

PARAGRAPH: 11  
SUBSECTION: Background

**11.** In addition, the City has chosen to eliminate the Repeat Offender Project within three months of the Effective Date.

PARAGRAPH DEADLINE: 2/14/2015

IMPLEMENTATION PLAN:

1. Dissolve the Repeat Offender Project via memo
2. Transfer all existing ROP staff to other assignments throughout the department

PROGRESS:

Memo issued - personnel transferred to other units.

STATUS:

Support for [11] has been submitted to monitor; pending monitor decision

PARAGRAPH: 13/14

SUBSECTION: IV. Use of Force: Internal Controls and Accountability

**13.** To maintain high-level, quality service; to ensure officer safety and accountability; and to promote constitutional, effective policing, APD shall revise and implement force policies, training, and accountability systems to ensure that force is used in accordance with the Constitution and laws of the United States, and that any use of unreasonable force is identified and responded to appropriately. APD shall also ensure that officers use non-force techniques to effectively police, use force only when objectively reasonable under the circumstances, and de-escalate the use of force at the earliest possible moment. To achieve these outcomes, APD shall implement the requirements set out below.

#### Use of Force Principles

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

- a) officers shall use advisements, warnings, and verbal persuasion, when possible, before resorting to force;
- b) force shall be de-escalated immediately as resistance decreases;
- c) officers shall allow individuals time to submit to arrest before force is used whenever possible;
- d) APD shall explicitly prohibit neck holds, except where lethal force is authorized;
- e) APD shall explicitly prohibit using leg sweeps, arm-bar takedowns, or prone restraints, except as objectively reasonable to prevent imminent bodily harm to the officer or another person or persons; to overcome active resistance; or as objectively reasonable where physical removal is necessary to overcome passive resistance and handcuff the subject;
- f) APD shall explicitly prohibit using force against persons in handcuffs, except as objectively reasonable to prevent imminent bodily harm to the officer or another person or persons; to overcome active resistance; or as objectively reasonable where physical removal is necessary to overcome passive resistance;
- g) officers shall not use force to attempt to effect compliance with a command that is unlawful;
- h) pointing a firearm at a person shall be reported in the same manner as a use of force, and shall be done only as objectively reasonable to accomplish a lawful police objective; and
- i) immediately following a use of force, officers, and, upon arrival, a supervisor, shall inspect and observe subjects of force for injury or complaints of pain resulting from the use of force and immediately obtain any necessary medical care. This may require an officer to provide emergency first aid until professional medical care providers arrive on scene.

PARAGRAPH DEADLINE: 12/2/2016

#### IMPLEMENTATION PLAN:

1. In-service and basic training instructional packages have been updated and cleared for delivery.
2. This training will be delivered via a 40-hour block of instruction with 18 weeks needed to deliver to all sworn personnel. This will occur upon approval of Use of Force Policy.

**PROGRESS:**

The new use of force policy has been submitted and is pending approval. The policy is expected to be approved in December 2015; however, the department is particularly concerned with the timing of this approval and the consideration of the extended timeline required to complete use of force training prior to the training deadline of June 2<sup>nd</sup>, 2016.

**STATUS:**

In progress

PARAGRAPH: 15

SUBSECTION: Use of Force Principles

**15.** APD shall develop and implement an overarching agency-wide use of force policy that complies with applicable law and comports with best practices.

The use of force policy shall include all force techniques, technologies, and weapons, both lethal and less lethal, that are available to APD officers, including authorized weapons, and weapons that are made available only to specialized units.

The use of force policy shall clearly define and describe each force option and the factors officers should consider in determining which use of such force is appropriate.

The use of force policy will incorporate the use of force principles and factors articulated above and shall specify that the use of unreasonable force will subject officers to discipline, possible criminal prosecution, and/or civil liability.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Make directed changes to the Use of Force policy
2. Reference other agency use of force policies for comparison
3. Review by stakeholders
4. Gain approval by monitor

PROGRESS:

The new use of force policy has been submitted and is pending approval. The policy is expected to be approved in December 2015; however, the department is particularly concerned with the timing of this approval and the consideration of the extended timeline required to complete use of force training prior to the training deadline of June 2<sup>nd</sup>, 2016.

STATUS:

In progress

PARAGRAPH: 16

SUBSECTION: Use of Force Principles

**16.** In addition to the overarching use of force policy, APD agrees to develop and implement protocols for each weapon, tactic, or use of force authorized by APD, including procedures for each of the types of force addressed below.

The specific use of force protocols shall be consistent with the use of force principles in Paragraph 14 and the overarching use of force policy.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Make directed changes to the Use of Force policy and other affected policies
2. Reference other agency use of force policies for comparison
3. Review by stakeholders
4. Gain approval by monitor

PROGRESS:

The new use of force policy has been submitted and is pending approval. The policy is expected to be approved in December 2015; however, the department is particularly concerned with the timing of this approval and the consideration of the extended timeline required to complete use of force training prior to the training deadline of June 2<sup>nd</sup>, 2016.

This paragraph also refers to the SWAT policy, which is in the process of being revised and approved as well.

STATUS SUMMARY:

In Progress

PARAGRAPH: 17

SUBSECTION: Use of Force Principles

**17.** Officers shall only carry a weapon as authorized by the Department.

Modification or additions to weapons shall be performed by the Department's Armorer as approved by the Chief.

APD's use of force policies shall include training and certification requirements that each officer must meet before being permitted to carry and use authorized weapons.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. This policy was in place when the agreement was approved.

PROGRESS:

Per Special Order 14-32 personnel have transitioned to department issued weapons. This transition is complete for all APD personnel with the exception of 15 officers who are either on military leave or ILD. Supervisors are required to sign up their officers and the special order details how the transition will be conducted. Qualification dates were March 17<sup>th</sup> through April 24<sup>th</sup>, 2015.

STATUS SUMMARY:

In Progress

PARAGRAPH: 18

SUBSECTION: Use of Firearms

**18.** Officers shall only carry or use agency-approved firearms and ammunition while on duty.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. All sworn department personnel will be issued a departmental weapon and will receive training and complete qualifications with said weapon.

PROGRESS:

Per Special Order 14-32 personnel have transitioned to department issued weapons. This transition is complete for all APD personnel with the exception of 15 officers who are either on military leave or ILD. Supervisors are required to sign up their officers and the special order details how the transition will be conducted. Qualification dates were March 17<sup>th</sup> through April 24<sup>th</sup>, 2015.

STATUS SUMMARY:

Support for [18] submitted to monitor; pending monitor approval

PARAGRAPH: 19

SUBSECTION: Use of Firearms

**19.** APD issued Special Order 14-32 requiring all officers to carry a Department-issued handgun while on duty. APD shall revise its use of force policies and protocols to reflect this requirement and shall implement a plan that provides:

- a) a timetable for implementation
- b) sufficient training courses to allow officers to gain proficiency and meet qualification requirements within a specific period
- c) protocols to track and control the inventory and issuance of handguns.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

- 1. All sworn department personnel will be issued a departmental weapon and will receive training and complete qualifications with said weapon.
- 2. Property is tasked with maintaining inventory (tracking and controlling) issued weapons.

PROGRESS:

Per Special Order 14-32 personnel have transitioned to department issued weapons. This transition is complete for all APD personnel with the exception of 15 officers who are either on military leave or ILD. Supervisors are required to sign up their officers and the special order details how the transition will be conducted. Qualification dates were March 17<sup>th</sup> through April 24<sup>th</sup>, 2015.

On subsection "c" of paragraph 19: tracking and controlling of inventory and issuance of handguns:

The city has implemented a pilot for a new inventory process through People Soft which will inventory serialized items.

STATUS SUMMARY:

In Progress

PARAGRAPH: 20

SUBSECTION: Use of Firearms

**20.** Officers shall be required to successfully qualify with each firearm they are authorized to use or carry on-duty at least once each year.

Officers who fail to qualify on their primary weapon system shall complete immediate remedial training. Those officers who still fail to qualify after remedial training shall immediately relinquish APD-issued firearms on which they failed to qualify.

Those officers who still fail to qualify within a reasonable time shall be immediately be placed in an administrative assignment and will be subject to administrative and/or disciplinary action, up to and including termination of employment.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Submit 2-22 Firearms policy regarding qualifications and qualification failures.
2. Gain approval of policy by monitor.

PROGRESS:

Per Special Order 14-32 personnel have transitioned to department issued weapons. This transition is complete for all APD personnel with the exception of 15 officers who are either on military leave or ILD. Supervisors are required to sign up their officers and the special order details how the transition will be conducted. Qualification dates were March 17<sup>th</sup> through April 24<sup>th</sup>, 2015.

STATUS SUMMARY:

Support for [20] submitted to monitor; pending monitor approval

PARAGRAPH: 21

SUBSECTION: Use of Firearms

**21.** APD training shall continue to require and instruct proper techniques for unholstering, drawing, or exhibiting a firearm.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. APD will review existing policy for appropriateness and submit to the monitor for review and approval.

PROGRESS:

Per Special Order 14-32 personnel have transitioned to department issued weapons. This transition is complete for all APD personnel with the exception of 15 officers who are either on military leave or ILD. Supervisors are required to sign up their officers and the special order details how the transition will be conducted. Qualification dates were March 17<sup>th</sup> through April 24<sup>th</sup>, 2015.

STATUS SUMMARY:

In Progress

PARAGRAPH: 22

SUBSECTION: Use of Firearms

**22.** APD shall adopt a policy that prohibits officers from discharging a firearm from a moving vehicle or at a moving vehicle, including shooting to disable a moving vehicle, unless an occupant of the vehicle is using lethal force, other than the vehicle itself, against the officer or another person, and such action is for self-defense, defense of other officers, or to protect another person.

Officers shall not intentionally place themselves in the path of, or reach inside, a moving vehicle.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. APD will review existing policy for appropriateness and submit to the monitor for review and approval.
2. Updated SOP 2-52 to incorporate this new standard and submit to monitor for review and approval.

PROGRESS:

The new use of force policy has been submitted and is pending approval. The policy is expected to be approved in December 2015; however, the department is particularly concerned with the timing of this approval and the consideration of the extended timeline required to complete use of force training prior to the training deadline of June 2<sup>nd</sup>, 2016.

STATUS SUMMARY:

In Progress

PARAGRAPH: 23

SUBSECTION: Use of Firearms

**23.** APD will track all critical firearm discharges and discharges at animals in its EIS and document discharges in its use of force annual report.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Revise SOPs 2-05 and 3-49
2. Submit to SOPRC and PPRB for review.
3. Once through the entire process, distribute to employees.

PROGRESS:

By December 2015, SOP 2-05 Internal Affairs was completely re-written. The new applicable section is 2-05-10(1)(d) which mandates this data be captured in the Quarterly and Annual IAS reports.

EIS SOP 3-49-1(B) includes all firearms discharges and animal shoots.

STATUS SUMMARY:

Support for [23] submitted to monitor; pending monitor approval. An additional submission will be made once SOP 2-05 is finalized.

PARAGRAPH: 24

SUBSECTION: Electronic Control Weapons

**24.** ECWs shall not be used solely as a compliance technique or to overcome passive resistance.

Officers may use ECWs only when such force is necessary to protect the officer, subject, or another person from physical harm; and after considering less intrusive means based on the threat or resistance encountered.

Officers are authorized to use ECWs to control an actively resistant person when attempts to subdue the person by other tactics have been, or likely will be, ineffective and there is a reasonable expectation that it will be unsafe for officers to approach the person within contact range.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. This requirement will be incorporated in the new ECW policy.
2. Basic Training and In-service training packages have been modified.
3. This change takes effect with the cadet class (#112) and some components of the Settlement Agreement were incorporated or removed from the upcoming Maintenance of Effort (MOE) cycle.

PROGRESS:

This change takes effect with the current cadet class (#112) and some components of the Settlement Agreement were incorporated or removed from the upcoming MOE cycle.

STATUS SUMMARY:

Support for [24] submitted to monitor; pending monitor decision

PARAGRAPH: 25

SUBSECTION: Electronic Control Weapons

**25.** Unless doing so would place any person at risk, officers shall issue a verbal warning to the subject that the ECW will be used prior to discharging an ECW on the subject.

Where feasible, the officer will defer ECW application for a reasonable time to allow the subject to comply with the warning.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. This requirement will be incorporated in the new ECW policy.

PROGRESS:

The new use of force policy has been submitted and is pending approval. The policy is expected to be approved in December 2015; however, the department is particularly concerned with the timing of this approval and the consideration of the extended timeline required to complete use of force training prior to the training deadline of June 2<sup>nd</sup>, 2016.

STATUS SUMMARY:

Support for [25] submitted to monitor; pending monitor decision

PARAGRAPH: 26

SUBSECTION: Electronic Control Weapons

**26.** ECWs will not be used where such deployment poses a substantial risk of serious physical injury or death from situational hazards, except where lethal force would be permitted. Situational hazards include falling from an elevated position, drowning, losing control of a moving motor vehicle; or bicycle, or the known presence of an explosive or flammable material or substance.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. This requirement will be incorporated in the new ECW policy.

PROGRESS:

The new use of force policy has been submitted and is pending approval. The policy is expected to be approved in December 2015; however, the department is particularly concerned with the timing of this approval and the consideration of the extended timeline required to complete use of force training prior to the training deadline of June 2<sup>nd</sup>, 2016.

STATUS SUMMARY:

Support for [26] submitted to monitor; pending monitor decision

PARAGRAPH: 27

SUBSECTION: Electronic Control Weapons

**27.** Continuous cycling of ECWs is permitted under exceptional circumstances where it is necessary to handcuff a subject under power.

Officers shall be trained to attempt hands-on control tactics during ECW applications, including handcuffing the subject during ECW application (i.e. handcuffing under power)

After one standard ECW cycle (5 seconds) the officer shall reevaluate the situation to determine if subsequent cycles are necessary.

Officers shall consider that exposure to the ECW for longer than 15 seconds (whether due to multiple applications or continuous cycling), may increase the risk of death or serious injury.

Officers shall also weigh the risks of subsequent or continuous cycles against other force options.

Officers shall independently justify each cycle or continuous cycle of five seconds against the subject in use of force reports.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. This change has been incorporated into Basic Training and In-service training packages.
2. This change takes effect with the cadet class (#112) and some components of the Settlement Agreement were incorporated or removed from the upcoming MOE cycle.
3. This requirement will be incorporated in the new Use of Force and ECW policy and is incorporated into the 40 hour use of force training which will be completed upon approval of policies.

PROGRESS:

The new use of force policy has been submitted and is pending approval. The policy is expected to be approved in December 2015; however, the department is particularly concerned with the timing of this approval and the consideration of the extended timeline required to complete use of force training prior to the training deadline of June 2<sup>nd</sup>, 2016.

ECW lesson plan is complete and will be sent to monitor as soon as use of force policy is approved. The requirements set forth in this paragraph will be included with the 40 hours of Use of Force training.

