensure that the file is forwarded to the Internal Affairs Division for recordkeeping. Where the Performance Review Unit of the Compliance Bureau determines that a supervisory force review, which has been completed by the supervisor and reviewed by the chain of command, is deficient, the Performance Review Unit shall forward the review to the supervisor for correction. Any performance deficiencies in the investigation or review will be noted in the affected Commander's performance records.

58. At the discretion of the Chief, a supervisory force review may be assigned or re-assigned to another supervisor, whether within or outside of the Command in which the incident occurred, or may be returned to the original supervisor for further review or analysis. This assignment or re-assignment shall be explained in writing.
59. Where, after a supervisory force review, a use of force is found to violate policy, the Chief shall direct and ensure appropriate discipline and/or corrective action. Where the use of force indicates policy, training, tactical, or equipment concerns, the Chief shall also ensure that necessary training is delivered and that policy, tactical, or equipment concerns are resolved.
60. The Force Investigation Section of the Internal Affairs Division shall respond to the scene and conduct investigations of Level 2 and Level 3 uses of force, uses of force indicating apparent criminal conduct by an officer, uses of force by APD personnel of a rank higher than sergeant, or uses of force reassigned to the Internal Affairs Division by the Chief. In cases where an investigator in the Force Investigation Section initiates a Level 2 or Level 3 use of force investigation and identifies indications of apparent criminal conduct, the Section shall refer the use of force to an investigator in the Section, with no involvement in the initial administrative investigation into the Level 2 or 3 use of force, to conduct a

criminal investigation. The criminal investigation shall remain separate from and independent of any administrative investigation. In instances where the Multi-Agency Task Force is conducting the criminal investigation of a use of force, the Internal Affairs Division shall conduct the administrative investigation.

61. The Force Investigation Section of the Internal Affairs Division will be responsible for conducting both criminal and administrative investigations, except as stated in Paragraph 60. The Force Investigation Section of the Internal Affairs Division shall include sufficient personnel who are specially trained in both criminal and administrative investigations.
62. Within six months from the Operational Date, APD shall revise the Internal Affairs Division manual to include the following:
  - a) definitions of all relevant terms;
  - b) procedures on report writing;
  - c) procedures for collecting and processing evidence;
  - d) procedures to ensure appropriate separation of criminal and administrative investigations in the event of compelled subject officer statements;
  - e) procedures for consulting with the District Attorney's Office or the USAO, as appropriate, including ensuring that administrative investigations are not unnecessarily delayed while a criminal investigation is pending;
  - f) scene management procedures; and
  - g) management procedures.
63. Within 39 months from the Operational Date, APD shall ensure that there are sufficient trained personnel assigned to the Internal Affairs Division and Force Investigation Section to fulfill the requirements of this Agreement. APD shall ensure that all Level 2 and Level 3

uses of force are investigated fully and fairly by individuals with appropriate expertise, independence, and investigative skills so that uses of force that are contrary to law or policy are identified and appropriately resolved; that policy, training, equipment, or tactical deficiencies related to the use of force are identified and corrected; and that investigations of sufficient quality are conducted so that officers can be held accountable, if necessary. At the discretion of the Chief, APD may hire and retain personnel, or reassign current APD employees, with sufficient expertise and skills to the Internal Affairs Division or Force Investigation Section.

64. Before performing force investigations, Force Investigation Section personnel shall receive force investigation training that includes, at a minimum, the following areas: force investigation procedures; call-out and investigative protocols; proper roles of on-scene counterparts such as crime scene technicians, the Office of the Medical Investigator, District Attorney staff, the Multi-Agency Task Force, City Attorney staff, and Civilian Police Oversight Agency staff; and investigative equipment and techniques. Force Investigation Section personnel shall also receive force investigation annual in-service training.
65. Where appropriate to ensure the fact and appearance of impartiality and with the authorization of the Chief, APD may refer a use of force indicating apparent criminal conduct by an officer to the Multi-Agency Task Force for criminal investigation.
66. To ensure that criminal and administrative investigations remain separate, APD's Violent Crimes Section may support the Force Investigation Section of the Internal Affairs Division or the Multi-Agency Task Force in the investigation of any Level 2 or Level 3 use of force, as defined by this Agreement, including critical firearm discharges, in-custody deaths, or police-initiated actions in which a death or serious physical injury occurs.

67. The Chief shall notify and consult with the District Attorney's Office, the Federal Bureau of Investigation, and/or the USAO, as appropriate, regarding any use of force indicating apparent criminal conduct by an officer or evidence of criminal conduct by an officer discovered during a misconduct investigation.
68. If APD initiates a criminal investigation, or where APD requests a criminal prosecution, the Force Investigation Section will delay any compelled interview of the target officer(s) pending consultation with the District Attorney's Office or the USAO, consistent with Paragraph 186. No other part of the administrative investigation shall be held in abeyance unless specifically authorized by the Chief in consultation with the agency conducting the criminal investigation.
69. In conducting its investigations of Level 2 or Level 3 uses of force, as defined in this Agreement, the Force Investigation Section shall:
  - a) respond to the scene and consult with the on-scene supervisor to ensure that all personnel and subject(s) of use of force have been examined for injuries, that the use of force has been classified according to APD's classification procedures, that subject(s) have been interviewed for complaints of pain after advising the subject(s) of his or her rights, and that all officers and/or subject(s) have received medical attention, if applicable;
  - b) ensure that all evidence to establish material facts related to the use of force, including but not limited to audio and video recordings, photographs, and other documentation of injuries or the absence of injuries is collected;



- c) ensure that a canvass for, and interview of, witnesses is conducted. In addition, witnesses should be encouraged to provide and sign a written statement in their own words;
- d) ensure, consistent with applicable law, that all officers witnessing a Level 2 or Level 3 use of force by another officer provide a use of force narrative of the facts leading to the use of force;
- e) provide a written admonishment to involved and witness officer(s) to the use of force that they are not to speak about the force incident with anyone until they are interviewed by the investigator of the Force Investigation Section;
- f) conduct only one-on-one interviews with involved and witness officers;
- g) review all Use of Force Reports to ensure that these statements include the information required by this Agreement and APD policy;
- h) ensure that all Use of Force Reports identify all officers who were involved in the incident, witnessed the incident, or were on the scene when it occurred;
- i) conduct investigations in a rigorous manner designed to determine the facts and, when conducting interviews, avoid asking leading questions and never ask officers or other witnesses any questions that may suggest legal justifications for the officers' conduct;
- j) record all interviews;
- k) consider all relevant evidence, including circumstantial, direct, and physical evidence, as appropriate, and make credibility determinations, if feasible;
- l) make all reasonable efforts to resolve material inconsistencies between the officer, subject, and witness statements, as well as inconsistencies between the level of force described by the officer and any injuries to personnel or subjects; and

- m) train all Internal Affairs Division force investigators on the factors to consider when evaluating credibility, incorporating credibility instructions provided to jurors.
70. The Force Investigation Section shall complete an initial Use of Force Data Report through the chain of command to the Chief as soon as possible, but in no circumstances later than 24 hours after learning of the use of force.
71. The Force Investigation Section shall complete Level 2 or Level 3 administrative investigations within three months after learning of the use of force. Any request for an extension to this time limit must be approved by the commanding officer of the Force Investigation Section through consultation with the Chief or by the Chief. At the conclusion of each use of force investigation, the Force Investigation Section shall prepare an investigation report. The report shall include:
- a) a narrative description of the incident, including a precise description of the evidence that either justifies or fails to justify the officer's conduct based on the Force Investigation Section's independent review of the facts and circumstances of the incident;
  - b) documentation of all evidence that was gathered, including names, phone numbers, addresses of witnesses to the incident, and all underlying Use of Force Data Reports. In situations in which there are no known witnesses, the report shall specifically state this fact. In situations in which witnesses were present but circumstances prevented the author of the report from determining the identification, phone number, or address of those witnesses, the report shall state the reasons why. The report should also include all available identifying information for anyone who refuses to provide a statement;
  - c) the names of all other APD officers or employees witnessing the use of force;

- d) the Force Investigation Section's narrative evaluating the use of force, based on the evidence gathered, including a determination of whether the officer's actions complied with APD policy and state and federal law; and an assessment of the incident for tactical and training implications, including whether the use of force could have been avoided through the use of de-escalation techniques or lesser force options;
  - e) if a weapon was used by an officer, documentation that the officer's certification and training for the weapon were current at the time of the incident; and
  - f) the complete disciplinary history of the target officers involved in the use of force.
72. Upon completion of the Force Investigation Section investigation report, the Force Investigation Section investigator shall forward the report through his or her chain of command to the commanding officer of the Internal Affairs Division. The Internal Affairs Division commanding officer shall review the report to ensure that it is complete and that, for administrative investigations, the findings are supported using the preponderance of the evidence standard. The Internal Affairs Division commanding officer shall order additional investigation when it appears that there is additional relevant evidence that may assist in resolving inconsistencies or improve the reliability or credibility of the findings.
73. For administrative investigations, where the findings of the Force Investigation Section investigation are not supported by a preponderance of the evidence, the Internal Affairs Division commanding officer shall document the reasons for this determination and shall include this documentation as an addendum to the original investigation report. The commanding officer of the Internal Affairs Division shall take appropriate action to address any inadequately supported determination and any investigative deficiencies that led to it.

The Internal Affairs Division commanding officer shall be responsible for the accuracy and completeness of investigation reports prepared by the Internal Affairs Division.

74. Where a member of the Force Investigation Section repeatedly conducts deficient force investigations, the member shall receive the appropriate corrective and/or disciplinary action, including training or removal from the Force Investigation Section in accordance with performance evaluation procedures and consistent with any existing collective bargaining agreements, personnel rules, Labor Management Relations Ordinance, Merit System Ordinance, regulations, or administrative rules.
75. When the commanding officer of the Internal Affairs Division determines that the force investigation is complete and the findings are supported by the evidence, the investigation report file shall be forwarded to the Force Review Board with copy to the Chief.
76. At the discretion of the Chief, a force investigation may be assigned or re-assigned for investigation to the Multi-Agency Task Force or the Federal Bureau of Investigations, or may be returned to the Force Investigation Section for further investigation or analysis. This assignment or re-assignment shall be confirmed in writing.
77. Where, after an administrative force investigation, a use of force is found to violate policy, the Chief shall direct and ensure appropriate discipline and/or corrective action. Where a force investigation indicates apparent criminal conduct by an officer, the Chief shall ensure that the Internal Affairs Division or the Multi-Agency Task Force consults with the District Attorney's Office or the USAO, as appropriate. The Chief need not delay the imposition of discipline until the outcome of the criminal investigation. In use of force investigations, where the incident indicates policy, training, tactical, or equipment concerns, the Chief shall

ensure that necessary training is delivered and that policy, tactical, or equipment concerns are resolved.

**APD's Summary: E.) Use of Force Reporting (Paragraphs 41-45) and F) Force Investigations (Paragraphs 46-77)**

The Internal Affairs Force Division continues to collect data on use of force and show of force incidents. IAFD provides updates including but not limited to the Training Academy, FRB, the Citizen Police Oversight Agency Board and the Community Policing Councils on trends and patterns to assist in addressing areas in need of improvement. The revised use of force policies were published and went into effect in January 2020.

**Recommendations for Paragraph 57 and 78:**

4.7.44 & 65a: Report regularly on progress on the established goals and objectives related to the FRB process.

4.7.44.& 65b: Closely monitor referrals that are made from the FRB to ensure that each referral is clear and is followed through on by the impacted command.

4.7.44. & 65c: APD should organize its pre and post FRB meeting documentation in a manner that clearly demonstrates how it meets each of the relevant provisions of the CASA.

**Response:**

- IAFD presented, to the FRB, the first use of force update in January 2020. This update included the data from August – December 2019.
- IAFD produces and delivers a quarterly update to the FRB covering two broad areas. The first area includes force trend data such as where and when force is applied and demographic data of individuals and officers. The second area provides statistical trends and process metrics of the FRB such as how many cases have been reviewed, data on referrals and successes.

- During this reporting period, the FRB heard 36 cases which generated nine (9) referrals. Seven (7) of the nine (9) referrals were closed while two (2) referrals remain open. The majority of the referrals related to policy improvements. Of the 36 cases, 33 cases were tactical activations, two serious use of force cases (one case was an officer involved shooting (OIS)), and one supervisory use of force (10% sample). See Appendix B for the FRB update from August 1 – December 31, 2019.
- The FRB-related paragraphs have several additional personnel managing the process. There is one project lead who is ultimately responsible for the requirements for the Force Review Board; one Process Improvement Analyst who assists in streamlining the process, acts as a checks and balances to case management and is heavily involved in tracking cases and referrals, if applicable. As of January 2020, an APD Lieutenant was assigned to the FRB administrative position and is also responsible for tracking and updating the FRB on referrals. Each referral is assigned to one person with a deadline for each referral, and any extension requires documentation with another deadline to ensure a referral is not lost in the process. A primary example for a necessary extension stems from a request to revise policy. Revising a policy is time intensive and cannot be completed by the next FRB; therefore, an extension is necessary in order for the FRB to ensure the policy revision is completed.
- For each FRB meeting, which is typically once per week, there are multiple cases on the agenda to be reviewed. Each case is organized in a way that keeps each case accounted for, and clearly demonstrates how each FRB provision is met. The process has been streamlined during this last reporting period to allow for easy-to-read documentation illustrating how the FRB meets those provisions.

**Recommendations for Paragraph 58:**

4.7.45a: Develop an early intervention system that triggers alerts when clusters of poorly investigated use of force incidents arise, and address these issues early with Area Command staff, requiring Commanders affected to develop and implement written “Intervention Plans” designed to identify the causes of failure and remediate those causes systematically.

4.7.45b: Routinely monitor the intervention process for integrity to the proffered plans.

**Response:**

- The Performance Evaluation and Management System (PEMS) policy is in the final stages of the policy development process.
- APD has contracted with an outside vendor in order to capture use of force, internal affairs, performance evaluations, training, community engagement, and the Performance Evaluation and Management System (PEMS and formally the Early Intervention System).
- The Accountability and Oversight Division has a team dedicated to the Performance Evaluation and Management System (PEMS) comprised of a lieutenant, sergeant, and data analyst.
- APD is in the test phase of the PEMS to ensure the appropriate threshold assessments are identified and evaluation criteria is accurate and standardized.

**Recommendation for Paragraph 60 - 75**

4.7.47a: APD should continue its current planning processes related to re-constituting an effective FRB process. We have reviewed work completed to date by the department regarding the reconstituted FRB, and find it methodical, based on lessons learned from other agencies working through consent decrees, and focused on past comments by the monitoring team related to FRB processes.

4.7.48a: Continue to monitor internally the progress of Internal Affairs in conducting effective intake, assessment, assignment, investigation, and resolution processes for criminal and civil investigations in order to ensure that staffing levels are appropriate, and processes are effective in producing acceptable and timely results.

4.7.49a: Continue work on revision and update of the IAB manuals, ensuring they comply with the CASA and known best practices in the field.

4.7.50a: Identify the department's expected milestone date for staffing at IAB based on data related to incoming cases, average time for case completion, and calculations of the number of staff needed to effectively investigate incoming cases within established parameters.

4.7.56a: Conduct detailed failure analyses for all IAB investigations deemed improperly completed.

4.7.56b: Using these failure analyses, routinely modify training, procedures, practice and supervision/oversight until IAB findings are greater than 94 percent complete and adequate on each of the elements addressed in paragraph 69.

4.7.57a: Conduct a data analysis of Use of Force Data reports to determine why they take longer than 24 hours to process and develop recommendations to relieve the major bottlenecks affecting this process.

4.7.57b: Ensure that any ECW errors noted based on the monitor's recommendations in response to identified issues with ECW usage are used to make changes to use of force data analyses moving forward.

4.7.58a: Conduct a review of a sample of cases completed by IAB in the past 3-6 months that failed to meet established timelines by reviewing the key failure points causing delay. The review should:



- a. Identify key causes of failure;
- b. Identify where the failure points were in the IAB process related to Paragraph 71 ;
- c. Identify the cause of the failures;
- d. Identify who is responsible for the cause of the delays; and
- e. Recommend actions to remedy the top five causes of failure to meet the established timelines.
- f. Repeat this process until failures re Paragraph 71 are less than 95 percent.

4.7.58b: Implement recommended actions and conduct a follow-up assessment to determine what impact, if any, the implemented actions had on failures to meet established timelines.

4.7.58c: Determine if these processes need to be revised, expanded, or refocused given our comments re ECW usage failures in the field, contained in paragraphs 24-36, 41-59, and 60-77.

4.7.58d: Repeat until 95% of cases completed meet established requirements for quality of IA investigations.

4.7.59a: Conduct a review of a sample of cases completed by IAB (in the past 3-6 months) that failed to meet established timelines by reviewing the key failure points causing delay. The review should:

- a. Identify key causes of failure;
- b. Identify where in the IAB process related to Paragraph 72 the failure points were;
- c. Identify the cause of the failures;
- d. Recommend and implement actions to remedy the top five causes of failure to meet the established timelines;
- e. Reevaluate performance and repeat the process, with a focus on supervisors who routinely fail to meet established timelines; and
- f. Repeat as necessary until the failure rate is below five percent.

4.7.60a: Conduct a review of a sample of cases completed by IAB in the past 3-6 months that failed to meet established quality requirements regarding preponderance of the evidence and review the key failure points causing insufficient investigations relative to preponderance of the evidence. The review should:

- a. Identify key causes of failure to meet preponderance of the evidentiary standards for IA investigations;
- b. Recommend actions to remedy the top five causes of failure to meet the established requirements related to preponderance of the evidence.

4.7.60b: Implement recommended actions and conduct continual follow-up assessment to determine what impact, if any, the implemented actions had on the unit's ability to meet established preponderance of evidentiary standards.

4.7.60c: Repeat until 95% of cases completed meet established requirements regarding evidentiary standards.

4.7.61a: Conduct a review of a sample of cases completed by IAB in the past 3-6 months that failed to meet quality standards by reviewing the key failure points causing the failure. The review should:

- a. Identify key causes of failure;
- b. Identify where in the IAB process related to Paragraph 74 the failure points were located;
- c. Identify the cause (of the failures); and
- d. Recommend actions to remedy the top five causes of failure to meet the established timelines.

4.7.61b: Implement recommended actions and conduct a follow-up assessments to determine what impact, if any, the implemented actions had on failures to meet established quality standards for IA investigations.

4.7.61c: Repeat until 95% of cases completed meet established evidentiary standards.

4.7.62a: Once FRB is returned to action, conduct a review of a sample of cases completed by IAB in the past 3-6 months that failed to meet the requirement to forward the case to the FRB by reviewing the key failure points causing incomplete cases to be forwarded to the FRB. The review should:

- a. Identify key causes of failure;
- b. Identify where in the IAB process related to Paragraph 75 the failure points were; and
- c. Recommend actions to remedy the top five causes of failure to meet the established protocols, e.g., training, supervision, staffing, etc.

4.7.62b: Implement recommended actions and conduct a follow-up assessment to determine what impact, if any, the implemented actions had on failures to meet established evidentiary and quality standards.

4.7.62c: Repeat until 95% of cases completed meet established evidentiary and quality standards.

**Response:**

- In 2018, APD divided the Internal Affairs Bureau into two divisions: Internal Affairs Force Division and Internal Affairs Professional Standards. IAFD is responsible for managing all force related data, policy revisions, and the administrative investigation of level 2 and 3 use of force cases. IAPS is responsible for administrative investigations related to misconduct. The above paragraphs and recommendations apply to IAFD.

