

Monitor's Third "298 Report"

Prepared in Response to Paragraph 298 of the CASA

**Outcomes Measures and Analysis of the
Albuquerque Police Department's
Implementation of the CASA**

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Pending Comment and Revision

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1.0 Introduction

This report constitutes the third monitor's "298 Report," a report specifically required by Paragraph 298 of the CASA. The operative requirements for the "298 Reports" are outlined in Paragraph 298 as follows:

"298. In addition to compliance reviews and audits, the Monitor shall conduct qualitative and quantitative assessments to measure whether implementing this Agreement has resulted in the outcomes expressed in Paragraph 294. These outcome assessments shall include collecting and analyzing the following outcome data trends and patterns:

a) use of force measurements including:

- i. number of uses of force overall and by force type, area command, type of arrest, and demographic category;
- ii. number of force complaints overall, disposition of complaints, force type, area command, and demographic category;
- iii. number of uses of force that violate policy overall and by force type, area command, type of arrest, and demographic category;
- iv. number of use of force administrative investigations supported by a preponderance of the evidence;
- v. number of officers who are identified in the Early Intervention System for which use of force is a factor, or have more than one instance of force found to violate policy;
- vi. number of injuries to officers and members of the public overall and by type, area command, and demographic category; and
- vii. ratio of use of force compared per arrest, force complaints, calls for service, and other factors that the parties deem appropriate;

b) Specialized Units:

- i. number of activations and deployments of specialized tactical units; and
- ii. number of uses of force used overall and by force type, area command, and demographic category;

c) crisis intervention measures, including the information outlined in Paragraphs 129 and 137;

d) recruitment measurements, including number of highly qualified recruit

candidates;

- i. detailed summary of recruitment activities, including development and leveraging community partnerships;
 - ii. the number of recruit applicants who failed to advance through the selection process after having been identified as well qualified, grouped by the reason for the failure to advance (this provision does not apply to those who fail to pre-qualify through APD's online recruiting or other pre-screening system);
 - iii. the number of well-qualified recruit applicants who were granted any exceptions to the hiring standards, grouped by exceptions granted, and the reasons exceptions were granted;
 - iv. the number of well-qualified recruit applicants with fluency in languages other than English, grouped by the specific languages spoken;
 - v. the number of well-qualified recruit applicants with previous law enforcement experience, grouped by former agencies and years of service; and
 - vi. the number of well-qualified recruit applicants grouped by educational level achieved or years of military service;
- e) force investigations indicating a policy, training, or tactical deficiency;
- f) training data, including:
- i. number of officers trained pursuant to this Agreement, by the type of training provided; and
 - ii. training deficiencies identified through use of force investigations, the Force Review Board, civilian complaints, internal complaints, the disciplinary process, and the Civilian Police Oversight Agency;
- g) officer assistance and support measurements, including:
- i. availability and use of officer assistance and support services; and
 - ii. officer reports or surveys of adequacy of officer assistance and support;
- h) supervision measurements, including initial identification of policy

violations and performance problems by supervisors, and effective response by supervisors to identified problems; and

i) civilian complaints, internal investigations, and discipline, including: the number of misconduct complaints, and whether any increase or decrease appears related to access to the complaint process;

j) number of sustained, not sustained, exonerated, and unfounded misconduct complaints;

k) number of misconduct complaint allegations supported by a preponderance of the evidence;

l) number of officers who are subjects of repeated misconduct complaints, or have repeated instances of sustained misconduct complaints; and

m) number of criminal prosecutions of officers for on- or off-duty conduct.”

2.0 Status of Implementation of Paragraph 298

This report, as with all monitor’s reports, is designed to be directly responsive to the requirements articulated in the CASA.

Effective on the 14th of November 2014, the U.S. District Court approved implementation of a Court Approved Settlement Agreement (CASA). The CASA identified the United States of America, Department of Justice, Civil Rights Division and U.S. Attorney’s Office, and the City of Albuquerque, as Parties. The Court subsequently granted the Albuquerque Police Officers’ Association (APOA) intervenor status on the 19th of February 2015. This agreement established 344 distinct requirements of the Parties (the USDOJ, APD, APOA, and the City of Albuquerque) that were to be attained over the life of the CASA. Among those 344 requirements was paragraph 298, which required, at pages 92-94, completing an “outcome assessment” designed to use “quantitative and qualitative assessments to measure whether implementing this Agreement has resulted in the outcomes expressed in Paragraph 294.” In effect, Paragraph 298 requires an overarching assessment of the effectiveness of the CASA in bringing about “reform” within the APD and related entities, as required by the CASA.

This report represents the monitor’s third response to the requirements of Paragraph 298. As with all official monitor’s reports, this document is designed to be congruent with the individual requirements (expressed in the numbered paragraphs) of the CASA. Like the monitor’s reports themselves, the “298 report” is a mostly quantitative assessment of APD’s performance on the specific requirements, accruing to the City and APD, of the CASA.

The pages below depict the Monitor's assessment of APD's compliance efforts for 2014 through 2018. 2019 is not addressed because only partial-year data were available when this report was drafted.

Development of an integrated report for the third report was an exceptionally easier process than that encountered for our first reports. APD submitted data that was responsive, well organized, accessible, and analyzable. APD has taken a wholly new approach to data management since the advent of a new administration in December, 2017, and provided the monitor with professional, well organized and documented data that we found to be accessible, useable, and accurate, based on our analyses and our previous knowledge (garnered from our periodic monitor's reports).

In the monitor's first "298 Report," we noted the issue of "Invisible Use of Force." That issue has been ameliorated demonstrably during this reporting period by an APD committed to the collection, analysis, and reporting of uses of force by APD personnel. There is still work to be done in the ancillary processes of effective policy analysis regarding use of force, training related to use of force, supervising uses of force, and remediation of improper uses of force. The data related to use of force by APD officers, however, is dramatically improved at this point. This improvement should make the other remaining issues regarding use of force supervision and management much easier to manage. In cases such as this, we note that better reporting often leads to an increase in reported incidents regarding actions outlined in the CASA.

3.0 Paragraph Compliance Assessments

The data reported below depict the measureable results of APD's compliance efforts for the years 2014 (pre CASA), 2015 (partial CASA implementation), 2016 (full-year CASA implementation), 2017 (the last year for the previous administration), and 2018 (the first full year of the current administration). We have not reported data here for the first few months of 2019, as it would create substantial issues of cross-year comparisons. Those data, however, are available in APD's newly developed systems.

3.1 Use of Force Compliance Data and Monitor's Assessments

This section of the 298 report reflects data related to Paragraph 298's use of force reporting requirements for APD. APD self-reported data and data collected and analyzed by the monitor are the focus of the data analyses that were part of the first 298 report (covering mostly 2015 and 2016). Data for 2014 serve as the best available "baseline" against which operational data are compared. This third 298 report covers 2014 through December 31, 2018. Partial 2019 data, though available and tracked by APD, were not included, as they would have obfuscated clear analysis of full-year data for

2015-2018. Again, we posit that the increase in reported uses of force may be attributable to more accurate reporting, not an increase in actual uses of force.

3.1.1 2014 APD Use of Force Data

In 2018, APD reported use of force data for five years in response to Paragraph 298's data requirements. Data were provided for 2014, 2015, 2016, 2017, and 2018. The CASA was effective November 14, 2014, and became operational on June 2, 2015. Data for 2016 represent the first full year of compliance activity for the agency.

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Table 3.1.1a, shown on page six below, was constructed using APD supplied information regarding use of force modalities for 2014. One should note that Table 3.1.1a, below, is considered "baseline" data. APD in 2014 set a "baseline" use of force measure of 756 separate incidents. More importantly, the top 23 use of force modalities, from among the 37 reported, were responsible for more than 95 percent of all uses of force, leaving only such force processes as "Spit Socks" (fabric devices placed over suspect's head to prevent them from spitting on officers while they are under arrest) and "Headgear" (protective gear to prevent subjects from injuring themselves during transport and processing) and other more questionable tactics (such as "motor vehicle" and "flashlight") to fill in the final five percent of uses of force by APD officers.

The reader should note that the data reported in Table 3.1.1a were "self-reported" data based on records maintained prior to the advent of the CASA. The data in APD's old databases, as a result, are somewhat different in format and scope than the data that were eventually reported in direct response to the requirements of the CASA. The reader will note specific changes within the data tables presented for paragraph 298a-i over the years 2014 (pre CASA), 2015 (the first year of CASA implementation), 2016, 2017, and 2018 (the latest full-year reporting periods). Use of force methods for 2014 are reported in full in the following pages, beginning with Table 3.1.1a. We will continue to report all available data for 2014 to the last full year for which we have data. In the case of the current report, we cover 2014 through the end of 2018.

Readers of the first 298 report will note that APD's *ad hoc* listing of "Self-Reported Use of Force Methods" for 2014, reported specifically by APD for the purposes of this reporting process, failed to include any reported firearms discharges at suspects for 2014. We considered the previous 2014 data provided by APD on firearms discharges unreliable, as noted in our first 298 report.

In contradistinction, beginning in 2018, the current administration at APD included firearms discharges in its force reporting modalities. This new reporting regimen included 15 firearms discharges by APD personnel in 2014, including nine specific firearms discharges at “OIS-subjects” and one discharge at or from a vehicle.

APD’s current use of force data for 2014 show multiple reported modalities of APD’s use of force continuum, ranging from the more severe (use of firearms, and use of vehicles to strike subjects) to relatively minor applications of “force,” e.g., Taser sparking or application of handcuffs. See Table 3.1.1a, on the following page. The current administration at APD has shrunk force reporting components to a more manageable number, and clearly identifies OIS events at suspects, “from vehicles,” and accidental discharges. The current database is much more comprehensive and, in the monitor’s opinion, reliable. The new database also goes back through 2014, thus capturing more information regarding such critical incidents, allowing long-term comparisons. The new data provided by APD (shown in blue) show a total of 385 uses of force by APD personnel in 2014, as opposed to the data previously provided by APD (under the previous administration), which showed significantly fewer incidents of use of force.

Table 3.1.1a depicts APD-provided data for 2014 as provided by APD in 2017¹. Data depicted in blue are numbers provided by APD in 2017 for the same categories. The numbers originally provided were often wildly incorrect, in some cases under-reporting by as much as 800 percent (Taser Drive-Stun use).

Readers of the first 298 report will recall numerous incidences in that report in which we questioned the veracity of APD’s proffered data for the report. The analysis below, in Table 3.1.1a indicates that prior to 2018, APD routinely under-reported its use of force numbers, in some cases by more than 200 percent.

¹ Data provided by APD in 2017 were data originally generated by the previous administration, and had not been updated since its 2014 preparation.

Table 3.1.1a: Self-Reported Use of Force Methods, 2014

Rank	Force Modality	No. of Uses "Old" APD Data	No. of Uses "New" APD Data	% Difference "Old" v. "New"
1	Forcible Handcuffing	184		
2	Empty Hand Tech	72	85	+18.1%
3	Other Restraints	69		
4	Orders and/or Words	54		
5	Takedowns	40	125	+212.5%
6	Arm/Leg	38		
7	Taser (Projectile)	35	54	+54.3%
8	Taser-Air (Sparking)	35		
9	Solo Takedown	35		
10	Overcoming Resistance	28		
11	Team Takedown	28		
12	Hands or Feet Impact	20	21	+5.0%
13	Pursuit	14		
14	K-9 Apprehension	14		
15	Takedown	9		
16	Impact Weapon	7		
17	Taser (Drive-Stun)	7		
18	OC Spray	7		
19	Press Technique	7		
20	12 Gauge Bean Bag	6		
21	PRS	6		
22	Bean Bag	5		
23	Impact Method	5		
24	"Spit-Sock"	4		
25	Chemical Agent	3		
26	Other	24		

3.1.2 2015 APD Use of Force Data

For 2015, APD's Use of Force data became clearer and easier to understand and track. The reduction in total reported uses of force from 2014 to 2015 was 27.1 percent². A review of APD use of force data for 2015 shows a pattern in use of force tactics, with fully 20.5 percent of uses of force being "takedowns" of one form or another, and the next highest category being Taser use (at 17.5 percent). Those two categories, takedowns and Taser use, account for 38 percent of all uses of force reported by APD in 2015.