STATUS SUMMARY:

Support for [27] submitted to monitor; pending monitor approval

PARAGRAPH: 28

SUBSECTION: Electronic Control Weapons

**28.** ECWs shall not be used solely in drive-stun mode as a pain compliance technique. ECWs may be used in drive-stun mode to supplement the probe mode to complete the incapacitation circuit, or as a countermeasure to gain separation between officers and the subject, so that officers can consider another force option.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. This change has been incorporated into Basic Training and In-service training packages.
2. This change takes effect with the cadet class (#112) and some components of the Settlement Agreement were incorporated or removed from the upcoming MOE cycle.
3. This requirement will be incorporated in the new Use of Force and ECW policy.

PROGRESS:

The new use of force policy has been submitted and is pending approval. The policy is expected to be approved in December 2015; however, the department is particularly concerned with the timing of this approval and the consideration of the extended timeline required to complete use of force training prior to the training deadline of June 2<sup>nd</sup>, 2016.

STATUS SUMMARY:

In Progress

PARAGRAPH: 29

SUBSECTION: Electronic Control Weapons

**29.** Officers shall determine the reasonableness of ECW use based upon all circumstances, including the subject's age, size, physical condition, and the feasibility of lesser force options.

ECWs should generally not be used against visibly pregnant women, elderly persons, young children, or visibly frail persons. In some cases, other control techniques may be more appropriate as determined by the subject's threat level to themselves or others.

Officers shall be trained on the increased risks that ECWs may present to the above-listed vulnerable populations.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Current departmental instructions and training curricula already satisfy this requirement.
2. This requirement will be incorporated in the new Use of Force and ECW policy.

PROGRESS:

ECW lesson plan is complete, and will be sent to monitor as soon as use of force policy is approved. Pending further review and modification of ECW policy. The requirements set forth in this paragraph will be included with the 40 hours of Use of Force training.

STATUS SUMMARY:

In Progress

PARAGRAPH: 30

SUBSECTION: Electronic Control Weapons

**30.** Officers shall not intentionally target a subject's head, neck, or genitalia, except where lethal force would be permitted, or where the officer has reasonable cause to believe that there is an imminent risk of serious physical injury.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Current departmental instructions and training curricula already satisfy this requirement.
2. This requirement will be incorporated in the new Use of Force and ECW policy.

PROGRESS:

ECW lesson plan is complete, and will be sent to monitor as soon as use of force policy is approved. Pending further review and modification of ECW policy. The requirements set forth in this paragraph will be included with the 40 hours of Use of Force training.

STATUS SUMMARY:

Support for [30] submitted to monitor; pending monitor decision

PARAGRAPH: 31

SUBSECTION: Electronic Control Weapons

**31.** ECWs shall not be used on handcuffed subjects, unless doing so is necessary to prevent them from causing serious physical injury to themselves or others, and if lesser attempts of control have been ineffective.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Current departmental instructions and training curricula already satisfy this requirement.
2. This requirement will be incorporated in the new Use of Force and ECW policy.

PROGRESS:

ECW lesson plan is complete, and will be sent to monitor as soon as use of force policy is approved. Pending further review and modification of ECW policy. The requirements set forth in this paragraph will be included with the 40 hours of Use of Force training.

STATUS SUMMARY:

Support for [31] submitted to monitor; pending monitor decision

PARAGRAPH: 32

SUBSECTION: Electronic Control Weapons

**32.** Officers shall keep ECWs in a weak-side holster to reduce the chances of accidentally drawing and/or firing a firearm.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. This requirement is already in effect by a Special Order.
2. This requirement will be incorporated in the new Use of Force and ECW policy.

PROGRESS:

The new use of force policy has been submitted and is pending approval. The policy is expected to be approved in December 2015; however, the department is particularly concerned with the timing of this approval and the consideration of the extended timeline required to complete use of force training prior to the training deadline of June 2<sup>nd</sup>, 2016

STATUS SUMMARY:

Support for [32] submitted to monitor; pending monitor decision

PARAGRAPH: 33

SUBSECTION: Electronic Control Weapons

**33.** Officers shall receive annual ECW certifications, which should consist of physical competency; weapon retention; APD policy; including any policy changes; technology changes; and scenario and judgment-based training.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Training has been modified to satisfy this requirement
2. This change takes effect with the cadet class (#112) and some components of the Settlement Agreement were incorporated or removed from the upcoming MOE cycle.

PROGRESS:

Training has been modified to satisfy this requirement. This training will be rolled-out with the current cadet class (Cadet Class 112) and the next in-service training cycle. ECW lesson plan is complete, and will be sent to monitor as soon as use of force policy is approved. The requirements set forth in this paragraph will be included in the 40 hours of use of force training.

STATUS SUMMARY:

Support for [33] submitted to monitor; pending monitor decision

PARAGRAPH: 34

SUBSECTION: Electronic Control Weapons

**34.** Officers shall be trained in and follow protocols developed by APD, in conjunction with medical professionals, on their responsibilities following ECW use, including:

- a) the removal of ECW probes, including the requirements described in Paragraph 35;
- b) understanding risks of positional asphyxia, and training officers to use restraint techniques that do not impair the subject's respiration following an ECW application;
- c) monitoring of all subjects of force who have received an ECQ application while in police custody;  
and
- d) informing medical personnel of all subjects who have been subjected to ECW applications, including prolonged applications (more than 15 seconds); are under the influence of drugs and/or exhibiting symptoms associated with excited delirium, or were kept in prone restraints after ECW use.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. This change takes effect with the cadet class (#112) and some components of the Settlement Agreement were incorporated or removed from the upcoming MOE cycle.
2. This requirement will be incorporated in the new Use of Force and ECW policy and will be included in the 40 hour use of force training which will be completed upon approval of the policies.

PROGRESS:

See plan above.

STATUS SUMMARY:

In Progress

PARAGRAPH: 35

SUBSECTION: Electronic Control Weapons

**35.** The City shall ensure that all subjects who have been exposed to ECW application shall receive a medical evaluation by emergency medical responders in the field or at a medical facility. Absent exigent circumstances, probes will only be removed from a subject's skin by medical personnel.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. This change has already been incorporated into all basic and in-service ECW training and is reflected in the revised ECW policy.

PROGRESS:

This change has already been incorporated into all basic and in-service ECW training and is reflected in the revised ECW policy. Draft policy has been submitted to the monitoring team and is awaiting review and approval.

STATUS SUMMARY:

Support for [35] submitted to monitor; pending monitor decision

PARAGRAPH: 36

SUBSECTION: Electronic Control Weapons

**36.** Officers shall immediately notify their supervisor and the communications command center of all ECW discharges (except for training discharges)

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. This change has already been incorporated into all basic and in-service ECW training and is reflected in the revised ECW policy.

PROGRESS:

This change has already been incorporated into all basic and in-service ECW training and is reflected in the revised ECW policy.

STATUS SUMMARY:

Support for [36] submitted to monitor; pending monitor decision

PARAGRAPH: 37

SUBSECTION: Electronic Control Weapons

**37.** APD agrees to develop and implement integrity safeguards on the use of ECWs to ensure compliance with APD policy.

APD agrees to implement a protocol for quarterly download and audit of all ECWs.

APD agrees to conduct random and directed audits of ECW deployment data. The audits should compare the downloaded data to the officer's use of force reports. Discrepancies within the audit should be addressed and appropriately investigated.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Have the Majors, IA Commander, and Dir. of Training meet to establish guidelines for:
  - a. Documentation methods for quarterly; Random audits
  - b. IA Pro and/or Blue Team capabilities
  - c. Training deployments
  - d. Test deployments
  - e. Accidental Discharges
  - f. Field Deployments (use of force reports)
  - g. Show of force
  - h. Drive stun mode
  - i. Standoff mode
  - j. Who is responsible for conducting quarterly; Random audits
  - k. Procedure for handling discrepancies
  - l. Define justifiable discrepancies (if any)
  - m. Define un-justifiable discrepancies (if any)
  - n. Responsibilities of personnel involved in audits
  - o. Discipline for audits not conducted
  - p. Possibility of merging use of force reports with training records
  - q. IA Pro and/or Blue Team
  - r. Audit storage and review responsibilities
2. Write policy after all considerations are addressed

PROGRESS:

The new use of force policy has been submitted and is pending approval. The policy is expected to be approved in December 2015; however, the department is particularly concerned with the timing of this approval and the consideration of the extended timeline required to complete use of force training prior to the training deadline of June 2<sup>nd</sup>, 2016.

STATUS SUMMARY:

In Progress

PARAGRAPH: 38

SUBSECTION: Electronic Control Weapons

**38.** APD agrees to include the number of ECWs in operation and assigned to officers, and the number of ECW uses, as elements of the Early Intervention System. Analysis of this data shall include a determination of whether ECWs result in an increase in the use of force, and whether officer and subject injuries are affected by the rate of ECW use. Probe deployments, except those described in Paragraph 30, shall not be considered injuries.

APD shall track all ECW laser painting and arcing and their effects on compliance rates as part of its data collection and analysis.

ECW data analysis shall be included in APD's use of force annual report.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. IA to receive quarterly reports from Property of all ECW devices:
  - a. Serial numbers
  - b. Personnel who they are issued to
  - c. ECW's taken out of service
  - d. Replacement ECWs
  - e. Temporary ECWs
2. Statistical analysis of IA Pro and Blue Team:
  - a. Capabilities to produce
  - b. Increases in the use of force
  - c. Injuries affected by the rate of ECW use
3. Differentiate between mode deployments including:
  - a. Laser painting
  - b. Probe deployments (deadly force)
  - c. Comparative results of all uses of ECW
  - d. Alternative tracking if IA Pro incapable of needed analysis
4. SOP 2-05 INTERNAL AFFAIRS
  - a. Update annual use of force report to include all of the above

PROGRESS:

SOP 2-05 Internal Affairs is being re-written to satisfying this paragraph and was submitted for review and approval by the monitoring team in early December. Revised draft is expected to be submitted in mid-November 2015. The Use of Force Annual Report was included in the APD Annual Report for 2014. In subsequent years, the Use of Force Annual Report will be its own standalone document. APD has developed a show of force form that will be considered by monitoring team.

STATUS SUMMARY:

In Progress

PARAGRAPH: 39

SUBSECTION: Crowd Control and Incident Management

**39.** APD shall maintain crowd control and incident management policies that comply with applicable law and best practices. At a minimum, the incident management policies shall:

- a) define APD's mission during mass demonstrations, civil disturbances, or other crowded situations;
- b) encourage the peaceful and lawful gathering of individuals and include strategies for crowd containment, crowd redirecting, and planned responses;
- c) require the use of crowd control techniques that safeguard the fundamental rights of individuals who gather or speak out legally; and
- d) continue to prohibit the use of canines for crowd control.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Review current Crowd Control SOP to ensure all aspects are covered and up to date
2. Make a draft of proposed modifications, if needed and submit for approval.
3. Once approved submit to PPRB
4. Send to PowerDMS for sign off

PROGRESS:

SOP has been updated and was approved by the PPRB. It is pending monitor approval.

STATUS SUMMARY:

Support for [39] submitted to monitor; pending monitor approval

PARAGRAPH: 40

SUBSECTION: Crowd Control and Incident Management

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

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Review current SOP to insure all aspects are covered and up to date
2. Make a draft of proposed modifications, if needed and submit for approval.
3. Once approved submit to PPRB
4. Send to PowerDMS for sign off

PROGRESS:

This was updated in new SOP 1-46 and was submitted to PPRB and approved. SOP 1-46 is pending monitor review and approval.

STATUS SUMMARY:

Support for [40] submitted to monitor; pending monitor approval

PARAGRAPH: 41

SUBSECTION: Use of Force Reporting

**41.** APD shall develop and implement a use of force reporting policy and Use of Force Report Form that comply with applicable law and comport with best practices.

The use of force reporting policy will require officers to immediately notify their immediate, on-duty supervisor within their chain of command following any use of force, prisoner injury, or allegation of any use of force.

Personnel who have knowledge of a use of force by another officer will immediately report the incident to an on-duty supervisor. This reporting requirement also applies to off-duty officers engaged in enforcement action.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. SOP 2-52-7B REPORTING REQUIREMENTS
  - a. All officers will notify an on-duty supervisor as soon as practical when a use of force incident occurs. In all cases, officers will notify an on-duty supervisor prior to leaving the scene of the use of force incident, unless it is unsafe to do so
2. IA PRO & BLUE TEAM SOFTWARE
  - a. APD is currently moving to this software to facilitate the reporting of force by supervisors. Once the software is in place, the SOP needs to be updated instructing supervisors on the proper way to enter use of force.
3. SOP 2-52-8B FOLLOW-UP PROCEDURES FOR LESS LETHAL USE OF FORCE OR A SHOW OF FORCE
  - a. In addition to ensuring all after-action directives are adhered to on-scene, the responding supervisor shall conduct an on-scene investigation of the use of force incident.
4. SOP 2-52 USE OF FORCE
  - a. Add section mandating, "Personnel who have knowledge of a use of force by another officer will immediately report the incident to an on-duty supervisor. This reporting requirement also applies to off-duty officers engaged in enforcement action."
  - b. Add language stating this doesn't apply if the officer knows an on-duty supervisor has already been notified.

PROGRESS:

SOP 2-52 proposed changes need to add language in section 2-52-7B mandating, "Personnel who have knowledge of a use of force by another officer will immediately report the incident to an on-duty supervisor. This reporting requirement also applies to off-duty officers engaged in enforcement action."

The use of force form will remain in effect until Blue Team software goes live. The Department will transition away from this form at that time. The new use of force policy has been submitted and is pending approval. The policy is expected to be approved in December 2015; however, the department is particularly concerned with the timing of this approval and the consideration of the extended timeline required to complete use of force training prior to the training deadline of June 2<sup>nd</sup>, 2016.

STATUS SUMMARY:

In Progress

PARAGRAPH: 42

SUBSECTION: Use of Force Reporting

**42.** The use of force reporting policy shall require officers to provide a written or recorded use of force narrative of the facts leading to the use of force to the supervisor conducting the investigation. The written or recorded narrative will include:

- a) a detailed account of the incident from the officer's perspective
- b) the reason for the initial police presence
- c) a specific description of the acts that led to the use of force, including the subject's behavior
- d) the level of resistance encountered
- e) a description of each type of force used, and justification for each use of force. Officers shall not merely use boilerplate or conclusory language, but must include specific facts and circumstances that led to the use of force.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. 2-52-7C1 USE OF FORCE INCIDENTS
  - a. Officers shall complete a primary incident report providing an accurate, detailed account of the incident to include:
    - i. The justification for police contact with the subject
    - ii. All circumstances which lead to the decision to use force
    - iii. The amount and type of force used
    - iv. The identity of all officers, witnesses, combatants, and any other involved parties
    - v. The nature of medical aid provided
    - vi. All other pertinent information
  - b. In addition to the primary incident report, all officers who are present and/or involved during a use of force incident must complete supplemental incident reports detailing the above information.
  - c. Officers are individually responsible for ensuring complete video recordings of their involvement in the incident are copied to the investigating supervisor and then tagged into evidence; if the officer does not have a recording of the incident this must be documented and explained in the officer's report.
  - d. If an officers is the victim and/or unable to write a report, the on-duty supervisor will ensure a secondary officer is responsible for writing the report. This will not relieve the original or injured officer of their obligation to document their observations.
  - e. Supervisors shall conduct an administrative investigation on-scene in accordance with 2-52-8: Follow-up Investigation Procedures.
2. IA PRO & Blue Team implementation to facilitate reporting
  - a. Training is ongoing
3. SOP 2-52-7C1 proposed changes completes DOJ requirements. Future Blue Team software will facilitate reporting. IAPro is live to facilitate statistics.