- IAFD responded to serious uses of force incidents from August 1, 2019, through January 10, 2020. APD published the new use of force policy suite on January 11, 2020, and IAFD began responding to all Level 2 and 3 uses of force. A level 3 use of force was formally known as a serious use of force. A 10% sample of closed Level 2 cases will be presented to the FRB. All closed Level 3 cases will be presented to the FRB.
- The Force Review Board reconvened in August 2019. There are key APD personnel intimately involved in the FRB process to ensure the Department is meeting the requirements of the CASA. In January 2020, a lieutenant was assigned to the FRB administrative position. The lieutenant will work closely with the FRB project lead to ensure the goals and objectives of the FRB are met.
- Should there be a situation in which a use of force case is found to be criminal, APD has and will continue to forward the case to the appropriate specialized unit for investigation. APD has sufficient resources to investigate criminal cases.
- IAFD is currently staffed with 19 detectives. APD will continue to monitor the caseload of IAFD detectives and make adjustments to ensure quality investigations are conducted and cases are closed within timelines.
- APD SOP 1-61 Internal Affairs Force Division is in the policy development process. IAFD is developing a 40-hour training course that will accomplish the directives of CASA paragraph 69 which consists of report writing, collecting and processing evidence, scene management, and procedures on criminal investigations and administrative investigations. The training will serve as a course that any APD officer can attend to enhance their career development by learning the investigative process. The 7-step process will be completed by IAFD in conjunction with the Training Academy's Comprehensive Training Unit.

- It is the goal of IAFD to close all use of force investigations through the commanding officer within 90 days. IAFD will work diligently to accomplish this goal with the current staffing level and will monitor caseloads to ensure quality and timely investigations. IAFD determines if each case meets the preponderance of evidence.
- IAFD completes and includes a compliance level assessment in every investigative use of force case.
- The IAFD Lieutenant who reviews current use of force investigations captures the analysis of use of force data on the Lieutenant Compliance Form.
- All ECW usage is being evaluated through IAFD as of January 11, 2020. The initial data report is written by an IAFD detective, which includes an analysis of ECW usage, when applicable. This analysis is written in the new use of force policy and was trained in Tier 3 training.
- IAFD has standardized the process for completing use of force investigations by using a Data Form, Evaluative Narrative, First Line Supervisor Review, Lieutenant Review, and Commanding Officer Review. The process is also used as a guide for detectives to follow and complete all required investigative points as stipulated in the CASA and policy.
- The standardized process has proven to be valuable and increase the number of cases completed within timelines.
- IAFD implemented a case tracking system during this reporting period which has helped ensure timelines are met, and where cases are falling behind the tracking system alerts the supervisor who then works with the detective to address the delay.
- IAFD opened IA investigations at both the officer and supervisor level during this reporting period. APD continues to improve processes to ensure cases do not exceed timelines per

policy and the CASA.

- During this reporting period, all use of force cases investigated by IAFD met the preponderance standard.
- In order to ensure quality standards are being met, IAFD supervisors work closely with detectives to provide feedback as a means to continuously improve the investigation of cases.
- Prior to an IAFD detective handling a case, the detective must complete a training curriculum with a test to demonstrate a transfer of knowledge. The training and testing process measures the detective's skill level to validate he/she is qualified and capable of completing a thorough and complete use of force investigation.
- FRB reconvened in August 2019, starting with tactical activation cases and use of force cases began in December 2019. APD does not have enough data at this point to determine impact stemming from referrals.
- IAFD will present serious use of force and a 10% sample of level 2 use of force cases to the FRB to determine whether IAFD is maintaining high quality investigations and to evaluate the use of force.

G.) Force Review Board (Paragraphs 78-80)

78. APD shall develop and implement a Force Review Board to review Level 2 and Level 3 uses of force. The Force Review Board shall be comprised of at least the following members: Deputy Chief of the Administrative Support Bureau, Deputy Chief of the Field Services Bureau, the Deputy Chief of the Investigative Bureau, a Field Services Commander, the Academy Division Commander, and the Legal Advisor. The Force Review Board shall conduct timely, comprehensive, and reliable reviews of Level 2 and Level 3 use of force investigations. The Force Review Board shall:

- a) review each use of force investigation completed by the Force Investigation Section within 30 days of receiving the investigation report to ensure that it is complete and, for administrative investigations, that the findings are supported by a preponderance of the evidence;
- b) hear the case presentation from the lead investigator and discuss the case as necessary with the investigator to gain a full understanding of the facts of the incident. The officer(s) who used the force subject to investigation, or who are otherwise the subject(s) of the Internal Affairs Division investigation, shall not be present;
- c) order additional investigation when it appears that there is additional relevant evidence that may assist in resolving inconsistencies or improve the reliability or credibility of the force investigation findings. For administrative investigations, where the findings are not supported by a preponderance of the evidence, the Force Review Board shall document the reasons for this determination, which shall be included as an addendum to the original force investigation, including the specific evidence or analysis supporting their conclusions;
- d) determine whether the use of force violated APD policy. If the use of force violated APD policy, the Force Review Board shall refer it to the Chief for appropriate disciplinary and/or corrective action;
- e) determine whether the incident raises policy, training, equipment, or tactical concerns, and refer such incidents to the appropriate unit within APD to ensure the concerns are resolved;

- f) document its findings and recommendations in a Force Review Board Report within 45 days of receiving the completed use of force investigation and within 15 days of the Force Review Board case presentation; and
  - g) review and analyze use of force data, on at least a quarterly basis, to determine significant trends and to identify and correct deficiencies revealed by this analysis.
79. At least annually, APD shall publish a Use of Force Annual Report. At a minimum, the following information should be included in the Annual Use of Force Report:
- a) number of calls for service;
  - b) number of officer-initiated actions;
  - c) number of aggregate uses of force, and uses of force by Level;
  - d) number of arrests;
  - e) number of custodial arrests that involved use of force;
  - f) number of SWAT deployments by type of call out;
  - g) number of incidents involving officers shooting at or from moving vehicles;
  - h) number of individuals armed with weapons;
  - i) number of individuals unarmed;
  - j) number of individuals injured during arrest, including APD and other law enforcement personnel;
  - k) number of individuals requiring hospitalization, including APD and other law enforcement personnel;
  - l) demographic category; and
  - m) geographic data, including street, location, or Area Command.



80. APD shall be responsible for maintaining a reliable and accurate tracking system on all officers' use of force; all force reviews carried out by supervisors; all force investigations carried out by the Force Investigation Section, Internal Affairs Division, or Multi-Agency Task Force; and all force reviews conducted by the Performance Review Unit of the Compliance Bureau and the Force Review Board. APD shall integrate the use of force tracking system with the Early Intervention System database and shall utilize the tracking system to collect and analyze use of force data to prepare the Use of Force Annual Report and other reports, as necessary.

**APD's Summary: G.) Force Review Board (Paragraphs 78-80)**

The Force Review Board (FRB) was reinstated during this reporting period. The Board is operating under new leadership and incorporating feedback from the IM and DOJ to ensure a quality and comprehensive review of use of force cases and tactical activations.

**Recommendations for Paragraph 79 and 80**

4.7.66a: APD should monitor use of force, serious use of force and show of force reporting discrepancies found as the IA Force Division reviews of the backlog of cases. Reporting errors must be reconciled to ensure that statistics published in its Annual Use of Force Reports are accurate.

4.7.66b: As APD transitions to a three-tiered use of force reporting system, they should create an auditing process for tier-one uses of force to ensure proper categorization is taking place. This system should be in place before the new use of force reporting system is launched. We consider this a critical recommendation.

4.7.67a: APD should monitor use of force, serious use of force and show of force reporting discrepancies. Reporting errors must be reconciled to ensure that statistics published in APD's Annual Use of Force Reports are accurate.

4.7.67b: APD should monitor and audit the intake of misconduct reports that are submitted through BlueTeam, as delineated in SO 19-25 (2nd Amendment) to ensure that misconduct violations are being fully and properly identified and addressed in keeping with SOP 3-41 and APD's disciplinary sanction chart.

**Response:**

- The Backlog was reconciled in October 2019. The data from the backlog will be included in the Annual Use of Force Reports.
- APD has spent a significant amount of time conducting a rigorous review of the data, validating data in source systems, executing quality checks, making corrections and ensuring data are properly collected and entered in the future. However, the data warehouse, which is used to extract the data for the Use of Force annual report, experienced failures within the system. The City of Albuquerque's Department of Technology and Innovation is working to resolve the issues. Once the data warehouse is working properly, APD will be able to extract the data and finalize the Use of Force annual reports.
- Within the Accountability and Oversight Division, a section was created specifically to review level one use of force cases. There are two Performance Review Section Lieutenants assigned to conduct reviews for level one cases. The proper use of force classification is a requirement within the review process.
- The Accountability and Oversight Division's Performance Metrics Unit has been working on an audit process to determine if policy violations or internal misconduct complaints are being

properly identified, reported, tracked and managed from the initiation request to disposition.

H.) Multi-Agency Task Force (Paragraphs 81-85)

81. APD shall continue to participate in the Multi-Agency Task Force for as long as the Memorandum of Understanding continues to exist. APD agrees to confer with participating jurisdictions to ensure that inter-governmental agreements that govern the Multi-Agency Task Force are current and effective. APD shall ensure that the inter-governmental agreements are consistent with this Agreement.
82. APD agrees to consult with participating jurisdictions to establish investigative protocols for the Multi-Agency Task Force. The protocols shall clearly define the purpose of the Multi-Agency Task Force; describe the roles and responsibilities of participating agencies, including the role of the lead investigative agency; and provide for ongoing coordination among participating agencies and consultation with pertinent prosecuting authorities.
83. APD agrees to consult and coordinate with the Multi-Agency Task Force on the release of evidence, including video recordings of uses of force, and dissemination of information to preserve the integrity of active criminal investigations involving APD personnel.
84. APD agrees to participate in all briefings of incidents involving APD personnel that are investigated by the Multi-Agency Task Force.
85. If the Memorandum of Understanding governing the Multi-Agency Task Force expires or otherwise terminates, or APD withdraws from the Multi-Agency Task Force, APD shall perform all investigations that would have otherwise been conducted pursuant to the Memorandum of Understanding. This Agreement does not prevent APD from entering into other investigative Memoranda of Understanding with other law enforcement agencies to

conduct criminal investigation of officer-involved shootings, serious uses of force, and in-custody deaths.

**APD's Summary: H.) Multi-Agency Task Force (Paragraphs 81-85)**

The Multi-Agency Task Force (MATF) continues to investigate Officer-Involved Shootings (OIS), in-custody deaths and criminal allegation cases submitted by the Internal Affairs Professional Standards (IAPS) Division and IAFD. Due to changes in leadership with MATF partners, a draft updated Memorandum of Agreement (MOA) is being reviewed by partner agencies.

The MATF remains in operational compliance. There were no recommendations for this section.

**I.) Use of Force Training (Paragraphs 86-89)**

86. Within 36 months of the Operational Date, APD will review all use of force policies and training to ensure they incorporate, and are consistent with, the Constitution and provisions of this Agreement. APD shall also provide all APD officers with 40 hours of use of force training within 12 months of the Operational Date, and 24 hours of use of force training on at least an annual basis thereafter, including, as necessary, training on developments in applicable law and APD policy.
87. APD's use of force training for all officers shall be based upon constitutional principles and APD policy and shall include the following topics:
  - a) search and seizure law, including the Fourth Amendment and related law;
  - b) APD's use of force policy, use of force reporting requirements, and the importance of properly documenting use of force incidents;

- c) use of force decision-making, based upon constitutional principles and APD policy, including interactions with individuals who are intoxicated, or who have a mental, intellectual, or physical disability;
  - d) use of de-escalation strategies;
  - e) scenario-based training and interactive exercises that demonstrate use of force decision-making and de-escalation strategies;
  - f) deployment and use of all weapons or technologies, including firearms, ECWs, and on-body recording systems;
  - g) crowd control; and
  - h) initiating and disengaging foot pursuits.
88. Supervisors of all ranks, including those assigned to the Internal Affairs Division, as part of their initial and annual in-service supervisory training, shall receive additional training that includes:
- a) conducting use of force reviews or investigations, including evaluating officer, subject, and witness credibility;
  - b) strategies for effectively directing officers to minimize uses of force and to intervene effectively to prevent or stop unreasonable force;
  - c) incident management; and
  - d) supporting officers who report unreasonable or unreported force, or who are retaliated against for using only reasonable force or attempting to prevent unreasonable force.
89. Included in the use of force training set out above, APD shall deliver firearms training that comports with constitutional principles and APD policy to all officers within 12 months of the Operational Date and at least yearly thereafter. APD firearms training shall:

- a) require officers to complete and satisfactorily pass firearms training and qualify for regulation and other service firearms, as necessary, on an annual basis;
- b) require recruits, officers in probationary periods, and officers who return from unarmed status to complete and satisfactorily pass firearm training and qualify for regulation and other service firearms before such personnel are permitted to carry and use firearms;
- c) incorporate professional low-light training, stress training (e.g., training in using a firearm after undergoing physical exertion), and proper use of force decision-making training, including continuous threat assessment techniques, in the annual in-service training program; and
- d) ensure that firearm instructors critically observe students and provide corrective instruction regarding deficient firearm techniques and failure to utilize safe gun handling procedures at all times.

**APD's Summary: I.) Use of Force Training (Paragraphs 86-89)**

The APD Training Academy in partnership with the IAFD delivered Tier 2 and Tier 3 training of the use of force policy suite. The training was delivered to all sworn personnel with a 97% compliance rate for completion of the training. The Training Academy utilized a facilitative learning platform for the use of force training which received positive feedback from the participants. Tier 4 use of force training is in the development phase and will be delivered during 2020.

**Recommendations for Paragraphs 86-88**

4.7.73-75a: Academy staff should be properly augmented to support the 2019 4-Tiered approach in order to ensure quality is not negatively impacted due to staffing shortages. This may require an external manpower and workload analysis to identify appropriate staffing levels.

4.7.73-75b: APD academy staff should seek out and attend training courses focused on the proper development of training curricula and how to connect those curricula to the measurement of performance outcomes. Likewise, proper test question construction should be emphasized in the training plan for academy staff.

4.7.73-75c: APD personnel assigned to non-academy commands who carry significant training requirements should receive training commensurate with the Academy staff. This will ensure continuity in curriculum development across the organization.

4.7.73-75d: APD should ensure that each provision that is required by Paragraphs 86-88 is specifically addressed through training and that training documentation is organized and presented to the monitoring team in a way that easily demonstrates compliance with those provisions.

**Response:**

- The Training Academy is prepared to deliver Tier 4 use of force training with supplemental personnel in order to ensure quality throughout the training course.
- The members of the Comprehensive Training Unit (CTU) attended business, grammar and proofreading training to improve the quality of curriculum developed by Training Academy staff. The CTU will continue to identify and attend training opportunities.
- APD Training Academy staff as well as other APD personnel attended the Advanced Instructor Certification Course (AICC) taught by the Los Angeles Police Department in July 2019. The Training Academy is incorporating facilitation style techniques in other curriculums.

- The Training Academy delivered Tier 1 – 3 of the use of force training and will begin Tier 4 Training in 2020. New hires will continue to receive the training necessary to fulfill the duties of a police officer.

## **CASA Section 2. Specialized Units (Paragraphs 90-109)**

### **APD's Summary: Section 2. Specialized Units (Paragraphs 90-109)**

Specialized units include both tactical and investigative units. For the following paragraphs, the Special Operations Division (SOD) Commander is responsible for tactical-related paragraphs and the Special Investigations Division (SID) Commander is responsible for the investigative-related paragraphs described below.

#### **A.) Special Operations Division (Paragraphs 90-105)**

90. To maintain high-level, quality service; to ensure officer safety and accountability; and to promote constitutional, effective policing, APD shall operate and manage its specialized units in a manner that increases the likelihood of safely resolving critical incidents and high-risk situations, prioritizes saving lives in accordance with the totality of the circumstances, provides for effective command-level accountability, and ensures force is used in strict compliance with applicable law, best practices, and this Agreement. To achieve these outcomes, APD shall implement the requirements set out below.
91. APD's specialized tactical units shall be comprised of law enforcement officers who are selected, trained, and equipped to respond as a coordinated team to resolve critical incidents that exceed the capabilities of first responders or investigative units. The specialized tactical units shall consist of SWAT, Canine, and Bomb Squad/EOD.



92. APD shall ensure that specialized tactical units are sufficiently trained to complete the following basic operational functions: Command and Control; Containment; and Entry, Apprehension, and Rescue.
93. Each specialized tactical unit shall have clearly defined missions and duties. Each specialized tactical unit shall develop and implement policies and standard operating procedures that incorporate APD's agency-wide policies on use of force, force reporting, and force investigations.
94. APD policies and procedures on specialized tactical units shall include the following topics:
  - a) team organization and function, including command relationships with the incident commander, Field Services Bureau, other specialized investigative units, Crisis Negotiation Team, Crisis Intervention Unit, crisis intervention certified responders, and any other joint or support elements to ensure clear lines of responsibility;
  - b) coordinating and implementing tactical operations in emergency life-threatening situations, including situations where an officer's view may be obstructed;
  - c) personnel selection and retention criteria and mandated physical and tactical competency of team members, team leaders, and unit commanders;
  - d) training requirements with minimum time periods to develop and maintain critical skills to include new member initial training, monthly training, special assignment training, and annual training;
  - e) equipment appropriation, maintenance, care, and inventory;
  - f) activation and deployment protocols, including when to notify and request additional services;

- g) conducting threat assessments to determine the appropriate responses and necessary resources;
  - h) command and control issues, including a clearly defined command structure; and
  - i) documented after-action reviews and reports.
95. The policies and standard operating procedures of specialized tactical units shall be reviewed at least annually and revisions shall be based, at a minimum, on legal developments, training updates, operational evaluations examining actual practice from after-action reviews, and reviews by the Force Review Board or other advisory or oversight entities established by this Agreement.
96. In addition to Use of Force Reports, APD shall require specialized tactical units to document their activities in detail, including written operational plans and after-action reports created after call-outs and deployments to critical situations. After-action reports shall address any areas of concern related to policy, training, equipment, or tactics.
97. APD shall require specialized tactical units to conduct mission briefings before an operation, unless exigent circumstances require an immediate deployment. APD shall also ensure that specialized tactical team members designate personnel to develop and implement operational and tactical plans before and during tactical operations. All specialized tactical team members should have an understanding of operational planning.
98. All specialized tactical units shall wear uniforms that clearly identify them as law enforcement officers.
99. All specialized tactical unit deployments shall be reviewed by the Force Review Board in order to analyze and critique specialized response protocols and identify any policy, training, equipment, or tactical concerns raised by the action. The Force Review Board shall

identify areas of concern or particular successes and implement the appropriate response, including modifications to policy, training, equipment, or tactics.