The highest single category reported for 2015 is "Takedowns." The top eight use of force categories comprise 93.1 per cent of all uses of force for 2015. Data for these use of force modalities are reported in Table 3.1.2a, below ,

Table 3.1.2a: APD Self-Reported Use of Force Methods, 2015

Rank	Force Modality	No. of Uses	%
1	Takedowns	118	27.1
2	Empty Hand Techniques	89	20.5%
3	Taser/ECW	76	17.5%
4	Display Handgun/Rifle	52	12.0%
5	Hands/Feet Impact	19	4.4%
6	K-9 Apprehension	18	4.1%
7	Canine	18	4.1%
8	Impact Bean Bag	15	3.4%
9	Firearm (OIS)	14	3.2%
10	OC Spray	9	2.1%
11	Other	7	1.6%
	Total	435	100%

3.1.3 2016 APD Use of Force Data

APD's reported data for 2016 show similar category results, with empty hand techniques, Takedowns and "Taser" leading the list substantially (See Table 3.1.3a, below). Also, for 2016, use of force overall appears to be significantly higher than in 2014 or 2015, with a total of 867 recorded incidents reported for 2016. While to some this might seem alarming, in the

² The reader is reminded that, in 2015, APD revised its reporting modalities regarding use of force, dropping many of the more rare force event types and consolidating its reporting tables, moving from as many as 45 force types to the more manageable 13 force types, reflecting CASA requirements. We consider these categories effective in tracking CASA-related requirements.

monitor's opinion it is simply the CASA at work. In the monitor's opinion, by 2016 all APD officers and supervisors had been trained in use of force reporting, and reporting became more "accurate" in terms of what constitutes use of force and what has to be reported as such. Overall numbers of uses of force jumped to 867 for 2016, up from 435 in 2015. These numbers continue the pattern seen for 2014 and 2015, with Empty Hand Control Techniques and Takedowns constituting the most frequent use of force actions reported by APD (591 of 867 force events), a total of 68.2 percent). These data are presented in Table 3.1.3a, on the following page.

We do not view the obvious jump in numbers as alarming; the increased numbers may well be due to the fact that APD is moving into implementation processes required by the CASA related to officer-reporting of use of force. Based on our experience, this appears to have substantially increased the percentage of reported uses of force, while the underlying numbers, we hypothesize, have remained relatively constant. The numbers reported, more likely than not, reflect APD's reporting of more (if not most) of the actual uses of force that APD experienced in 2016. Force modalities 1 through 6, "Empty Hand Techniques" through "Canine Apprehension with Bite," account for more than 81 per cent of APD's uses of force for 2016. Also in 2016, APD implemented a new force investigation process, with the creation of the "Critical Incident Review Team (CIRT)". Frequent readers of the monitor's reports will note that we have been highly critical of CIRT's processes and outcomes during 2015, 2016 and 2017. During 2016, we continued to see the quality, timeliness, and outcomes of CIRT investigations as strongly problematic. We have no doubt that CIRT actually has disrupted any reasonable hope of clearly understanding the trajectory of force-related findings and process analyses.

We understand that the CIRT unit is in the process of being disbanded, and see that as a positive step. Readers of the monitor's periodic reports are familiar with the myriad of problems and issues created by CIRT in 2016 and 2017, but we review them here for the sake of clarity and problem identification. Issues noted by the monitoring team in the past relating to CIRT investigations, as of the date of this report, include:

Table 3.1.3a: APD 2016 Use of Force Methods

Rank	Force Modality	No. of Uses	% of Total
1	Empty Hand Techniques	340	39.2
2	Takedowns (Team/Solo)	251	15.1
3	Other	125	14.4
4	ECW	61	7.0
5	Hand-Foot Impact	42	4.8
6	K-9 Apprehension w/ Bite	10	1.2
7	OC Spray	9	1.0
8	Firearm (OIS)	8	<1
9	40 mm Impact	6	<1
10	ECW Painting	5	<1
11	Bean Bag Impact	4	<1
Total		861	100%

1. Lack of specific “findings” as a result of CIRT investigations (CIRT classifies the investigation as “closed,” rather than noting an outcome such as “unfounded” or a violation of a specific policy or order);
2. The use of outcome findings such as “active” or “closed” going back to 2016;
3. Lack of case tracking and oversight (with some cases “aging” well past the 30-month mark without disposition);
4. Apparent lack of specific guidelines regarding when and why specific cases are referred to CIRT;
5. CIRT’s tendency to track and reports dispositions only for “reasonable” use of force—all other dispositions are “closed,” which blinds the user to outcome dispositions for unreasonable uses of force;

6. CIRT's then-current caseload contained "active" case investigation statuses from as early as January, 2016—nearly 30 months old and still pending;
7. Apparent lack of specific policy guidance regarding what constitutes a CIRT case, and what is not a CIRT case, i.e., CIRT seems to investigate a wide range of force events, and these case types appear to have been inconsistent over the years;
8. Reporting of only "favorable" dispositions, such as "UOF Reasonable," or "In Policy," with non-favorable dispositions apparently covered by the palliative "Closed;" and
9. CIRT processes are, we believe, directly responsible for the drop in total case counts for case initiations reported by APD in its IA processes in 2016 and 2017, leading to a false perception that uses of force have declined (see Fig. 2, p. 13).

Given the paucity of detail in CIRT's written product, we were unable to identify clearly the number of cases it has handled or specific categories of "outcomes" for CIRT-investigated incidents. Based on the monitor's training, knowledge, and experience, the CIRT process, as implemented in 2015 through 2017 confused, complicated, delayed, and yielded ineffective APD's response to some serious applications of force that were "out of policy." Further, CIRT processes, and cases assigned to CIRT appear to have been directly responsible for fewer force cases being "tracked" in APD's IA data tables. Given past experiences with CIRT, we noted in our second outcomes assessment report that it is incumbent on APD to install adequate process, flow, and quality control functions to monitor, assess, and report on the new Internal Affairs Force and Misconduct units to ensure that another bottleneck, similar to those the CIRT unit created, is avoided. Based on current information, CIRT will be disbanded, many of its personnel transferred to other duties, and will be replaced by a new Force Investigation Section. As is its usual practice, the monitoring team will evaluate carefully this new unit's imprimatur, staffing, processes and outcomes. The quality of FIS investigations has improved substantially compared to the previous work by CIRT.

3.1.4 APD Use of Force Data for 2017

For the year 2017, we noted a significant reduction in general use of force data totals. These data are depicted in Table 4, below. Total "general" uses of force in 2017 show a marked decline, from 867 uses of force identified by APD in 2016, to "only" 631 in 2017. As we note above, it is clear that these reductions are not "real" reductions but are the result of implementation by

the former administration of APD of a CIRT process that siphoned off critical uses of force from the “normal” use-of-force investigation processes, and moved the “counts” of uses of force from IA to CIRT. Despite our concerns with reliability and validity of CIRT-generated data, the numbers for APD uses of force are reported below.

Again, using these numbers, it is clear that the majority of uses of force by APD in 2017 were mostly “hands on” procedures, i.e., empty hand techniques, physical takedowns, etc. We are also concerned that nearly 15 percent of use of force cases are categorized as “tools,” the third largest category. We do note, however, that APD’s new use of force reporting modalities, implemented in late 2017, are more specific, and based on our analyses, more accurate than those we received from APD in 2015 and 2016. This is problematic on several levels. First, it makes comparison difficult. Second, it makes long-term trend analyses virtually impossible, as we have effectively lost the first two full years of data, i.e., the numbers for 2015 and 2016 are unreliable, leaving only 2017 and 2018 to be used as part of the long-term trend analysis. Despite this issue, we have reported the “best available” data for 2015 and 2016.

Use of force modalities for 2017 are reported in Table 3.1.4a below.

Table 3.1.4a: Reported APD Uses of Force Applications, 2017³

Rank	Force Modality	No. of Uses	% of Total
1	Empty Hand Techniques	175	27.7
2	Takedowns (Team/Solo)	140	22.2
3	Other	124	19.7
4	ECW Painting	50	7.9
5	Display Firearm	48	7.6
6	ECW	39	6.2
7	Hands/Feet Impact	31	4.9
8	Firearm (OIS)	7	1.1
9	Canine	6	1.0
10	40 mm Impact/Bean Bag	6	1.0
11	OC Spray	5	0.8
Total		631	100.0

³ A single incident may result in more than one type of use of force.

Table 3.1.4b: Applications of force by Area Command (2014-2018)

Area Cmnd	2014	2015	2016	2017	2018
Foothills	69	66	111	42	145
NE	78	91	243	142	220
NW	32	41	109	61	131
SE	103	139	428	216	308
SW	34	50	108	42	126
Valley	58	74	219	128	236
Total	374	435	867	631	1162
% +/- Yr to Yr	NA	23.0%	164.0%	-47.9%	220.0%

Other data specified by the CASA for paragraph 298 included uses of force by area command. Data available from APD regarding this element of paragraph 298 are depicted in tabular form, as Table 3.1.4b. above.

3.1.5 Use of Force Incidents Reported by APD 2014-2018

Based on the data provided by APD, use of force statistics show an expected progression over the last five years, 2014-2018. The numbers of recorded uses of force spiked in 2016, year two of the reform project, as APD improved its record keeping and reporting processes. The data depicted in Table 3.1.4b, above, show a significant jump in use of force events in the third year of the reform project, once APD improved its data collection and reporting processes. Based on our knowledge and experience in police reform cases, this is normal, as new reporting protocols and quality control processes begin to affect reporting rates. The 23 percent increase from 2014 to 2015 was intuitively expected, as new policy, training, supervisory, and management processes began to take effect. The 164 percent increase in year three was also expected intuitively (as new systems were routinized and supervised more closely). The 47 percent decrease in 2017 may show the effects of the new programmatic changes taking place at APD, such as EPIC (Ethical Policing is Courageous) and Blue Courage. The 220 percent increase in 2018, we hypothesize, is possibly attributable to efforts within the Compliance Bureau to ensure accurate reporting.

The next measureable requirement of APD's and the City's compliance efforts is 298a-ii, which requires reporting of "number of force complaints overall, disposition of complaints, force type, area command, and demographic category." We noted in our first "298 Report" that APD's reporting modalities for paragraph 298a-ii report the data required; however, there are no summative tables designed to report totals as required by 298a-ii. For example, we noted in our first monitoring report: "while APD's 298a-ii data identify which area command and specific unit was responsible for each use of force violation, there is no ranked, "command-specific" summative information that informs the reader of the rank order of Commands' responsibilities for uses of force." This deficiency made interpretation of the data much more difficult, and turns it into a user-task, not a reporting task completed by the APD's information system's reporting formats.

As we noted in our second 298 report, the new data provided by APD regarding this 298 requirement were also unable to identify "outcome" statuses for many use of force complaints filed by citizens in 2017. Outcome variables were often simply noted "null," as the Compliance Bureau personnel who compiled the data for this requirement, pursuant to the monitor's request, were unable to penetrate the previous system's data management processes in a manner sufficient to divine the true nature of use of force review processes and outcomes for 2017 data. We note our discussion of CIRT process failures (see pp. 8-12 above). The current Compliance Bureau staff expended considerable effort to report meaningful data for this paragraph, but was unable to penetrate the old APD's (CIRT's) arcane and recondite record keeping and data reporting processes. We have noted before that APD's CIRT data were virtually useless for meaningful long-term or area command-related analysis.