PROGRESS:

The new use of force policy has been submitted and is pending approval. The policy is expected to be approved in December 2015; however, the department is particularly concerned with the timing of this

approval and the consideration of the extended timeline required to complete use of force training prior to the training deadline of June 2<sup>nd</sup>, 2016.

SOP 2-52-7C1 proposed changes completes DOJ requirements Future "Blue Team" software will facilitate reporting. IAPro is "live" to facilitate statistics. Pending final approval of 2-52 UOF SOP, which is expected by late November 2015.

STATUS SUMMARY:

In Progress

PARAGRAPH: 43

SUBSECTION: Use of Force Reporting

**43.** Failure to report a use of force or prisoner injury by an APD officer shall subject officers to disciplinary action.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. 2-52-7B AFTER ACTION REQUIREMENTS FOR USE OF FORCE
  - a. All officers will notify an on-duty supervisor as soon as practical when a use of force incident occurs. In all cases, officers will notify an on-duty supervisor prior to leaving the scene of the use of force incident, unless it is unsafe to do so. Sanction 6
2. 2-52-7B AFTER ACTION REQUIREMENTS FOR USE OF FORCE
  - a. Add language stating, "Failure to report a use of force or prisoner injury by an APD officer shall subject officers to disciplinary action."

PROGRESS:

The new use of force policy has been submitted and is pending approval. The policy is expected to be approved in December 2015; however, the department is particularly concerned with the timing of this approval and the consideration of the extended timeline required to complete use of force training prior to the training deadline of June 2<sup>nd</sup>, 2016.

STATUS SUMMARY:

In Progress

PARAGRAPH: 44

SUBSECTION: Use of Force Reporting

**44.** APD policy shall require officers to request medical services immediately when an individual is injured or complains of injury following a use of force.

The policy shall also require officers who transport a civilian to a medical facility for treatment to take the safest and most direct route to the medical facility.

The policy shall further require that officers notify the communications command center of the starting and ending mileage on the transporting vehicle.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. This change has already been incorporated and into all basic and in-service training and is reflected in the revised Use of Force policy.
2. This change will also be included in the 40-hour use of force training which will be delivered upon the approval of the new policy.

PROGRESS:

This change has already been incorporated into all basic and in-service training and is reflected in the revised Use of Force policy. The new use of force policy has been submitted and is pending approval. The policy is expected to be approved in December 2015; however, the department is particularly concerned with the timing of this approval and the consideration of the extended timeline required to complete use of force training prior to the training deadline of June 2<sup>nd</sup>, 2016.

STATUS SUMMARY:

In Progress

PARAGRAPH: 45

SUBSECTION: Use of Force Reporting

**45.** APD shall require officers to activate on-body, recording systems and record all use of force encounters.

Consistent with Paragraph 228 below, officers who do not record use of force encounters shall be subject to discipline, up to and including termination.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Form a camera policy revision committee that meets weekly
2. Research use of force policies and best practices
3. This section is covered in the revised SOP. The draft was given to the Majors on 12/30/14 for review.
4. Minor revisions have been made to the draft policy at this point.
5. Submit proposed draft policy to the USDOJ/monitor for approval
6. Once approved, send to PowerDMS for distribution and sign-off.

PROGRESS:

The on body camera policy has been drafted and is pending review and approval by the monitoring team.

STATUS SUMMARY:

Support for [45] submitted to monitor; pending monitor approval

PARAGRAPH: 46

SUBSECTION: Force Investigations

**46.** All uses of force by APD shall be subject to supervisory force investigations, as set forth below.

All force investigations shall comply with applicable law and comport with best practices. All force investigations shall determine whether each involved officers' conduct was legally justified and complied with APD policy.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Obtain updated use of force policy
2. Research best practices for use of force investigations
3. Draft guidelines and expectations for use of force investigations
4. Create forms/update use of force investigation forms
5. Submit proposed changes to PPRB

PROGRESS:

The new use of force policy has been submitted and is pending approval. The policy is expected to be approved in December 2015; however, the department is particularly concerned with the timing of this approval and the consideration of the extended timeline required to complete use of force training prior to the training deadline of June 2<sup>nd</sup>, 2016. SOPs 2-09 FIT are in development and will make their way through the APD policy approval process.

STATUS SUMMARY:

In Progress

PARAGRAPH: 47

SUBSECTION: Force Investigations

**47.** The quality of supervisory force investigations shall be taken into account in the performance evaluations of the officers performing such reviews and investigations.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. A new Employee Work Plan (EWP) form is being developed to include the items described above.
2. Meeting with the Majors to discuss criteria for Field Services staff. Sample forms have been acquired and will be used to create a new APD form.

PROGRESS:

A new EWP form is being contemplated to include the items described above.

Stakeholders met with the Majors to discuss criteria for field services staff. Sample forms have been acquired and will be used to create a new APD form. The go-live date for the electronic version of the current EWP is expected to be in 2016.

STATUS SUMMARY:

In Progress

PARAGRAPH: 48

SUBSECTION: Force Investigations

**48.** APD agrees to develop and implement force classification procedures that include at least two categories or types of force that will determine the force investigation required.

The categories or types of force shall be based on the level of force used and the risk of injury or actual injury from the use of force. The goal is to optimize APD's supervisory and investigative resources on uses of force.

As set forth in Paragraphs 81-85 below, APD shall continue to participate in the Multi-Agency Task Force, pursuant to its Memorandum of Understanding, in order to conduct criminal investigations of at least the following types of force or incidents:

- a) officer involved shootings
- b) serious uses of force as defined by the Memorandum of Understanding
- c) in-custody deaths
- d) other incidents resulting in death at the discretion of the Chief.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

- 1. Updated use of force policy to insure creation of at least 3 categories
- 2. Identify and assign case responsibility based upon category
- 3. Ensure MOU's are current and applicable to new categories
- 4. Create forms/update use of force investigation forms
- 5. Submit proposed changes to PPRB

PROGRESS:

The new use of force policy has been submitted and is pending approval. The policy is expected to be approved in December 2015; however, the department is particularly concerned with the timing of this approval and the consideration of the extended timeline required to complete use of force training prior to the training deadline of June 2<sup>nd</sup>, 2016.

STATUS SUMMARY:

In Progress

PARAGRAPH: 49

SUBSECTION: Force Investigations

**49.** Under the force classification procedures, serious uses of force shall be investigated by the Internal Affairs Bureau, as described below.

When a serious use of force or other incident is under criminal investigation by the Multi-Agency Task Force, APD's Internal Affairs Bureau will conduct the administrative investigation. Pursuant to its Memorandum of Understanding, the Multi-Agency Task Force shall periodically share information and coordinate with the Internal Affairs Bureau, as appropriate and in accordance with applicable laws, to ensure timely and thorough administrative investigations of serious uses of force. Uses of force that do not rise to the level of serious uses of force or that do not indicate apparent criminal conduct by an officer will be reviewed by the chain-of-command of the officer using force.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Revised use of force SOP to add definition of "Serious Use of Force" as per the agreement.
2. SOP 2-31-3 Police Shooting Team and Criminalistics Responsibilities:
  - a. Change and/or add language requiring the Shooting Team to be called "Multi-Agency Task Force" for clarification
  - b. Change and/or add language requiring the Multi-Agency Task Force to comply with "shall periodically share information and coordinate with the Internal Affairs Bureau, as appropriate and in accordance with applicable laws, to ensure timely and thorough administrative investigations of serious uses of force" as per the agreement. Establish a guideline to define "periodically."
3. SOP 2-31-4 Internal Affairs Unit Responsibilities
  - a. Change and/or add language to include Internal Affairs will conduct an administrative investigation.
4. SOP 2-52-7C Supervisory Investigations of Uses of Force.
5. SOP 2-52-8 Follow-up Investigation Procedures for Less Lethal Use of Force (includes proposed change of language)
6. Define responsibilities of Force Review Board

PROGRESS:

The FIT SOP was removed from SOP 2-05 Internal Affairs. After multiple reviews (and collaboration with associated groups), SOP 2-05 Internal Affairs is nearly finalized and is awaiting final approval from the monitoring team. Force Review Board SOP has been created and is moving through the APD SOP approval process.

The new use of force policy has been submitted and is pending approval. The policy is expected to be approved in December 2015; however, the department is particularly concerned with the timing of this approval and the consideration of the extended timeline required to complete use of force training prior to the training deadline of June 2<sup>nd</sup>, 2016.

STATUS SUMMARY:

In Progress

PARAGRAPH: 50

SUBSECTION: Supervisory Force Investigations

**50.** The supervisor of an officer using force shall respond to the scene of the use of force to initiate the force investigation and ensure that the use of force is classified according to APD's force classification procedures. For serious uses of force, the supervisor shall ensure that the Internal Affairs Bureau is immediately notified and dispatched to the scene of the incident.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. This item has been inserted into the Use of Force Policy 2-52. In particular, it has been inserted in 2-52-7B Reporting Requirements.

B. Reporting Requirements

1. All officers will notify their immediate, on-duty supervisor within their chain of command, as soon as practical, following any use of force, prisoner injury, or allegation of any use of force. In all cases, officers will notify an on-duty supervisor prior to leaving the scene of the Use of Force incident, unless it is unsafe to do so.

2. Personnel who have knowledge of a use of force by another officer will immediately report the incident to an on-duty supervisor. This reporting requirement also applies to off-duty officers engaged in enforcement action.

3. Supervisors who receive a notification of a use of force shall immediately respond to the scene to ensure all directives set forth in this policy are adhered to. For serious uses of force, the supervisor shall ensure that the Internal Affairs Bureau is immediately notified and dispatched to the scene of the incident. A supervisor who was involved in a reportable use of force, including by participating in or ordering the force being reviewed, shall not review the incident or use of force reports for approval. (This will include notification of the CIRT Supervisor)

2. Approval by City Attorney
3. Once approved will be submitted to the USDOJ
4. Once approved by USDOJ, will be sent to the PPRB
5. Once approved will be distributed (power DMS and sign off)

PROGRESS:

The new use of force policy has been submitted and is pending approval. The policy is expected to be approved in December 2015; however, the department is particularly concerned with the timing of this approval and the consideration of the extended timeline required to complete use of force training prior to the training deadline of June 2<sup>nd</sup>, 2016.

STATUS SUMMARY:

In Progress

PARAGRAPH: 51

SUBSECTION: Supervisory Force Investigations

**51.** A supervisor who was involved in a reportable use of force, including by participating in or ordering the force being reviewed, shall not review the incident or use of force reports for approval.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. This item has been inserted into the Use of Force Policy 2-52. In particular, it has been inserted in 2-52-7B Reporting Requirements.
  - B. Reporting Requirements
    1. All officers will notify their immediate, on-duty supervisor within their chain of command, as soon as practical, following any use of force, prisoner injury, or allegation of any use of force. In all cases, officers will notify an on-duty supervisor prior to leaving the scene of the Use of Force incident, unless it is unsafe to do so.
    2. Personnel who have knowledge of a use of force by another officer will immediately report the incident to an on-duty supervisor. This reporting requirement also applies to off-duty officers engaged in enforcement action.
    3. Supervisors who receive a notification of a use of force shall immediately respond to the scene to ensure all directives set forth in this policy are adhered to. For serious uses of force, the supervisor shall ensure that the Internal Affairs Bureau is immediately notified and dispatched to the scene of the incident. A supervisor who was involved in a reportable use of force, including by participating in or ordering the force being reviewed, shall not review the incident or use of force reports for approval. (This will include notification of the CIRT Supervisor)
  2. Currently being approved by the City Attorney
  3. Once approved will be submitted to the USDOJ
  4. Once approved by USDOJ, will be sent to the PPRB
  5. Once approved will be distributed (power DMS and sign off)

PROGRESS:

The new use of force policy has been submitted and is pending approval. The policy is expected to be approved in December 2015; however, the department is particularly concerned with the timing of this approval and the consideration of the extended timeline required to complete use of force training prior to the training deadline of June 2<sup>nd</sup>, 2016.