100. APD shall establish eligibility criteria for all team members, team leaders, and supervisors assigned to tactical units and conduct at least annual reviews of unit team members to ensure that they meet delineated criteria.
101. APD shall train specialized tactical units conducting barricaded gunman operations on competencies and procedures that include: threat assessment to determine the appropriate response and resources necessary, mission analysis, determination of criminal offense, determination of mental illness, requirements for search warrant prior to entry, communication procedures, and integration of the Crisis Negotiation Team, the Crisis Intervention Unit, and crisis intervention certified responders.
102. APD shall continue to require the Canine Unit to complete thorough post-deployment reviews of all canine deployments.
103. APD shall continue to track canine deployments and canine apprehensions, and to calculate and track canine bite ratios on a monthly basis to assess its Canine Unit and individual Canine teams.
104. APD shall include canine bite ratios as an element of the Early Intervention System and shall provide for the review, pursuant to the protocol for that system, of the performance of any handler whose bite ratio exceeds 20 percent during a six-month period, or the entire unit if the unit's bite ratio exceeds that threshold, and require interventions as appropriate. Canine data and analysis shall be included in APD Use of Force Annual Report.
105. APD agrees to track and analyze the number of specialized tactical unit deployments. The analysis shall include the reason for each tactical deployment and the result of each

deployment, to include: (a) the location; (b) the number of arrests; (c) whether a forcible entry was required; (d) whether a weapon was discharged by a specialized tactical unit member; (e) whether a person or domestic animal was injured or killed; and (f) the type of tactical equipment deployed. This data analysis shall be entered into the Early Intervention System and included in APD's annual reports.

**APD's Summary: A.) Specialized Operations Division (Paragraphs 90-105)**

APD Special Operations Division (SOD) continues its proactive approach to addressing recommendations from the IM. During this reporting period, APD made the decision to report and investigate the use of noise flash diversionary devices and chemical munitions as uses of force. The new reporting and investigation requirements will allow for increased oversight and accountability.

In August 2019, the Force Review Board began hearing tactical activation cases. SOD presented 33 tactical activation cases during this reporting period.

SOD Paragraphs 90 – 105 remain in operational compliance. There were no recommendations for the respective paragraphs.

**B.) Special Investigations Division (Paragraphs 106-109)**

106. Each specialized investigative unit shall have a clearly defined mission and duties. Each specialized investigative unit shall develop and implement policies and standard operating procedures that incorporate APD's agency-wide policies on use of force, force reporting, and force investigations.

107. APD shall prohibit specialized investigative units from providing tactical responses to critical situations where a specialized tactical unit is required. APD shall establish protocols that require communication and coordination by specialized investigative units when

encountering a situation that requires a specialized tactical response. The protocols shall include communicating high-risk situations and threats promptly, coordinating effectively with specialized tactical units, and providing support that increases the likelihood of safely resolving a critical incident.

108. Within three months of the Operational Date, APD shall conduct an inspection of specialized investigative units to determine whether weapons and equipment assigned or accessible to specialized investigative units are consistent with the units' mission and training. APD shall conduct re-inspections on at least an annual basis.
109. APD agrees to track and analyze the number of specialized investigative unit responses. The analysis shall include the reason for each investigative response, the legal authority, type of warrant (if applicable), and the result of each investigative response, to include: (a) the location; (b) the number of arrests; (c) the type of evidence or property seized; (d) whether a forcible entry was required; (e) whether a weapon was discharged by a specialized investigative unit member; (f) whether the person attempted to flee from officers; and (g) whether a person or domestic animal was injured or killed. This data analysis shall be entered into the Early Intervention System and included in APD's annual reports.

**APD's Summary: B.) Special Investigations Division (Paragraphs 106-109)**

Special Investigation Divisions (SID) paragraphs remain in operational compliance and SID continues to make improvements above and beyond the requirements of the CASA.

SID personnel have been working closely with community groups and attending community group meetings, improving lines of communication and education opportunities. SID personnel have participated in various Community Policing Council (CPC), district

coalition, neighborhood association, crime free multi-housing program meetings to explain the roles of SID, allowing for a better understanding of the mission for the division and to receive ideas and feedback from the community. SID continues to develop and improve working relationships with local, state, and federal prosecutorial agencies, focusing on community safety.

**Monitor's notes for Paragraphs 106 - 109:**

Although in Operational Compliance, the monitor notes the following recommendations for consideration.

4.7.96a: SID should continue to monitor the adoption of use of force policies.

4.7.96b: SID should continue to review the quality of Operational Plans to ensure they are completed properly and used as a tool to safety and compliance.

4.7.96c: SID and SOD should continue to work with senior management to codify how scoring discrepancies or disagreements will be resolved.

**Response:**

- SID personnel attended and participated in the training and adoption of the new use of force policy suite. The division will continue to comply with the new use of force policies.
- Each operational plan is reviewed for quality and accuracy. In order to ensure that every operational plan meets the established criteria, a checklist was created to determine if all requirements are met prior to the start of the operation. Incomplete operational plans do not continue through the approval process until all criteria are met.
- SID and SOD worked with APD's executive staff to determine who will make the final decision of scoring discrepancies or disagreements. In the event the disagreement cannot be settled at the division level, the Field Services Bureau Deputy Chief of Police will make the final decision.

**CASA Section 3: Crisis Intervention (Paragraphs 110-137)**

A.) Mental Health Response Advisory Committee (Paragraphs 110-117)

110. To maintain high-level, quality service; to ensure officer safety and accountability; and to promote constitutional, effective policing, APD agrees to minimize the necessity for the use of force against individuals in crisis due to mental illness or a diagnosed behavioral disorder and, where appropriate, assist in facilitating access to community-based treatment, supports, and services to improve outcomes for the individuals. APD agrees to develop, implement, and support more integrated, specialized responses to individuals in mental health crisis through collaborative partnerships with community stakeholders, specialized training, and improved communication and coordination with mental health professionals. To achieve these outcomes, APD agrees to implement the requirements below.
111. Within six months of the Operational Date, APD and the City shall establish a Mental Health Response Advisory Committee (“Advisory Committee”) with subject matter expertise and experience that will assist in identifying and developing solutions and interventions that are designed to lead to improved outcomes for individuals perceived to be or actually suffering from mental illness or experiencing a mental health crisis. The Advisory Committee shall analyze and recommend appropriate changes to policies, procedures, and training methods regarding police contact with individuals with mental illness.
112. The Advisory Committee shall include representation from APD command staff, crisis intervention certified responders, Crisis Intervention Unit (“CIU”), Crisis Outreach and Support Team (“COAST”), and City-contracted mental health professionals. APD shall also seek representation from the Department of Family and Community Services, the

University of New Mexico Psychiatric Department, community mental health professionals, advocacy groups for consumers of mental health services (such as the National Alliance on Mental Illness and Disability Rights New Mexico), mental health service providers, homeless service providers, interested community members designated by the Forensic Intervention Consortium, and other similar groups.

113. The Advisory Committee shall provide guidance to assist the City in developing and expanding the number of crisis intervention certified responders, CIU, and COAST. The Advisory Committee shall also be responsible for considering new and current response strategies for dealing with chronically homeless individuals or individuals perceived to be or actually suffering from a mental illness, identifying training needs, and providing guidance on effective responses to a behavioral crisis event.
114. APD, with guidance from the Advisory Committee, shall develop protocols that govern the release and exchange of information about individuals with known mental illness to facilitate necessary and appropriate communication while protecting their confidentiality.
115. Within nine months of the Operational Date, APD shall provide the Advisory Committee with data collected by crisis intervention certified responders, CIU, and COAST pursuant to Paragraphs 129 and 137 of this Agreement for the sole purpose of facilitating program guidance. Also within nine months of the Operational Date, the Advisory Committee shall review the behavioral health training curriculum; identify mental health resources that may be available to APD; network and build more relationships; and provide guidance on scenario-based training involving typical situations that occur when mental illness is a factor.



116. The Advisory Committee shall seek to enhance coordination with local behavioral health systems, with the goal of connecting chronically homeless individuals and individuals experiencing mental health crisis with available services.

117. Within 12 months of the Operational Date, and annually thereafter, the Advisory Committee will provide a public report to APD that will be made available on APD's website, which shall include recommendations for improvement, training priorities, changes in policies and procedures, and identifying available mental health resources.

**APD's Summary: A.) Mental Health Response (Paragraphs 110-117)**

The Crisis Intervention Section (CIS) continues to collaborate with the Mental Health Response Advisory Committee (MHRAC) to improve APD's ability to assist individuals in crisis. CIS actively monitors the eCIT workload and deployment plan to make improvements as needed.

**Recommendation for Paragraph 114**

4.7.101a: Continue to provide training to, at minimum, CIU staff and certified CIT responders on this MOU.

**Response:**

- In 2019, the Memorandum of Understanding (MOU) with UNM Hospital was trained to 99% of active sworn personnel. Training on the MOU was developed in conjunction with and approved by MHRAC. The training covered the purpose of the MOU and how the Crisis Intervention Unit (CIU) clinicians can use it to improve the care of individuals who interface with APD.
- Additional topics covered in this training were jail diversion, an introduction to the new Law Enforcement Assisted Diversion (LEAD) Program, updates to the CIT Contact Sheet which

tracks behavioral health contact with APD, and the proper use of APD's Mobile Crisis Teams.

B.) Behavioral Health Training (Paragraphs 118-122)

118. APD has undertaken an aggressive program to provide behavioral health training to its officers. This Agreement is designed to support and leverage that commitment.
119. APD agrees to continue providing state-mandated, basic behavioral health training to all cadets in the academy. APD also agrees to provide 40 hours of basic crisis intervention training for field officers to all academy graduates upon their completion of the field training program. APD is also providing 40 hours of basic crisis intervention training for field officers to all current officers, which APD agrees to complete by July 15, 2016.
120. The behavioral health and crisis intervention training provided to all officers will continue to address field assessment and identification, suicide intervention, crisis de-escalation, scenario-based exercises, and community mental health resources. APD training shall include interaction with individuals with a mental illness and coordination with advocacy groups that protect the rights of individuals with disabilities or those who are chronically homeless. Additionally, the behavioral health and crisis intervention training will provide clear guidance as to when an officer may detain an individual solely because of his or her crisis and refer them for further services when needed.
121. APD shall ensure that new telecommunicators receive 20 hours of behavioral health training. This training shall include: telephonic suicide intervention; crisis management and de-escalation; interactions with individuals with mental illness; descriptive information that should be gathered when telecommunicators suspect that a call involves someone with mental illness; the roles and functions of COAST, crisis intervention certified responders,

and CIU; the types of calls that should be directed to particular officers or teams; and recording information in the dispatch database about calls in which mental illness may be a factor.

122. APD shall provide two hours of in-service training to all existing officers and telecommunicators on behavioral health-related topics biannually.

**APD's Summary: B.) Behavioral Health Training (Paragraphs 118-122)**

APD provides ongoing behavioral health and crisis intervention training to both sworn and civilian staff.

The behavioral health training paragraphs remain in operational compliance. There were no recommendations for this section.

**C.) Crisis Intervention Certified Responders and Crisis Intervention Unit (Paragraphs 123-131)**

123. APD shall maintain a sufficient number of crisis intervention certified responders who are specially trained officers across the Department who retain their normal duties and responsibilities and also respond to calls involving those in mental health crisis. APD shall also maintain a Crisis Intervention Unit ("CIU") composed of specially trained detectives housed at the Family Advocacy Center whose primary responsibilities are to respond to mental health crisis calls and maintain contact with mentally ill individuals who have posed a danger to themselves or others in the past or are likely to do so in the future. APD agrees to expand both the number of crisis intervention certified responders and CIU.
124. The number of crisis intervention certified responders will be driven by the demand for crisis intervention services, with an initial goal of 40% of Field Services officers who volunteer to take on specialized crisis intervention duties in the field. Within one year of the Operational Date, APD shall reassess the number of crisis intervention certified

responders, following the staffing assessment and resource study required by Paragraph 204 of this Agreement.

125. During basic crisis intervention training for field officers provided to new and current officers, training facilitators shall recommend officers with apparent or demonstrated skills and abilities in crisis de-escalation and interacting with individuals with mental illness to serve as crisis intervention certified responders.
126. Within 18 months of the Operational Date, APD shall require crisis intervention certified responders and CIU to undergo at least eight hours of in-service crisis intervention training biannually.
127. Within 18 months of the Operational Date, APD will ensure that there is sufficient coverage of crisis intervention certified responders to maximize the availability of specialized responses to incidents and calls for service involving individuals in mental health crisis; and warrant service, tactical deployments, and welfare checks involving individuals with known mental illness.
128. APD will ensure that crisis intervention certified responders or CIU will take the lead, once on scene and when appropriate, in interacting with individuals in crisis. If a supervisor has assumed responsibility for the scene, the supervisor will seek input of the crisis intervention certified responder or CIU on strategies for resolving the crisis when it is practical to do so.
129. APD shall collect data on the use of crisis intervention certified responders and CIU. This data will be collected for management purposes only and shall not include personal identifying information of subjects or complainants. APD shall collect the following data:
  - a) date, shift, and area command of the incident;

- b) subject's age, race/ethnicity, and gender;
  - c) whether the subject was armed and the type of weapon;
  - d) whether the subject claims to be a U.S. military veteran;
  - e) name and badge number of crisis intervention certified responder or CIU detective on the scene;
  - f) whether a supervisor responded to the scene;
  - g) techniques or equipment used;
  - h) any injuries to officers, subjects, or others;
  - i) disposition of the encounter (e.g., arrest, citation, referral); and
  - j) a brief narrative of the event (if not included in any other document).
130. APD will utilize incident information from actual encounters to develop case studies and teaching scenarios for roll-call, behavioral health, and crisis intervention training; to recognize and highlight successful individual officer performance; to develop new response strategies for repeat calls for service; to identify training needs for in-service behavioral health or crisis intervention training; to make behavioral health or crisis intervention training curriculum changes; and to identify systemic issues that impede APD's ability to provide an appropriate response to an incident involving an individual experiencing a mental health crisis.
131. Working in collaboration with the Advisory Committee, the City shall develop and implement a protocol that addresses situations involving barricaded, suicidal subjects who are not posing an imminent risk of harm to anyone except themselves. The protocol will have the goal of protecting the safety of officers and suicidal subjects while providing suicidal subjects with access to mental health services.

**APD's Summary: C.) Crisis Intervention Certified Responders and Crisis Intervention Unit (Paragraphs 123-131)**

APD continues to evaluate staffing levels for eCIT officers to ensure the Department remains above a 70% response rate. Training for crisis intervention certified responders is ongoing and essential to stay abreast of trends and techniques to assist individuals in crisis.

**Recommendation for Paragraph 123:**

4.7.110a: Implement the data-driven, methodologically appropriate workload, staffing planning and analysis protocol developed by CIU that ensures that reliable “staffing levels” for ECIT officers are regularly calculated, reported, set as staffing goals, and attained.

**Response:**

- During this reporting period, monthly analysis for the response rate of eCIT officers to behavioral health calls continued, peaking at a 75% response rate in November 2019 and never dropping below 70% during any month. This is an improvement of 5% from the prior reporting period (February 2019 – July 31, 2019). In both the eCIT basic and refresher classes, CIU is now using response rate data to encourage certified officers to self-dispatch to obvious behavioral health calls, regardless of call type. CIU is also working to raise the number of eCIT certified sergeants to improve eCIT oversight in field services.
- The eCIT response rate will continue to be monitored to ensure the response rate does not drop below 70% for any given month.

**Recommendation for Paragraph 131:**

4.7.118a: Work with advisory committee to ensure the protocols are updated and congruent with related policy and protocols. Develop appropriate training strategies, deliver training, and implement the policy.

**Response:**

- The training for this paragraph has been developed in coordination with the Crisis Intervention Unit (CIU). Upon approval of the lesson plan, the training will be filmed in conjunction with CIU personnel and made available for Department personnel to view.

D.) Crisis Prevention (Paragraphs 132-137)

132. APD shall continue to utilize COAST and CIU to follow up with chronically homeless individuals and individuals with a known mental illness who have a history of law enforcement encounters and to proactively work to connect these individuals with mental health service providers.
133. COAST and CIU shall provide crisis prevention services and disposition and treatment options to chronically homeless individuals and individuals with a known mental illness who are at risk of experiencing a mental health crisis and assist with follow-up calls or visits.
134. APD shall continue to utilize protocols for when officers should make referrals to and coordinate with COAST and CIU to provide prevention services and disposition and treatment options.
135. APD shall maintain a sufficient number of trained and qualified mental health professionals in COAST and full-time detectives in CIU to satisfy its obligations under this Agreement. Within three months of completing the staffing assessment and resource study required by Paragraph 204 of this Agreement, APD shall develop a recruitment, selection, and training plan to assign, within 24 months of the study, 12 full-time detectives to the CIU, or the target number of detectives identified by the study, whichever is less.

136. COAST and CIU shall continue to look for opportunities to coordinate in developing initiatives to improve outreach, service delivery, crisis prevention, and referrals to community health resources.
137. APD shall collect and analyze data to demonstrate the impact of and inform modifications to crisis prevention services. This data will be collected for management purposes only and shall not include personal identifying information of subjects or complainants. APD shall collect the following data:
- a) number of individuals in the COAST and CIU case loads;
  - b) number of individuals receiving crisis prevention services;
  - c) date, shift, and area command of incidents or follow up encounters;
  - d) subject's age, race/ethnicity, and gender;
  - e) whether the subject claims to be a U.S. military veteran;
  - f) techniques or equipment used;
  - g) any injuries to officers, subjects, or others;
  - h) disposition of the encounter (e.g., arrest, citation, referral); and
  - i) a brief narrative of the event (if not included in any other document).

**APD's Summary: D.) Crisis Prevention (Paragraphs 132-137)**

APD works diligently to provide quality services to individuals in crisis. CIU and the Crisis Outreach and Support Team (COAST) are consistently working to connect individuals in crisis with prevention services and treatment options.

The crisis prevention paragraphs remain in operational compliance. There were no recommendations for this section.



**CASA Section 4: Policies and Training Generally (Paragraphs 138-161)**

A.) Policy Development, Review and Implementation (Paragraphs 138-148)

138. To maintain high-level, quality service; to ensure officer safety and accountability; and to promote constitutional, effective policing, APD's policies and procedures shall reflect and express the Department's core values and priorities and shall provide clear direction to ensure that officers and civilian employees deliver effective and constitutional policing services. APD shall ensure that officers and civilian employees are trained to understand and carry out consistently and competently the duties and responsibilities specified in APD policies and procedures. To achieve these outcomes, APD agrees to implement the requirements below.
139. APD shall review, develop, and implement policies and procedures that fully implement the terms of this Agreement, comply with applicable law, and comport with best practices. APD policies and procedures shall use terms that are defined clearly, shall be written plainly, and shall be organized logically.
140. APD policies and procedures shall be indexed and maintained in an organized manner using a uniform numbering system for ease of reference. APD policies and procedures shall be accessible to all APD officers and civilian employees at all times in hard copy or electronic format.
141. Within three months of the Operational Date, APD shall provide officers from varying ranks and units with a meaningful opportunity to review and comment on new or existing policies and procedures.
142. Within three months of the Operational Date, APD shall ensure that the Policy and Procedures Review Board is functional and its members are notified of the Board's duties

and responsibilities. The Policy and Procedures Review Board shall include a representative of the Technology Services Division in addition to members currently required under Administrative Order 3-65-2 (2014).