As the reader is aware, a new administration came "on-board" at APD in December 2017. This new administration has already begun improving APD's force-management information systems and processes. In the past, users of APD's "force management" system documents (supposedly APD command and executive staff) were faced with the task of identifying the salient facts relating to uses of force by Area Command, shift, and other important variables. More importantly, however, APD's reporting modalities for 2014, 2015, and 2016 appear to have changed from year to year, making consistent comparisons virtually impossible. The current administration has revised those problematic processes, and created a data management system for use of force reporting that allows trend identification and trend tracking. Nonetheless, using basically a hand-count, we were able to identify certain outcome variables, over time, related to use of force processing practices and outcomes for 2014-2016. Data for 2017 were collected using data from APD's revised (in 2017) data collection and analyses processes. These are reported below.

Table 3.1.5a: Sustained Violations of Use of Force Policies by Year

Year	Sustained Violations
2014	30
2015	19
2016	219
2017	162
2018	57

Data for this Paragraph of the CASA illustrate the difference a committed command presence can have. For 2014, a pre-CASA year, APD reported only 30 force-related policy violations. That number actually dropped in 2015, the first year of the CASA, to 19 force-related policy violations. The CASA became effective in November of 2014. The operational date for the CASA, the date the monitoring team was actually on-board, and the date APD was provided with a monitoring methodology, was June of 2015. The following year, APD reported 219 force-related policy violations (after new force policy and training programs were implemented). The number of force-related policy violations dropped significantly in 2017, falling to 162 compared to 2016's 219 force-related policy violations (a 35 percent reduction from 2015). The data for 2018 are even more remarkable, showing a further reduction of 64.8 percent over the previous year, to only 57 sustained force-related policy violations. It is clear from these data that the CASA has had an effect: substantially more uses of force are being reported, catalogued, and investigated after the CASA and related policy changes than were reported before. We note that in 2014 and 2015 APD seemed to use fairly contorted language not to "sustain" some cases. For example in 2014 (pre-CASA) and 2015 (year one of the CASA), APD used clear language about only one sustained case, actually declaring it "sustained."

For 2014, APD wrote 30 "additional concerns" memoranda (ACM), without actually sustaining the original or collateral allegations. For 2015 the first partial year of implementation of the CASA, that number dropped to 19. For 2016, the first full year of CASA implementation, 219 allegations were completed with an ACM, while only one was "sustained." In 2017, 32 policy violations were either "ACM-closed," or "closed," while 130 were sustained. In 2018, APD noted only 57 incidents of conduct violations that were sustained. Part of the explanation for the decline in noted violations was the emergence of a critical "backlog" of force-related (and other case types) investigations. The monitoring team worked extensively with APD to develop a response to the growing backlog of force-related cases, and the agency formed a "backlog review" team that, in June of 2019, had

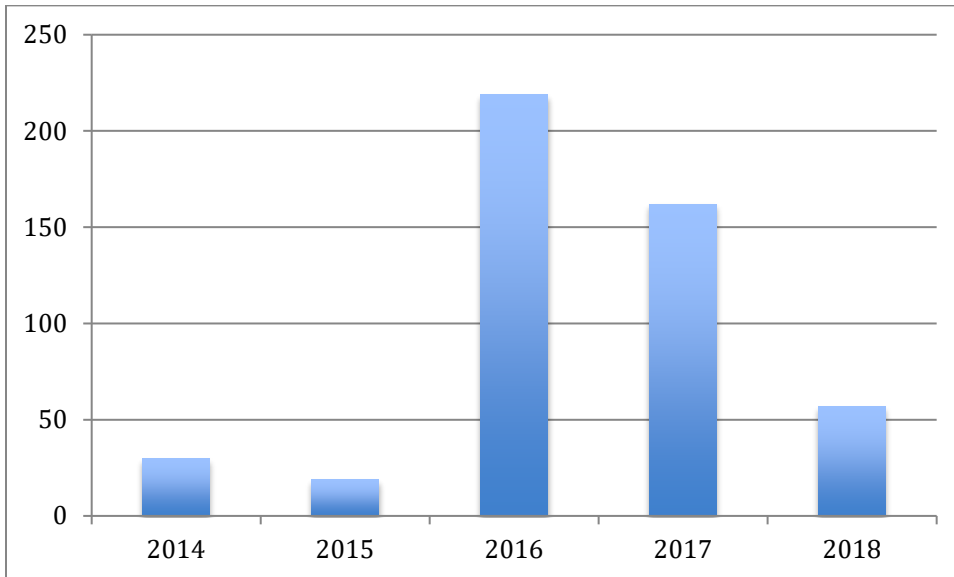
completed almost all of the delayed investigations. Thus many of the force-related incidents for 2017 were not resolved until well into 2019. APD expended over 8,000 manhours in this effort.

We have discussed the issues with ACMs with the new command elements at APD, who took leadership responsibility for the agency in 2018, and they have begun the process of assessing and revising the ACM process. As recently as summer of 2019, we have dealt directly with APD's Compliance Bureau regarding problems, issues, needs and solutions related to ending the ACM process.

In our August 2018 "298 report," we noted that we "seriously doubt[ed] the ability of the previous (pre-December 2016) use of force reporting mechanisms to serve as a learning and management tool unless:

1. "Serious effort is devoted to train supervisory personnel regarding modalities of ensuring significant information is properly entered into the system;
2. "Supervisory, management, and executive personnel are properly trained to use the system on a daily basis;
3. "APD develops an internal 'tracking' oversight system to ensure that all critical incidents, as defined by the agency and required by the CASA, are properly noted, catalogued, and assessed, and appropriate individual, unit, and/or department-wide "lessons learned" are used to "manage" errors out of APD's operational systems. [We do note that the "new" APD has de-emphasized the Critical Incident Review Team, and consider that a sound decision.] We are concerned however that substantial elements of the leadership of the old CIRT team continue to have a management role in the newly organized IA process; and
4. Strong and effective internal audit processes are established to ensure that cases related to CASA requirements are moved effectively through the new system. These audit processes should carefully review case management processes to ensure that established case quality elements are met and that established timelines are adhered to."

**Figure 3.1.5a: Incidents of Use of Force Policy Violations
Noted by APD (2014-2018)**



A second round of supervisory training is currently underway, using training outlines approved by the monitoring team as “reasonable.” We continue to suggest that APD seriously consider the source of its subject matter experts (SMEs) related to training in general and use of force in particular. We have noted in previous reports that some of the advice proffered by APDs use of force SMEs has resulted in serious issues with proposed training design and delivery. Further, we have suggested that “training by PowerPoint” is at best prefatory to training related to actual (problematic or exemplary) events noted by APD over the past year or so. Changes to training process, documentation, and assessment recently have been matched by efforts to clear the backlog of existing IA cases.

We note that, outside the dates for this reporting period, staff at the academy have participated in training provided by representatives of the LAPD related to adult learning theory, and have considered a much-needed shift from a Power-point facilitated, lecture based learning model to a much more participative “adult learning” training model. This is a clear indicator of APD’s intent to improve its instruction models, content, and evaluative systems.

APD’s “new approach” to the use of force database is now suitable for making long-term assessments of compliance with the CASA. Current use of force reporting at the systems level is reasonably reliable, and the existing systems will allow APD to identify (and respond) to officers who repeatedly misuse or misreport uses of force. We note again that “What remains to be done is to ensure that trends, patterns, and problem areas are continually analyzed, identified and noted issues are resolved.” We

note that APD's current force-investigation processes have made exceptional progress in resolving the backlog of use of force cases, and as of late June are in the process of finishing the production of written findings on the last remaining cases in the backlog. This is a major accomplishment, generated by a focused command and dedicated investigative personnel. The goal now is to ensure that a new "backlog" does not re-generate problems for APD.

Since that admonition, the new leadership and command personnel at APD have taken those recommendations to heart. A "backlog" unit was formed, focused on clearing the substantial number of use of force cases that were identified that had not been processed by the previous administration. That unit has provided direct and effective responses to issues identified in our last 298 report. In addition, during 2018, newly promoted supervisory personnel have been introduced, via specific training, to the requirements of effective responses to use of force events. What remains is to integrate that training into the day-to-day regimens of field-based supervisory, management, and command personnel.

From the data we have seen and the interactions we have had with APD command and supervisory personnel during the last year, it is clear that the required integration of assessment and supervision of CASA-related requirements is substantially lacking among many of APD's field personnel. This is true for less critical CASA elements (regular field inspections and audits by line supervisors) and more critical CASA elements (critically reviewing in-field uses of force, and identifying relevant policy violations related to use of force). As of late 2018, we continue to observe those issues in our review of in-field supervisory actions.

3.2. Violations Reported by APD by Command and Year (2014-2018)

A review of data tables for this 298 requirement indicates another problem with APD's databases. As we note throughout this report, reporting raw data without considering such external factors as number of calls for service per individual "work unit" e.g., Patrol area commands, Special Services, Investigations, and "unknown," make it difficult for APD to recognize and identify "outliers." For example, we noted in our last 298 report that "an analysis of the raw data indicates that APD's SE Area Command is responsible for 50 percent of reported uses of force in some years, exceeding other individual area commands by at least 600 percent. Without foundational information presented in the form of ratios (for example: uses of force per 1,000 calls for service) these numbers quickly become misleading. Southeast Area Command's use of force events constitute a total of slightly more than 25 percent of all reported uses of force included in 298a-iii's reporting requirements for 2017. We noted in our first 298 report: "Without analyses reported by workload factors, e.g. calls for service per

work unit, arrests per work unit, etc., APD is ‘flying blind’ when it comes to assessing and controlling uses of force.” A portion of this difference among area commands is obviously explicable by the number and nature of calls for service, violent crime rates, and other issues. Without reporting these geographic differences, APD risks overlooking important trends and issues.”

Again, we recommend that APD build database systems supporting data that allow “outcomes” to be reported as ratios, e.g., uses of force per 100 arrests, etc. The use of raw numbers in analyses can generate misrepresentations and misunderstandings.

Given the issues articulated above, we are unable to present clear statistical data to assess departmental responses to violations of policy. APD currently is considering changes to these reporting databases to allow more meaningful data reporting and review. We see this as a major step forward.

Raw data seldom tell the whole story, in the monitor’s experience, and it is critical that these data be meaningful when they are published. Tables and figures for these data were exceptionally difficult to construct, given the reporting modalities of APD over the years involved (2014-2018). Reporting processes were revised in late 2017, and appear to be more suited to clear data reporting.

In the monitor’s opinion, APD has reached the point of diminishing returns in further efforts to “find” data that, more likely than not, had not been correctly collected in the first place. We have strongly suggested that APD focus on clean data going forward, rather than devoting substantial resources to a process that, in the monitor’s opinion, would result in negligible return.

We remind the reader that, some database failures are simply not remediable, despite the talent and time spent by a very competent outside contractor. It is critical, however, that the weaknesses, inconsistencies, and missing data issues be rectified moving forward, or the “298 reporting process” on this section will become moot.

3.2.1.1 Use of Force by Area Command (2014-2018)

Figure 3.2.1a, below, depicts uses of force by area command, using data from newly developed systems at APD. These data show what is more likely than not an increase in *reporting* of use of force events from 2014 through 2016, followed by a decrease in reported uses of force in 2017. Again, we view these data as intuitively correct, i.e., we see major increases in reported uses of force in 2015 and 2016, reflective of improved data reporting by APD. These are followed by a substantial decrease in 2017 (compared to 2016) as new training, policy, supervision and command oversight processes took hold at APD. The reader will note substantial

increases of reported uses of force for most years, across all area commands, with the exception of 2017.

The monitor's interpretation of these data inconsistencies is that the then-current administration had begun taking steps to disguise uses of force, so as to affect decisions made from that data. Given the monitor's knowledge and experience, and his understanding of planned change processes in complex organizations, as well as the monitoring team's experience in similar projects, we believe the precipitous drop depicted in APD's 2017 data were artificially engineered—either through deliberate under-reporting or through programming, analysis, and reporting methods designed to affect “outcome results.” Evidence supporting that theory is depicted in 2018 numbers, which reasonably reflect 2018 use of force incidents and reasonably reflect a change trajectory that fit the monitor's understanding of APD's programmatic responses to the requirement of the CASA. Those 2018 numbers indicate a small (0.07%) decline in uses of force overall, from 1,218 in 2016 to 1,183 in 2018.