STATUS SUMMARY:

In Progress

PARAGRAPH: 52

SUBSECTION: Supervisory Force Investigations

**52.** For all supervisory investigations of uses of force, the supervisor shall:

- a) respond to the scene, examine all personnel and subjects of use of force for injuries, interview the subject(s) for complaints of pain after advising the subject(s) of his or her rights, and ensure that the officers and/or subject(s) receive medical attention, if applicable;
- b) identify and collect all relevant evidence and evaluate that evidence to determine whether the use of force was consistent with APD policy and identifies any policy, training, tactical, or equipment concerns;
- c) ensure that all evidence to establish material facts related to the use of force, including audio and video recordings, photographs, and other documentation of injuries or the absence of injuries is collected;
- d) ensure that a canvass for, and interview of, witnesses is conducted. In addition, witnesses are to be encouraged to provide and sign a written statement in their own words;
- e) ensure that all officers witnessing a use of force incident by another officer provide a use of force narrative of the facts leading to the use of force;
- f) separate all officers involved in a use of force incident until each has been interviewed and never conduct group interviews of these officers;
- g) ensure that all Use of Force Reports identify all officers who were involved in the incident, witnessed the incident, or were on the scene when it occurred;
- h) conduct investigations in a rigorous manner designed to determine the facts and, when conducting interviews, avoid asking leading questions and never ask officers or other witnesses any questions that may suggest legal justifications for the officers' conduct;
- i) utilize on-body recording systems to record all interviews;
- j) review all use of force narratives and ensure that all Use of Force Reports include the information required by this Agreement and APD policy;
- k) consider all relevant evidence, including circumstantial, direct, and physical evidence, as appropriate, and make credibility determinations, if feasible;
- l) make all reasonable efforts to resolve material inconsistencies between the officer, subject, and witness statements, as well as inconsistencies between the level of force described by the officer and any injuries to personnel or subjects;
- m) obtain a unique tracking number; and
- n) where a supervisor determines that there may have been misconduct in the use of force, immediately notify the Area Commander and the Internal Affairs Bureau.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. This item has been inserted into the Use of Force Policy 2-52. In particular, it has been inserted in 2-52-7C Supervisory Investigations of Uses of Force.
- C. Supervisory investigations of uses of force
1. Respond to the scene, examine all personnel and subjects of use of force for injuries, interview the subject(s) for complaints of pain after advising the subject(s) of his or her rights, and ensure that the officers and/or subjects(s) receive medical attention, if applicable;

2. Identify and collect all relevant evidence and evaluate that evidence to determine whether the use of force was consistent with APD policy and identifies any policy, training, tactical, or equipment concerns;
3. Ensure that all evidence to establish material facts related to the use of force, including audio and video recordings, photographs, and other documentation of injuries or the absence of injuries is collected;
4. Ensure that a canvass for, and interview of, witnesses is conducted. In addition, witnesses are to be encouraged to provide and sign a written statement in their own words;
5. Ensure that all officers witnessing a use of force incident by another officer provide a use of force narrative of the facts leading to the use of force;
6. Separate all officers involved in a use of force incident until each has been interviewed and never conduct group interviews of these officers;
7. Ensure that all Use of Force Reports identify all officers who were involved in the incident, witnessed the incident, or were on the scene when it occurred;
8. Conduct investigations in a rigorous manner designed to determine the facts and, when conducting interviews, avoid asking leading questions and never ask officers or other witnesses any questions that may suggest legal justifications for the officers' conduct;
9. Utilize on-body recording systems to record all interviews;
10. Review all use of force narratives and ensure that all Use of Force Reports include the information required by APD policy;
11. Consider all relevant evidence, including circumstantial, direct, and physical evidence, as appropriate, and make credibility determinations, if feasible;
12. Make all reasonable efforts to resolve material inconsistencies between the officer, subject, and witness statements, as well as inconsistencies between the level of force described by the officer and any injuries to personnel or subjects;
13. Obtain a unique tracking number;
14. Where a supervisor determines that there may have been misconduct in the use of force, immediately notify the Area Commander and the Internal Affairs Bureau.
15. When the Commander finds that the supervisory force investigation is complete and the findings are supported by the evidence, the investigation file shall be forwarded to the Force Review Board. The Force Review Board shall review the supervisory force investigation to ensure that it is complete and that the findings are supported by the evidence. The Force Review Board shall ensure that the investigation file is forwarded to the Internal Affairs Bureau for recordkeeping.

**PROGRESS:**

The new use of force policy has been submitted and is pending approval. The policy is expected to be approved in December 2015; however, the department is particularly concerned with the timing of this approval and the consideration of the extended timeline required to complete use of force training prior to the training deadline of June 2<sup>nd</sup>, 2016.

**STATUS SUMMARY:**

In Progress

PARAGRAPH: 53

SUBSECTION: Supervisory Force Investigations

**53.** Each supervisor shall complete and document a supervisory force investigation using a Use of Force Report within 72 hours of completing the on-scene investigation. Any extension of this 72-hour deadline must be authorized by a Commander. This Report shall include:

- a) all written or recorded use of force narratives or statements provided by personnel or others;
- b) documentation of all evidence that was gathered, including names, phone numbers, and addresses of witnesses to the incident. In situations in which there are no known witnesses, the report shall specifically state this fact. In situations in which witnesses were present but circumstances prevented the author of the report from determining the identification, phone number, or address of the witnesses, the report shall state the reasons why. The report should also include all available identifying information for anyone who refuses to provide a statement;
- c) the names of all other APD employees witnessing the use of force;
- d) the supervisor's narrative evaluating the use of force, based on the supervisor's analysis of the evidence gathered, including a determination of whether the officer's actions complied with APD policy and state and federal law; and an assessment of the incident for tactical and training implications, including whether the use of force could have been avoided through the use of de-escalation techniques or lesser force options; and
- e) documentation that additional issues of concern not related to the use of force incident have been identified and addressed by separate memorandum.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. This item has been inserted into the Use of Force Policy 2-52. In particular, it has been inserted in 2-52-8C Supervisory Investigations of Uses of Force.
  - a. All written or recorded use of narratives or statements provided by personnel or others
  - b. Documentation of all evidence that was gathered, including names, phone numbers, and addresses of witnesses to the incident. In situations where there are no known witnesses, the report shall specifically state this fact. In situations in which witnesses were present but circumstances prevented the author of the report from determining the identification, phone number, or address of the witnesses, the report shall state the reasons why. The report should also include all available identifying information for anyone who refuses to provide a statement.
  - c. The names of other APD employees witnessing the use of force; the supervisors narrative evaluating the use of force, based on the supervisor's analysis of the evidence gathered, including a determination of whether the officer's actions complied with APD policy and state and federal law
  - d. An assessment of the incident for tactical and training implications, including whether the use of force could have been avoided through the use of de-escalation techniques or lesser force options.
2. Documentation that additional issues of concern not related to the use of force incident have been identified and addresses by separate memorandum.

PROGRESS:

The new use of force policy has been submitted and is pending approval. The policy is expected to be approved in December 2015; however, the department is particularly concerned with the timing of this approval and the consideration of the extended timeline required to complete use of force training prior to the training deadline of June 2<sup>nd</sup>, 2016.

**STATUS SUMMARY:**

In Progress

PARAGRAPH: 54

SUBSECTION: Supervisory Force Investigations

**54.** Upon completion of the Use of Force Report, the investigating supervisor shall forward the report through his or her chain of command to the Commander, who shall review the report to ensure that it is complete and that the findings are supported using the preponderance of the evidence standard. The Commander shall order additional investigation when it appears that there is additional relevant evidence that may assist in resolving inconsistencies or improving the reliability or credibility of the findings.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. This item has been inserted into the Use of Force Policy 2-52. In particular, it has been inserted in 2-52-8C-8 Supervisory Investigations of Uses of Force.
  - a. A responding supervisor will forward the Use of Force Report Form to the appropriate Commander through their chain of command within 72 hours; however, an extension may be granted by the Commander, who shall review the report to ensure that it is complete and that the findings are supported using the preponderance of the evidence standard. The Commander shall order additional investigation when it appears that there is additional relevant evidence that may assist in resolving inconsistencies or improving the reliability or credibility of the findings.
2. Approval by the City Attorney
3. Once approved will be submitted to the USDOJ
4. Once approved by USDOJ, will be sent to the PPRB
5. Once approved will be distributed (power DMS and sign off)

PROGRESS:

The new use of force policy has been submitted and is pending approval. The policy is expected to be approved in December 2015; however, the department is particularly concerned with the timing of this approval and the consideration of the extended timeline required to complete use of force training prior to the training deadline of June 2<sup>nd</sup>, 2016.

STATUS SUMMARY:

In Progress

PARAGRAPH: 55

SUBSECTION: Supervisory Force Investigations

**55.** Where the findings of the Use of Force Report are not supported by a preponderance of the evidence, the supervisor's chain of command shall document the reasons for this determination and shall include this documentation as an addendum to the original investigation. The supervisor's superior shall take appropriate action to address the inadequately supported determination and any investigative deficiencies that led to it. Commanders shall be responsible for the accuracy and completeness of Use of Force Reports prepared by supervisors under their command.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. This item has been inserted into the Use of Force Policy 2-52. In particular, it has been inserted in 2-52-8C 9,10 Supervisory Investigations of Uses of Force.
  - a. Where the findings of the Use of Force Report are not supported by a preponderance of the evidence, the supervisor's chain of command shall document the reasons for this determination and shall include this documentation as an addendum to the original investigation. The supervisor's superior shall take appropriate action to address the inadequately supported determination and any investigative deficiencies that led to it.
  - b. Commanders shall be responsible for the accuracy and completeness of Use of Force Reports prepared by supervisors under their command.

PROGRESS:

The new use of force policy has been submitted and is pending approval. The policy is expected to be approved in December 2015; however, the department is particularly concerned with the timing of this approval and the consideration of the extended timeline required to complete use of force training prior to the training deadline of June 2<sup>nd</sup>, 2016.

STATUS SUMMARY:

In Progress

PARAGRAPH: 56

SUBSECTION: Supervisory Force Investigations

**56.** Where a supervisor repeatedly conducts deficient supervisory force investigations, the supervisor shall receive the appropriate corrective and/or disciplinary action, including training, demotion, and/or removal from a supervisory position in accordance with performance evaluation procedures and consistent with any existing collective bargaining agreements, personnel rules, Labor Management Relations Ordinance, Merit System Ordinance, regulations, or administrative rules. Whenever a supervisor or Commander finds evidence of a use of force indicating apparent criminal conduct by an officer, the supervisor or Commander shall suspend the supervisory force investigation immediately and notify the Internal Affairs Bureau and the Chief. The Internal Affairs Bureau shall immediately take over the administrative investigation and initiate the criminal investigation.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. This item has been inserted into the Use of Force Policy 2-52. In particular, it has been inserted in 2-52-7 C15, Supervisory Investigations of Uses of Force.
  - a. Supervisory investigations of uses of force  
When the Commander finds that the supervisory force investigation is complete and the findings are supported by the evidence, the investigation file shall be forwarded to the Force Review Board. The Force Review Board shall review the supervisory force investigation to ensure that it is complete and that the findings are supported by the evidence. The Force Review Board shall ensure that the investigation file is forwarded to the Internal Affairs Bureau for recordkeeping.

PROGRESS:

The new use of force policy has been submitted and is pending approval. The policy is expected to be approved in December 2015; however, the department is particularly concerned with the timing of this approval and the consideration of the extended timeline required to complete use of force training prior to the training deadline of June 2<sup>nd</sup>, 2016.

STATUS SUMMARY:

In Progress

PARAGRAPH: 57

SUBSECTION: Supervisory Force Investigations

**57.** When the Commander finds that the supervisory force investigation is complete and the findings are supported by the evidence, the investigation file shall be forwarded to the Force Review Board. The Force Review Board shall review the supervisory force investigation to ensure that it is complete and that the findings are supported by the evidence. The Force Review Board shall ensure that the investigation file is forwarded to the Internal Affairs Bureau for recordkeeping.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. This item has been inserted into the Use of Force Policy 2-52. In particular, it has been inserted in 2-52-7 C15, Supervisory Investigations of Uses of Force.

- a. Supervisory investigations of uses of force

The investigation file shall be forward to Critical Incident Review Team (CIRT) for review. CIRT shall review the supervisory force investigation to ensure that it is complete and that the findings are supported by the evidence. Once CIRT's review is complete, the Force Review Board reviews a representative sample of cases and all serious use of force cases. CIRT shall ensure that the investigation file is forwarded to the Internal Affairs Bureau for recordkeeping.

PROGRESS:

The new use of force policy has been submitted and is pending approval. The policy is expected to be approved in December 2015; however, the department is particularly concerned with the timing of this approval and the consideration of the extended timeline required to complete use of force training prior to the training deadline of June 2<sup>nd</sup>, 2016.

The Force Review Board policy has been created and is making its way through the APD policy approval process.

STATUS SUMMARY:

In Progress

PARAGRAPH: 58

SUBSECTION: Supervisory Force Investigations

**58.** At the discretion of the Chief, a supervisory force investigation may be assigned or re-assigned to another supervisor, whether within or outside of the Command in which the incident occurred, or may be returned to the original supervisor for further investigation or analysis. This assignment or re-assignment shall be explained in writing.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. This item has been inserted into the Use of Force Policy 2-52. In particular, it has been inserted in 2-52-7 C17, Supervisory Investigations of Uses of Force.
  - a. Supervisory investigations of uses of force  
At the discretion of the Chief, a supervisory force investigation may be assigned or re-assigned to another supervisor, whether within or outside of the Command in which the incident occurred, or may be returned to the original supervisor for further investigation or analysis. This assignment or re-assignment shall be explained in writing.

PROGRESS:

The new use of force policy has been submitted and is pending approval. The policy is expected to be approved in December 2015; however, the department is particularly concerned with the timing of this approval and the consideration of the extended timeline required to complete use of force training prior to the training deadline of June 2<sup>nd</sup>, 2016.

STATUS SUMMARY:

In Progress

PARAGRAPH: 59

SUBSECTION: Supervisory Force Investigations

**59.** Where, after a supervisory force investigation, a use of force is found to violate policy, the Chief shall direct and ensure appropriate discipline and/or corrective action. Where the use of force indicates policy, training, tactical, or equipment concerns, the Chief shall also ensure that necessary training is delivered and that policy, tactical, or equipment concerns are resolved.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. SOP 3-67 Force Review Board
  - a. The purpose the Force Review Board (FRB) is to conduct inquiries into police action at the discretion of the Chief of Police to identify strengths/deficiencies in policies/procedures, training, equipment and/or other elements required to adequately perform police functions.
2. The addition of IAPro and Blue Team will facilitate the tracking and recordkeeping of uses of force
3. Establish Force Review Board

PROGRESS:

The most current and revised version of SOP 3-67 Force Review Board is making its way through the APD policy approval process.

The new use of force policy has been submitted and is pending approval. The policy is expected to be approved in December 2015; however, the department is particularly concerned with the timing of this approval and the consideration of the extended timeline required to complete use of force training prior to the training deadline of June 2<sup>nd</sup>, 2016.

STATUS SUMMARY:

In Progress

PARAGRAPH: 60

SUBSECTION: Force Investigations by the Internal Affairs Bureau

**60.** The Internal Affairs Bureau shall respond to the scene and conduct investigations of serious uses of force, uses of force indicating apparent criminal conduct by an officer, uses of force by APD personnel of a rank higher than sergeant, or uses of force reassigned to the Internal Affairs Bureau by the Chief. In cases where the Internal Affairs Bureau initiates a criminal investigation, it shall ensure that such investigation remains separate from and independent of any administrative investigation. In instances where the Multi-Agency Task Force is conducting the criminal investigation of a serious use of force, the Internal Affairs Bureau shall conduct the administrative investigation.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. SOP 2-52-2S Use of Force Definitions:
  - a. The addition of "Serious Use of Force" already in draft form
2. SOP 2-05 Internal Affairs:
  - a. Write policy, procedures, rules for Critical Incident Review Team (CIRT)
  - b. Utilize LVMP SOP & Seattle SOP
  - c. Write policy, procedures, rules for IAB call outs
3. Internal Affairs Flow Chart:
  - a. Professional Accountability Bureau
  - b. Internal Affairs Division
  - c. Internal Affairs
  - d. Critical Incident Review Team

PROGRESS:

The new use of force policy has been submitted and is pending approval. The policy is expected to be approved in December 2015; however, the department is particularly concerned with the timing of this approval and the consideration of the extended timeline required to complete use of force training prior to the training deadline of June 2<sup>nd</sup>, 2016.

The latest IA organizational chart was updated.

The Force Investigation Team (FIT) is undergoing an analysis of job duties and pending potential revisions of their SOP 2-09. As of 11-30-15, FIT is meeting with city legal staff to review the duties of the unit to ensure compliance.