143. Within nine months of the Operational Date, the Policy and Procedures Review Board shall review, develop, and revise policies and procedures that are necessary to implement this Agreement. The Policy and Procedures Review Board shall submit its formal recommendations to the Chief through the Planning and Policy Division.
144. Unless otherwise noted, all new and revised policies and procedures that are necessary to implement this Agreement shall be approved and issued within one year of the Operational Date. APD shall continue to post approved policies, procedures, and administrative orders on the City website to ensure public accessibility. There shall be reasonable exceptions for policies, procedures, and administrative orders that are law enforcement sensitive, such as procedures on undercover officers or operations.
145. The Policy and Procedures Review Board shall review each policy or procedure six months after it is implemented and annually thereafter, to ensure that the policy or procedure provides effective direction to APD personnel and remains consistent with this Agreement, best practices, and current law. The Policy and Procedures Review Board shall review and revise policies and procedures as necessary upon notice of a significant policy deficiency during audits or reviews.
146. APD shall apply policies uniformly and hold officers accountable for complying with APD policy and procedure.
147. APD shall submit all policies, procedures, manuals, and other administrative orders or directives related to this Agreement to the Monitor and DOJ for review and comment

before publication and implementation. If the Monitor or DOJ objects to the proposed new or revised policy, procedure, manual, or other administrative order or directive, because it does not incorporate the requirements of this Agreement or is inconsistent with this Agreement or the law, the Monitor or DOJ shall note this objection in writing to all parties within 15 business days of the receipt of the policy, procedure, manual, or directive from APD. If neither the Monitor nor DOJ objects to the new or revised policy, procedure, manual, or directive, APD agrees to implement it within one month of it being provided to DOJ and the Monitor.

148. APD shall have 15 days to resolve any objections to new or revised policies, procedures, manuals, or directives implementing the specified provisions. If, after this 15-day period has run, the DOJ maintains its objection, then the Monitor shall have an additional 15 days to resolve the objection. If either party disagrees with the Monitor's resolution of the objection, either party may ask the Court to resolve the matter. The Monitor shall determine whether in some instances an additional amount of time is necessary to ensure full and proper review of policies. Factors to consider in making this determination include: 1) complexity of the policy; 2) extent of disagreement regarding the policy; 3) number of policies provided simultaneously; and 4) extraordinary circumstances delaying review by DOJ or the Monitor. In determining whether these factors warrant additional time for review, the Monitor shall fully consider the importance of prompt implementation of policies and shall allow additional time for policy review only where it is clear that additional time is necessary to ensure a full and proper review. Any extension to the above timelines by the Monitor shall also toll APD's deadline for policy completion.

**APD's Summary: A.) Policy Development, Review and Implementation (Paragraphs 138-148)**

The Policy and Procedure Section reports to the Accountability and Oversight Division Commander. The Section continues to streamline the policy development process and is responsible for creating, reviewing, amending, and tracking current, archived, and new policies and special orders.

There were no recommendations for this section as the paragraphs remain in operational compliance.

**B.) Training on Revised Policies, Procedures and Practices (Paragraphs 149-154)**

149. Within two months of the Operational Date, APD shall ensure that all officers are briefed and presented the terms of the Agreement, together with the goals and implementation process of the Agreement.

150. Within three months of issuing a policy or procedure pursuant to this Agreement, APD agrees to ensure that all relevant APD personnel have received and read their responsibilities pursuant to the policy or procedure, including the requirement that each officer or employee report violations of policy; that supervisors of all ranks shall be held accountable for identifying and responding to policy or procedure violations by personnel under their command; and that personnel will be held accountable for policy and procedure violations. APD agrees to document that each relevant APD officer or other employee has received and read the policy. Training beyond roll-call or similar training will be necessary for many new policies to ensure officers understand and can perform their duties pursuant to the policy.

151. Unless otherwise noted, the training required under this Agreement shall be delivered within 18 months of the Operational Date, and annually thereafter. Within six months of

the Operational Date, APD shall set out a schedule for delivering all training required by this Agreement.

152. APD shall ensure that all new lateral hires are certified law enforcement officers and that they receive all training required by this Agreement prior to entry onto duty.
153. APD shall maintain complete and accurate records of all training provided to sworn APD officers during pre-service and in-service training programs, including curricula, course materials, lesson plans, classroom presentations, handouts, videos, slides, recordings, and attendance records. APD shall also maintain complete and accurate records of any audit, review, assessment, or evaluation of the sufficiency or effectiveness of its training programs. APD shall make these records available for inspection by the Monitor and DOJ.
154. APD shall ensure that changes in relevant case law and statutes are disseminated to APD personnel in a timely manner and incorporated, as appropriate, into annual and pre-service training.

**APD's Summary: B.) Training on Revised Policies, Procedures and Practices (Paragraphs 149-154)**

The APD Training Academy continues to develop and deliver training as required under the terms of the CASA. The Training Academy delivered Tier 2 and Tier 3 use of force training to all sworn personnel. The Training Academy also trained the 121<sup>st</sup> cadet class during this reporting period and began training the 122<sup>nd</sup> cadet class in January 2020.

There were no recommendations for this section as the paragraphs remain in operational compliance.

**C.) Field Training Officers Program (Paragraphs 155-161)**

155. APD shall supervise and manage its field training program to ensure that new officers develop the necessary technical and practical skills required to use force in accordance with

APD policy and applicable law. The field training program should reinforce, rather than circumvent, the agency's values, core principles, and expectations on use of force and engagement with the community. Field Training Officers should demonstrate the highest levels of competence, professionalism, impartiality, and ethics.

156. APD shall revise the policies applicable to its field-training program to provide that academy graduates will receive 16 weeks of field training following the training academy and that recruits will not be released from the field training program early.
157. APD shall revise the qualifications for Field Training Officers to require three years of non-probationary experience as a sworn police officer and to ensure that Field Training Officers have a demonstrated commitment to constitutional policing, ethics, and professionalism.
158. New Field Training Officers and Area Sergeant Coordinators shall receive at least 40 hours of initial supervisory-level training and annual in-service training in the following areas: management and supervision; constitutional, community-oriented policing; de-escalation techniques; and effective problem-solving techniques. Field Training Officers and Area Sergeant Coordinators shall be required to maintain, and demonstrate on a regular basis, their proficiency in managing recruits and subordinates, as well as practicing and teaching constitutional, community-oriented policing; de-escalation techniques; and effective problem solving. APD shall maintain records of all evaluations and training of Field Training Officers and Area Sergeant Coordinators.
159. Recruits in the field training program shall be trained in multiple Area Commands and shifts and with several Field Training Officers.

160. APD shall provide a mechanism for recruits to provide confidential feedback regarding the quality of their field training, including the extent to which their field training was consistent with what they learned in the academy, and suggestions for changes to academy training based upon their experience in the field training program. APD shall consider feedback and document its response, including the rationale behind any responsive action taken or decision to take no action.

161. The City shall provide APD with the necessary support and resources to designate a sufficient number of Field Training Officers to meet the requirements of this Agreement.

**APD's Summary: C.) Field Training Officers Program (Paragraphs 155-161)**

During this reporting period the Field Training and Evaluation Program (FTEP) was able to increase the number of Field Training Officers (FTO) from 40 to 50 FTOs. The addition of a FTEP Lieutenant has enabled the FTEP officer to conduct additional outreach to increase interest in the FTEP. The FTEP is working diligently to increase the number of FTOs in preparation for the upcoming cadet class graduation.

The FTEP paragraphs are in operational compliance. There were no recommendations for this section.

**CASA Section 5: Misconduct Complaint Intake, Investigation and Adjudication (Paragraphs 162-202)**

IAPS is the central intake, case management oversight, and repository for policy violations and/or misconduct complaints to ensure conformance with policy provisions. The Civilian Police Oversight Agency Board (CPOAB) is responsible for complaints originating externally from non-Department personnel. IAPS is responsible for internal complaints made by APD personnel alleging misconduct by another employee.

162. To maintain high-level, quality service; to ensure officer safety and accountability; and to promote constitutional, effective policing, APD and the Civilian Police Oversight Agency shall ensure that all allegations of officer misconduct are received and are fully and fairly investigated; that all findings in administrative investigations are supported by a preponderance of the evidence; and that all officers who commit misconduct are held accountable pursuant to a fair and consistent disciplinary system. To achieve these outcomes, APD and the Civilian Police Oversight Agency shall implement the requirements below.

A.) Reporting Misconduct (Paragraph 163)

163. APD shall require that all officers and employees report misconduct by any APD officer or employee, including themselves, to a supervisor or directly to the Internal Affairs Division for review and investigation. Where alleged misconduct is reported to a supervisor, the supervisor shall immediately document and report this information to the Internal Affairs Division. Failure to report or document alleged misconduct or criminal behavior shall be grounds for discipline, up to and including termination of employment.

B.) Public Information on Civilian Complaints (Paragraphs 164-168)

164. Within six months of the Operational Date, APD and the Civilian Police Oversight Agency shall develop and implement a program to ensure the Albuquerque community is aware of the procedures to make civilian complaints against APD personnel and the availability of effective mechanisms for making civilian complaints. The requirements below shall be incorporated into this program.

165. APD and the Civilian Police Oversight Agency shall make complaint forms and informational materials, including brochures and posters, available at appropriate



government properties, including APD headquarters, Area stations, APD and City websites, City Hall, public libraries, community centers, and the office of the Civilian Police Oversight Agency. Individuals shall be able to submit civilian complaints through the APD and City websites and these websites shall include, in an identifiable and accessible form, complaint forms and information regarding how to file civilian complaints. Complaint forms, informational materials, and the APD and City websites shall specify that complaints may be submitted anonymously or on behalf of another person. Nothing in this Agreement prohibits APD from soliciting officer commendations or other feedback through the same process and methods as above.

166. APD shall post and maintain a permanent placard describing the civilian complaint process that includes relevant contact information, such as telephone numbers, email addresses, and Internet sites. The placard shall specify that complaints may be submitted anonymously or on behalf of another person. APD shall require all officers to carry complaint forms, containing basic complaint information, in their Department vehicles. Officers shall also provide the officer's name, officer's identification number, and, if applicable, badge number upon request. If an individual indicates that he or she would like to make a misconduct complaint or requests a complaint form for alleged misconduct, the officer shall immediately inform his or her supervisor who, if available, will respond to the scene to assist the individual in providing and accepting appropriate forms and/or other available mechanisms for filing a misconduct complaint.
167. APD agrees to accept all civilian complaints and shall revise any forms and instructions on the civilian complaint process that could be construed as discouraging civilians from submitting complaints.

168. Complaint forms and related informational materials shall be made available and posted in English and Spanish.

C.) Complaint Intake, Classification, and Tracking (Paragraphs 169-182)

169. Within six months of the Operational Date, APD shall train all personnel in handling civilian complaint intake.

170. APD shall accept complaints regardless of when they are filed. The City shall encourage civilians to promptly report police misconduct so that full investigations can be made expeditiously and the full range of disciplinary and corrective action be made available.

171. The refusal to accept a misconduct complaint, discouraging the filing of a misconduct complaint, or providing false or misleading information about filing a misconduct complaint shall be grounds for discipline.

172. APD and the Civilian Police Oversight Agency shall accept all misconduct complaints, including anonymous and third-party complaints, for review and investigation. Complaints may be made in writing or verbally, in person or by mail, telephone (or TDD), facsimile, or electronic mail. Any Spanish-speaking individual with limited English proficiency who wishes to file a complaint about APD personnel shall be provided with a complaint form in Spanish to ensure that the individual is able to make a complaint. Such complaints will be investigated in accordance with this Agreement.

173. All APD personnel who receive a misconduct complaint shall immediately inform a supervisor of the misconduct complaint so that the supervisor can ensure proper intake of the misconduct complaint. All misconduct complaints shall be submitted to the Internal Affairs Division by the end of the shift following the shift in which it was received.

174. APD and the Civilian Police Oversight Agency shall develop a system to ensure that allegations by a judicial officer of officer misconduct made during a civil or criminal proceeding are identified and assessed for further investigation. Any decision to decline investigation shall be documented.
175. APD and the Civilian Police Oversight Agency shall track allegations regarding misconduct involving individuals who are known to be homeless or have a mental illness, even if the complainant does not specifically label the misconduct as such.
176. Within six months of the Operational Date, the Internal Affairs Division, in coordination with the Civilian Police Oversight Agency, shall develop and implement a centralized numbering and tracking system for all misconduct complaints. Upon the receipt of a complaint, the Internal Affairs Division shall promptly assign a unique numerical identifier to the complaint, which shall be provided to the complainant at the time the numerical identifier is assigned when contact information is available for the complainant.
177. The Internal Affairs Division's tracking system shall maintain accurate and reliable data regarding the number, nature, and status of all misconduct complaints, from initial intake to final disposition, including investigation timeliness and notification to the complainant of the interim status and final disposition of the investigation. This system shall be used to determine the status of complaints and to confirm that a complaint was received, as well as for periodic assessment of compliance with APD policies and procedures and this Agreement, including requirements on the timeliness of administrative investigations.
178. Where a supervisor receives a complaint alleging that misconduct has just occurred, the supervisor shall gather all relevant information and evidence and provide the information and evidence to the Internal Affairs Division. All information should be referred to the

Internal Affairs Division by the end of the shift following the shift in which the misconduct complaint was received, absent exceptional circumstances.

179. Within three business days of the receipt of a misconduct complaint from a civilian, the Internal Affairs Division shall refer the complaint to the Civilian Police Oversight Agency.
180. Internal misconduct complaints submitted by APD personnel shall remain with the Internal Affairs Division for review and classification. The Internal Affairs Division shall determine whether the internal complaint will be assigned to a supervisor for investigation or retained by the Internal Affairs Division for investigation. In consultation with the Chief, the commanding officer of the Internal Affairs Division shall also determine whether a civilian or internal complaint will be investigated criminally by the Internal Affairs Division, the Multi-Agency Task Force, and/or referred to the appropriate federal law enforcement agency.
181. APD shall continue to maintain an internal complaint classification protocol that is allegation-based rather than anticipated-outcome-based to guide the Internal Affairs Division in determining where an internal complaint should be assigned.
182. An internal complaint investigation may not be conducted by any supervisor who used force during the incident; whose conduct led to the injury of a person; who authorized the conduct that led to the reported incident or complaint; or who witnessed or was involved in the incident leading to the allegation of misconduct.

**Recommendation for Paragraph 182:**

4.7.168a: Although the monitoring team agrees with the use of the administrative closure disposition in cases in which a preliminary investigation reveals the allegations cannot be minimally sustained, and show no other potential areas of misconduct (not based on the original

complaint), we caution APD and CPOA not to utilize this disposition for the sake of expediency to counter the effect of an increased workload and present staffing levels.

**Response:**

- APD is revising SOP 3-41 Complaints Involving Department Policy or Personnel to include revising the definition of administratively closed. This definitional revision will provide clarification for when and how to use the administratively closed disposition appropriately.

D.) Investigations of Complaints (Paragraphs 183-194)

183. APD and the Civilian Police Oversight Agency shall ensure that investigations of officer misconduct complaints shall be as thorough as necessary to reach reliable and complete findings. The misconduct complaint investigator shall interview each complainant in person, absent exceptional circumstances, and this interview shall be recorded in its entirety, absent specific, documented objection by the complainant. All officers in a position to observe an incident, or involved in any significant event before or after the original incident, shall provide a written statement regarding their observations, even to state that they did not observe anything.

184. APD and the Civilian Police Oversight Agency shall investigate all misconduct complaints and document the investigation, its findings, and its conclusions in writing. APD and the Civilian Police Oversight Agency shall develop and implement a policy that specifies those complaints other than misconduct that may be resolved informally or through mediation. Administrative closing or inactivation of a complaint investigation shall be used for the most minor policy violations that do not constitute a pattern of misconduct, duplicate allegations, or allegations that even if true would not constitute misconduct.

185. APD shall require personnel to cooperate with Internal Affairs Division and Civilian Police Oversight Agency investigations, including appearing for an interview when requested by an APD or Civilian Police Oversight Agency investigator and providing all requested documents and evidence under the person's custody and control. Supervisors shall be notified when a person under their supervision is summoned as part of a misconduct complaint or internal investigation and shall facilitate the person's appearance, absent extraordinary and documented circumstances.
186. APD and the City shall develop and implement protocols to ensure that criminal and administrative investigations of APD personnel are kept appropriately separate, to protect APD personnel's rights under the Fifth Amendment. When an APD employee affirmatively refuses to give a voluntary statement and APD has probable cause to believe the person has committed a crime, APD shall consult with the prosecuting agency (e.g., District Attorney's Office or USAO) and seek the approval of the Chief before taking a compelled statement.
187. Advisements by the Internal Affairs Division or the Civilian Police Oversight Agency to APD personnel of their Fifth Amendment rights shall only be given where there is a reasonable likelihood of a criminal investigation or prosecution of the subject employee.
188. If at any time during misconduct complaint intake or investigation the investigator determines that there may have been criminal conduct by any APD personnel, the investigator shall immediately notify the Internal Affairs Division commanding officer. If the complaint is being investigated by the Civilian Police Oversight Agency, the investigator shall transfer the administrative investigation to the Internal Affairs Division. The Internal Affairs Division commanding officer shall immediately notify the Chief. The

Chief shall consult with the relevant prosecuting agency or federal law enforcement agency regarding the initiation of a criminal investigation. Where an allegation is investigated criminally, the Internal Affairs Division shall continue with the administrative investigation of the allegation. Consistent with Paragraph 186, the Internal Affairs Division may delay or decline to conduct an interview of the subject personnel or other witnesses until completion of the criminal investigation unless, after consultation with the prosecuting agency and the Chief, the Internal Affairs Division deems such interviews appropriate.

189. Nothing in this Agreement or APD policy shall hamper APD personnel's obligation to provide a public safety statement regarding a work-related incident or activity, including Use of Force Reports and incident reports. APD shall make clear that all statements by personnel in incident reports, arrest reports, Use of Force Reports and similar documents, and statements made in interviews such as those conducted in conjunction with APD's routine use of force investigation process, are part of each employee's routine professional duties and are not compelled statements. Where an employee believes that providing a verbal or written statement will be self-incriminating, the employee shall affirmatively state this and shall not be compelled to provide a statement without prior consultation with the prosecuting agency (e.g., District Attorney's Office or USAO), and approval by the Chief.
190. In each investigation, APD and the Civilian Police Oversight Agency shall consider all relevant evidence, including circumstantial, direct, and physical evidence. There will be no automatic preference for an officer's statement over a non-officer's statement, nor will APD or the Civilian Police Oversight Agency disregard a witness's statement merely because the witness has some connection to the complainant or because of any criminal history. During their investigation, APD and the Civilian Police Oversight Agency shall

take into account any convictions for crimes of dishonesty of the complainant or any witness. APD and the Civilian Police Oversight Agency shall also take into account the record of any involved officers who have been determined to have been deceptive or untruthful in any legal proceeding, misconduct investigation, or other investigation. APD and the Civilian Police Oversight Agency shall make efforts to resolve material inconsistencies between witness statements.

191. All administrative investigations conducted by the Internal Affairs Division or the Civilian Police Oversight Agency shall be completed within 90 days of the initiation of the complaint investigation. The 90-day period shall not include time for review. An extension of the investigation of up to 30 days may be granted but only if the request for an extension is in writing and is approved by the Chief. Review and final approval of the investigation, and the determination and imposition of the appropriate discipline, shall be completed within 30 days of the completion of the investigation. To the extent permitted by state and city law, extensions may also be granted in extenuating circumstances, such as military deployments, hospitalizations of the officer, and extended absences.
192. The APD or Civilian Police Oversight Agency investigator shall explicitly identify and recommend one of the following dispositions for each allegation of misconduct in an administrative investigation:
  - a) “Unfounded,” where the investigation determines, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officer;
  - b) “Sustained,” where the investigation determines, by a preponderance of the evidence, that the alleged misconduct did occur;



- c) “Not Sustained,” where the investigation is unable to determine, by a preponderance of the evidence, whether the alleged misconduct occurred;
- d) “Exonerated,” where the investigation determines, by a preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures, or training;
- e) “Sustained violation not based on original complaint,” where the investigation determines, by a preponderance of the evidence, that misconduct did occur that was not alleged in the original complaint but that was discovered during the misconduct investigation; or
- f) “Administratively closed,” where the policy violations are minor, the allegations are duplicative, or investigation cannot be conducted because of the lack of information in the complaint.