Some context for this table may be in order, as this decline in 2018 comes after APD shifted to a more reliable reporting strategy for recording uses of force (as witnessed by the substantial increase in reported uses of force for 2016 v. 2015). We view the 2018 data as more reliable, given our on-site and analytic assessment processes for the years 2014-2018. Further, in the monitor's experience, a portion of the significant reduction in incidents of use of force by APD personnel were a result of the uncertainty, wariness, and concern regarding the new use of force training implemented in 2016 and 2017. We hypothesize that by 2018, many of these issues had been ameliorated by actual experience with the new systems implemented by APD in 2017, and the new processes had become “normal” to line officers and their supervisors, yielding a 2.8 percent reduction in overall reported uses of force by APD's officers for 2018 compared to 2016. We view APD's 2017 data to be artificially engineered.

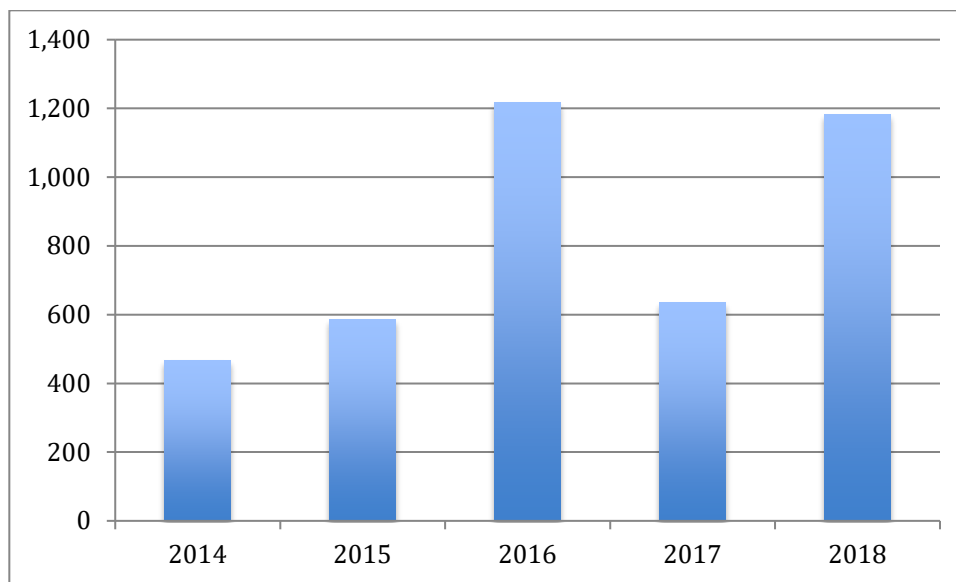
Figure **3.2.1.1b**, below, depicts the use of force data visually. We hypothesize that the 2014 and 2015 data reflected substantial “under reporting” of uses of force by APD area command personnel. With the advent of new training and supervisory practices in 2016, the total number of uses of force appeared to rise substantially, but, we hypothesize this was due to more accurate reporting by officers and record keeping by APD. As training provided in 2017 and 2018 began to “take hold” at the street level at APD, one can see marked results regarding applications of force in the field for those years: a 35.2 percent reduction in reported use of force events from 2016 to 2017, followed by a “regression to the norm” in 2018. In short, we view data reported by APD in 2014 and 2015 to under-represent the actual numbers of uses of force (due either to deliberately inaccurate reporting of weaknesses in the reporting system). We believe that data for

2016 more accurately represented actual in-field uses of force for the agency, while 2017 data reflect a chilling effect on uses of force by APD's policy and training efforts (aided quite possibly by deliberate under-reporting) and creation of and data for 2018 reflect accurate reporting of actual uses of force by APD personnel.

In short, we are comfortable that the numbers reported by APD over the past year (2018) are reasonably accurate, and that these numbers reflect new policy, new training, and new supervisory process outcomes. Unlike the data we were provided in 2017, based on the monitoring team's experience, one can reasonably expect APD's current use of force reporting system to be accurate and dependable.

Data for 2019 should be capable of supporting initial determination and projections of overall trends.

Figure 3.2.1.1b: Overall Use of Force Reporting, 2014-2018



3.2.2: Uses of Force Violating APD Policy (2014-2018)

The next measurable requirement of APD and the City's compliance efforts in 298a-iii, requires reporting of the numbers of uses of force that violate APD policy, by type of force, area command, type of arrest, and demographic category. APD reporting protocols report these data for the years 2014 through 2018. Data reported were included in APD's "Paragraph 293A3-A5 UOF Report" for 2014-2018. Paragraph 298a.iii requires reporting (and an implied analysis) of "number of uses of force that violate policy overall and by force type, area command, type of arrest and demographic category (CASA p. 88-89, 298 a-iii). In its use of force "report" for 2014, APD identifies one incident that indicated a "Policy Violation."

Again, 2014 was prior to implementation of the CASA, and in some ways serves as a baseline. Classification and reporting differences, however, often make direct year-to-year comparisons difficult if not impossible. The 2014 event of use of force involved a use of five separate force mechanisms, including use of: empty hand control technique, handcuffs, hand or foot impact, orders/words, and “overcame resistance.” No Area Command information was available for 2014 events. APD’s report for 2014 identified the number of policy violations (1), the number of types of force used (5), gender of officer and citizen, type of arrest, and demographic status of the subject and the officer, as well as other data not required by paragraph 298a.

For 2015, the same data are reported in APD’s “Uses of Force in Violation of APD Policy” report. For 2017, the same data types are reported as were reported in 2014 through 2016. We note, not surprisingly, that 2016 showed a substantial increase in the number of uses of force resulting in reported policy violations, (from 2 in 2015 to 13 in 2016, five in 2017, and 15 in 2018). We note with concern that, as of the time we collected information for this report, 133 policy outcomes have not been finalized for 2018. This is due, in part, to a large backlog of use of force incidents that have yet to be fully processed. While APD has cleared most of this backlog, that process was completed in 2019, outside the reporting period for this report.

The data in Table 3.2.2b fit with the monitor’s experience in other agencies that introduce improved policies and training regarding use of force. In the monitor’s experience, this represents not so much an increase in uses of force, but an increase in reviewing, assessing, identifying and reporting rates. Parenthetically, the report contains virtually no information that would allow APD to identify the nature of policy violations. This would seem to be critical for training, supervision, command review, and general oversight functions. We strongly recommend a change to the reporting modes to capture these data.

Data reported related to “Force Modality” e.g., the type of force used in 2018 are reported in Table 3.2.2a and 3.2.2b, below. Figure 3.2.2c, below, represents the data identified by the monitor’s analysis regarding the demographic categories for individuals arrested by APD, from 20 through 2018.

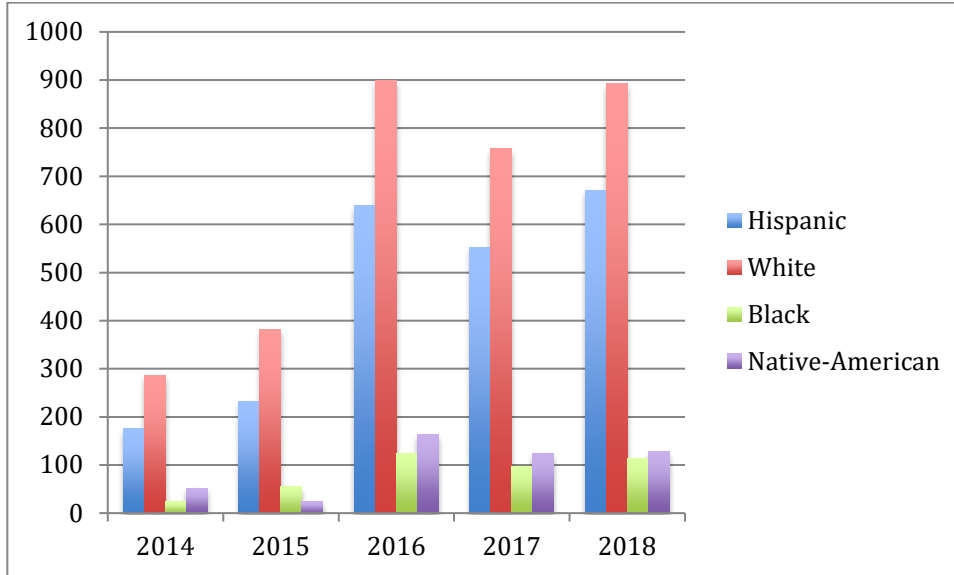
Table 3.2.2a, below, reports 2018 use of force data by method of force application used, i.e., “Force Modality.” Not surprisingly, 2018 data appeared to be much better organized and appear to be more reliably collected than previous use of force information. We note that earlier reporting on this topic by APD covered incidents, while the data reported above cover types of force used.

Table 3.2.2a: APD Self-Reported Use of Force Modality, 2018

Rank	Force Modality	No. of Uses	%
1	Empty Hand	689	31.1%
2	Take-down	634	28.6 %
3	Other	256	11.6%
4	Taser/ECW	230	10.4%
5	Hands/ Feet Impact	113	5.1%
6	Display Firearm	100	4.5%
7	Firearm (OIS)	77	3.5%
8	Canine	52	2.3%
9	OC Spray	32	1.4%
10	40 mm Impact	31	1.4%
	Total	2,214	100%

Table 3.2.2b: Use of Force by Demographic Category 2014-2018

Year	Hispanic	White	Black	Native-American
2014	176	285	24	52
2015	233	381	55	25
2016	639	899	124	164
2017	553	757	97	123
2018	671	892	114	128

Figure 3.2.2c: Arrest Demographics, 2014-2018

More than any other single factor, these data appear to indicate a significant up-tick in reporting. The relative rank order of arrestees race and ethnicity remained the same, with most arrestees being White, the second highest group being “Hispanic,” followed by “Native American,” then “Black.”

3.3: Number of Use of Force Administrative Investigations Supported by a Preponderance of the Evidence Standard

This CASA paragraph requires reporting regarding the “number of use of force administrative investigations supported by a preponderance of the evidence” (CASA Paragraph 298 a-iv). The data provided identify the number of cases sustained by APD for 2014, 2015, 2016, 2017 and 2018. While the data provided are technically appropriate, we note that, to date, APD has not met this requirement in terms of the quality of its internal investigations (see Section 3.2.1, above). For example, we noted in IMR-6 that APD’s internal investigations often fail to meet a preponderance of the evidence standard, with only 12 of 16 investigations reviewed by the monitoring team adhering to the “preponderance of the evidence standard.” This constitutes 75 percent compliance rate, far short of the required 95 percent for compliance. At this stage of the reform process, the fact that APD classifies a given IA investigation as “sustained” is not a sign that the preponderance of the evidence standard was used. APD “sustained” eleven cases in 2014, three in 2015, and five in 2016. In 2018, APD instituted a “Backlog Review Team,” charged with basically re-inventing the way the organization conducted internal investigations. That process was not complete as of the end of December 31, 2018, although it has since been finished, and APD is currently assessing data from that process. To date, the monitoring team has found no significant issues with the work

done by the review team. All completed cases we have reviewed, including use of force cases, were effectively investigated and appropriately reported and classified.

3.3.1 Reporting related to Number of Force Investigations Indicating a Need for Policy, Training or Tactical Deficiencies

Data were provided by APD from its automated tracking systems addressing Force Review Board (FRB) cases resolved for 2016. No data were reported by APD for 2014 or 2015, as FRB was not functional in those years (prior to, and immediately after implementation of the CASA). Readers of previous monitor's reports (through IMR-6) will note highly critical issues with the FRB, the majority of which related to clearly calling out-of-policy actions on the part of APD officers and recommending organizational responses to these out-of-policy actions, e.g., retraining, transfer, additional supervision, or disciplinary actions. In effect, the FRB, as it was configured in the past, had ceased to function as an effective control point for noting and recommending fixes to problematic issues with policy, training, supervision, equipment and tactics. We note that FRB has made specific recommendations in the past, but follow-up has been severely lacking.