STATUS SUMMARY:

In Progress

PARAGRAPH: 61

SUBSECTION: Force Investigations by the Internal Affairs Bureau

**61.** The Internal Affairs Bureau will be responsible for conducting both criminal and administrative investigations, except as stated in Paragraph 60. The Internal Affairs Bureau shall include sufficient personnel who are specially trained in both criminal and administrative investigations.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Qualifications for IAB are completed and openings announced.
2. SOP 2-30 INVESTIGATION OF POLICE PERSONNEL
  - a. Change language making responsible for criminal investigations. FIT will represent APD under the Multi-Agency Task Force MOU.
  - b. Change language to allow for simultaneous administrative & criminal investigations
3. Utilize mandated Staffing Study results for appropriate staffing determination

PROGRESS:

SOPs 2-30 Investigation of Police Personnel and 2-05 Internal Affairs has been updated with the language described above. Both are waiting on final approval by the monitoring team before they are implemented.

SOP 2-30-1(A)(1) mandates IA will be notified when an officer is accused of a crime. The current organizational chart was updated of IAD personnel.

The staffing study is expected to be released in early December 2015.

The Force Investigation Team (FIT) is undergoing an analysis of job duties and pending potential revisions of their SOP 2-09. As of 11-30-15, FIT is meeting with city legal staff to review the duties of the unit to ensure compliance.

STATUS SUMMARY:

In Progress

PARAGRAPH: 62

SUBSECTION: Force Investigations by the Internal Affairs Bureau

**62.** Within six months from the Effective Date, APD shall revise the Internal Affairs Bureau manual to include the following:

- a) definitions of all relevant terms;
- b) procedures on report writing;
- c) procedures for collecting and processing evidence;
- d) procedures to ensure appropriate separation of criminal and administrative investigations in the event of compelled subject officer statements;
- e) procedures for consulting with the District Attorney's Office or the USAO, as appropriate, including ensuring that administrative investigations are not unnecessarily delayed while a criminal investigation is pending;
- f) scene management procedures; and
- g) management procedures.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Establish a committee to set policy for the below items
2. SOP 2-05 INTERNAL AFFAIRS
  - a. Las Vegas Metro Police & Seattle as models
  - b. Procedures • Report writing • Evidence • Separation language • Scene management • Supervisor & investigator responsibilities
  - c. Update definitions from agreement and new use of force
  - d. Las Vegas Metro Police CIRT was used as a guide

PROGRESS:

APD received feedback from the monitoring team regarding SOP 2-05 that was incorporated into the new version that was submitted for final approval.

The Force Investigation Team (FIT) is undergoing an analysis of job duties and pending potential revisions of their SOP 2-09. As of 11-30-15, FIT is meeting with city legal staff to review the duties of the unit to ensure compliance.

STATUS SUMMARY:

Submitted to the Monitor

PARAGRAPH: 63

SUBSECTION: Force Investigations by the Internal Affairs Bureau

**63.** Within ten months from the Effective Date, APD shall ensure that there are sufficient trained personnel assigned to the Internal Affairs Bureau to fulfill the requirements of this Agreement. APD shall ensure that all serious uses of force are investigated fully and fairly by individuals with appropriate expertise, independence, and investigative skills so that uses of force that are contrary to law or policy are identified and appropriately resolved; that policy, training, equipment, or tactical deficiencies related to the use of force are identified and corrected; and that investigations of sufficient quality are conducted so that officers can be held accountable, if necessary. At the discretion of the Chief, APD may hire and retain personnel, or reassign current APD employees, with sufficient expertise and skills to the Internal Affairs Bureau.

PARAGRAPH DEADLINE: 4/2/2016

IMPLEMENTATION PLAN:

1. Entire rewrite of IA, Use of Force, Investigations of Police Personnel SOP
2. Staffing study
3. Training

PROGRESS:

IA and CIRT are staffed.

APD received feedback from the monitoring team regarding SOP 2-05 that was incorporated into the new version that was submitted for final approval.

The new use of force policy has been submitted and is pending approval. The policy is expected to be approved in December 2015; however, the department is particularly concerned with the timing of this approval and the consideration of the extended timeline required to complete use of force training prior to the training deadline of June 2<sup>nd</sup>, 2016.

The Force Investigation Team (FIT) is undergoing an analysis of job duties and pending potential revisions of their SOP 2-09. As of 11-30-15, FIT is meeting with city legal staff to review the duties of the unit to ensure compliance.

STATUS SUMMARY:

In Progress

PARAGRAPH: 64

SUBSECTION: Force Investigations by the Internal Affairs Bureau

**64.** Before performing force investigations, Internal Affairs Bureau personnel shall receive force investigation training that includes, at a minimum, the following areas: force investigation procedures; call-out and investigative protocols; proper roles of on-scene counterparts such as crime scene technicians, the Office of the Medical Investigator, District Attorney staff, the Multi-Agency Task Force, City Attorney staff, and Civilian Police Oversight Agency staff; and investigative equipment and techniques. Internal Affairs Bureau personnel shall also receive force investigation annual in-service training.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Externally-sourced training has been identified and piloted. Scheduling for the upcoming training year pending.

PROGRESS:

The APD has begun researching other vendors for further trainings. CIRT has been formed.

STATUS SUMMARY:

In Progress

PARAGRAPH: 65

SUBSECTION: Force Investigations by the Internal Affairs Bureau

**65.** Where appropriate to ensure the fact and appearance of impartiality and with the authorization of the Chief, APD may refer a serious use of force or force indicating apparent criminal conduct by an officer to the Multi-Agency Task Force for investigation.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Review IACP, PERF, and other model agency policies
  - a. Look at model policy already approved by other city's monitors that are under USDOJ agreements
2. Schedule a meeting with NMSP, BCSO, and Rio Rancho PD to revisit MOA to ensure compliance with settlement agreement
  - a. Suggestion: Create an addendum adding definitions and specific protocols for this type of investigation (it is probably not going to follow the "call-out" type procedure that is outlined in the MOA currently
3. Agree on template and draft policy
4. Draft language, insert into SOP

PROGRESS:

A review of LVMPD, Tucson, Phoenix, San Antonio policies is complete. The Force Investigation Team (FIT) is undergoing an analysis of job duties and pending potential revisions of their SOP 2-09. As of 11-30-15, FIT is meeting with city legal staff to review the duties of the unit to ensure compliance.

APD received feedback from the monitoring team regarding SOP 2-05 that was incorporated into the new version that was submitted for final approval.

STATUS SUMMARY:

In Progress

PARAGRAPH: 66

SUBSECTION: Force Investigations by the Internal Affairs Bureau

**66.** To ensure that criminal and administrative investigations remain separate, APD's Violent Crimes Section may support the Internal Affairs Bureau or the Multi-Agency Task Force in the investigation of any serious use of force, as defined by this Agreement, including critical firearm discharges, in-custody deaths, or police-initiated actions in which a death or serious physical injury occurs.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Obtain clarification on roles and responsibilities
2. Review IACP, PERF, and other model policies
3. Draft language, insert into SOP

PROGRESS:

The FIT and CIRT will support [66] and will incorporate the responsibilities described above into the FIT and CIRT policy. A completed FIT Team SOP draft is moving through APD policy approval process. The Force Investigation Team (FIT) is undergoing an analysis of job duties and pending potential revisions of their SOP 2-09. As of 11-30-15, FIT is meeting with city legal staff to review the duties of the unit to ensure compliance.

PARAGRAPH: 67

SUBSECTION: Force Investigations by the Internal Affairs Bureau

**67.** The Chief shall notify and consult with the District Attorney's Office, the Federal Bureau of Investigation, and/or the USAO, as appropriate, regarding any use of force indicating apparent criminal conduct by an officer or evidence of criminal conduct by an officer discovered during a misconduct investigation.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Incorporate the above language into use of force and Force Investigation Team (FIT) SOP as appropriate
2. Train command and IA staff on procedure to ensure compliance

PROGRESS:

APD received feedback from the monitoring team regarding SOP 2-05 that was incorporated into the new version that was submitted for final approval. A completed FIT Team SOP draft is moving through APD policy approval process. The Force Investigation Team (FIT) is undergoing an analysis of job duties and pending potential revisions of their SOP 2-09. As of 11-30-15, FIT is meeting with city legal staff to review the duties of the unit to ensure compliance.

STATUS SUMMARY:

In Progress

PARAGRAPH: 68

SUBSECTION: Force Investigations by the Internal Affairs Bureau

**68.** If the Internal Affairs Bureau determines that a case will proceed criminally, or where APD requests a criminal prosecution, the Internal Affairs Bureau will delay any compelled interview of the target officer(s) pending consultation with the District Attorney's Office or the USAO, consistent with Paragraph 186. No other part of the investigation shall be held in abeyance unless specifically authorized by the Chief in consultation with the agency conducting the criminal investigation.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. SOP 2-30-1 CRIMINAL INVESTIGATIONS INVOLVING SWORN LAW ENFORCEMENT PERSONNEL
  - a. Add language to mirror the language in this agreement
2. SOP 2-05 INTERNAL AFFAIRS
  - a. Write Policy, Procedures, including language to mirror the language in the settlement agreement.

PROGRESS:

SOP 2-05 went through PPRB and final revisions were made by IA. A completed FIT Team SOP draft is moving through APD policy approval process. The Force Investigation Team (FIT) is undergoing an analysis of job duties and pending potential revisions of their SOP 2-09. As of 11-30-15, FIT is meeting with city legal staff to review the duties of the unit to ensure compliance.

After evaluation it was determined that SOP 2-30 does not need to be changed.

STATUS SUMMARY:

In Progress

PARAGRAPH: 69

SUBSECTION: Force Investigations by the Internal Affairs Bureau

**69.** In conducting its investigations of serious uses a force, as defined in this agreement, the internal affairs Bureau shall:

- a) respond to the scene and consult with the on-scene supervisor to ensure that all personnel and subject(s) of use of force have been examined for injuries, that subject(s) have been interviewed for complaints of pain after advising the subject(s) of his or her rights, and that all officers and/or subject(s) have received medical attention, if applicable;
- b) ensure that all evidence to establish material facts related to the use of force, including but not limited to audio and video recordings, photographs, and other documentation of injuries or the absence of injuries is collected;
- c) ensure that a canvass for, and interview of, witnesses is conducted. In addition, witnesses should be encouraged to provide and sign a written statement in their own words;
- d) ensure, consistent with applicable law, that all officers witnessing a serious use of force by another officer provide a use of force narrative of the facts leading to the use of force;
- e) ensure that all officers involved in a use of force incident remain separated until each has been interviewed and never conduct group interviews of these officers;
- f) review all Use of Force Reports to ensure that these statements include the information required by this Agreement and APD policy;
- g) ensure that all Use of Force Reports identify all officers who were involved in the incident, witnessed the incident, or were on the scene when it occurred;
- h) conduct investigations in a rigorous manner designed to determine the facts and, when conducting interviews, avoid asking leading questions and never ask officers or other witnesses any questions that may suggest legal justifications for the officers' conduct;
- i) record all interviews;
- j) consider all relevant evidence, including circumstantial, direct, and physical evidence, as appropriate, and make credibility determinations, if feasible;
- k) make all reasonable efforts to resolve material inconsistencies between the officer, subject, and witness statements, as well as inconsistencies between the level of force described by the officer and any injuries to personnel or subjects; and
- l) train all Internal Affairs Bureau force investigators on the factors to consider when evaluating credibility, incorporating credibility instructions provided to jurors.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. SOP 2-52 USE OF FORCE

- a. Supervisor's Responsibilities – Include language as described above.

PROGRESS:

APD received feedback from the monitoring team regarding SOP 2-05 that was incorporated into the new version that was submitted for final approval. The Use of Force policy was drafted with the monitors during

their site visit. The new use of force policy has been submitted and is pending approval. The policy is expected to be approved in December 2015; however, the department is particularly concerned with the timing of this approval and the consideration of the extended timeline required to complete use of force training prior to the training deadline of June 2<sup>nd</sup>, 2016.

SOP 2-31 has changed to reflect FIT's responsibilities. The Force Investigation Team (FIT) is undergoing an analysis of job duties and pending potential revisions of their SOP 2-09. As of 11-30-15, FIT is meeting with city legal staff to review the duties of the unit to ensure compliance.

**STATUS SUMMARY:**

In Progress

PARAGRAPH: 70

SUBSECTION: Force Investigations by the Internal Affairs Bureau

**70.** The Internal Affairs Bureau shall complete an initial Use of Force Data Report through the chain of command to the Chief as soon as possible, but in no circumstances later than 24 hours after learning of the use of force.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Propose change to SOP 2-05 Internal Affairs
2. Add procedure to mandate the action described above
3. IAPro and Blue Team software will automate this action when they are installed

PROGRESS:

APD received feedback from the monitoring team regarding SOP 2-05 that was incorporated into the new version that was submitted for final approval.

IAPro went live January 2015 and Blue Team is expected to be installed in December, 2015. Initial use of force data reports are being submitted through the chain of command up to the Chief within twenty four hours of learning of the use of force event.

STATUS SUMMARY:

In Progress

PARAGRAPH: 71

SUBSECTION: Force Investigations by the Internal Affairs Bureau

**71.** The Internal Affairs Bureau shall complete administrative investigations within two months after learning of the use of force. Any request for an extension to this time limit must be approved by the commanding officer of the Internal Affairs Bureau through consultation with the Chief or by the Chief. At the conclusion of each use of force investigation, the Internal Affairs Bureau shall prepare an investigation report. The report shall include:

- a) a narrative description of the incident, including a precise description of the evidence that either justifies or fails to justify the officer's conduct based on the Internal Affairs Bureau's independent review of the facts and circumstances of the incident;
- b) documentation of all evidence that was gathered, including names, phone numbers, addresses of witnesses to the incident, and all underlying Use of Force Data Reports. In situations in which there are no known witnesses, the report shall specifically state this fact. In situations in which witnesses were present but circumstances prevented the author of the report from determining the identification, phone number, or address of those witnesses, the report shall state the reasons why. The report should also include all available identifying information for anyone who refuses to provide a statement;
- c) the names of all other APD officers or employees witnessing the use of force;
- d) the Internal Affairs Bureau's narrative evaluating the use of force, based on the evidence gathered, including a determination of whether the officer's actions complied with APD policy and state and federal law; and an assessment of the incident for tactical and training implications, including whether the use of force could have been avoided through the use of de-escalation techniques or lesser force options;
- e) if a weapon was used by an officer, documentation that the officer's certification and training for the weapon were current at the time of the incident; and
- f) the complete disciplinary history of the target officers involved in the use of force.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Develop a CIRT SOP that complies with the stated language above
2. Will also be incorporated in 2-05 INTERNAL AFFAIRS

PROGRESS:

APD received feedback from the monitoring team regarding SOP 2-05 that was incorporated into the new version that was submitted for final approval.