193. Administratively closed complaints may be re-opened if additional information becomes available. The deadlines contained in Paragraph 191 shall run from when the complaint is re-opened.

194. In addition to determining whether APD personnel committed the alleged misconduct, administrative investigations shall assess and document whether the action was in compliance with training and legal standards and whether the incident suggests the need for a change in policy, procedure, or training. In reviewing completed administrative investigations, APD shall also assess and document whether: (a) the incident suggests that APD should revise strategies and tactics; and (b) the incident indicates a need for additional training, counseling, or other non-disciplinary corrective measures. This information shall be shared with the relevant commander(s).

**Recommendations for Paragraph 183**

4.7.169a: The practice of utilizing ACMs for CASA-related issues was prohibited by Special Order in April of 2019; however, this prohibition must be supported by assiduously careful internal processes to ensure that the prohibition is followed by supervisors and command personnel, and that those who do not adhere to these requirements are noted, and corrective action is taken.

4.7.169b: The City should appoint a review and approval authority for all external APD IA investigations that are conducted by an independent investigator. The appropriateness of selection of this external authority should be documented in writing.

**Response:**

- APD has not identified any Additional Concerns Memos (ACM) since prohibiting the practice in April 2019. APD personnel were trained previously to utilize an ACM in use of force cases. IAFD is responsible for the investigation of levels 2 and 3 use of force cases and the AOD Performance Review Section is responsible for reviews of level 1 use of force incidents. Both divisions are the internal processes in place to ensure ACMs are no longer utilized. If a prohibited ACM is identified, an internal affairs investigation will be initiated.

**Recommendation for Paragraph 190:**

4.7.176a: For case numbers [IMR-10-23 and IMR-10-30, IMR-10-18, IMR-10-33, and IMR-10-37] follow up on any deficiencies noted by this IMR, and analyze, discuss and use teaching points and policies to further refine investigative quality.

**Response:**

- In the APD cases listed above, it was determined that not all officers were interviewed if the complainant refused to cooperate with the investigation or the complainant was anonymous

and could not be contacted for follow up.

- APD refined the quality of their investigations by interviewing officers regardless if the complainant fails to follow up with the original allegation or the anonymous complainant cannot be contacted.

**Recommendation for Paragraph 191:**

4.7.177a: APD should refocus its efforts related to this paragraph by conducting a quantitative analysis of the reasons that cause any case to be delayed past 90 days.

4.7.177b: Once causes for these delays are identified, develop recommendations for changes to policy, staffing, procedure or practice that are designed to eliminate such delays.

**Response:**

- In December 2019, there was a change in commanders for the Internal Affairs Professional Standards (IAPS) Division. One of the priorities for the new acting commander is to ensure timelines are met or if extensions are requested, there are valid reasons for doing so.
- IAPS has an automated case progression tracking log pulled from IAPro which follows an internal case from inception through completion. This new tracking process will allow for future analysis for cases exceeding 90 days.
- The goal for IAPS is that cases do not exceed 90 days except for extenuating circumstances. If there are invalid reasons for the delay, process improvements will be made to decrease such delays.

E.) Preventing Retaliation (Paragraphs 195-197)

195. The City shall continue to expressly prohibit all forms of retaliation, including discouragement, intimidation, coercion, or adverse action, against any person who reports

misconduct, makes a misconduct complaint, or cooperates with an investigation of misconduct.

196. Within six months of the Operational Date, and annually thereafter, the Internal Affairs Division and the Civilian Police Oversight Agency shall review APD's anti-retaliation policy and its implementation. This review shall consider the alleged incidents of retaliation that occurred or were investigated during the reporting period, the discipline imposed for retaliation, and supervisors' performance in addressing and preventing retaliation. Following such review, the City shall modify its policy and practice, as necessary, to protect individuals, including other APD personnel, from retaliation for reporting misconduct.
  197. Retaliation for reporting misconduct or for cooperating with an investigation of misconduct shall be grounds for discipline, up to and including termination of employment.
- F.) Staffing and Training Requirements (Paragraphs 198-200)
198. The City shall ensure that APD and the Civilian Police Oversight Agency have a sufficient number of well-trained staff assigned and available to complete and review thorough and timely misconduct investigations in accordance with the requirements of this Agreement. The City shall re-assess the staffing of the Internal Affairs Division after the completion of the staffing study to be conducted pursuant to Paragraph 204. The City further shall ensure sufficient resources and equipment to conduct thorough and timely investigations.
  199. All APD personnel conducting misconduct investigations, whether assigned to the Internal Affairs Division, an Area Command, or elsewhere, shall receive at least 24 hours of initial training in conducting misconduct investigations within one year of the Operational Date, and shall receive at least eight hours of training each year. The training shall include

instruction on APD's policies and protocols on taking compelled statements and conducting parallel administrative and criminal investigations.

200. Investigators from the Civilian Police Oversight Agency shall receive at least 40 hours of initial training in conducting misconduct investigations within one year of the Operational Date, and shall receive at least eight hours of training each year. The training shall include instruction on APD's policies and protocols on taking compelled statements and conducting parallel administrative and criminal investigations.

**Recommendations for Paragraphs 199 and 200**

4.7.185-186a: Identify the cadre of area command sergeants who may be assigned misconduct investigation and develop an annual IA training program for them and have them complete same on an annual basis.

4.7.185-186b: Do not assign a misconduct investigation to any APD personnel who have not met the annual training requirement.

4.7.185-186c: CPOA should develop an assessment mechanism to measure the effectiveness of outside training such as the NACOLE conference. That can easily be done by "testing" by CPOA once the CPOA investigators have completed the NACOLE training.

**Response:**

- IAPS training for supervisors who may be responsible for conducting misconduct investigations is with the APD Training Academy's Comprehensive Training Unit for finalization. Once the training is finalized and approved, training will begin. This training will be conducted on an annual basis and any revisions to policy will be reflected in future training.

G.) Discipline Process and Transparency (Paragraphs 201-202)

201. APD shall ensure that discipline for sustained allegations of misconduct is consistently applied, fair, and based on the nature of the allegation, and that mitigating and aggravating factors are set out and applied consistently.

202. APD shall establish a disciplinary matrix that:

- a) establishes a presumptive range of discipline for each type of rule violation;
- b) increases the presumptive discipline based on an officer's prior violations of the same or other rules;
- c) sets out defined mitigating or aggravating factors;
- d) requires that any departure from the presumptive range of discipline must be justified in writing;
- e) provides that APD shall not take only non-disciplinary corrective action in cases in which the disciplinary matrix calls for the imposition of discipline; and
- f) provides that APD shall consider whether non-disciplinary corrective action also is appropriate in a case where discipline has been imposed.

**Recommendations for Paragraph 201**

4.7.187a: Ensure that all disciplinary decisions address the presumptive range of the disciplinary matrix, unless written reasons for departure from the matrix recommendations accompany the decision.

4.7.187b: Ensure that adequate explanation is given for the selection of a classification level where there is more than one level of classification associated with a regulation for which a sustained finding is made.

4.7.187c: APD should designate the Commander of IAD or a Deputy Chief as the only person in

the organization who has the authority to determine that discipline cannot be imposed due to time violations, and that designation should not be made without the approval of the City Attorney.

4.7.187d: All investigations involving sustained charges where discipline cannot be imposed due to violations of time constraints should be reported quarterly to the Chief, the City Attorney, DOJ, and the Monitor.

**Response:**

- IAPS has a Deputy Commander assigned to the intake process for incoming internal affairs investigations.
- Both Internal Affairs SOPs 3-41 Complaints Involving Department Policy or Personnel and SOP 3-46 Discipline System are being revised, and will include updates on definitions and the disciplinary matrix.
- During the intake process, the Deputy Commander is tasked with assigning the selection of classification level, if a range exists, based on the circumstances of the case.
- The IAPS or IAFD commander or the respective Bureau deputy chief of police are the sole authorities to determine that discipline cannot be imposed due to time violations.
- The IAPS acting commander provides bi-weekly updates to the executive staff for all internal affairs investigations to include time constraints.

**Recommendations for Paragraph 202:**

4.7.188a: Ensure that all disciplinary decisions either conform to the recommended ranges included in APD's disciplinary matrix or that they are accompanied by written explanations for the departure from the recommendations of the disciplinary matrix.

4.7.188b: Ensure that all disciplinary decisions related to actions (or inactions) that are

reasonably on the “critical path” regarding compliance with the CASA reflect a resolve to foster behaviors required by the CASA.

4.7.188c: Ensure that all disciplinary packets are complete and self-explanatory, including documentation that all steps in the investigation and disciplinary processes were completed as required by policy.

4.7.188d: Ensure a more exact calculation of prior offenses for purposes of calculating the presumptive range of the disciplinary matrix.

4.7.188e Ensure that all disciplinary decisions address the presumptive range of the disciplinary matrix, unless cogent, written reasons for departure from the matrix recommendations accompany the decision.

**Response:**

- APD commanders must explain if there is a deviation from the recommendation in the original investigation. This was not formally tracked until January 2020, capturing recommended discipline and final discipline, including the results of pre-disciplinary hearings and appeals.
- IAPS verifies that all disciplinary packets are complete and self-explanatory, to include documentation of investigatory steps and discipline processes in accordance with policy. Prior discipline is also calculated and included in the packets.

**CASA Section 6: Staffing, Management, and Supervision (Paragraphs 203-231)**

203. To maintain high-level, quality service; to ensure officer safety and accountability; and to promote constitutional, effective policing, the City shall ensure that APD has the staffing necessary to implement the terms of this Agreement. APD shall also deploy a sufficient number of first-line supervisors to respond to scenes of uses of force; investigate



thoroughly each use of force to identify, correct, and prevent misconduct; and provide close and effective supervision necessary for officers to improve and develop professionally.

APD shall revise and implement policies for supervision that set out clear requirements for supervision and comport with best practices.

A.) Staffing (Paragraph 204)

204. In order to successfully implement the provisions of this Agreement, APD shall assess the appropriate number of sworn and civilian personnel to perform the different Department functions necessary to fulfill its mission. APD therefore shall conduct a comprehensive staffing assessment and resource study. The study shall be the predicate for determining appropriate staffing and resource levels that are consistent with community-oriented policing principles and support the systematic use of partnerships and problem-solving techniques. The study shall also consider the distribution of officers to patrol functions as opposed to specialized units, as well as the distribution of officers with less than three years of experience across shifts and Area Commands. This staffing assessment and resource study shall be completed within one year of the Operational Date. Within six months of the completion of the staffing assessment and resource study, the Parties shall assess its results and jointly develop a staffing plan to ensure that APD can meet its obligations under this Agreement.

B.) Duties of Supervisors (Paragraphs 205-208)

205. First-line supervisors shall investigate officers' use of force as described in Section IV of this Agreement, ensure that officers are working actively to engage the community and increase public trust and safety, review each arrest report, and perform all other duties as assigned and as described in departmental policy.

206. All field officers shall be assigned to a primary, clearly identified first-line supervisor and shall also report to any other first-line supervisor within the chain of command. First-line supervisors shall be responsible for closely and consistently supervising all officers under their primary command. Supervisors shall also be responsible for supervising all officers under their chain of command on any shift to which they are assigned to ensure accountability across the Department.
207. First-line supervisors shall ordinarily be assigned as primary supervisor to no more than eight officers. Task complexity will also play a significant role in determining the span of control and whether an increase in the level of supervision is necessary.
208. APD Commanders and lieutenants shall be responsible for close and effective supervision of officers under their command. APD Commanders and lieutenants shall ensure that all officers under their direct command comply with APD policy, federal, state and municipal law, and the requirements of this Agreement.

**APD's Summary: A.) Staffing (Paragraph 204); B) Duties of Supervisors (Paragraphs 205-208)**

APD continues to make supervision a priority. One major step to evaluate supervision is the Performance Metrics Unit monthly audits and scorecards. This allows APD to quantitatively measure policy requirements for supervision. Improvements to supervision has a long way to go; however, APD continues to take steps towards addressing concerns.

**Recommendations for Paragraph 203:**

4.7.189a: Review the available literature and process on staffing goals. Where practicable make staffing goals contingent upon desired outcome goals, e.g., average response times; committed hours per officer, by patrol shift; available non-committed time to pursue community-oriented policing goals, etc.

4.7.189b: Consult with other police agencies who have incorporated community-oriented policing into their service delivery functions to determine how they collect, track, calculate and analyze staffing needs viz a viz community policing goals.

**Response:**

- Each year, the Field Services Bureau, marked units available for calls for service and serve as first responders, are able to choose at the lieutenant, sergeant and officer levels where he/she would like to work based on seniority for available positions, also called bids. APD continues to create Field Services Bureau, area command annual bids based on call volume by area command and patrol shifts.
- APD continues to evaluate the number of positions needed in each area command and per shift to maximize coverage. In addition, APD is researching other departments to take into account community policing and community outreach efforts, balancing between calls for service and community outreach.

**Recommendation for Paragraph 205:**

4.7.191: Conduct both quantitative and qualitative reviews of supervisory effectiveness in the conduct of their reviews of officer performance, and ensure officers are appropriately focused on all applicable goals of the agency related to patrol operations.

**Response:**

- One of the requirements within paragraph 205 is that first line supervisors review each arrest report. Supervisors, for a very long time, have been required to approve all reports from their officers, and this includes documents with the report. If an arrest was made, this was included in the reporting process. With the current reporting system in place; however, there is not an easy way to evaluate quantitative or qualitative reviews. During this reporting

period, APD has been trying to capture these arrest reports, also called criminal complaints, in a system in which the Department can make these evaluations. This improvement is in the final stages with a scheduled completion during the next reporting period.

- One major improvement APD has made for this paragraph requirement is adding a tab specifically for use of force in performance evaluations. While this is not the ideal solution for this concern, this does allow supervisors to evaluate officers on use of force. A contract has been signed for an improved system for performance evaluations. The kick-off meeting was in February 2020. APD will work closely with the vendor until the system modules are designed and implemented. This is expected to continue until 2022; however, modules will be operational upon completion. The completion date for performance evaluations is unknown at this time; however, this module is a priority for APD.

#### **Recommendations for Paragraph 206**

4.7.192a: Using existing documentation processes, e.g., routine supervisory reporting of CASA-related process (such as reviews of use of force reports, reviews of OBRD footage of critical incidents such as uses of force, etc.) identify the most resistant contributors to poor compliance outcomes at APD and remediate their resistance.

4.7.192b: Engage in counseling, re-training, and, if necessary, discipline or transfer, to remediate or remove CASA-resistant personnel from supervisory positions in areas critical to the CASA.

#### **Response:**

- In January 2019, APD began scoring random sampled personnel on several CASA-centric points such as but not limited to, the use of On-Body Recording Devices (OBRD), inspections, and Electronic Control Weapons (ECW or tasers). APD has continued to improve compliance scores to meet the requirements of the CASA as illustrated in the June

2019 and January 2020 scorecards (See Appendix A).

C.) Supervisory Training (Paragraphs 209-211)

209. Sergeant training is critical to effective first-line supervision. Every sergeant shall receive 40 hours of mandatory supervisory, management, leadership, and command accountability training before assuming supervisory responsibilities.

210. APD's sergeant training program shall include the following topics:

- a) techniques for effectively guiding and directing officers and promoting effective and ethical police practices;
- b) de-escalating conflict;
- c) evaluating written reports, including those that contain canned language;
- d) categorizing and reviewing officer uses of force;
- e) understanding supervisory tools such as the Early Intervention System and on-body recording systems;
- f) responding to and investigating allegations of officer misconduct;
- g) evaluating officer performance;
- h) consistent disciplinary sanction and non-punitive corrective action;
- i) monitoring use of force to ensure consistency with policies;
- j) building community partnerships and guiding officers on this requirement; and
- k) legal updates.

211. All sworn supervisors shall also receive a minimum of 32 hours of in-service management training, which may include updates and lessons learned related to the topics covered in the sergeant training and other areas covered by this Agreement.

**APD's Summary: Supervisory Training (Paragraphs 209 – 211)**

During this reporting period, supervisors received training for reporting and investigating a use of force under the new use of force policy suite. Supervisors also attended an Introduction to Blue Courage training as well as Ethical Policing is Courageous (EPIC) training. The Training Academy also conducted two first line supervisor-training classes in August and December 2019 under the new 80-hour curriculum.

### **Recommendations for Paragraphs 209 – 211**

4.7.195-6a: Complete training as planned, and evaluate learning achieved.

4.7.197a: Deliver and evaluate the revised supervisory training blocks to all required APD supervisors.

4.7.197b: Develop a response plan for sections of supervisory training that indicate, through poor performance on testing or field implementation, a need for clarification, explanation, or remediation of points “trained” but not understood (as measured by evaluative processes).

### **Response:**

- The Training Academy continues to train new supervisors with the updated 80-hour new supervisor course. Participant evaluations are utilized to continually assess the effectiveness of the training.
- The Training Academy continues to identify the training needs of Department supervisors.
- The Training Academy in collaboration with IAFD developed a comprehensive training curriculum for the new use of force policies. The training received positive feedback from the attendees. A report will be presented to the Training Academy following the first quarter of 2020.

D.) Early Intervention System (Paragraphs 212-219)

212. Within nine months of the Operational Date, APD shall revise and update its Early Intervention System to enhance its effectiveness as a management tool that promotes supervisory awareness and proactive identification of both potentially problematic as well as commendable behavior among officers. APD supervisors shall be trained to proficiency in the interpretation of Early Intervention System data and the range of non-punitive corrective action to modify behavior and improve performance; manage risk and liability; and address underlying stressors to promote officer well-being.
213. APD shall review and adjust, where appropriate, the threshold levels for each Early Identification System indicator to allow for peer-group comparisons between officers with similar assignments and duties.
214. APD shall implement rolling thresholds so that an officer who has received an intervention of use of force should not be permitted to engage in additional uses of force before again triggering a review.
215. The Early Intervention System shall be a component of an integrated employee management system and shall include a computerized relational database, which shall be used to collect, maintain, integrate, and retrieve data department-wide and for each officer regarding, at a minimum:
- a) uses of force;
  - b) injuries and deaths to persons in custody;
  - c) failures to record incidents with on-body recording systems that are required to be recorded under APD policy, whether or not corrective action was taken, and cited violations of the APD's on-body recording policy;
  - d) all civilian or administrative complaints and their dispositions;

- e) all judicial proceedings where an officer is the subject of a protective or restraining order;
- f) all vehicle pursuits and traffic collisions involving APD equipment;
- g) all instances in which APD is informed by a prosecuting authority that a declination to prosecute any crime occurred, in whole or in part, because the officer failed to activate his or her on-body recording system;
- h) all disciplinary action taken against employees;
- i) all non-punitive corrective action required of employees;
- j) all awards and commendations received by employees, including those received from civilians, as well as special acts performed by employees;
- k) demographic category for each civilian involved in a use of force or search and seizure incident sufficient to assess bias;
- l) all criminal proceedings initiated against an officer, as well as all civil or administrative claims filed with, and all civil lawsuits served upon, the City and/or its officers or agents, allegedly resulting from APD operations or the actions of APD personnel; and
- m) all offense reports in which an officer is a suspect or offender.