We noted these same deficiencies in the first 298 report, and, for the most part they remained unresolved, as of late 2017. APD leadership suspended the FRB processes in 2017. A newly constituted and reconfigured FRB was formally structured in May of 2019. It will be tested by the need to complete pending cases from 2017, 2018, and 2019. As of this report, the new FRB has had its first formal meeting.

3.4: Number of Officers who are Identified in the Early Intervention System

This paragraph requires APD to identify the number of officers identified by the Early Intervention System (EIS) for incidents in which use of force is a factor, or have more than one instance of force found to violate policy. APD's EIS is still under development, and no valid data were produced from that system for the monitor's use in this report. This is an on-going problem (since 2016) with no operational resolution to date, although APD is evaluating replacement systems for the EIS.

3.5: Number of Use-of-Force Related Injuries to Officers and Members of the Public

APD reported data responsive to this subsection of Paragraph 298 in their standard Force Reporting system. In 2014, the baseline year, APD's systems reported 28 incidents in which civilians were injured. The most frequent 2014 injury class was "abrasion," accounting for 69 percent of all

citizen arrestees. The most frequent 2015 injury class was also “abrasion,” with 93 of 202 injuries, or 46 percent. For 2016 “abrasion” was again the top reported injury, at 38 percent. “Gunshot” was reported twice as an injury class in 2015, and five times in 2016. Citizen injuries were reported most frequently in the Southeast Area Command, with 54 reported injuries in 2015, followed in 2016 with the Southeast Area Command reporting 77 citizen injuries. The Southeast Area Command again ranked first in citizen injuries in 2015, with 34 percent of APD’s citizen injuries reported in that command. In 2016 Southeast Area Command also ranked first in citizen injuries, with 30 percent of APD’s citizen injuries for the year.

Table 3.5.1a, below, reports these data in tabular form for 2014 through 2018, inclusive. These data indicate a substantial increase in the number of reported incidents with citizen injuries from 2014 through 2016 (from 28 in 2014 to 255 in 2016, an increase of 187 injuries). We do not know if this is an artifact of better reporting of citizen injuries or an artifact of the use of different types of uses of force categories from 2014 to 2017. We do note that it *may be* an issue of more careful reporting on officers’ part, based on upgraded APD training on use of force. We suggest this is an item APD may want to visit independently of paragraph 298 data. Regardless, the monitoring team considers APDs 2018 data to be the first valid assessment of use of force rates available to the team since the inception of the monitoring process. Total number of uses of force involving injury to citizens fell substantially from 2017 to 2018. More likely than not this is an artifact of more accurate reporting, the enhanced training hours during those years, the renewed focus on use of force review by supervisors (engendered by use of force training) and supervisory processes engendered by the CASA.

Table 3.5.1a: Use of Force Related Injuries to Civilians 2014-2018

Year	Incidents w/ Citizen Injuries
2014	NA
2015	145
2016	406
2017	408
2018	479

We are reasonably certain that figures for 2016-2018 are accurate depictions of injuries to arrestees.

3.6: Ratio of Use of Force to Arrests

Subsection 298a-vii requires APD to report ratios of uses of force by arrest, force complaints, calls for service, and other factors deemed appropriate. In our last 298 report, we noted:

“APD’s routine reports depict uses of force by arrest, by number of police “dispatches,” and by “all” APD Computer Assisted Dispatch records. Obviously, some of these numbers are more meaningful than others. The monitoring team deems uses of force per arrest to be the most meaningful, as CAD-based analyses would count the number of uses of force per burglary report, theft report, etc. Here we report only the ‘per arrest’ and “per dispatches.””

In 2014, on average (based on APD self-reporting) APD used force 1.2 times per arrest. Assuming that all arrestees are handcuffed, a valid assumption based on our observations, that constitutes 0.2 times per arrest that a modality of force other than handcuffing is used. We do note that there is a palpable difference between “handcuffing” and “forcible handcuffing⁴.” This may be the cause of the variance in numbers. Also for 2014 citizens’ complaints filed with APD related to use of force (those actually captured by the system) were low, with only seven complaints in 162 arrests sampled, in which APD used force other than “handcuffing,” reported by APD.

However, in 2015, the first full year of the CASA, the data show APD reporting only 1.32 uses of force per arrest (after “handcuffing” is removed from the equation).

In 2016, APD reported a total of 867 uses of force, an average use of force rate of 1.16 uses of force per arrest, only 0.16 uses per arrest after “non-forcible handcuffing” is excluded. Strangely enough, however, the number of civilian complaints went up markedly, from four in 2015 to 26 in 2016. This may have been attributable to increased media coverage related to the CASA and APD reporting modalities, or to better record keeping by APD. The reported number of forcibly arrested citizens rose markedly in 2016, as well, with the number of arrests involving a use of force other than handcuffing, jumping from 143 in 2015 to 469 in 2016. These numbers tended to remain relatively steady through the end of 2017. Based on our knowledge and experience, we suggest that this was simply an improvement in reporting rates, which we consider a meaningful improvement, and a positive outcome.

In 2017, APD reported 631 uses of force, ranging from minimally intrusive

⁴ The reader is reminded that there are two different kinds of “handcuffing:” normal handcuffing and “forcible” handcuffing. We report here only the latter, as the former is not considered a use of force by the monitoring team.

(empty hand control techniques) to the use of deadly force. This represents a drop from 2016, when a record-high (for the 2014-2018 timeframe) 867 uses of force were reported. These numbers make intuitive sense, as in 2014 the 756 uses of force were reported prior to implementation of the CASA and reflected actions under the “old APD” systems and processes. Numbers of 2015 uses of force (435 uses of force) were reported during the first year of implementation of the CASA (before oversight systems were functional). 2016 data (867) reflected the first year of operations by APD under the new force-reporting requirements (before training and supervisory systems required by the CASA had taken full effect). Numbers for 2017 (631) reflect the first full year of “effective” change in compliance with the CASA.

In 2018, APD reported 1,183 individual use of force applications, correctly counting each use of force on a given individual—a practice not found at APD until 2018. Prior to 2018, use of force was reported per individual. For example prior to 2018, if a given individual was subjected to open hand strikes, a take down, and forcible handcuffing, APD tended to report that as a single use of force event, even though there were three force applications. Beginning in 2018, APD began counting individual applications of force, and would have scored the above hypothetical as three applications of force.

We note that APD has raised some cogent issues with the monitor’s methodologies for this section of the 298 report. We were unable to resolve those issues prior to publication of this report. We will continue to work with APD to assess those issues and to resolve them accordingly, in time for the next 298 report.

3.7: Number of Activations and Deployments of Specialized Tactical Units

298b-i requires APD to report the number of deployments of specialized tactical units. Data were available for 2015 through 2018 only, as the CASA was not signed and implemented until after the close of the 2014 reporting year. Data for specialized tactical unit deployments for 2015 through 2018 are reported below.

2015-2018 Canine Deployments

APD self-reported data regarding Special Operations unit deployments (Canine, Bomb, and SWAT deployments) show an average of 3.7 canine events per month, with figures peaking in June and slowing markedly in December of 2015. Data from APD for 2015-2018 deployments are depicted in the table below. For 2018, APD changed its reporting methods for canine deployments by moving to reporting canine deployments as the number of canines deployed, not by the number of incidents requiring a deployment, as was past practice. Thus, the new data are not comparable

to the 2015-2017 data reported in the last 298 report. No data were available for 2014. Data for 2018 show 447 canines deployed for the year in an unknown number of incidents. Canine deployments are depicted in Figure 3.7a, below. The monitoring team sees the number of canines deployed is a more sensitive and meaningful measure for deployments.

2015-2018 Bomb Squad Deployments

For calendar years 2014-2018, APD self-reported data regarding specialized unit deployments show an average of 6.6 Bomb Squad deployments per month, with figures peaking in 2018. Data from APD for 2014-2018 deployments are depicted in the table on the following page. By June of 2015, the monitoring team was on-site and reviewing deployment and tactical data for Bomb deployments. We note that Bomb Squad deployments appeared to be well supervised, and also had some of the best supervisory processes we observed within APD's operational ranks. That performance continued through 2018, based on our observations. Data for 2014-2018 Bomb Squad deployments are depicted Table 3.7b on the following page. As with most other data for 2018, numbers for the Bomb Squad show markedly increased activity for 2018 over previous years. In the monitor's experience, explosive ordinance device calls are problem-centric. Calls for the specialized service tend to be accurately reported and are driven by factors outside the police agency's purview.

Figure 3.7a Canine Deployments, 2015-2018

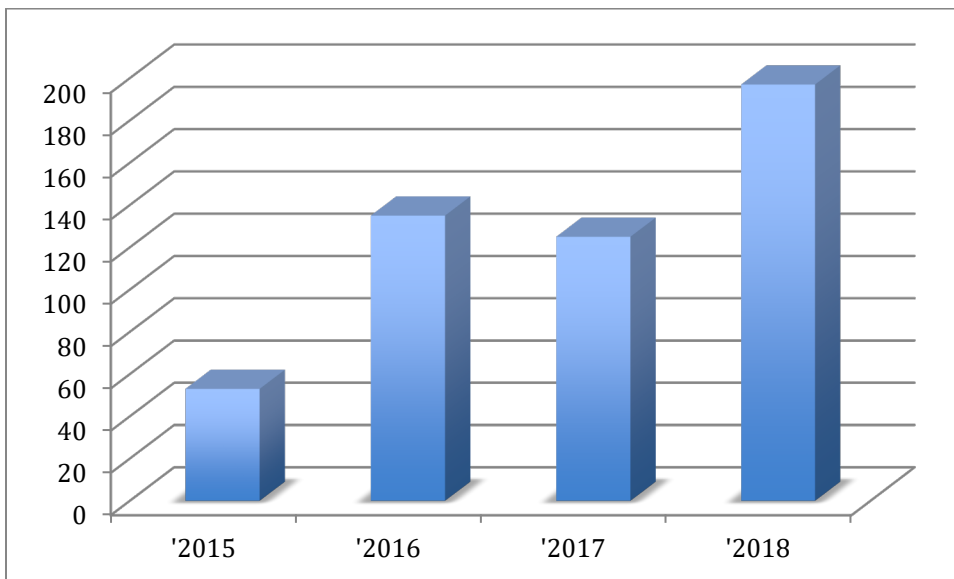
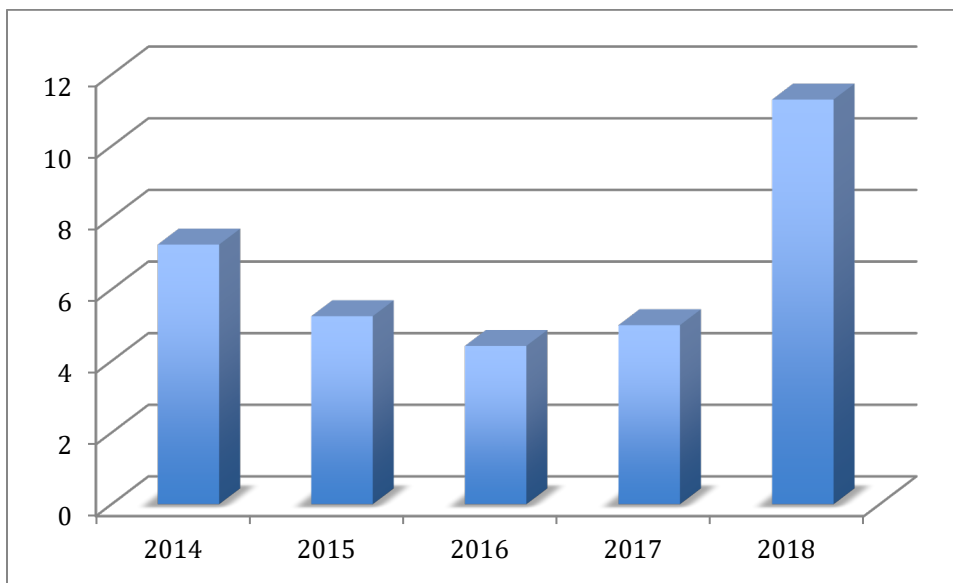


Table 3.7b: Bomb Squad Deployments 2014-2018

<u>Type</u>		<u>Number</u>	<u>No. per Month</u>
Bomb	2014	87	7.25
Bomb	2015	63	5.25
Bomb	2016	53	4.42
Bomb	2017	60	5
Bomb	2018	136	11.3
			Avg.= 6.6

These data are depicted graphically in Figure 3.7b, below.