STATUS SUMMARY:

In Progress

PARAGRAPH: 72

SUBSECTION: Force Investigations by the Internal Affairs Bureau

**72.** Upon completion of the Internal Affairs Bureau investigation report, the Internal Affairs Bureau investigator shall forward the report through his or her chain of command to the commanding officer of the Internal Affairs Bureau. The Internal Affairs Bureau commanding officer shall review the report to ensure that it is complete and that, for administrative investigations, the findings are supported using the preponderance of the evidence standard. The Internal Affairs Bureau commanding officer shall order additional investigation when it appears that there is additional relevant evidence that may assist in resolving inconsistencies or improve the reliability or credibility of the findings.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. SOP 2-05-4A8 ADMINISTRATION PERSONNEL DUTIES; DUTIES OF A LIEUTENANT
  - a. Ensure the Internal Affairs complaints are properly and objectively investigated
2. SOP 2-05-4 ADMINISTRATION PERSONNEL DUTIES
  - a. Write policy establishing Commander duties and responsibilities
3. SOP 2-05 INVESTIGATOR DUTIES
  - a. Add that they will be a “fact finder”

PROGRESS:

APD received feedback from the monitoring team regarding SOP 2-05 that was incorporated into the new version that was submitted for final approval.

FIT and CIRT SOP have incorporated language consistent with this paragraph. Draft policies are moving through the APD policy approval process.

STATUS SUMMARY:

In Progress

PARAGRAPH: 73

SUBSECTION: Force Investigations by the Internal Affairs Bureau

**73.** For administrative investigations, where the findings of the Internal Affairs Bureau investigation are not supported by a preponderance of the evidence, the Internal Affairs Bureau commanding officer shall document the reasons for this determination and shall include this documentation as an addendum to the original investigation report. The commanding officer of the Internal Affairs Bureau shall take appropriate action to address any inadequately supported determination and any investigative deficiencies that led to it. The Internal Affairs Bureau commanding officer shall be responsible for the accuracy and completeness of investigation reports prepared by the Internal Affairs Bureau.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. SOP 2-05 INTERNAL AFFAIRS UNIT
  - a. Define Commander's duties and responsibilities to include, "The commanding officer of the Internal Affairs Division shall take appropriate action to address any inadequately supported determination and any investigative deficiencies that led to it. The Internal Affairs Division commanding officer shall be responsible for the accuracy and completeness of investigation reports prepared by the Internal Affairs Division."
2. SOP 2-05-4B DUTIES OF INVESTIGATORS
  - a. Add investigators make determinations of facts (findings) that must be approved by the IA commanding officer after his/her review.
3. IA COMMANDER APPROVAL OF FINDINGS FORM
  - a. Create a form for the IA Commander to approve and concur with the findings of fact

PROGRESS:

APD received feedback from the monitoring team regarding SOP 2-05 that was incorporated into the new version that was submitted for final approval.

STATUS SUMMARY:

In Progress

PARAGRAPH: 74

SUBSECTION: Force Investigations by the Internal Affairs Bureau

**74.** Where a member of the Internal Affairs Bureau repeatedly conducts deficient force investigations, the member shall receive the appropriate corrective and/or disciplinary action, including training or removal from the Internal Affairs Bureau in accordance with performance evaluation procedures and consistent with any existing collective bargaining agreements, personnel rules, Labor Management Relations Ordinance, Merit System Ordinance, regulations, or administrative rules.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. SOP 2-05-4A8 DUTIES OF LIEUTENANT
  - a. "Ensure that Internal Affairs complaints are properly and objectively investigated."
2. SOP 2-05-4A14 DUTIES OF LIEUTENANT
  - a. "Prepare annual personnel performance evaluations."
3. SOP 3-16-3A COMMANDING OFFICERS RESPONSIBILITIES
  - a. "Maintain the efficiency and effectiveness of the various units in their command and coordinate their functions and activities."
4. SOP 3-26 EMPLOYEE WORK PLAN/PERFORMANCE EVALUATIONS
  - a. Merit System Ordinance 3-1-9
  - b. APOA Collective Bargaining Agreement, Effective 7-16-14 to 7-16-15

PROGRESS:

APD received feedback from the monitoring team regarding SOP 2-05 that was incorporated into the new version that was submitted for final approval.

SOP 3-26 Employee Work Plan/Performance Evaluations has been adjusted and is moving through the APD policy approval process. Departmental staff has also been working on a new performance plan process that will leverage the existing PeopleSoft platform. The platform will provide information from other human resources software including IAPro.

STATUS SUMMARY:

In Progress

PARAGRAPH: 75

SUBSECTION: Force Investigations by the Internal Affairs Bureau

**75.** When the commanding officer of the Internal Affairs Bureau determines that the force investigation is complete and the findings are supported by the evidence, the investigation file shall be forwarded to the Force Review Board with copy to the Chief.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. SOP 02-05 Establish IA Commander Duties & Responsibilities
2. SOP Establish Force Review Board Duties & Responsibilities
  - a. Create Force Review Board SOP

PROGRESS:

APD received feedback from the monitoring team regarding SOP 2-05 that was incorporated into the new version that was submitted for final approval.

APD SOP for the Force Review Board has been created and is moving through the policy approval process. The Force Review Board is active and has met several times over the last six months.

STATUS SUMMARY:

In Progress

PARAGRAPH: 76

SUBSECTION: Force Investigations by the Internal Affairs Bureau

**76.** At the discretion of the Chief, a force investigation may be assigned or re-assigned for investigation to the Multi-Agency Task Force or the Federal Bureau of Investigations, or may be returned to the Internal Affairs Bureau for further investigation or analysis. This assignment or re-assignment shall be confirmed in writing.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. See below:

PROGRESS:

This paragraph will be incorporated into FIT's SOP since it is under Force Investigations by the Internal Affairs Bureau. The FIT SOP is moving through APD's policy approval process.

SOP 2-31 Investigation of Officer Involved Serious Use of Force and In-Custody Deaths has also been modified.

Department Special Order 15-91 sent October 20, 2015 has directed all concerned personnel to use Settlement Agreement directives during use of force investigations.

STATUS SUMMARY:

In Progress

PARAGRAPH: 77

SUBSECTION: Force Investigations by the Internal Affairs Bureau

**77.** Where, after an administrative force investigation, a use of force is found to violate policy, the Chief shall direct and ensure appropriate discipline and/or corrective action. Where a force investigation indicates apparent criminal conduct by an officer, the Chief shall ensure that the Internal Affairs Bureau or the Multi-Agency Task Force consults with the District Attorney's Office or the USAO, as appropriate. The Chief need not delay the imposition of discipline until the outcome of the criminal investigation. In use of force investigations, where the incident indicates policy, training, tactical, or equipment concerns, the Chief shall ensure that necessary training is delivered and that policy, tactical, or equipment concerns are resolved.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. See below:

PROGRESS:

The first part, "Where, after an administrative force investigation, a use of force is found to violate policy, the Chief shall direct and ensure appropriate discipline and/or corrective action" is addressed by SOP 1-09-4 RESPONSIBILITY OF MANAGEMENT. The second part, "Where a force investigation indicates apparent criminal conduct by an officer, the Chief shall ensure that the Internal Affairs Bureau or the Multi-Agency Task Force consults with the District Attorney's Office or the USAO, as appropriate" is language that will be added to FIT's SOP to cover all uses of force, not just officer involved shootings.

The second part, "The Chief need not delay the imposition of discipline until the outcome of the criminal investigation" is language that will be addressed in SOP 2-05 Internal Affairs.

STATUS SUMMARY:

In Progress

PARAGRAPH: 78

SUBSECTION: Force Review Board

**78.** APD shall develop and implement a Force Review Board to review all uses of force. The Force Review Board shall be comprised of at least the following members: Assistant Chief of the Professional Accountability Bureau, the Deputy Chief of the Field Services Bureau, the Deputy Chief of the Investigations Bureau, a Field Services Major, the Training Director, and the Legal Advisor. The Force Review Board shall conduct timely, comprehensive, and reliable reviews of all use of force investigations. The Force Review Board shall:

- a) review each use of force investigation completed by the Internal Affairs Bureau within 30 days of receiving the investigation report to ensure that it is complete and, for administrative investigations, that the findings are supported by a preponderance of the evidence;
- b) hear the case presentation from the lead investigator and discuss the case as necessary with the investigator to gain a full understanding of the facts of the incident. The officer(s) who used the force subject to investigation, or who are otherwise the subject(s) of the Internal Affairs Bureau investigation, shall not be present;
- c) review a sample of supervisory force investigations that have been completed and approved by Commanders every 90 days to ensure that the investigations are complete and timely and that the findings are supported by a preponderance of the evidence;
- d) order additional investigation when it appears that there is additional relevant evidence that may assist in resolving inconsistencies or improve the reliability or credibility of the force investigation findings. For administrative investigations, where the findings are not supported by a preponderance of the evidence, the Force Review Board shall document the reasons for this determination, which shall be included as an addendum to the original force investigation, including the specific evidence or analysis supporting their conclusions;
- e) determine whether the use of force violated APD policy. If the use of force violated APD policy, the Force Review Board shall refer it to the Chief for appropriate disciplinary and/or corrective action;
- f) determine whether the incident raises policy, training, equipment, or tactical concerns, and refer such incidents to the appropriate unit within APD to ensure the concerns are resolved;
- g) document its findings and recommendations in a force review board report within 45 days of receiving the completed use of force investigation and within 15 days of the force review board case presentation, or 15 days of the review of sample supervisory force investigation; and
- h) review and analyze use of force data, on at least a quarterly basis, to determine significant trends and to identify and correct deficiencies revealed by this analysis. **(Every 3 months)**

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Create the Force Review Board
2. Staff as directed above
3. Develop a mechanism to review, analyze, and investigate presented uses of force
4. Develop a mechanism to document findings so that they can be conveyed to the appropriate parties in order to improve or mitigate shortcomings in training, policy, or equipment.

PROGRESS:

The Force Review Board has been created and continues to meet to discuss serious uses of force. SWAT activations have been presented and reviewed. Discussions of tactics, equipment, and procedures were included in the meetings.

The updated and most current SOP 3-67 is currently on PowerDMS for 15 day commentary from Standard Operating Procedure Review Committee (SOPRC). Public commentary ends 12/3/15.

**STATUS SUMMARY:**

Support for [78] submitted to monitor; pending monitor approval

PARAGRAPH: 79

SUBSECTION: Force Review Board

**79.** At least annually, APD shall publish a use of force annual report. At a minimum, the following information should be included in the annual use of force report:

- a) number of calls for service;
- b) number of officer-initiated actions;
- c) number of aggregate uses of force;
- d) number of arrests;
- e) number of custodial arrests that involved use of force;
- f) number of SWAT deployments by type of call out;
- g) number of incidents involving officers shooting at or from moving vehicles;
- h) number of individuals armed with weapons;
- i) number of individuals unarmed;
- j) number of individuals injured during arrest, including APD and other law enforcement personnel;
- k) number of individuals requiring hospitalization, including APD and other law enforcement personnel;
- l) demographic category; and
- m) geographic data, including street, location, or Area Command.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Coordinate with Communications to ensure IA receives items a,b, & f
2. SOP 2-05 Define Annual Report
3. SOP 2-05 Develop Commander's Duties
4. Deployment of IA Pro & Blue Team
  - a. Ensure the software will provide needed information during setup

PROGRESS:

During the monitor's site visit on 11-4-15, a meeting was held with IA and the monitoring team and paragraph 79 was reviewed. Per monitors, the annual use of force report is a business product and they prefer to see the origins of the data compiled. IA compiled quarterly use of force data on 11-4-15 and hand delivered it to the monitoring team during their site visit on 11-4-15. Pending monitor's feedback on the data that was hand delivered.

STATUS SUMMARY:

In Progress

PARAGRAPH: 80

SUBSECTION: Force Review Board

**80.** APD shall be responsible for maintaining a reliable and accurate tracking system on all officers' use of force; all force investigations carried out by supervisors, the Internal Affairs Bureau, or Multi-Agency Task Force; and all task force reviews conducted by the Force Review Board.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Install IAPro and import archive data.
  - a. Enable EIS and use of force tracking
2. Blue Team will provide additional functionality regarding task force reviews

PROGRESS:

APD received feedback from the monitoring team regarding SOP 2-05 that was incorporated into the new version that was submitted for final approval.

IAPro is live and archive data was imported. EIS and use of force tracking are enabled.

STATUS SUMMARY:

In Progress

PARAGRAPH: 81

SUBSECTION: Multi-Agency Task Force

**81.** APD shall continue to participate in the Multi-Agency Task Force for as long as the Memorandum of Understanding continues to exist. APD agrees to confer with participating jurisdictions to ensure that inter-governmental agreements that govern the Multi-Agency Task Force are current and effective. APD shall ensure that the inter-governmental agreements are consistent with this Agreement.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Change language and add to policy

PROGRESS:

SOP 2-31 Investigation of Officer Involved Serious Use of Force and In-Custody Deaths has also been modified and sent to the parties for review and commentary.

The MATF is operating under an existing MOU; however, a proposed MATF MOU is in draft form and is awaiting approval by the involved parties.

STATUS SUMMARY:

In Progress

PARAGRAPH: 82

SUBSECTION: Multi-Agency Task Force

**82.** APD agrees to consult with participating jurisdictions to establish investigative protocols for the Multi-Agency Task Force. The protocols shall clearly define the purpose of the Multi-Agency Task Force; describe the roles and responsibilities of participating agencies, including the role of the lead investigative agency; and provide for ongoing coordination among participating agencies and consultation with pertinent prosecuting authorities.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Review IACP, PERF, and other model policies
2. Schedule meetings with NMSP, BCSO, and Rio Rancho PD to revisit MOA
  - a. Create an addendum adding definitions and specific protocols for this type of investigation
3. Agree on a template and draft policy

PROGRESS:

SOP 2-31 Investigation of Officer Involved Serious Use of Force and In-Custody Deaths has also been modified and sent to the parties for review and commentary.

The MATF is operating under an existing MOU; however, a proposed MATF MOU is in draft form and is awaiting approval by the involved parties.

STATUS SUMMARY:

In Progress

PARAGRAPH: 83

SUBSECTION: Multi-Agency Task Force

**83.** APD agrees to consult and coordinate with the Multi-Agency Task Force on the release of evidence, including video recordings of uses of force, and dissemination of information to preserve the integrity of active criminal investigations involving APD personnel.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Identify and revise appropriate SOP
2. Review by City Attorney and policy review process
3. Submit to monitor

PROGRESS:

SOP 2-31 Investigation of Officer Involved Serious Use of Force and In-Custody Deaths has also been modified and sent to the parties for review and commentary.

The MATF is operating under an existing MOU; however, a proposed MATF MOU is in draft form and is awaiting approval by the involved parties.