216. APD shall develop and implement a protocol for using the updated Early Intervention System and information obtained from it. The protocol for using the Early Intervention System shall address data storage, data retrieval, reporting, data analysis, pattern identification, supervisory use, supervisory/departmental intervention, documentation and audits, access to the system, and confidentiality of personally identifiable information. The protocol shall also require unit supervisors to periodically review Early Intervention System data for officers under their command.



217. APD shall maintain all personally identifying information about an officer included in the Early Intervention System for at least five years following the officer's separation from the agency except where prohibited by law. Information necessary for aggregate statistical analysis will be maintained indefinitely in the Early Intervention System. On an ongoing basis, APD will enter information into the Early Intervention System in a timely, accurate, and complete manner and shall maintain the data in a secure and confidential manner.
218. APD shall provide in-service training to all employees, including officers, supervisors, and commanders, regarding the updated Early Intervention System protocols within six months of the system improvements specified in Paragraphs 212-215 to ensure proper understanding and use of the system. APD supervisors shall be trained to use the Early Intervention System as designed and to help improve the performance of officers under their command. Commanders and supervisors shall be trained in evaluating and making appropriate comparisons in order to identify any significant individual or group patterns of behavior.
219. Following the initial implementation of the updated Early Intervention System, and as experience and the availability of new technology may warrant, the City may add, subtract, or modify thresholds, data tables and fields; modify the list of documents scanned or electronically attached; and add, subtract, or modify standardized reports and queries as appropriate. The Parties shall jointly review all proposals that limit the functions of the Early Intervention System that are required by this Agreement before such proposals are implemented to ensure they continue to comply with the intent of this Agreement.

**APD's Summary: D.) Early Intervention System (Paragraphs 212-219)**

The revised APD SOP 3-33 Performance Evaluation and Management System policy is in the final stage of the policy development process. The Performance Evaluation and Management Unit continues to test the proposed system.

**Recommendations for Paragraphs 212-219:**

4.7.198-205a: Document the curriculum for OBRD training for supervisors and ensure that the new PEMS system addresses all required components of paragraph 219 and the additional requirements of Paragraph 23 (Firearm discharges), Paragraph 38 (ECW data) and Paragraph 105 (Tactical Unit data).

4.7.198-205b: Document and demonstrate that the proposed “Pareto Principle” or 80/20 principle as a statistical tool works effectively and can be used as a way to demonstrate both acceptable and unacceptable behavior from officers as required by the CASA.

4.7.198-205c: Document learning assessment processes for the training provided for supervisors.

4.7.198-205d: Design and document audit protocols for supervisory review and reporting of OBRD processes.

**Response:**

- APD has contracted with an outside vendor in order to capture use of force, internal affairs, performance evaluations, training, community engagement, and the Performance Evaluation and Management System (PEMS and formally the Early Intervention System). While APD is manually working through PEMS, the goal is to capture On-Body Recording Devices (OBRD), firearms, Electronic Control Weapons (ECW), and K-9 bites in the new system. PEMS has been in the testing phase during this reporting period and will continue until the system is fully functional.

- PEMS will be an effective statistical tool to demonstrate both acceptable and unacceptable behavior. This has been a work in progress and has required a full-time team to conduct research, revise policy, and manually test the system. The team is comprised of a lieutenant, sergeant, and a data analyst.
- The PEM Unit is developing a program and procedure manual, which will be finalized once SOP 3-33 is approved.
- The PEM Unit is conducting weekly tests of the system using the 80/20 rule and reviewing results for consistency.
- The AOD Performance Metrics Unit has been auditing OBRD processes since January 2019 and have continued to provide data on APD's improvement with OBRD in the last year. On a monthly basis, scorecard reports are provided to area commands and the executive staff.

E.) On-Body Recording Systems for Documenting Police Activities (Paragraphs 220-231)

220. To maintain high-level, quality service; to ensure officer safety and accountability; and to promote constitutional, effective policing, APD is committed to the consistent and effective use of on-body recording systems. Within six months of the Operational Date, APD agrees to revise and update its policies and procedures regarding on-body recording systems to require:

- a) specific and clear guidance when on-body recording systems are used, including who will be assigned to wear the cameras and where on the body the cameras are authorized to be placed;
- b) officers to ensure that their on-body recording systems are working properly during police action;

- c) officers to notify their supervisors when they learn that their on-body recording systems are not functioning;
- d) officers are required to inform arrestees when they are recording, unless doing so would be unsafe, impractical, or impossible;
- e) activation of on-body recording systems before all encounters with individuals who are the subject of a stop based on reasonable suspicion or probable cause, arrest, or vehicle search, as well as police action involving subjects known to have mental illness;
- f) supervisors to review recordings of all officers listed in any misconduct complaints made directly to the supervisor or APD report regarding any incident involving injuries to an officer, uses of force, or foot pursuits;
- g) supervisors to review recordings regularly and to incorporate the knowledge gained from this review into their ongoing evaluation and supervision of officers; and
- h) APD to retain and preserve non-evidentiary recordings for at least 60 days and a case remains in investigation or litigation, until the case is resolved.

221. APD shall submit all new or revised on-body recording system policies and procedures to the Monitor and DOJ for review, comment, and approval prior to publication and implementation. Upon approval by the Monitor and DOJ, policies shall be implemented within two months.

222. The Parties recognize that training regarding on-body recording systems is necessary and critical. APD shall develop and provide training regarding on-body recording systems for all patrol officers, supervisors, and command staff. APD will develop a training curriculum, with input from the Monitor and DOJ, that relies on national guidelines, standards, and best practices.

223. APD agrees to develop and implement a schedule for testing on-body recording systems to confirm that they are in proper working order. Officers shall be responsible for ensuring that on-body recording systems assigned to them are functioning properly at the beginning and end of each shift according to the guidance of their system's manufacturer and shall report immediately any improperly functioning equipment to a supervisor.
224. Supervisors shall be responsible for ensuring that officers under their command use on-body recording systems as required by APD policy. Supervisors shall report equipment problems and seek to have equipment repaired as needed. Supervisors shall refer for investigation any officer who intentionally fails to activate his or her on-body recording system before incidents required to be recorded by APD policy.
225. At least on a monthly basis, APD shall review on-body recording system videos to ensure that the equipment is operating properly and that officers are using the systems appropriately and in accordance with APD policy and to identify areas in which additional training or guidance is needed.
226. APD policies shall comply with all existing laws and regulations, including those governing evidence collection and retention, public disclosure of information, and consent.
227. APD shall ensure that on-body recording system videos are properly categorized and accessible. On-body recording system videos shall be classified according to the kind of incident or event captured in the footage.
228. Officers who wear on-body recording systems shall be required to articulate on camera or in writing their reasoning if they fail to record an activity that is required by APD policy to be recorded. Intentional or otherwise unjustified failure to activate an on-body recording system when required by APD policy shall subject the officer to discipline.

229. APD shall ensure that on-body recording systems are only used in conjunction with official law enforcement duties. On-body recording systems shall not be used to record encounters with known undercover officers or confidential informants; when officers are engaged in personal activities; when officers are having conversations with other Department personnel that involve case strategy or tactics; and in any location where individuals have a reasonable expectation of privacy (e.g., restroom or locker room).
230. APD shall ensure that all on-body recording system recordings are properly stored by the end of each officer's subsequent shift. All images and sounds recorded by on-body recording systems are the exclusive property of APD.
231. The Parties are committed to the effective use of on-body recording systems and to utilizing best practices. APD currently deploys several different platforms for on-body recording systems that have a range of technological capabilities and cost considerations. The City has engaged outside experts to conduct a study of its on-body recording system program. Given these issues, within one year of the Operational Date, APD shall consult with community stakeholders, officers, the police officer's union, and community residents to gather input on APD's on-body recording system policy and to revise the policy, as necessary, to ensure it complies with applicable law, this Agreement, and best practices.

**APD's Summary: E.) On-Body Recording Systems for Documenting Police Activities (Paragraphs 220-231)**

The project lead for the On-Body Recording Devices (OBRD) paragraphs has worked closely with the Accountability and Oversight Division in the last reporting period and has focused on improving policy, processes, and reporting related to OBRD.

**Recommendations for Paragraph 220:**

4.7.206a: Prepare, quarterly, a written assessment of the results of the inspections and audit outcomes, identifying the top five areas of non-compliance with the requirements of OBRD field processes.

4.7.206b: Based on the quarterly audits, identify the top three reasons for non-compliance with OBRD policies and procedures, and develop specific, targeted responses to address and remediate each of the top three non-compliance areas.

4.7.206c: Repeat steps a and b until field OBRD error rates are below five percent.

**Response:**

- APD has heavily focused on On-Body Recording Devices (OBRD) in the last reporting period. The Accountability and Oversight Division's Performance Metrics Unit has OBRD requirements included at both officer and supervisor levels of the scorecards. Each month the Performance Metrics Unit conducts audits to determine if personnel are using and managing OBRDs in accordance with policy. For each failure to comply with policy, an internal affairs request for investigation is initiated.
- APD has determined two main failure points with OBRDs, which are uploading video by the end of subsequent shift and mandatory recording incidents. However, each of these categories have improved from the start of the reporting to the end in each of the six area commands. See Appendix A for examples of monthly scorecard results.

**Recommendations for Paragraph 221:**

4.7.207a: Develop, implement, and assess supervisory protocols to ensure violations of applicable policy are identified by supervisors and are addressed and remediated, many of which have already been recommended to APD by the monitoring team.

4.7.207b: Publish quarterly “OBRD Failure” reports identifying the top five reasons for OBRD failure in the field, and identifying the Area Command, shift, and supervisors associated with those failures.

4.7.207c: Retrain, counsel or discipline supervisors with repeated failures in noting, assessing, and correcting officers with repeated OBRD operations failures.

4.7.207d: Repeat until error rates on OBRD operation fall below five percent.

**Response:**

- APD revised and combined the required monthly line inspection forms in order to include all required criteria for supervisors in one place. This includes OBRD requirements to determine whether officers have their OBRD, have an operable OBRD, and if supervisors are verifying that equipment matches the information on their property card. These are all supervisory protocols that are audited by the Performance Metrics Unit.
- Supervisors are to follow policy when he/she identifies that an officer violated policy and request an internal affairs investigation.
- The OBRD policy is in the final stages of the policy development process.

**Recommendations for Paragraph 222:**

4.7.208a: Reinforce the established clear, concise, and reasonable requirements for supervisory review of in-field activations of OBRDs, requiring field supervisors to review OBRD activations and recordings for compliance to established policy.

4.7.208b: Establish a routinized process for command oversight of the OBRD review process, requiring lieutenants to assess, in a methodical way, the OBRD review processes of sergeants under their command, and commanders to assess the OBRD review performance of lieutenants under their command, to ensure compliance with reasonable assessments of actions in the field.



4.7.208c: Establish a routine administrative review, via Compliance Bureau Personnel, of Area Command OBRD review efficiency, including performance metrics such as overall review rates, error rates, and remediation protocols. This review process should be on-going and assigned to the Performance Metrics Unit.

**Response:**

- The current lesson plan for the OBRD supervisor training provides a clear direction on the supervisory requirements such as the supervisory review of OBRD activations and the responsibilities of the supervisor. The training is intended to be provided to all supervisors; however, during this reporting period, it was provided to the acting sergeant class and the newly promoted sergeants. The remaining sergeants and acting sergeants are scheduled to receive this training in the next reporting period.
- The new line inspection form is now in use. The audit completed by PMU includes the inspection process/mandatory OBRD review from supervisors.
- A job aide was added to the APDweb specific on how to complete an OBRD video review with the new line inspection process.
- Supervisors are responsible for remediation protocols. PMU continues to do monthly OBRD inspections and reports the review, rates and error rates. Area commands are provided time to review the inspection findings and submit a rebuttal, providing any evidence that an officer complied with policy. All OBRD-related policy violations are forwarded to the AOD Lieutenant to submit an Internal Affairs Request. The division commanders, lieutenants, sergeants, along with the executive staff receive the monthly scorecard reports.

**Recommendations for Paragraphs 223 – 224**

4.7.209-210a: Ensure that supervisors who fail to note errors in OBRD operation are counseled, or for multiple offenders, retrained and/or disciplined for ineffective OBRD review processes. If, after counseling or retraining, supervisors continue to miss OBRD activation or usage violations, ensure appropriate discipline is imposed.

4.7.209-210b: Identify the top 20 supervisors who have substandard performance on OBRD activation review and retrain them in the process. Place these individuals “on notice” that their performance on this task will be routinely reviewed, and continued failures will result in discipline.

**Response:**

- Appropriate discipline is imposed by the assigned investigator and the supervisor’s respective Chain of Command. In October 2019, AOD began requesting the initiation of internal affairs investigations for personnel who failed to abide by policy. For supervisors, in addition to the discipline process, an AOD lieutenant meets one-on-one to ensure that a supervisor understands their role in order to meet requirements.

**Recommendations for Paragraphs 228, 229, and 231:**

4.7.217a: Conduct detailed failure analyses designed to identify the causes of incidents of “failure to record,” and identify the true cause of these failures: equipment, training, supervision, or “other.”

4.7.217b: Rank order the failure rates and develop action plans to eliminate the causes of failure, beginning with the most frequent and working to least frequent.

4.7.217c: Identify a frequency-based list of supervisors who fail to enforce OBRD requirements, and schedule these supervisors for retraining, counseling, or discipline, as appropriate.

**Response:**

- APD implemented an electronic tracking process for OBRD malfunctions known as ServiceNow. The program will track reported OBRD malfunctions. A job-aide has been created and has been added to APDweb. The workflow will include a form that officers complete when turning in their OBRD for any reported malfunction. A link will be sent to the supervisor to accept or acknowledge receipt of the notification. Any patterns involving the same officer returning a camera will be identified and the true cause of the failures will be reviewed.
- At this time, Axon does not provide a report on the outcome of a returned OBRD. Axon is currently working on an upgrade that will provide information on the outcome, to include if there was an actual OBRD malfunction. The reason of failure rates will be identified when Axon is able to provide the results of their investigation of the returned cameras from the Department. This will allow APD to provide documentation specific to a malfunction that caused the failure to record or other reasons.

**CASA Section 7: Recruitment, Selection and Promotions (Paragraphs 232-246)**

232. To maintain high-level, quality service; to ensure officer safety and accountability; and to promote constitutional, effective policing, APD shall develop a comprehensive recruitment and hiring program that successfully attracts and hires qualified individuals. APD shall develop a recruitment policy and program that provides clear guidance and objectives for recruiting police officers and that clearly allocates responsibilities for recruitment efforts.

A.) Recruitment Plan (Paragraphs 233-235)

233. APD shall develop a strategic recruitment plan that includes clear goals, objectives, and action steps for attracting qualified applicants from a broad cross section of the community.

The recruitment plan shall establish and clearly identify the goals of APD's recruitment efforts and the duties of officers and staff implementing the plan.

234. APD's recruitment plan shall include specific strategies for attracting a diverse group of applicants who possess strategic thinking and problem-solving skills, emotional maturity, interpersonal skills, and the ability to collaborate with a diverse cross-section of the community.

235. APD's recruitment plan will also consult with community stakeholders to receive recommended strategies to attract a diverse pool of applicants. APD shall create and maintain sustained relationships with community stakeholders to enhance recruitment efforts.

B.) Hiring Practices (Paragraphs 236-240)

236. APD shall develop and implement an objective system for hiring and selecting recruits.

The system shall establish minimum standards for recruiting and an objective process for selecting recruits that employs reliable and valid selection devices that comport with best practices and anti-discrimination laws.

237. APD shall continue to require all candidates for sworn personnel positions, including new recruits and lateral hires, to undergo a psychological, medical, and polygraph examination to determine their fitness for employment. APD shall maintain a drug testing program that provides for reliable and valid pre-service testing for new officers and random testing for existing officers. The program shall continue to be designed to detect the use of banned or illegal substances, including steroids.

238. APD shall ensure that thorough, objective, and timely background investigations of candidates for sworn positions are conducted in accordance with best practices and federal

anti-discrimination laws. APD's suitability determination shall include assessing a candidate's credit history, criminal history, employment history, use of controlled substances, and ability to work with diverse communities.

239. APD shall complete thorough, objective, and timely pre-employment investigations of all lateral hires. APD's pre-employment investigations shall include reviewing a lateral hire's history of using lethal and less lethal force, determining whether the lateral hire has been named in a civil or criminal action; assessing the lateral hire's use of force training records and complaint history, and requiring that all lateral hires are provided training and orientation in APD's policies, procedures, and this Agreement.
240. APD shall annually report its recruiting activities and outcomes, including the number of applicants, interviewees, and selectees, and the extent to which APD has been able to recruit applicants with needed skills and a discussion of any challenges to recruiting high-quality applicants.

**APD's Summary: A.) Recruitment Plan (Paragraph 233-235); B.) Hiring Practices (Paragraph 236-240)**

The Recruiting Unit is continuing its mission to recruit the most qualified individuals interested in serving the Albuquerque community as a law enforcement officer.

There are no recommendations for the recruiting and hiring paragraphs. These paragraphs remain in operational compliance.

**C.) Promotions (Paragraphs 241-243)**

241. APD shall develop and implement fair and consistent promotion practices that comport with best practices and federal anti-discrimination laws. APD shall utilize multiple methods of evaluation for promotions to the ranks of Sergeant and Lieutenant. APD shall provide clear guidance on promotional criteria and prioritize effective, constitutional, and

community-oriented policing as criteria for all promotions. These criteria should account for experience, protection of civil rights, discipline history, and previous performance evaluations.

242. APD shall develop objective criteria to ensure that promotions are based on knowledge, skills, and abilities that are required to perform supervisory and management duties in core substantive areas.
243. Within six months of the Operational Date, APD shall develop and implement procedures that govern the removal of officers from consideration from promotion for pending or final disciplinary action related to misconduct that has resulted or may result in a suspension greater than 24 hours.

D.) Performance Evaluations (Paragraphs 244-246)

244. APD shall develop and implement fair and consistent practices to accurately evaluate the performance of all APD officers in areas related to constitutional policing, integrity, community policing, and critical police functions on both an ongoing and annual basis. APD shall develop objective criteria to assess whether officers meet performance goals. The evaluation system shall provide for appropriate corrective action, if such action is necessary.
245. As part of this system, APD shall maintain a formalized system documenting annual performance evaluations of each officer by the officer's direct supervisor. APD shall hold supervisors accountable for submitting timely, accurate, and complete performance evaluations of their subordinates.
246. As part of the annual performance review process, supervisors shall meet with the employee whose performance is being evaluated to discuss the evaluation and develop

work plans that address performance expectations, areas in which performance needs improvement, and areas of particular growth and achievement during the rating period.

**APD's Summary: C.) Promotions (Paragraph 241-243); and D.) Performance Evaluations (Paragraph 244-246)**

Promotions and performance evaluation paragraphs continue to be in operational compliance. One of the lacking components in APD's performance evaluations was use of force. In August 2019, use of force was added into the performance evaluations process. Performance evaluations will be refined in the new comprehensive data management system.

There were no recommendations provided for this section as the paragraphs remain in operational compliance.