Figure 3.7.b: Reported Bomb Squad Deployments (2014-2018)

2014-2018 SWAT Deployments

For calendar years 2014-2018, APD self-reported data regarding SWAT deployments show an average of 3.5 deployments per month, for an average deployment rate of 42 deployments per year for 2014-2016. 2017 deployments increased significantly, nearly doubling for the year. SWAT deployments peaked in March of that year. Data from APD for 2014-2018 deployments are depicted in the table below. During 2015, the monitoring team was on-site and reviewing deployment and tactical data for SWAT deployments. The monitoring team noted that SWAT practices appeared to be well supervised, and again had some of the best supervisory processes

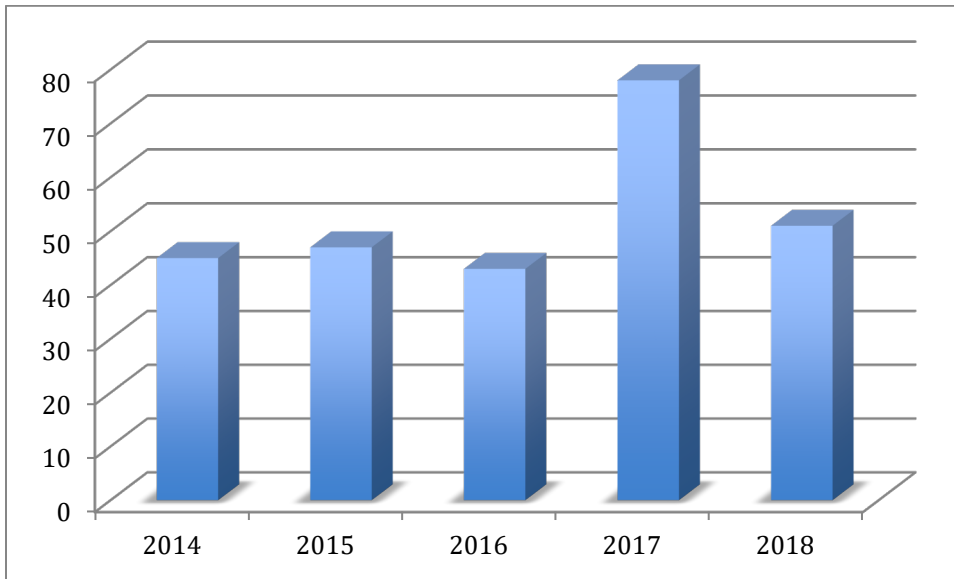
we observed within APD's operational ranks. That performance continued throughout the study period, based on our observations. Table 3.7c, below, and Figure 3.7c on the following page depict APD SWAT deployments for 2014-2018. It appears that 2018 data have regressed toward the overall mean number of deployments for previous years.

We noted in the second report for paragraph 298 "the significant deployment increase for SWAT in 2017." Further we noted that we "are unaware of any policy, training, reporting or other issues that may explain it. We will continue to monitor trends for these deployments to determine if this is an 'outlier,' or the potential beginning of a trend." We recommended APD review 2017 deployments to determine if there is an identifiable cause for the 81 percent increase in SWAT deployments in 2017 over 2016. We do note the relatively small increase in SWAT deployments in 2018, compared to 2016.

Table 3.7c: SWAT Deployments per Year

Year	Deployments
2014	45
2015	47
2016	43
2017	78
2018	51

The reader should note that all SWAT deployments reported for 2014 through 2018 resulted in some form of use of force, which in the monitor's experience, is not unusual for these types of units. Based on data available to us at this time, we consider the 2017 spike of SWAT deployments to be an outlier, as the number of deployments in 2018 "regressed to the mean," falling to 51 deployments that year, relatively close to the three-year mean (2014-2016) of 45 percent. These data are depicted graphically in Figure 3.7a, below.

Figure 3.7a: SWAT Deployments, 2014-2018

3.8: Crisis Intervention Measures

Paragraph 298c requires APD to report accurately crisis intervention measures responsive to CASA paragraphs 129 and 137. Paragraph 129 requires:

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; [L] [SEP]
- b) subject's age, race/ethnicity, and gender; [L] [SEP]
- c) whether the subject was armed and the type of weapon; [L] [SEP]
- d) whether the subject claims to be a U.S. military veteran; [L] [SEP]
- e) name and badge number of crisis intervention certified responder or CIU detective on the scene; [L] [SEP]
- f) whether a supervisor responded to the scene; [L] [SEP]
- g) techniques or equipment used; [L] [SEP]
- h) any injuries to officers, subjects, or others; [L] [SEP]
- 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). [REDACTED]

3.8.1 2014 Data Assessment

APD provided no comprehensive data for CIT responses for 2014, as the process was not fully fielded at that time.

3.8.2: 2015-2018 Data Assessment

Data collected by APD's reporting system for Paragraph 298c for this iteration of 298 reporting are immeasurably better than those submitted for last year's 298 report. We commend APD for taking a fresh look at their data needs, data collection systems, data reporting, and data analysis on this critical CASA requirement. Unfortunately, data processes were so poor in the previous administration that not all years' data were retrievable in a useful format. Data for 2015, provided by the APD for this report show a robust, effective, and active cadre of behavioral health focused APD officers, who deliver a very active and engaged set of services to those in need in the City of Albuquerque. Descriptive statistics kept by APD and provided to the monitor indicate:

- APD's delivery of mental health crisis services was effected on a regular basis over the last four years, 2015-2018;
- CIT responses show a natural progression of service calls, indicating an increase in calls almost every year (with the exception of 2016, during which calls fell marginally);
- The NE Area Command proved the busiest for crisis services in every year (for which data were available) except the first year of services, 2015; and
- Each Area Command showed progressive growth in provision of crisis services over the 2015-2018 time period.

As currently delivered and used by APD, the CIT reporting "system" is now useable to identify successes, failures, liability exposures, and other meaningful management detail. Data collected are internally reliable, and appear to describe usage rates of CIT services correctly and meaningfully.

3.9: CIT/COAST Operations

The data required under Paragraph 137 in paragraph 298c related to Crisis Intervention Team (CIT) and Crisis Outreach and Support Team (COAST) deployments and usage, specifically requiring delineation of:

- a) number of individuals in the COAST and CIU case loads; [REDACTED]
- b) number of individuals receiving crisis prevention services; [REDACTED]

- c) date, shift, and area command of incidents or follow up encounters; [REDACTED]
- d) subject's age, race/ethnicity, and gender; [REDACTED]
- e) whether the subject claims to be a U.S. military veteran; [REDACTED]
- f) techniques or equipment used; [REDACTED]
- g) any injuries to officers, subjects, or others; [REDACTED]
- h) disposition of the encounter (e.g., arrest, citation, referral); and [REDACTED]
- i) a brief narrative of the event (if not included in any other document). [REDACTED]

3.9.1 CIT/COAST Operations 2014-2018

APD actually had a functioning Crisis Intervention Team (CIT) in the field and functioning for most of 2014. The team was actually trained, fielded and supervised prior to the advent of the CASA, which became effective in November 2014. Data for CIT processes indicate that CIT personnel provided more in-field services every year from 2014 to the present day. Table 3.9.1a, below, depicts the services provided for CIT units between those years.

In the five years that CIT has been active (2014-2018), CIT has fielded more than 21,000 responses to individuals in crisis, based on data kept by APD on a routine "course of business" basis. This indicates an exceptionally strong commitment to individuals in crisis due to behavioral health issues. We recommend APD think seriously about tying "output" data with "outcome" data to allow periodic assessments of the effectiveness of CIT operational processes. For example, an analysis of "frequent users" of CIT responses may be beneficial in indicating individuals who may benefit from more intense after-response services. While some of the assessment work may be more "academic" than operational, given the level of resources committed to CIT, it may help APD chart a way forward that will make the CIT response process even more productive. Table 3.9.1a, below, depicts CIT/COAST activities for 2014 - 2018.

Table 3.9.1a: CIT/COAST Operations (2014-2018)

Area Command	2014	2015	2016	2017	2018
Foothills	885	1,056	1,071	1,126	1,119
NE	296	1,160	1,318	1,318	1,281
NW	684	696	204	1,334	804
SE	1,271	1,056	1,389	575	1,552
SW	540	577	651	688	669
VA	895	886	946	1,112	909
Totals	4,571	5,431	5,579	6,153	6,299

In summary, we note that APD's CIU/COAST operations were recently named by the International Association of Police Planners as the 2018 recipient of the organization's "Project of the Year" award. IAPP noted that APD CIT/COAST processes were "very comprehensive and address a key need in the police profession." Our on-the-ground assessments of these programs at APD yield similar findings.

3.10 Recruitment and Training Activities

Data for recruitment activities were provided by APD using the newly structured data reporting processes, which, we have noted, have yielded much more reliable information than past practices at APD. We have noted earlier that APD's Compliance Bureau, through an outside contractor, has done an excellent job of combing through data required for the Paragraph 298 report, ensuring data reliability and validity, and reporting the revised data in understandable and useable formats. As we also noted earlier, not all data maintained by APD in the early years of the reform process were reclaimable; however, for data that were reclaimable, APD has presented them in a clear, cogent, and useable format. Recruitment activities for 2014 - 2018 were identified, organized and reported clearly by APD.

3.10.1 2014

Recruitment activities for 2014 (pre-CASA) consisted of 13 modalities (newspaper ads, recruiting poster versions, billboards, TV commercials, etc.) for which 14 APD recruiters were assigned to events at high schools, middle schools, veterans' organizations, and job fairs, etc. These 14 modalities yielded 1,309 "interest cards" from individuals who followed up with inquiries, etc. Outreach was also generated via an APD recruiting website, which reportedly yielded 749 of the total "interest cards" for 2014 (57% of all interest cards). A total of 1,309 interest cards were generated by APD recruiting efforts in 2014, which, for this analysis serves as the

“benchmark” year. The most fruitful recruiting methods (in raw numbers of interest cards generated) were (in rank order) the department’s recruiting website, “other” methods, and recruiting referrals from members of APD. We note that these efforts were in 2014, and were “pre-CASA.” APD recruiting efforts were on-going for seven months in 2014.

3.10.2 2015

In 2015, APD increased its total interest cards to 3,641, using basically same 13 recruiting modalities used in 2014. This constitutes a 179 % increase over 2014. For 2015, the first year of implementation of the CASA, APD recruiters reached out to potential “new hires” at 65 events and through 753 media outlets, yielding a total of 3,641 interest cards. This constitutes a 57 % increase over the 2014, baseline year. For 2015 the three most productive recruiting processes continued to be the departmental recruiting website, “other” recruiting methods, and referral from APD employees. APD recruiting efforts were on-going for twelve months in 2015.

3.10.3 2016

In 2016, the third year of implementation of the CASA, APD recruiters reached out to potential “new hires” using 556 media outlets, yielding a total of 3,783 interest cards. This constitutes an increase over 2014, our baseline year. For 2016 the three most productive recruiting processes continued to be the departmental recruiting website, “other” recruiting methods, and referral from APD employees. APD recruiting efforts were on-going for twelve months in 2016.