STATUS SUMMARY:

In Progress

PARAGRAPH: 84

SUBSECTION: Multi-Agency Task Force

**84.** APD agrees to participate in all briefings of incidents involving APD personnel that are investigated by the Multi-Agency Task Force.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Include verbiage above in SOP 2-31
2. Board minutes to include list of attendees.

PROGRESS:

SOP 2-31 Investigation of Officer Involved Serious Use of Force and In-Custody Deaths has also been modified and sent to the parties for review and commentary.

QAA staff gathered data to support paragraph 84 including SOP 2-31, current MOA, and briefing sign-in sheets. Per monitor's methodology, he will review all MATF meeting minutes or video of incidents involving APD personnel.

The MATF is operating under an existing MOU; however, a proposed MATF MOU is in draft form and is awaiting approval by the involved parties.

STATUS SUMMARY:

In Progress

PARAGRAPH: 85

SUBSECTION: Multi-Agency Task Force

**85.** If the Memorandum of Understanding governing the Multi-Agency Task Force expires or otherwise terminates, or APD withdraws from the Multi-Agency Task Force, APD shall perform all investigations that would have otherwise been conducted pursuant to the Memorandum of Understanding. This Agreement does not prevent APD from entering into other investigative Memoranda of Understanding with other law enforcement agencies to conduct criminal investigation of officer-involved shootings, serious uses of force, and in-custody deaths.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Change language, insert into policy

PROGRESS:

SOP 2-31 Investigation of Officer Involved Serious Use of Force and In-Custody Deaths has also been modified and sent to the parties for review and commentary.

The MATF is operating under an existing MOU; however, a proposed MATF MOU is in draft form and is awaiting approval by the involved parties.

STATUS SUMMARY:

In Progress

PARAGRAPH: 86

SUBSECTION: I. Use of Force Training

**86.** APD will review all use of force policies and training to ensure they incorporate, and are consistent with, the Constitution and provisions of this Agreement. APD shall also provide all APD officers with 40 hours of use of force training within 12 months of the Effective Date, and 24 hours of use of force training on at least an annual basis thereafter, including, as necessary, training on developments in applicable law and APD policy.

PARAGRAPH DEADLINE: 6/2/2016

IMPLEMENTATION PLAN:

1. A 40 hour block of instruction on use of force is ready to be delivered upon approval of the use of force policy. It will take approximately 18 weeks to be delivered to all personnel.

PROGRESS:

The new use of force policy has been submitted and is pending approval. The policy is expected to be approved in December 2015; however, the department is particularly concerned with the timing of this approval and the consideration of the extended timeline required to complete use of force training prior to the training deadline of June 2<sup>nd</sup>, 2016.

STATUS SUMMARY:

In Progress

PARAGRAPH: 87

SUBSECTION: I. Use of Force Training

**87.** APD's use of force training for all officers shall be based upon constitutional principles and APD policy and shall include the following topics:

- a) search and seizure law, including the Fourth Amendment and related law;
- b) APD's use of force policy, use of force reporting requirements, and the importance of properly documenting use of force incidents;
- c) use of force decision-making, based upon constitutional principles and APD policy, including interactions with individuals who are intoxicated, or who have a mental, intellectual, or physical disability;
- d) use of de-escalation strategies;
- e) scenario-based training and interactive exercises that demonstrate use of force decision-making and de-escalation strategies;
- f) deployment and use of all weapons or technologies, including firearms, ECWs, and on-body recording systems;
- g) crowd control; and
- h) initiating and disengaging foot pursuits.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Use of Force training package has been revised and updated; roll-out to workforce will begin with 2015 in-service training cycle.
2. APD has acquired 3 portable MEGGITT/FATS systems to facilitate interactive, scenario-based training.
3. Constitutional Policing Concepts will be included in the 2015 MOE training cycle. Procedural Justice and Problem-Oriented Policing training will be delivered through distributed learning by 2015.

PROGRESS:

The new use of force policy has been submitted and is pending approval. The policy is expected to be approved in December 2015; however, the department is particularly concerned with the timing of this approval and the consideration of the extended timeline required to complete use of force training prior to the training deadline of June 2<sup>nd</sup>, 2016.

STATUS SUMMARY:

In Progress

PARAGRAPH: 88

SUBSECTION: I. Use of Force Training

**88.** Supervisors of all ranks, including those assigned to the Internal Affairs Bureau, as part of their initial and annual in-service supervisory training, shall receive additional training that includes:

- a) conducting use of force investigations, including evaluating officer, subject, and witness credibility;
- b) strategies for effectively directing officers to minimize uses of force and to intervene effectively to prevent or stop unreasonable force;
- c) incident management; and
- d) supporting officers who report unreasonable or unreported force, or who are retaliated against for using only reasonable force or attempting to prevent unreasonable force.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Externally-sourced training has been identified and piloted. Scheduling pending.

PROGRESS:

An 8 hour supervisory training was held on October 30<sup>th</sup>. The 24 hour training will be delivered when applicable policies are approved.

48 Supervisors have completed the 28 hour FBI Law Enforcement Development Supervisors Course; 23 supervisors completed the 120 hour IACP Leadership in Police Organizations Course.

The new use of force policy has been submitted and is pending approval. The policy is expected to be approved in December 2015; however, the department is particularly concerned with the timing of this approval and the consideration of the extended timeline required to complete use of force training prior to the training deadline of June 2<sup>nd</sup>, 2016.

STATUS SUMMARY:

In Progress

PARAGRAPH: 89

SUBSECTION: I. Use of Force Training

**89.** Included in the use of force training set out above, APD shall deliver firearms training that comports with constitutional principles and APD policy to all officers within 12 months of the Effective Date and at least yearly thereafter. APD firearms training shall:

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

PARAGRAPH DEADLINE: 6/2/2016

IMPLEMENTATION PLAN:

1. The monitoring team will evaluate current training protocols.
2. Develop Advanced Firearms Training Exercises (AFTEs) curriculum and Reality-Based Training curriculum are under development.

PROGRESS:

Specific training elements were covered in the transitional training period and annual qualifications sessions set in Spring 2015.

Advanced Firearms Training Exercises (AFTEs) and Reality-Based Training curricula were implemented with the 2015 qualification cycle. Expect to roll-out improved packed with 2015 qualification cycle.

STATUS SUMMARY:

In Progress

PARAGRAPH: 90

SUBSECTION: V. Specialized Units

**90.** To maintain high-level, quality service; to ensure officer safety and accountability; and to promote constitutional, effective policing, APD shall operate and manage its specialized units in a manner that increases the likelihood of safely resolving critical incidents and high-risk situations, prioritizes saving lives in accordance with the totality of the circumstances, provides for effective command-level accountability, and ensures force is used in strict compliance with applicable law, best practices, and this Agreement. To achieve these outcomes, APD shall implement the requirements set out below.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. The Commander of SID has met with the Section Lieutenants to develop Unit SOP's that will define roles and responsibilities of each investigative Unit. The SOP will encompass their responses as well as the requirement to provide a high level of community service to the Citizens of Albuquerque. The SOP's shall also include how they will evaluate, respond too and handle critical incidents as well as liaison with tactical personnel during these types of high profile/lethality incidents.
2. The Commander of SID with the assistance of all section lieutenants has completed the Division SOP revision which addresses the issues addressed in this section and will be submitted for posting.

PROGRESS:

SOP 3-01 Special Investigations Division has been changed to reflect the settlement agreement requirements stated above. SOP 3-01 has been moved through APD's policy approval process and is awaiting monitoring team approval.

The SOP has been uploaded and submitted to Monitoring team for review and approval. After initial meeting with DOJ and Monitoring team, copies of a rough draft for a Unit training handbook were given to monitoring team to review and comment.

STATUS SUMMARY:

In Progress

PARAGRAPH: 91

SUBSECTION: V. Specialized Tactical Units

**91.** APD's specialized tactical units shall be comprised of law enforcement officers who are selected, trained, and equipped to respond as a coordinated team to resolve critical incidents that exceed the capabilities of first responders or investigative units. The specialized tactical units shall consist of SWAT, Canine, and Bomb Squad/EOD.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. The Division Commander met with all Section Lieutenants and expressed the need to define individual unit roles, responsibilities and duties within the Department as a whole. The Commander also required that tactical responses, other than situations involving active shooters and other immediate threat situations need to be referred to the tactical unit for resolution.

PROGRESS:

SOPs 4-04 SWAT, 4-12 K9, and 4-03 EOD have been adjusted to reflect Settlement Agreement language, have moved through APD's policy approval process and are waiting for monitoring team approval.

STATUS SUMMARY:

Support for [91] submitted to monitor; pending monitor approval

PARAGRAPH: 92

SUBSECTION: V. Specialized Tactical Units

**92.** APD shall ensure that specialized tactical units are sufficiently trained to complete the following basic operational functions: Command and Control; Containment; and Entry, Apprehension, and Rescue.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. The Tactical Division has developed a training calendar and a system to track all ad-hoc and internal trainings that address the categories above.

PROGRESS:

SOPs 4-04 SWAT, 4-12 K9, and 4-03 EOD have been adjusted to reflect Settlement Agreement language, have moved through APD's policy approval process and are waiting for monitoring team approval.

STATUS SUMMARY:

Support for [92] submitted to monitor; pending monitor approval

PARAGRAPH: 93

SUBSECTION: V. Specialized Tactical Units

**93.** Each specialized tactical unit shall have clearly defined missions and duties. Each specialized tactical unit shall develop and implement policies and standard operating procedures that incorporate APD's agency-wide policies on use of force, force reporting, and force investigations.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Revise Tactical Unit SOP (EOD, K9, SWAT) to include defined missions for each and described duties.
2. Tactical SOPs will incorporate new 2-52 Use of Force policy

PROGRESS:

SOPs 4-04 SWAT, 4-12 K9, and 4-03 EOD have been adjusted to reflect Settlement Agreement language, have moved through APD's policy approval process and are waiting for monitoring team approval.

The new use of force policy has been submitted and is pending approval. The policy is expected to be approved in December 2015; however, the department is particularly concerned with the timing of this approval and the consideration of the extended timeline required to complete use of force training prior to the training deadline of June 2<sup>nd</sup>, 2016.

STATUS SUMMARY:

Support for [93] submitted to monitor; pending monitor approval

PARAGRAPH: 94

SUBSECTION: V. Specialized Tactical Units

**94.** APD policies and procedures on specialized tactical units shall include the following topics:

- a) team organization and function, including command relationships with the incident commander, Field Services Bureau, other specialized investigative units, Crisis Negotiation Team, Crisis Intervention Unit, crisis intervention certified responders, and any other joint or support elements to ensure clear lines of responsibility;
- b) coordinating and implementing tactical operations in emergency life-threatening situations, including situations where an officer's view may be obstructed;
- c) personnel selection and retention criteria and mandated physical and tactical competency of team members, team leaders, and unit commanders;
- d) training requirements with minimum time periods to develop and maintain critical skills to include new member initial training, monthly training, special assignment training, and annual training;
- e) equipment appropriation, maintenance, care, and inventory;
- f) activation and deployment protocols, including when to notify and request additional services;
- g) conducting threat assessments to determine the appropriate responses and necessary resources;
- h) command and control issues, including a clearly defined command structure; and
- i) documented after-action reviews and reports.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Revise Tactical Unit SOP (EOD, K9, SWAT) to include defined missions for each and described duties.

PROGRESS:

SOP 4-04 SWAT have been adjusted to reflect Settlement Agreement language, have moved through APD's policy approval process and are waiting for monitoring team approval.

STATUS SUMMARY:

Support for [94] submitted to monitor; pending monitor approval

PARAGRAPH: 95

SUBSECTION: V. Specialized Tactical Units

**95.** The policies and standard operating procedures of specialized tactical units shall be reviewed at least annually and revisions shall be based, at a minimum, on legal developments, training updates, operational evaluations examining actual practice from after-action reviews, and reviews by the Force Review Board or other advisory or oversight entities established by this Agreement.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Include language to require annual review of specialized tactical unit's policies and procedures. Revise Tactical Unit SOP (EOD, K9, SWAT) to include defined legal developments, training updates, and operational evaluations for each and described duties.

PROGRESS:

SOP 4-04 SWAT have been adjusted to reflect Settlement Agreement language, have moved through APD's policy approval process and are waiting for monitoring team approval.

STATUS SUMMARY:

Support for [95] submitted to monitor; pending monitor approval

PARAGRAPH: 96

SUBSECTION: V. Specialized Tactical Units

**96.** In addition to Use of Force Reports, APD shall require specialized tactical units to document their activities in detail, including written operational plans and after-action reports created after call-outs and deployments to critical situations. After-action reports shall address any areas of concern related to policy, training, equipment, or tactics.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Archive after-action and SWAT documents are logged and archived.
2. Review existing after-action reports for sufficiency as described above.

PROGRESS:

After action documents and a SWAT operational plan were submitted to the monitor for review and approval.

STATUS SUMMARY:

Support for [96] submitted to monitor; pending monitor approval

PARAGRAPH: 97

SUBSECTION: V. Specialized Tactical Units

**97.** APD shall require specialized tactical units to conduct mission briefings before an operation, unless exigent circumstances require an immediate deployment. APD shall also ensure that specialized tactical team members designate personnel to develop and implement operational and tactical plans before and during tactical operations. All specialized tactical team members should have an understanding of operational planning.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Tactical units currently conduct mission briefings before an operation, unless exigent circumstances require an immediate deployment.
2. The plans are archived for further reference.

PROGRESS:

A call out packet, after-action report, SWAT operational plan were submitted to the monitor for review and approval.

STATUS SUMMARY:

Support for [97] submitted to monitor; pending monitor approval

PARAGRAPH: 98

SUBSECTION: V. Specialized Tactical Units

**98.** All specialized tactical units shall wear uniforms that clearly identify them as law enforcement officers.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. All Tactical Officers are required to wear one of three authorized uniforms.
2. The first is the full APD uniform with all the markings and badge of office. The second is a range uniform (OD green) , marked with a visible badge of office and APD patch on the shoulder, the third is a black polo type shirt with a visible badge of office and an APD shoulder patch. The Polo type uniform will be utilized in a training or classroom environment.
3. Revise as appropriate the Department Uniform SOP.

PROGRESS:

A packet containing SOP 2-06 Uniforms and Special Order 14-33; along with pictures that demonstrate applicable uniforms were submitted to the monitor for review and approval.

STATUS SUMMARY:

Support for [98] submitted to monitor; pending monitor approval

PARAGRAPH: 99

SUBSECTION: V. Specialized Tactical Units

**99.** All specialized tactical unit deployments shall be reviewed by the Force Review Board in order to analyze and critique specialized response protocols and identify any policy, training, equipment, or tactical concerns raised by the action. The Force Review Board shall identify areas of concern or particular successes and implement the appropriate response, including modifications to policy, training, equipment, or tactics.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Create the Force Review Board (FRB).
2. Develop a FRB SOP that details the requirements specified in paragraph 99.