**CASA Section 8: Officers Assistance and Support (Paragraphs 247-253)**

247. To maintain high-level, quality service; to ensure officer safety and accountability; and to promote constitutional, effective policing, APD agrees to provide officers and employees ready access to mental health and support resources. To achieve this outcome, APD agrees to implement the requirements below.

248. APD agrees to develop and offer a centralized and comprehensive range of mental health services that comports with best practices and current professional standards, including: readily accessible confidential counseling services with both direct and indirect referrals; critical incident debriefings and crisis counseling; peer support; stress management training; and mental health evaluations.

249. APD shall provide training to management and supervisory personnel in officer support protocols to ensure support services are accessible to officers in a manner that minimizes stigma.

250. APD shall ensure that any mental health counseling services provided to APD employees remain confidential in accordance with federal law and generally accepted practices in the field of mental health care.
251. APD shall involve mental health professionals in developing and providing academy and in-service training on mental health stressors related to law enforcement and the mental health services available to officers and their families.
252. APD shall develop and implement policies that require and specify a mental health evaluation before allowing an officer back on full duty following a traumatic incident (e.g., officer-involved shooting, officer-involved accident involving fatality, or all other uses of force resulting in death) or as directed by the Chief.
253. APD agrees to compile and distribute a list of internal and external available mental health services to all officers and employees. APD should periodically consult with community and other outside service providers to maintain a current and accurate list of available providers.

**APD's Summary: Section 8. Officers Assistance and Support (Paragraphs 247-253)**

The Behavioral Science Section (BSS) is continuing its mission to provide a variety of mental health services to APD personnel.

In August 2019, the Self Care Interactive Online Network (SCION) was launched. SCION is a program where an officer tells a story of their mental health challenges and resilience, which is preceded by a brief didactic on mental health.

BSS collaborated with the City's Wellness Division, APD's Performance Evaluation and Management (PEM) Unit, Training Academy, Peer Support and the Chaplains Unit on a pilot program to promote officer wellness. The pilot program promoted exercise, proper nutrition and



mental health. The pilot was completed during this reporting period and the data will be analyzed over the coming months. The BSS is committed to increasing mental health awareness and the benefits of self-care.

The Officer Assistance and Support paragraphs remain in operational compliance. There were no recommendations for this section.

### **CASA Section 9: Community Engagement and Oversight (Paragraphs 254-293)**

#### **A.) Community & Problem-Oriented Policing (Paragraphs 255-259)**

254. To maintain high-level, quality service; to ensure officer safety and accountability; and to promote constitutional, effective policing, APD shall promote the sustainability of reforms by supporting strong community participation and creating formal and informal mechanisms that facilitate ongoing and constructive communication between APD and the many communities that make up Albuquerque. APD shall take an active role in generating broad community support and mutual respect with the diverse communities it serves by adopting greater transparency, forming problem-solving and goal-oriented partnerships, and sharing responsibility for positive outcomes and continuous improvement through meaningful civilian oversight. To achieve these objectives, APD shall implement the provisions below.

255. APD agrees to ensure its mission statement reflects its commitment to community-oriented policing and agrees to integrate community and problem-oriented policing principles into its management, policies and procedures, recruitment, training, personnel evaluations, resource deployment, tactics, and accountability systems.

256. As part of the Parties' staffing plan described in Paragraph 204, APD shall realign its staffing allocations and deployment, as indicated, and review its recruitment and hiring goals to ensure they support community and problem-oriented policing.
257. APD shall ensure that officers are familiar with the geographic areas they serve, including their issues, problems, and community leaders; engage in problem identification and solving activities with the community members around the community's priorities; and work proactively with other city departments to address quality-of-life issues.
258. Within 12 months of the Operational Date, APD agrees to provide 16 hours of initial structured training on community and problem-oriented policing methods and skills for all officers, including supervisors, commanders, and executives. This training shall include:
- a) methods and strategies to improve public safety and crime prevention through community engagement;
  - b) leadership, ethics, and interpersonal skills;
  - c) community engagement, including how to establish formal partnerships and actively engage community organizations, including youth, homeless, and mental health communities;
  - d) problem-oriented policing tactics, including a review of the principles behind the problem solving framework developed under the "SARA Model" (Scanning, Analysis, Response, Assessment), which promotes a collaborative, systematic process to address issues of the community, safety, and quality of life;
  - e) conflict resolution and verbal de-escalation of conflict; and
  - f) cultural awareness and sensitivity training.
- These topics shall also be included in APD's annual in-service training.

259. Within six months of the Operational Date, APD agrees to develop and implement mechanisms to measure officer outreach to a broad cross-section of community members, with an emphasis on mental health, to establish extensive problem-solving partnerships and develop and implement cooperative strategies that build mutual respect and trusting relationships with this broader cross-section of stakeholders.

**APD's Summary: Community and Problem Oriented Policing (Paragraphs 255-259)**

APD continues to broaden community engagement and community outreach efforts. APD is focused on building trust and strengthening relationships to effectively address community concerns. An updated Community Oriented Policing/Problem Oriented Policing (COP/POP) training curriculum has been developed and will be delivered to Department personnel in 2020.

**Recommendations for Paragraph 255:**

4.7.240a: Conduct a quarterly review including culture change survey of progress made across the department in achieving "culture change" and the integration of community policing principles throughout APD operations, and share findings both internally and with other community stakeholders;

4.7.240b: Provide training that meets national standards for School Resource Officer Unit;

4.7.240c: Work with USAO and other community partners to expand community-based initiatives targeting high risk youth.

**Response:**

- APD created and disseminated, in August 2019, a survey to measure culture change within the Department. Results were discussed with commanders and deputy chiefs to assess and increase Department growth in areas identified as deficient.

- Survey results were shared with Department personnel. The survey will be sent to all Department personnel every six months to assess trends in data.
- APD school resource officers are scheduled to attend training offered by the National Association of School Resource Officers in 2020.
- In January 2019, APD established the Youth Engagement and Education Unit and have several functioning programs and several programs in development. The programs currently functioning are heavily geared toward relationship building with youth, providing education to promote an understanding of law enforcement, and putting the “human behind the badge” so that trust can be built. One of those programs is Camp Fearless. Camp Fearless is a summer camp for youth 9-13 years of age. Each camp also includes five (5) teen mentors ages 14-18. APD hosted five (5) sessions of Camp Fearless with approximately 200 youth in attendance.
- APD partners with the US Attorney’s Office, National Guard, Albuquerque Fire Rescue, and the Drug Enforcement Agency in order to build relationships with youth. Youth are exposed to the danger of drugs, danger of gangs, positive outlets, positive peers, mentors, gun safety, CPR, fire science, physical fitness, drill & ceremony, etc. Values are ingrained into the activities throughout the camp as well as strong team building concepts to promote good citizenship. At the end of the week, participants experience a graduation and those who mentor receive certificates of appreciation detailing the amount of hours of civic service given.
- Another program is the APD Junior Police Academy that has been an ongoing program with APD for years. The Junior Police Academy is structured for youth who are 14-18 years of age.

- APD collaborates with the District Court, Metropolitan Detention Center, and many other divisions within APD. Participants are exposed to many different aspects of the criminal justice system throughout the week-long academy and are given education in gun safety, internet safety, dangers of drugs, dangers of gangs, and suicide prevention among others. Those who finish the Academy are presented with a certificate of achievement during a graduation ceremony at the end.
- CYCLE is an acronym for a course known as Connecting Youth and Communities with Law Enforcement. This program was introduced to APD at the International Association of Chiefs of Police Conference in October 2018. The course is designed to “bridge the gap” between youth and law enforcement. APD hosted the 16-hour CYCLE Course for the first time in December 2019, at Highland High School. Approximately 20 youth and 23 law enforcement officers were involved.
- Topics covered during the two-day course include: Contemporary Law Enforcement Issues, Implicit Bias, Listening Skills, De-escalation, Adolescent Brain Development and role plays involving the youth and officers.
- IMPRINT is a program that an APD school resource officer began on his own accord as he became more involved with a local elementary school. The program began as an introduction of police officers to first grade students.
- The School Resource Officer Program has nine (9) APD school resource officers assigned to Albuquerque high schools. The school resource officers are designed to have a presence in the schools and to take action as necessary within their lawful objectives. The role of the school resource officer is also to be present to deter, prevent and address any immediate threat to the youth. The school resource officers have built many positive relationships with

the student body and faculty at the schools with whom they are involved. Many of the officers choose to coach, teach, or volunteer at the schools they are a part of as well.

**Recommendations for Paragraph 256:**

4.7.241a: Continue to make new staffing allocation and deployment plan a priority, and take the necessary steps to gain important input and support from settlement partners and community stakeholders including CPCs;

4.7.241b: Ensure the staffing plan has clearly articulated and defined goals, objectives and outcome measures, and consider a partnership with a local university criminal justice department to assist in developing more specific performance metrics and how to use as an effective management tool.

4.7.241b: Ensure that PRT activity is expanded as needed, fielding adequate numbers of specifically trained PRT officers who are guided by specific, tangible, and quantitative goals and objectives.

**Response:**

- APD developed a specific, tangible, and quantitative survey to ask community members and stakeholders of APD's Proactive Response Team's (PRT) effectiveness. Commanders utilize the survey to review Department/officer effectiveness and program revisions.
- APD created an action plan for staffing and deployment, with determined goals and objectives. The distribution of staff is dependent upon several factors, to include resources available for staffing allocation.
- For the first time, all six APD area commands now have a Proactive Response Team.

**Recommendations for Paragraph 258:**

4.7.243a: Add a cultural awareness and sensitivity module to the COP training curriculum.

4.7.243b: Ensure that supervisory processes are oriented with the COP training and new COP goals and objectives.

**Response:**

- The COP/POP training has been revised and includes a cultural awareness and sensitivity module as part of the updated curriculum. The training will be delivered to the 121<sup>st</sup> cadet class in February 2020. The new course is scheduled to be delivered to the entire Department in 2020.
- The new COP/POP training was developed in partnership with APD's community and youth outreach teams.

**Recommendations for Paragraph 259:**

4.7.244a: Continue development of TRaCS and integrating non- enforcement engagement and contacts into the tracking system and meaningful outcomes; and;

4.7.244b: Identify community service organizations and advocacy groups that serve and represent high risk populations, and better document those partnerships including background, referral arrangements, if any, resource sharing if any, decision-making, roles and responsibilities of parties.

**Response:**

- APD officers are regularly utilizing TRaCS Community Engagement Forms for community events and outreach. The form was revised to include an accountability tool to document needed follow up so that all measures/results are tracked. APD is also working to develop better methods, such as phone applications, for collecting this data.
- APD created a monthly tracking sheet for commanders and lieutenants in order to identify and list the organizations in partnership with APD.

B.) Community Meetings & Public Information (Paragraphs 260-265)

260. APD shall develop a Community Outreach and Public Information program in each Area Command.
261. The Community Outreach and Public Information program shall require at least one semi-annual meeting in each Area Command that is open to the public. During the meetings, APD officers from the Area Command and the APD compliance coordinator or his or her designee shall inform the public about the requirements of this Agreement, update the public on APD's progress meeting these requirements, and address areas of community concern. At least one week before such meetings, APD shall widely publicize the meetings.
262. The Community Outreach and Public Information meetings shall, with appropriate safeguards to protect sensitive information, include summaries of all audits and reports completed pursuant to this Agreement and any policy changes made and other significant action taken as a result of this Agreement. The meetings shall also include public education on an individual's rights and responsibilities during a police encounter.
263. For at least the first two years of this Agreement, every APD officer and supervisor assigned to an Area Command shall attend at least two community meetings or other meetings with residential, business, religious, civic or other community-based groups per year in the geographic area to which the officer is assigned.
264. APD shall continue to maintain and publicly disseminate accurate and updated crime statistics on a monthly basis.
265. APD audits and reports related to the implementation of this Agreement shall be posted on the City or APD's website, with reasonable exceptions for materials that are legally exempt or protected from disclosure.



**APD's Summary: B.) Community Meetings and Public Information (Paragraphs 260-265)**

APD is continuing to attend and participate in community events and meetings with various stakeholders. This outreach effort is important to open the lines of communication to improve APD's response to community concerns.

**Recommendations for Paragraph 260:**

4.7.245: Further develop and document Area Command public information strategies and programing by developing planning template and providing assistance to command areas in formulating customized approaches for each command area.

**Response:**

- Each month, Community Policing Council events and meetings are shared and highlighted via [www.cabq.gov](http://www.cabq.gov), Nextdoor, Facebook, Twitter and Instagram. Digital billboards throughout the city have also been added to our info-share platforms. Department sworn personnel have been a guest on multiple television and radio stations throughout the period sharing APD Community Outreach events and Community Policing Council opportunities. The messages result in hundreds of thousands of recipients each month.
- The social media campaign has advanced by crafting and utilizing area command Facebook groups where events, training, meetings, reports and photos are shared. Each area command also utilizes the Nextdoor platform to share geographically specific/area command specific and relatable content.

**Recommendation for Paragraph 263**

4.7.248a: Seek assistance, if necessary, to complete the tracking data base (TraCS) and develop standard reporting formats for command staff and an ability to query the database for special reports and information requests.

**Response:**

- APD established a standard reporting format to document and track this information.

Commanders send the requested information monthly and the information is logged into the Smartsheet program. Smartsheet is a collaboration and work management software tool that APD uses for several data collection projects to include community engagement. APD also signed a contract for a system that will include data collection, tracking and reporting on community engagement.

C.) Community Policing Councils (Paragraphs 266-270)

266. The City shall establish Community Policing Councils in each of the six Area Commands with volunteers from the community to facilitate regular communication and cooperation between APD and community leaders at the local level. The Community Policing Councils shall meet, at a minimum, every six months.
267. In conjunction with community representatives, the City shall develop a mechanism to select the members of the Community Policing Councils, which shall include a representative cross-section of community members and APD officers, including, for example, representatives of social services providers and diverse neighborhoods; leaders in faith, business, or academic communities; and youth. Members of the Community Policing Councils shall possess qualifications necessary to perform their duties, including successful completion of the Citizens Police Academy.
268. The City shall allocate sufficient resources to ensure that the Community Policing Councils possess the means, access, training, and mandate necessary to fulfill their mission and the requirements of this Agreement. APD shall work closely with the Community Policing Councils to develop a comprehensive community policing approach that collaboratively

identifies and implements strategies to address crime and safety issues. In order to foster this collaboration, APD shall share appropriate information and documents with the Community Policing Councils, provided adequate safeguards are taken not to disclose information that is legally exempt or protected from disclosure.

269. APD shall seek the Community Policing Councils' assistance, counsel, recommendations, or participation in areas including:

- a) reviewing and assessing the propriety and effectiveness of law enforcement priorities and related community policing strategies, materials, and training;
- b) reviewing and assessing concerns or recommendations about specific APD policing tactics and initiatives;
- c) providing information to the community and conveying feedback from the community to APD;
- d) advising the Chief on recruiting a qualified, diverse workforce; and
- e) advising the Chief on ways to collect and publicly disseminate data and information, including information about APD's compliance with this Agreement, in a transparent and public-friendly format to the greatest extent allowable by law.

270. The Community Policing Councils shall memorialize their recommendations in an annual public report that shall be posted on the City's website. The report shall include appropriate safeguards not to disclose information that is legally exempt or protected from disclosure.

**APD's Summary: C.) Community Policing Councils (Paragraphs 266-270)**

During this reporting period, APD continued to provide resources and support to the Community Policing Councils (CPC). APD and the CPCs continue to build a strong working relationship and work collaboratively to meet the requirements of the CASA.

The CPC paragraphs are in operational compliance. There were no recommendations during this reporting period.

D.) Civilian Police Oversight Agency (CPOA) (Paragraphs 271-292)

The CPOA is a separate and independent entity from APD with a specific focus on civilian complaints on police personnel, reports of serious uses of force and OIS.

271. The City shall implement a civilian police oversight agency (“the agency”) that provides meaningful, independent review of all citizen complaints, serious uses of force, and officer-involved shootings by APD. The agency shall also review and recommend changes to APD policy and monitor long-term trends in APD’s use of force.

272. The City shall ensure that the agency remains accountable to, but independent from, the Mayor, the City Attorney’s Office, the City Council, and APD. None of these entities shall have the authority to alter the agency’s findings, operations, or processes, except by amendment to the agency’s enabling ordinance.

273. The City shall ensure that the individuals appointed to serve on the agency are drawn from a broad cross-section of Albuquerque and have a demonstrated commitment to impartial, transparent, and objective adjudication of civilian complaints and effective and constitutional policing in Albuquerque.

**Recommendations for Paragraph 273:**

4.7258a: The CPOA Board must reinforce the need for its members to commit to sections § 9-4-1-5 (B) (4) and (5) of the Albuquerque Police Oversight Ordinance and paragraph 273 of the CASA requiring its members to demonstrate an ability to engage in mature, impartial decision-making; a commitment to transparency and impartial decision making; and the impartial,

transparent and objective adjudication of civilian complaints, as well as the importance of public perception of impartiality by CPOA Board members.

4.7.258b: City Council must ensure that appointments and reappointments of CPOA Board members meet the requirements of sections § 9-4-1-5 (B) (4) and (5) of the Albuquerque Police Oversight Ordinance and paragraph 273 of the CASA, and take appropriate action if Council determines that sitting members have not met those standards.

274. Within six months of their appointment, the City shall provide 24 hours of training to each individual appointed to serve on the agency that covers, at a minimum, the following topics:

- a) this Agreement and the United States' Findings Letter of April 10, 2014;
- b) the City ordinance under which the agency is created;
- c) state and local laws regarding public meetings and the conduct of public officials;
- d) civil rights, including the Fourth Amendment right to be free from unreasonable searches and seizures, including unreasonable uses of force;
- e) all APD policies related to use of force, including policies related to APD's internal review of force incidents; and
- f) training provided to APD officers on use of force.

275. The City shall provide eight hours of training annually to those appointed to serve on the agency on any changes in law, policy, or training in the above areas, as well as developments in the implementation of this Agreement.

276. The City shall require those appointed to the agency to perform at least two ride-alongs with APD officers every six months.

277. The City shall provide the agency sufficient resources and support to assess and make recommendations regarding APD's civilian complaints, serious uses of force, and officer-involved shootings; and to review and make recommendations about changes to APD policy and long-term trends in APD's use of force.
278. The City shall provide the agency a dedicated budget and grant the agency the authority to administer its budget in compliance with state and local laws. The agency shall have the authority to hire staff and retain independent legal counsel as necessary.
279. The agency shall retain a full-time, qualified investigative staff to conduct thorough, independent investigations of APD's civilian complaints and review of serious uses of force and officer-involved shootings. The investigative staff shall be selected by and placed under the supervision of the Executive Director. The Executive Director will be selected by and work under the supervision of the agency. The City shall provide the agency with adequate funding to ensure that the agency's investigative staff is sufficient to investigate civilian complaints and review serious uses of force and officer-involved shootings in a timely manner.
280. The Executive Director will receive all APD civilian complaints, reports of serious uses of force, and reports of officer-involved shootings. The Executive Director will review these materials and assign them for investigation or review to those on the investigative staff. The Executive Director will oversee, monitor, and review all such investigations or reviews and make findings for each. All findings will be forwarded to the agency through reports that will be made available to the public on the agency's website.
281. Investigation of all civilian complaints shall begin as soon as possible after assignment to an investigator and shall proceed as expeditiously as possible.