3.10.4 2017

For 2017, recruiting activities appeared to be less effective. This is perhaps attributable to several newspaper articles and electronic media stories (radio, television, and social media) detailing problems and issues within APD. Data maintained by APD show a generation of 2,088 “interest cards” generated by the same three top “producers” of recruits seen in 2015 and 2016: APD’s website, referrals from current APD employees, and “other” mechanisms. APD recruiting efforts were on-going for twelve months in 2017. We note that “interest cards” fell from 2016 to 2017, showing a reduction of 1,252 cards, or a 37% reduction.

3.10.5 2018

Recruiting activities were restructured by APD when the newly appointed chief and command elements decided on a new direction and fielded a recruiting process focused more finely on the critical characteristics of APD that would be appealing for potential recruits. Despite that focus, the internet remained the top producer of “interest contacts” by potential recruits generating 42 percent of all contacts expressing an interest in APD. Total

individual expressions of interest in APD dropped again in 2018 to a total of 1,402, a reduction of 33 percent.

3.11 Training Activities

Data for APD training activities consisted of four files that identified training data for APD during 2018. These four files consisted of information on routine in-service training; specialized training closely tied to topics directly designed to affect future CASA-compliance levels, such as EPIC training (Ethical Policing is Courageous), CIT training (Crisis Intervention Teams), supervisory training, managers' training, and a new reality-based training process designed to improve performance of future supervisors. Members of the monitoring team attended the final session of the RBT training and observed that it was a serious and significant improvement over the old-style, classroom-based, Power-Point driven training habitually used at the APD Academy in the past. It was clear that the process should be highly capable of selecting individuals who could perform well as sergeants, as opposed to selecting individuals who could perform well on simple written tests.

We see this as an important milestone in APD's current move to re-invigorate its training processes to meet the demands of CASA requirements.

APD provided data on four processes, one identifying training completed as part of training related to the supervisory process, one reflecting CIT training, one reflecting firearms training and one reflecting training provided as remedial instruction for officers found to need additional instructions based on their actions in the field, e.g., "remedial" training. While the data provided in these files show the scope of training related to these three processes, it covers a very small piece of the overall training mission. We are cognizant of the plethora of issues demanding the new APD command ranks' attention, and we have consistently advised Academy command personnel that their first order of business should be assessing past training to identify weaknesses and gaps in the training that need to be overcome in order to move forward and to assess the training currently provided by APD.

Our past monitoring reports have been highly critical of the training process, and we agree with APD's current response to the training "issues" confronting the agency: identifying the issues with training that have been outlined in previous monitoring reports, and highlighting the need to develop action plans to address those issues. APD has reached out and recruited outside leadership at the academy, and the new commander has put in exhaustive work designed to buttress training efforts. The new commander has begun reforming the curriculum design process, and, at the same time has designed, developed, and executed a myriad of new training products

designed to facilitate moving the APD training effort forward over the coming years. This includes training in 2018 and 2019 on topics such as EPIC (Ethical Policing is Courageous), supervisory processes, newly developed training related to community and problem-oriented policing, managers' training, reality-based training for supervisors, incident management training for supervisors, and remedial training for in-field officers, as recommended by supervisory and command staff.

APD also provided a critical piece of training for Academy staff in 2019, introducing the "Adult Learning Model" to the mix of tools available at the Academy. This included a custom-designed training process for Academy staff and instructors related to adapting the adult learning model based on critical andragogical aspects of learning as an adult (as opposed to the old-style training at the Academy, which has been purely focused on pedagogy: lecture, PowerPoints, and multiple choice tests). Of all the changes the current leadership has made at APD over the last five years, this may be the most significant. It may well signal the end of PowerPoint-based training, and be the key to training officers, supervisors, and managers who can use problem-solving and critical assessment of future policing processes in the Albuquerque Police Department. To date APD has transitioned to this style of learning in its sergeants training, ethics training for officers, and other critical elements related to the training process.

3.11.1 Curriculum Development and Delivery

No meaningful data were reported for 2014's or 2015's training activities. Obviously, given the lack of data for 2014 - 2015 training activities, we were not surprised by the lack of analyses, assessments, critical evaluations, or "ways to improve" discussions at the Academy. This is one of many critical elements currently on APD's "To Do" list, given the scant attention paid to training development by the past administration at APD. It highlights one of the critical deficits left by the previous administration. We have consulted with APD (both during the previous administration and the current administration) concerning the criticalities in this area, and have sketched out some critical initial changes that needed to be made in the areas of needs assessment, program development, training delivery, and evaluation of training. Our past monitor's reports list literally dozens of recommendations for positive change in the APD's training processes. We suggest that as a starting point. Over the past nine monitor's reports, we have noted that the Academy has gone through a relatively consistent level of turnover at the commander's position, averaging a new training commander every 18 months. The current commander has been intensely focused on building a solid team at the Academy, and those efforts are beginning to yield benefits. The current drive to move to an effective adult learning model is key to those efforts, in the monitor's opinion.

In addition, during 2018, the APD Academy has developed and provided focused remedial training to 57 sworn personnel (including sergeants and lieutenants). Most of these training processes were focused directly on CASA-based policy and training that command personnel believed needed to be re-delivered or re-emphasized to the re-trained officers, based on issues with in-field performance. The APD Academy also delivered ECIT (Enhanced Crisis Intervention Team) certification training to 135 additional officers. A total of 61 officers received “Firearms Remediation Training” provided by the academy, and 270 received training in management of EPIC (Ethical Policing is Courageous) efforts.

In addition, the academy has developed numerous new training initiatives or new training curricula in response to newly-developed policies, identified training needs in monitor’s reports, and internally developed programmatic changes designed to effect required CASA elements and support new APD initiatives.

3.11.2 Reporting re: Recruitment Activities for 2014-2018

Data reported by APD for the purposes of this report indicate a continued focus on recruitment in 2014 through 2018, with APD reporting attendance at 75 “job fairs” and related events for that year. Between 2014 and 2018, APD received more than 21,000 “hits” from referral systems such as its recruiting website, referrals from current APD employees, radio and television stations, billboards, recruiting events, etc.

No conclusions can be drawn from the provided data except to say that recruiting, as reflected in the record available to the monitor, is not routinized, and appears not to be guided by goals, objectives, and operational milestones, e.g., there seems to be no strategic or operational plans (inputs, methods, processes, outcome measures) to guide recruiting, based on the information provided to the monitoring team at this time. We do note that based on APD records, interest in APD has seen a recent up-tick, and APD reports a “full” recruit class seated for later this year.

3.11.3 Analysis of Training Failure Rates and Causes

Data responsive to Paragraph dii of APD’s 298-related processes provide a “failure analysis,” designed to identify critical failure points in the training process. The highest failure rate component was failure of the background investigation. The second highest failure rate was “physical abilities,” accounting for 26 failures among the two recruit classes covered by APD’s data for past reports. Polygraph failure was the third highest ranking failure point. Based on the monitor’s experience and knowledge, the three most frequently noted failure reasons identify issues APD has in common with most modern police agencies.

The number one reason for failing the candidate selection process continued to be failing APD's background investigation. This is the most common reason for failure industry wide, and is not unique to APD. Based on the monitor's knowledge and experience, APD experiences the same failure point frequencies as most modern police agencies: background investigations, polygraph, psychological assessment, and drug screening.

3.11.4 Training Summary

In our last 298 report, we noted

"Overall, we found Academy documentation related to Paragraph 298 to be highly routinized and uncritical. Based on the record available to us (provided by APD) the academy functions in a highly reactive manner, and is not supported or guided by assertive data management and analysis practices that function in an organized, analytical way. Though they may exist, we have seen no indicators of a goal-driven organization: e.g., no strategic planning modalities; no outcome and/or unit goals, or defined, measureable objectives; no failure analyses; nor any "lessons learned" or other assessments of past practice and results. We have no doubt that the academy is understaffed (based on our experience with other agencies involved in CASA-like projects). This lack of a clear focus on future-oriented goals, objectives, measures, and analytical assessment of results is, in our experience, highly reflective of the nature of the (under) staffing levels at the Academy. We are cognizant of the fact that the current administration is aware of these issues and is working to develop direct and effective responses to recruiting and training issues noted above. We will continue to monitor this critical element of developing an effective workforce for APD."

We noted no significant change in Academy operations until the advent of the current administration at APD. Since that time (December, 2017) APD has taken specific actions to assess Academy needs, and a new cadre of command has been installed at the Academy. It is too early to expect tangible and documentable change at the Academy; however, we are aware of a new attitude and outlook. Academy leadership have reached out to the monitoring team and appear responsive to our guidance. We note that APD has recruited and hired a new Training commander, and that the new commander has a strong background in training development, delivery, and assessment.

We emphasize the criticality of Academy command's need to carefully review previous monitor's reports and to assess and prioritize recommendations made by the monitoring team for improvements to process, structure, supervision, command, and assessment systems at the Academy.

3.11.5 2018 and The “New Academy”

Training data for APD training activities varies markedly from many of the processes reported earlier in this document. The documentation supplied was less detailed and more narrowly focused than one might expect. It consisted of three “files” of data, one identifying training completed as part of the supervisory process, one reflecting CIT training, and one reflecting firearms training. While the data provided in these files show the scope of training related to these three processes, it covers a very small piece of the overall training mission. We are cognizant of the plethora of issues demanding the new APD command ranks’ attention, and we have consistently advised Academy command personnel that their first order of business should be assessing past training to identify weaknesses and gaps in the training that need to be overcome in order to move forward and to assess the training currently provided by APD. We understand that much of that prior work will not be useable, and will need to be updated and brought into acceptable form.

Our past monitoring reports have been highly critical of the training process, and we agree with APD’s current response to the training “issues” confronting them: identifying the issues with training that have been outlined in previous monitoring reports and developing action plans to address them. APD has reached out and recruited outside leadership at the academy, and the new commander has put in exhaustive work designed to buttress training efforts.

The new training commander has begun reforming the curriculum design process, and, at the same time has designed, developed, and executed a myriad of new training products designed to facilitate moving the APD training effort forward over the coming years. This includes training in 2018 and 2019 on topics such as EPIC (Ethical Policing is Courageous), supervisory processes, newly developed training related to community and problem-oriented policing, managers’ training, reality-based training for supervisors, incident management training for supervisors, and remedial training for in-field officers, as recommended by supervisory and command staff.

During 2018, the Academy provided 57 individual “retraining” sessions for APD officers, with eight officers receiving multiple training events for different in-field task processes. These included at least four re-training sessions for sergeants. Sergeants received, based on inadequate past performance, retraining in areas such as use of force investigations, proper use of ECWs, and execution of high-risk critical task supervision.

We will work diligently with the Compliance Bureau and the current Academy Director to foster new planning, development, evaluative and

reporting mechanisms for the training academy moving forward. Parenthetically, we do note what appears to be a more refined assessment of what causes in-field issues, with the Academy noting training referrals by supervisory or command personnel for issues that are not directly related to training issues, e.g., the events described are not due to a lack of understanding what to do, but an unwillingness to comply with APD policy or practice. Thirty-three of the 57 training events (58%) were directly related to in-field performance regarding general aspects of use of force.

3.12: Officer Assistance and Support

Paragraph 298g requires APD to track and report officer assistance measures, such as therapy services, responses to critical incidents involving subjects in crisis, and training of APD personnel. No data were reported by APD for 2014 or 2015. Data for 2016 are discussed below.