### **Recommendations for Paragraph 281**

4.7.ra: Continue to develop and refine an internal tacking system or other process that ensures all complaints are either assigned for investigation, referred to mediation, or administratively closed within 7 working days of receipt of complaint.

4.7.266b: Ensure that tardy assignments of investigations and tardy investigations are noted and discussed with the involved CPOA personnel.

282. The City shall ensure that the agency, including its investigative staff and the Executive Director, have access to all APD documents, reports, and other materials that are reasonably necessary for the agency to perform thorough, independent investigations of civilian complaints and reviews of serious uses of force and officer-involved shootings. At a minimum, the City shall provide the agency, its investigative staff, and the Executive Director access to:

- a) all civilian complaints, including those submitted anonymously or by a third party;
- b) the identities of officers involved in incidents under review;
- c) the complete disciplinary history of the officers involved in incidents under review;
- d) if requested, documents, reports, and other materials for incidents related to those under review, such as incidents involving the same officer(s);
- e) all APD policies and training; and
- f) if requested, documents, reports, and other materials for incidents that may evince an overall trend in APD's use of force, internal accountability, policies, or training.

283. The City shall provide reasonable access to APD premises, files, documents, reports, and other materials for inspection by those appointed to the agency, its investigative staff, and the Executive Director upon reasonable notice. The City shall grant the agency the

authority to subpoena such documents and witnesses as may be necessary to carry out the agency functions identified in this Agreement.

284. The City, APD, and the agency shall develop protocols to ensure the confidentiality of internal investigation files and to ensure that materials protected from disclosure remain within the custody and control of APD at all times.
285. The Executive Director, with approval of the agency, shall have the authority to recommend disciplinary action against officers involved in the incidents it reviews. The Chief shall retain discretion over whether to impose discipline and the level of discipline to be imposed. If the Chief decides to impose discipline other than what the agency recommends, the Chief must provide a written report to the agency articulating the reasons its recommendations were not followed.
286. The findings of the Executive Director shall be documented by APD's Internal Affairs Division for tracking and analysis.
287. The City shall permit complainants a meaningful opportunity to appeal the Executive Director's findings to the agency.
288. The agency shall make recommendations to the Chief regarding APD policy and training. APD shall submit all changes to policy related to this Agreement (i.e., use of force, specialized units, crisis intervention, civilian complaints, supervision, discipline, and community engagement) to the agency for review, and the agency shall report any concerns it may have to the Chief regarding policy changes.
289. For any of the agency's policy recommendations that the Chief decides not to follow, or any concerns that the agency has regarding changes to policy that Chief finds unfounded,



the Chief shall provide a written report to the agency explaining any reasons why such policy recommendations will not be followed or why the agency's concerns are unfounded.

290. The agency shall conduct regular public meetings in compliance with state and local law.

The City shall make agendas of these meetings available in advance on websites of the City, the City Council, the agency, and APD.

291. The City shall require the agency and the Executive Director to implement a program of community outreach aimed at soliciting public input from broad segments of the community in terms of geography, race, ethnicity, and socio-economic status.

292. The City shall require the agency to submit semi-annual reports to the City Council on its activities, including:

- a) number and type of complaints received and considered, including any dispositions by the Executive Director, the agency, and the Chief;
- b) demographic category of complainants;
- c) number and type of serious force incidents received and considered, including any dispositions by the Executive Director, the agency, and the Chief;
- d) number of officer-involved shootings received and considered, including any dispositions by the Executive Director, the agency, and the Chief;
- e) policy changes submitted by APD, including any dispositions by the Executive Director, the agency, and the Chief;
- f) policy changes recommended by the agency, including any dispositions by the Chief;
- g) public outreach efforts undertaken by the agency and/or Executive Director; and
- h) trends or issues with APD's use of force, policies, or training.

**Recommendations for Paragraph 292:**

4.7.277a: CPOA should specifically identify the points causing non-compliance with this paragraph and work with APD and the monitoring team to decide upon processes that will move it back into compliance.

Response:

- The CPOA continues to improve upon processes and reporting of CPOA activities.

### **CASA Section 10: Assessing Compliance (Paragraph 320)**

320. To facilitate its work, the Monitor may conduct on-site visits and assessments without prior notice to the City. The Monitor shall have access to all necessary individuals, facilities, and documents, which shall include access to Agreement-related trainings, meetings, and reviews such as critical incident review and disciplinary hearings. APD shall notify the Monitor as soon as practicable, and in any case within 12 hours, of any critical firearms discharge, in-custody death, or arrest of any officer.

### **APD's Summary: Section 10. Assessing Compliance (Paragraph 320)**

Paragraph 320 stipulates that the Independent Monitor may conduct on-site visits and assessments without prior notice to the City and that the Independent Monitor shall have access to all necessary individuals, facilities, and documents needed to assess compliance with the CASA. Furthermore, this paragraph states that APD will notify the Independent Monitor of any critical firearms discharge, in-custody death, or arrest of any officers. Paragraph 320 is in operational compliance.

## **III.) Conclusion**

APD remains committed to implementing and sustaining the requirements of the CASA. The progress made during this reporting period highlights the Department's ability to work collaboratively with stakeholders to implement positive change. Through guidance and feedback

from the IM and DOJ, APD revised its use of force policy suite and delivered comprehensive training on the new use of force policies. The Force Review Board was reinstated under new leadership during this reporting period. This is a significant accomplishment as the Board is the executive level oversight for completing quality reviews and assessments of use of force cases and tactical activations. The Proactive Response Teams are in each of the six area commands, and are a vital component to community outreach and engagement. The teams will work in partnership with the community to develop solutions to public safety concerns while also building trust and strengthening relationships. Accountability and oversight is an essential element of meeting the CASA requirements and demonstrating APD's capacity to self-assess. The reporting of monthly scorecards is a prime example of proper oversight while holding personnel accountable for any failure to meet those requirements. APD understands supervision and discipline continue to be a concern and have dedicated personnel and resources to focus on these two areas. The Department strives to become a data-driven police agency and continues to improve upon its policies, processes and systems to gain the trust of our community.

## **IV.) Appendix**

Appendix A: APD Scorecard (June 2019 and January 2020)

Appendix B: Force Review Board Update

Appendix C: Community outreach map by area command



## Detailed Scorecard

Review Month: May 2019

### Area Commands: FH, NE & NW

GOAL: 100%

Attachments:

## Detailed Scorecard

## Scorecards by Topic

## Scorecards Sample Size

## Scorecards Explained

Contact [apdmetrics@cabq.gov](mailto:apdmetrics@cabq.gov) with questions or comments.

[illegible]

## Appendix A



## Detailed Scorecard

Review Month: December 2019

GOAL: 100%

Attachments:

Detailed Scorecard

Scorecards by Topic

Scorecard Sample Size

Scorecards Explained

Contact apdmetrics@cabq.gov with questions or comments.

Scorecard	Southwest	Valley	Southeast	Northeast	Foothills	Northwest	Total	Legend
								95-100%
<b>MONTHLY INSPECTIONS</b>								85-94%
<b>ECW (Pilot from October - November 2019)</b>								≤ 84%
<b>OBRD</b>								
(P230) Video Uploaded by the end of subsequent shift	98%	99%	98%	97%	98%	97%	98%	
(P224) Mandatory recording incidents under APD policy	100%	100%	100%	100%	100%	92%	99%	
<b>Firearms</b>								
(P18) Shall carry only agency approved firearms	100%	100%	97%	100%	100%	100%	99%	
(P18) Shall carry only agency approved ammunition	100%	100%	97%	100%	100%	100%	99%	
<b>Supervision</b>								
(P207) Supervision 8:1 Ratio for a day	8	5.5	4.5	4.5	6	6	5.8	
(P32) ECW is carried on weak-side holster	100%	100%	91%	100%	100%	100%	98%	
(P225) Equipment inspection	100%	100%	95%	100%	100%	100%	99%	
(P225) Two video reviews per officer completed by the sergeant	100%	100%	91%	100%	100%	100%	98%	
<b>72 Hour Extension</b>								
(P53) Documentation present requesting an extension of the 72 hour deadline	100%	90%	100%	100%	100%	100%	98%	
(P53) Documentation present of a Commander approving an extension request	100%	90%	100%	100%	100%	100%	98%	
(P53) Complete supervisory force review within 72 hours of incident unless a Commander authorized an extension	100%	90%	100%	100%	100%	100%	98%	
<b>QUARTERLY INSPECTIONS</b>								
<b>ECW (Next Inspection: April 2020)</b>								
(P37) Quarterly ECW upload								
<b>SEMI-ANNUALLY INSPECTIONS</b>								
<b>Firearms (Next Inspection for all: March 2020 for 2019 quals)</b>								
(P20) Successfully qualify on primary duty weapon								
(P20) Successfully qualify on other authorized firearm								
<b>Citizen Complaint Forms (Next Inspection: January 2020)</b>								
(P165) English brochures are available at government properties.	100%	100%	100%	100%	100%	100%	100%	
(P165) Spanish brochures are available at government properties.	100%	100%	100%	100%	100%	100%	100%	
(P165) English posters are available at government properties.	100%	100%	100%	100%	100%	100%	100%	
(P165) Spanish posters are available at government properties.	100%	100%	100%	100%	100%	100%	100%	
(P168) Complaint forms shall be made available and posted in English.	100%	100%	100%	100%	100%	100%	100%	
(P168) Complaint forms shall be made available and posted in Spanish.	100%	100%	100%	100%	100%	100%	100%	
<b>Community Policing Council (Next Inspection: TBD)</b>								
<b>Month</b>	<b>1</b>							
<b>Year</b>	<b>2020</b>							

## APPENDIX B

# FRB PROCESS AUGUST & SEPTEMBER, 2019

## 7 Cases Heard in August and September

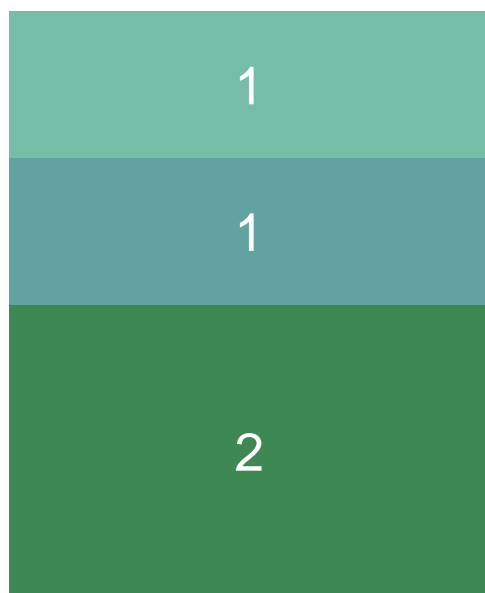
**Types:** 100% Tactical



■ Tactical ■ SUOF ■ 10%

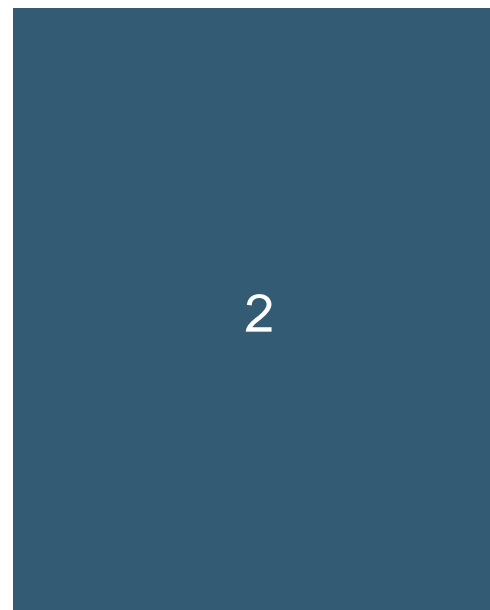
## 4 Referrals Generated across 2 Tactical Cases

**Referrals** related to  
Tactical, Policy, and  
Process Issues



■ Tactical ■ Policy ■ Process

100% of Referrals made  
during review of Tactical  
Cases



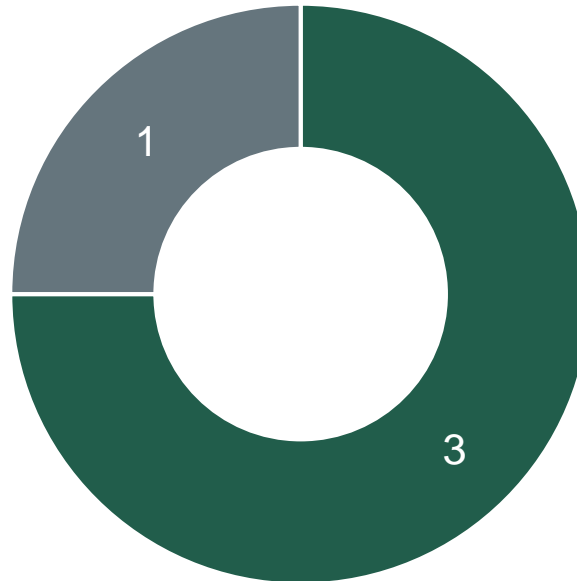
■ Tactical



## APPENDIX B

### 4 Referrals made across 2 Cases

75% of Referrals are **Closed**



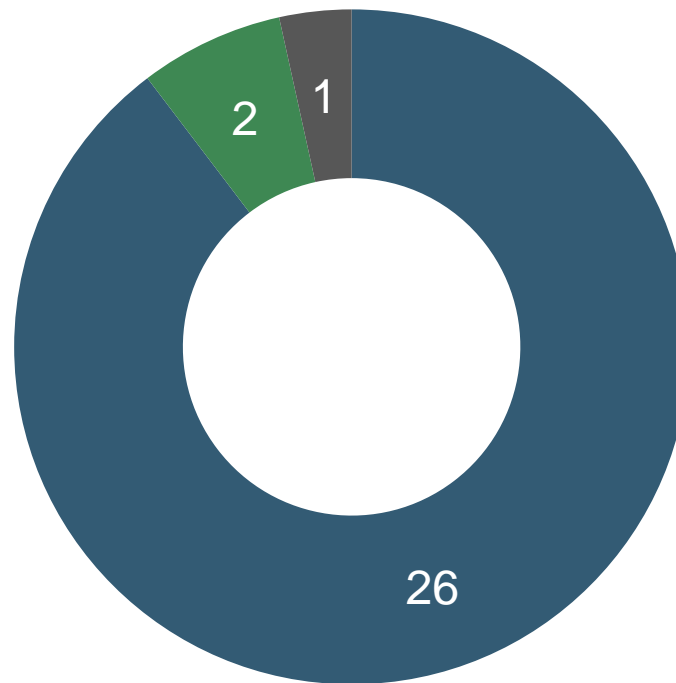
■ Closed ■ Not Closed

## APPENDIX B

# FRB PROCESS 4<sup>TH</sup> QUARTER, 2019

## 29 Cases Heard in 4<sup>th</sup> Quarter

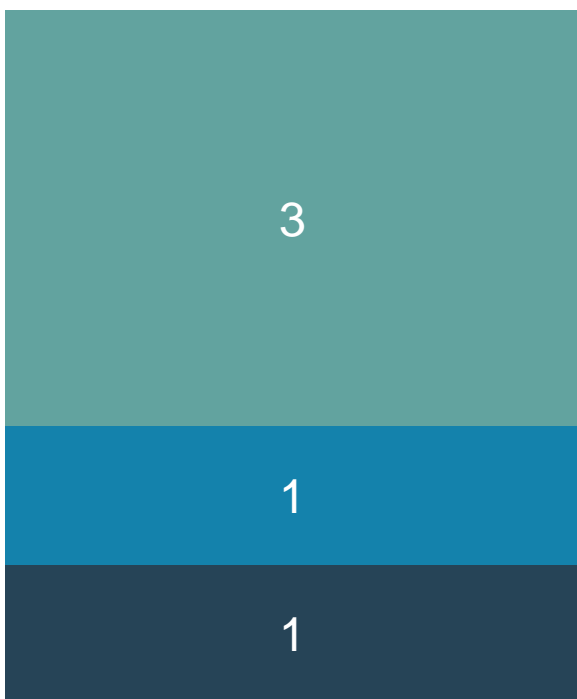
**Types:** 26 Tactical, 2 SUOF (1  
OIS), 1 10%



■ Tactical ■ SUOF ■ 10%

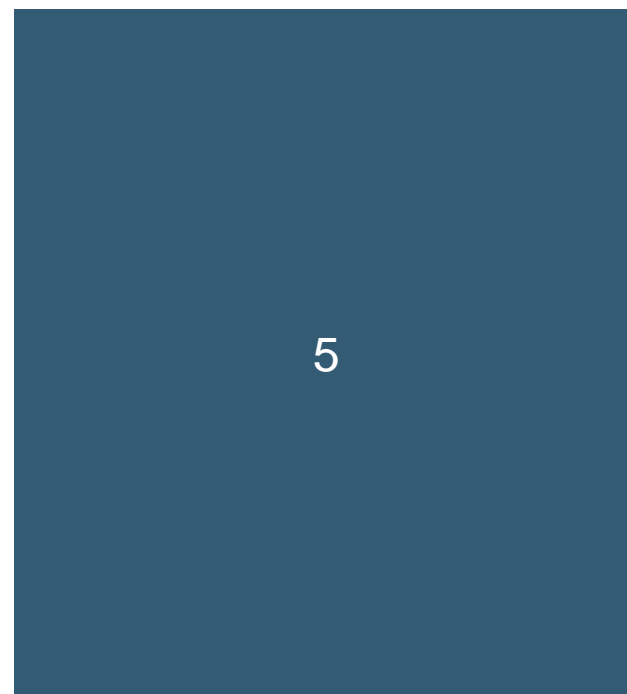
## 5 Referrals made over 5 Cases

3 **Referrals** related to Policy



■ Equipment ■ Training ■ Policy

100% of **Referrals** made during review of Tactical Cases

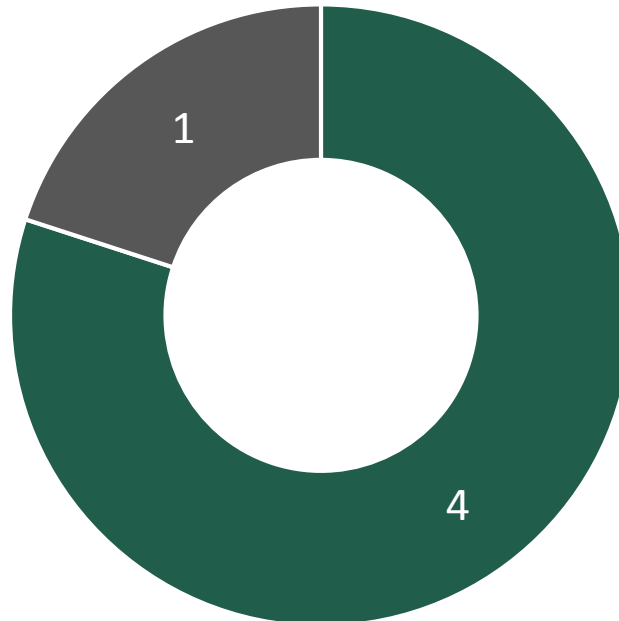


■ Tactical ■ SUOF ■ 10%

## APPENDIX B

5 Referrals made over 5 Cases

80% of Referrals are **Closed**



■ Closed ■ Not Closed

## APPENDIX B

### 2 Successes Identified

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1. Tactical Team handled well a situation in which an individual was barricaded in a tent
2. Teamwork led to avoidance of Use of Force by Canine



## Appendix C