Beginning in August of 2016, APD's Behavioral Science Unit began implementing applicable sections of the CASA's officer and community support that included therapy services, training services, and response to critical incidents that may have required technical advice from a mental health professional. In August through December of that year, BSD provided 119 separate service units, including mandated and non-mandated training to APD personnel, mandated and non-mandated therapy, and response to critical incidents. For patient confidentiality, the data provided for this segment of paragraph 298 were provided in a format that did not allow sorts, counts, or other tallies, but indicated that service was provided for both sworn and non-sworn personnel, and for families, as requested by involved personnel or mandated by APD. Sessions provided by BSD personnel ranged from one hour to four hours, depending on need.

BSD provide, according to its records, technical support for 11 critical incident deployments, 94 individual sessions of therapy services, and 14 separate training events, for a total of 119 individual service units. The unit was implemented and functional beginning in August 2016. Internal "outcome" analyses tend to indicate a strong degree of satisfaction and acceptance of BSD's services among sworn personnel.

3.13: Supervision Measurements

The supervision management system at APD came "on-line" in June of 2018. Given the fact that only six months of data are available from the system, analysis of its effectiveness is premature. We will re-visit this issue in the next 298 report.

3.14: Civilian Complaints, Internal Investigations, and Discipline

APD provided data regarding civilian complaints, investigations, and discipline for 2015 through 2018. APD internal investigation files for 2014 were not susceptible to reliable “porting” to data analytic tools, and, based on the monitor’s experience, are unreliable at best.

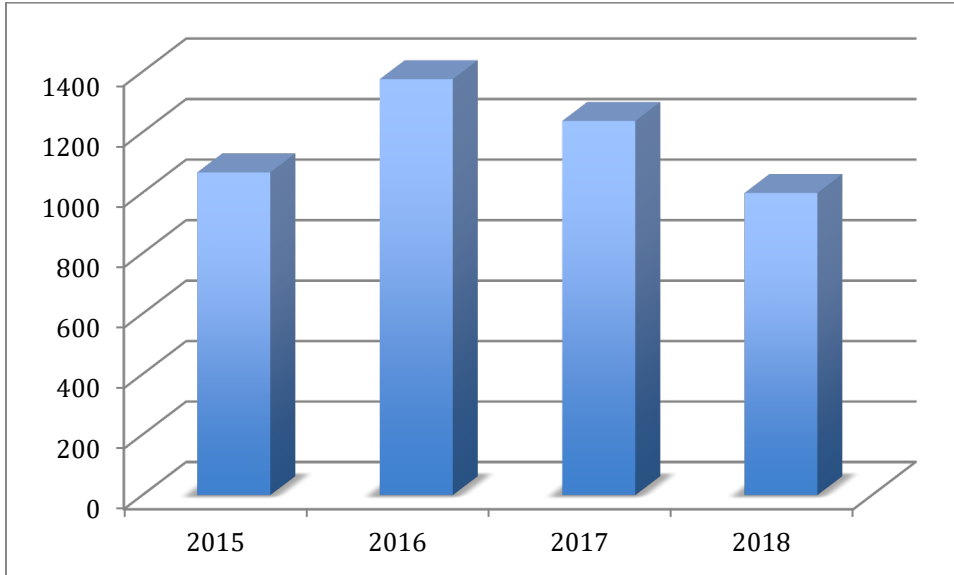
Figure 3.13, below, depicts received civilian complaints for 2015 through 2018. Given the short timeline included in the Figure, few conclusions can be drawn, and the data simply stand for themselves: 67 citizen complaints from all sources (e.g., APD IA, CPOA, and “other” such as vehicle crash investigations, “Additional Concerns Memos,” Informal Command Reports, and routine supervisory actions). Figure 3.13, below, depicts civilian complaints received by APD or CPOA (from all sources) for 2015, 2016, 2017, and 2018. With only four data points (annual data), it is difficult to draw conclusions regarding civilian complaints and complaints received from “all sources.” It is, however, informative to note that data for 2014 were so poorly classified, organized, and reported as to render the data for that year useless for this process.

Obviously these data identify a gradual decline in citizens’ police complaints from 2016, the second full year of the CASA through 2018, the last full year of APD’s CASA-reform efforts. These efforts resulted in a 6.4 percent decline from 2015 to 2018, after nearly a 29 percent increase in 2016, as use of force reporting accuracy was improved. The monitor’s assessment is that these increases were likely the result of renewed scrutiny by APD in response to the requirement of the CASA. We also note that 2018 was the first year of a new administration at the executive levels of APD.

The second database available to the monitor reflecting disciplinary processes within APD reflects issuing “Additional Concerns Memos” (ACMs) by APD supervisory or management personnel for a noted infraction by a member of the APD. For the purpose of clarity, we view ACMs as a diversionary device that allows supervisors to avoid initiating formal investigations regarding inappropriate behavior in the field.

The final classification categories for these “ACMs” is almost universally “sustained” (with the exception of those for which there are no known dispositions reported) or the ambiguous “Closed”. As of the date of this report, ACMs are still in use at APD.

We have discussed the issues created by the ACM process with APD command, and have scheduled conversations during the coming months to resolve the issues we see with this process. We note that ACMs continue in use to this day, although we have seen movement of late to significantly curtail and control their use.

Figure 3.1.3 Citizens' Complaints, 2015-2018

We noted in our second 298 report that “A third database identifies ‘Repeat Individuals’ (officers), and the number of repeat cases. There are no descriptive data available with this third database to identify the time period within which these “repeat” incidents were reported. This database identifies officers with “multiple incidents,” which appears to be defined as ‘more than one.’” Reporting for our second 298 report showed total of 24 officers who had between 2 and 10 “multiple incidents”. There are no indications of what action was taken in those cases.

In our last 298 report, we noted “A fourth database appears to identify officers who have had multiple civilian complaints. This database also tracks findings and ‘actions taken.’” These databases are difficult to use, difficult to understand, and appear to result, for the most part, in an “Additional Concerns” Memorandum to the officer’s file.” For this iteration of the 298 report, APD has produced a “master” database that includes all incidents of multiple indicators, by officer, by date. For example, for 2018 APD included information on vehicle crashes, CPC complaints, Internal Affairs complaints, supervisory actions, and “Additional Concerns Memos (ACMs). This constitutes a much broader scope of potential “problem indicators” that will give APD supervisory and management personnel an indication of officers who may need assistance, retraining, or enhanced supervision. These data cover 2013-2018, and are a much more detailed than past APD efforts on this paragraph of the CASA.

The monitor subjected these data to a review protocol that identified officers with one to five, six to 14, and 15 and more than 15 actionable “charges” (administrative, procedural, or process infractions) during the last five years. Such an analysis should be routine at APD, as it allows supervisory and

management personnel to identify officers in need of closer supervision or other corrective processes. We would suggest that this database be used to craft additional descriptive detail to allow APD to identify trends and to set automated thresholds requiring review of officers' infraction history over time. This should, of course, be part of the Early Intervention System. Data reflecting our analysis are included below.

**Table 3.13b Distribution of Civilian Complaints by Year
2014-2018**

Complaints	Number of Officers
5 or <	13
6-14	113
15 or >	25

For example, our review of APD data indicate that from 2014-2016 there were only 13 officers in APD's database who had fewer than six administrative actions (complaints, on-duty vehicle accidents). During the same time period, 113 officers registered 6-14 administrative actions. A total of 25 officers had 15 or more complaints in the same six-year period. We recommend that APD prepare a more detailed report on these data (expanding beyond mere administrative actions and looking at causal, mitigating and aggravating circumstances). If these numbers hold constant after that assessment, APD should consider non-punitive corrective action to ameliorate the causes of these policy failures, e.g., counseling, retraining, enhanced supervision, coaching, etc. For those who have or do indicate resistance to change, more direct responses may be necessary.

4.0 Summary and Conclusions

While some marked progress has been made, as APD's "Paragraph 298" data responses stand at the present time, work remains to be done to move the existing system forward to the point that the data can be used reliably to assess "outcomes" of APD's compliance processes. Needed process revisions include actions already begun in 2018 by the current administration at APD. Our recommendations continue to be the same as those made in our last 298 report in 2018. These include:

1. Continue the processes initiated by the Compliance Bureau to ensure that all policy-related misconduct investigations are identified, assessed for efficacy given the extant fact situations, reported accurately and tracked through to completion, including a review of "actions taken;"

2. Identify critical process flow and outcome points and report them in the same manner and process over time;
3. Ensure that data included in APD reports pursuant to Paragraph 298 continue to be reviewed for accuracy, completeness, timeliness and functionality;
4. Where the monitor has noted discrepancies or concerns, ensure that data collection, analysis and reporting are, in every instance, accurate, clear and understandable;
5. Explain reporting processes in any instance in which they are not clear, i.e., APD should include a “methodology” section in each of the nine individual “298” topics and for each of the subsections of those nine topics (these elements are explained in the data document, but must be translated to command and supervisory personnel in a clear and tangible manner);
6. Generate semi-annual Paragraph 298 progress reports in a data-rich format similar to the monitor’s reports that identify systems brought on line to comply with 298 requirements, e.g., policy, training, supervision, and oversight functions;
7. Track results of those (item 7 above) systems’ impacts over time;
8. Ensure that these quarterly reports are data-based, identify specific measureable goals and objectives, and report on progress toward meeting goals and objectives identified in previous systems reports;
10. Implement an internal APD “Red Team” process to vet and assess the APD’s Paragraph 298 process reports to ensure accuracy, timeliness, and veracity before the reports are provided to senior level staff and the monitor;
11. Subject every 298-process report to a “lessons learned” analysis, and link that analysis to policy, training, supervision and remediation processes;
12. Consider the purpose and function of APD’s 298 data reporting function, and choose a format and process that matches purpose and function, e.g., a “lessons learned” component with recommendations for improvement in the reporting, review, and analysis of uses of force designed to report more effectively, analyze more carefully, and build internal systems that learn and adapt;

13. As with most data reporting from APD, there is very little analysis of the data by the agency. Data simply tend to be reported without noting trends, issues, problems or solutions. APD should consider developing summative, data-driven responses to issues noted in their aggregate data. We view this as a critical deficiency for all aspects of 298-reporting. Findings, assumptions, and recommendations should replace reporting of raw data in the APD's data-driven reports. The most critical issue to answer is "why," and APD has proven, to this point, not to be interested in the "why" questions that should be associated with data analysis and reporting. It has, in the past, had a tendency not to produce data analysis that will address the issue at hand: "Why?". We do note that the Compliance Bureau has begun such work. It is critical that this work be completed and used as a management tool for APD's commanders and executive staff. It should be a continuing process.

14. We note that APD has retained the services of an outside data systems design consultant who is highly skilled and knowledgeable. We suggest APD ensure that this individual—or a similarly data-literate individual—be included in the task group assigned to deal with item 13 above.

The reader will note that these recommendations are very similar to those produced in the monitor's last 298 report. Unfortunately, that report seems to have been discounted by the previous administration at APD. Fortunately, we find the current administration to be much more attuned to the monitor's recommendations.

In our last "298 Report," we noted:

"Eventually, the monitor will no longer be engaged to provide an oversight function for APD. That role will need to be provided by supervisory, command and executive personnel at APD. APD should give careful and methodical thought to what should be included in the oversight function, how data should be collected, organized and reported to assist that function, and how the executive level can ensure effectiveness of that function. At the current time, such oversight is sorely absent, except from the monitoring team. APD needs to revisit its reporting modalities thoroughly. We recommend reporting data in a manner gives rise to the power or the ratio: e.g., number of effective force investigations per number of uses of force reviewed; number of injuries per 100 arrests, etc. Those ratios should be tracked over time and become a daily metric for assessing organizational, supervisory, and management effectiveness. Raw data are seldom meaningful from a managerial standpoint."

We note that the current administration at APD has taken steps toward the goal of becoming a data-driven police agency. The data provided by APD for this 298 report are a substantial and meaningful improvement over those received for the first report. We consider this a first step in a long-term project that will, more likely than not, take years, not months. In the meantime, however, the new administration at APD has signaled an understanding of the importance of data-driven policing. The monitoring team stands ready to assist APD as it migrates toward becoming a data-based “learning organization.