PROGRESS:

The Force Review Board has been created and a draft SOP has been placed in the review and acceptance queue.

STATUS SUMMARY:

Support for [99] submitted to monitor; pending monitor approval

PARAGRAPH: 100

SUBSECTION: V. Specialized Tactical Units

**100.** APD shall establish eligibility criteria for all team members, team leaders, and supervisors assigned to tactical units and conduct at least annual reviews of unit team members to ensure that they meet delineated criteria.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Define the criteria required for each team member assigned to the Tactical Section.
2. Ensure language that provides for at least an annual review of team members is included in the SOP.

PROGRESS:

Several items that demonstrates the criteria required for each team member assigned to the tactical section has been sent to the monitor for review and approval.

STATUS SUMMARY:

Support for [100] submitted to monitor; pending monitor approval

PARAGRAPH: 101

SUBSECTION: V. Specialized Tactical Units

**101.** APD shall train specialized tactical units conducting barricaded gunman operations on competencies and procedures that include: threat assessment to determine the appropriate response and resources necessary, mission analysis, determination of criminal offense, determination of mental illness, requirements for search warrant prior to entry, communication procedures, and integration of the Crisis Negotiation Team, the Crisis Intervention Unit, and crisis intervention certified responders.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Define how each team and member will be trained in order to develop the required skills to operate in this section.
2. Create sheets that will track attendance and what was covered on that day.

PROGRESS:

Several items that demonstrate how each team and member will be trained in order to develop the required skills to operate in this section have been submitted to the monitor for review and approval. A mechanism to track attendance and what subject matter was covered on that day has been developed.

STATUS SUMMARY:

Support for [101] submitted to monitor; pending monitor approval

PARAGRAPH: 102

SUBSECTION: V. Specialized Tactical Units

**102.** APD shall continue to require the Canine Unit to complete thorough post-deployment reviews of all canine deployments.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Continue to require thorough post deployment reviews of all canine deployments. UOF reporting for and SOP is in the attachment.
2. Archive all canine post deployment reviews.

PROGRESS:

The updated SOP 4-12 K9 SOP has been submitted to the monitor for review and approval.

STATUS SUMMARY:

Support for [102] submitted to monitor; pending monitor approval

PARAGRAPH: 103

SUBSECTION: V. Specialized Tactical Units

**103.** APD shall continue to track canine deployments and canine apprehensions, and to calculate and track canine bite ratios on a monthly basis to assess its Canine Unit and individual Canine teams.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. The K9 Unit will continue to track canine deployments and apprehensions monthly

PROGRESS:

Documentation to support APDs continued tracking of canine deployments and apprehensions was submitted to the monitor for review and approval. In November 2015, a new format was developed for K9 bite ratios.

STATUS SUMMARY:

Support for [103] submitted to monitor; pending monitor approval

PARAGRAPH: 104

SUBSECTION: V. Specialized Tactical Units

**104.** APD shall include canine bite ratios as an element of the Early Intervention System and shall provide for the review, pursuant to the protocol for that system, of the performance of any handler whose bite ratio exceeds 20 percent during a six-month period, or the entire unit if the unit's bite ratio exceeds that threshold, and require interventions as appropriate. Canine data and analysis shall be included in APD Use of Force Annual Report.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. The SOP language for the K-9 SOP 4-12-11 documentation of deployments resulting in injuries from canine was added.

PROGRESS:

The SOP Language for the K9 SOP 4-12-11 documentation of deployments resulting in injuries from PSD was added. A blank copy of the Use of Force Data Report was added. A copy of the K9 monthly worksheet for bite ratios was submitted to the monitor for review and approval.

SOP 3-49 Early Intervention System has been modified and is moving through APD's policy approval process.

STATUS SUMMARY:

Support for [104] submitted to monitor; pending monitor approval

PARAGRAPH: 105

SUBSECTION: V. Specialized Tactical Units

**105.** APD agrees to track and analyze the number of specialized tactical unit deployments. The analysis shall include the reason for each tactical deployment and the result of each deployment, to include:

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

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Create a tactical unit deployment tracking sheet and a 2015 tactical unit analysis sheet. These sheets will track and analyze the number of specialized tactical unit deployments.
2. These sheets will assist in the analysis for the reasons for each deployment and the results of each deployment.

PROGRESS:

As stated above. Items described were submitted to the monitor for review and approval.

STATUS SUMMARY:

Support for [105] submitted to monitor; pending monitor approval

PARAGRAPH: 106

SUBSECTION: V. Specialized Investigative Units

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

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Clearly define mission and duties for each investigative unit.
2. Develop and implement policies and standard operating procedures that incorporate APD's agency-wide policies on use of force, force reporting, and force investigations.

PROGRESS:

The Special Investigations Division Commander with the assistance of the section lieutenants have revised the Division SOP which addresses this section of the DOJ agreement and have submitted it to the monitor for review and approval.

STATUS SUMMARY:

Support for [106] submitted to monitor; pending monitor approval

PARAGRAPH: 107

SUBSECTION: V. Specialized Investigative Units

**107.** APD shall prohibit specialized investigative units from providing tactical responses to critical situations where a specialized tactical unit is required. APD shall establish protocols that require communication and coordination by specialized investigative units when encountering a situation that requires a specialized tactical response. The protocols shall include communicating high-risk situations and threats promptly, coordinating effectively with specialized tactical units, and providing support that increases the likelihood of safely resolving a critical incident.

PARAGRAPH DEADLINE: 6/2/2016

IMPLEMENTATION PLAN:

1. Draft a new division SOP which addresses paragraph 107 of the settlement agreement and incorporates the language described above.

PROGRESS:

The Special Investigations Division Commander with the assistance of the section lieutenants have revised the Division SOP which addresses this section of the DOJ agreement and will be submitting it for posting. The policy addressing this has been submitted in SOP form to the monitoring team for review.

STATUS SUMMARY:

Support for [107] submitted to monitor; pending monitor approval

PARAGRAPH: 108

SUBSECTION: V. Specialized Investigative Units

**108.** Within three months of the Effective Date, APD shall conduct an inspection of specialized investigative units to determine whether weapons and equipment assigned or accessible to specialized investigative units are consistent with the units' mission and training. APD shall conduct re-inspections on at least an annual basis.

PARAGRAPH DEADLINE: 9/2/2016

IMPLEMENTATION PLAN:

1. Conduct a property inventory audit of all specialized investigative units to ensure that they have only that equipment which is allowable to any sworn APD officer. All other equipment was turned into the Tactical Section or Property with attached memos acknowledging receipt of this inventory.
2. Transfer all other equipment to the tactical section or property.
3. Create a standardized inventory list of investigative units.
4. Initiate an inventory process for investigative unit.

PROGRESS:

All Section Commanders have conducted an property/inventory audit of their respective units after direction from the Division Commander to ensure that they have only that equipment which is allowable to any sworn APD officer. All other equipment was turned into the Tactical Section or Property with attached memos acknowledging receipt of this inventory.

Standardized inventory lists for investigative units have been created, and detectives have been informed if they are carrying non-standard weapons and equipment that are outside the determined scope.

STATUS SUMMARY:

Support for [108] submitted to monitor; pending monitor approval

PARAGRAPH: 109

SUBSECTION: V. Specialized Investigative Units

**109.** APD agrees to track and analyze the number of specialized investigative unit responses. The analysis shall include the reason for each investigative response, the legal authority, type of warrant (if applicable), and the result of each investigative response, to include: (a) the location; (b) the number of arrests; (c) the type of evidence or property seized; (d) whether a forcible entry was required; (e) whether a weapon was discharged by a specialized investigative unit member; (f) whether the person attempted to flee from officers; and (g) whether a person or domestic animal was injured or killed. This data analysis shall be entered into the Early Intervention System and included in APD's annual reports.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. The Special Investigations Division staff will meet to discuss numerous DOJ requirements including the tracking of investigative responses.
2. Create a database that will track the needed information for SID.

PROGRESS:

In coordination with city IT, the Special Investigations Division has completed the database that will track responses by specialized investigative units and will collect the information described in paragraph 109.

STATUS SUMMARY:

In Progress

PARAGRAPH: 110

SUBSECTION: VI. Crisis Intervention

**110.** To maintain high-level, quality service; to ensure officer safety and accountability; and to promote constitutional, effective policing, APD agrees to minimize the necessity for the use of force against individuals in crisis due to mental illness or a diagnosed behavioral disorder and, where appropriate, assist in facilitating access to community-based treatment, supports, and services to improve outcomes for the individuals. APD agrees to develop, implement, and support more integrated, specialized responses to individuals in mental health crisis through collaborative partnerships with community stakeholders, specialized training, and improved communication and coordination with mental health professionals. To achieve these outcomes, APD agrees to implement the requirements below.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. APD will follow the implementation plans as listed below.

PROGRESS:

Significant progress has been made on directives described in paragraph 110 and are listed in greater details in the following paragraphs.

STATUS SUMMARY:

Support for [110] submitted to monitor; pending monitor approval

PARAGRAPH: 111

SUBSECTION: A. Mental Health Response Advisory Committee

**111.** Within six months of the Effective Date, APD and the City shall establish a Mental Health Response Advisory Committee (“Advisory Committee”) with subject matter expertise and experience that will assist in identifying and developing solutions and interventions that are designed to lead to improved outcomes for individuals perceived to be or actually suffering from mental illness or experiencing a mental health crisis. The Advisory Committee shall analyze and recommend appropriate changes to policies, procedures, and training methods regarding police contact with individuals with mental illness.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Schedule first meeting and email invitations to subject matter experts and other stakeholders. **(Completed 11/23/14)**
2. Additional members of the committee will be identified as the Advisory committee is being developed **(Started on 11/24/14 and ongoing)**.
3. A concise document that defines the responsibilities of the Advisory Committee will be drafted. **(Start at first meeting 12/16/14. And finish before close of second meeting TBD.)** This document will clearly state that the Committee will be not headed by the APD. APD will offer logistical support and expertise, but will not be responsible for, nor craft any product of the committee.
4. APD will estimate the time needs and costs of providing ongoing logistical support to the committee. These costs could include, but are not limited to, keeping minutes, scheduling and attending subcommittees, gathering requested data and presenting it to the committee in an understandable format, finding and scheduling meeting places, food for meetings, honorarium fees, guest speaker fees, paying independent researchers for studies and data analysis. **(To be done by 2/14/15)**
5. Committee to determine a chairperson and length of tenure for the initial chairperson. **(Within two meetings. TBD)**
6. Committee to function independently with only ongoing logistical and/or financial support. (To complete by 5/10/15)

PROGRESS:

The first MHRAC meeting was conducted on 12-16-14. It was successful and was an important meet and greet with stakeholders and defined the scope and purpose of the MHRAC.

The MHRAC meeting held on 1-20-15 was very productive when the committee scope and purpose of the committee were defined. Sub groups were also implemented with various stakeholders to help streamline the committee. Two co-chairs were designated to lead the committee with the help of APD for logistics and participation. A draft SOP was also distributed so that the committee could review and start the process of recommendations.

The meeting in February 2015 formalized the committee structure and started to work on settlement agreement tasks.

At the March 2015 meeting committees were formed including working groups and SOP review.

In June 2015, the CIT SOP was drafted and is pending approval by the monitoring team.

Albuquerque Fire Department (AFD) representation was secured for the meetings at the request of the MHRAC. SOP has been finalized to include CIT SOP and Investigative SOP for roles and responsibilities of CIU/COAST.

**STATUS SUMMARY:**

Support for [111] submitted to monitor; pending monitor approval

PARAGRAPH: 112

SUBSECTION: A. Mental Health Response Advisory Committee

**112.** The Advisory Committee shall include representation from APD command staff, crisis intervention certified responders, Crisis Intervention Unit (“CIU”), Crisis Outreach and Support Team (“COAST”), and City-contracted mental health professionals. APD shall also seek representation from the Department of Family and Community Services, the University of New Mexico Psychiatric Department, community mental health professionals, advocacy groups for consumers of mental health services (such as the National Alliance on Mental Illness and Disability Rights New Mexico), mental health service providers, homeless service providers, interested community members designated by the Forensic Intervention Consortium, and other similar groups.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Schedule the first meeting and will email invitations to subject matter experts and other stakeholders. **(Done on 11/23/13)**
2. Assure that the committee will have representatives from ... (AS DOJ says above). **(Done on 11/23/14).**
3. Will allow for additional members of the committee which will be identified as the Advisory committee is being developed **(Started on 11/23/14 and ongoing).**
4. Assure that even after the committee is self-run, APD, COAST, CIU, and other city officials will continue to attend and participate. (Started 11/23/14 and ongoing).

PROGRESS:

In June 2015, the CIT SOP was drafted and is pending approval by the monitoring team.

AFD representation was secured for the meetings at the request of the MHRAC. SOP has been finalized to include CIT SOP and Investigative SOP for roles and responsibilities of CIU/COAST.

STATUS SUMMARY:

Support for [112] submitted to monitor; pending monitor approval

PARAGRAPH: 113

SUBSECTION: A. Mental Health Response Advisory Committee

**113.** The Advisory Committee shall provide guidance to assist the City in developing and expanding the number of crisis intervention certified responders, CIU, and COAST. The Advisory Committee shall also be responsible for considering new and current response strategies for dealing with chronically homeless individuals or individuals perceived to be or actually suffering from a mental illness, identifying training needs, and providing guidance on effective responses to a behavioral crisis event.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Assure that APD, COAST, CIU, and other city officials will continue to attend and participate to achieve the goals of ... *as stated by DOJ. (Starting 12/16/14 and ongoing).*
2. Assure that the committee will know the full scope of their responsibilities including ... *as written by DOJ above. (12/16/14)*
3. Have a brief written policy that will assure that the advisory committee is receiving sufficient logistical and financial support to carry out its responsibilities including ... *as stated by DOJ above. (2/14/14)*
4. Identify if there is there is clear evidence that the committee is failing in its tasks, missing deadlines, or changing their core mission. If there is evidence of these problems, the CIU members of the committee will help identify reasons for the breakdown and suggests strategies to improve the functioning of the committee to assure that it functions properly. **(11/24/14 and ongoing)**

PROGRESS:

Currently working with MHRAC to meet the requirements described above.

STATUS SUMMARY:

In Progress

PARAGRAPH: 114

SUBSECTION: A. Mental Health Response Advisory Committee

**114.** APD, with guidance from the Advisory Committee, shall develop protocols that govern the release and exchange of information about individuals with known mental illness to facilitate necessary and appropriate communication while protecting their confidentiality.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Continue to hold meetings with UNM and other mental health providers in the community to develop protocols for effective communication that doesn't jeopardize community safety or patient privacy. **(First Meeting was held on 11/18/14, and will be ongoing).**
2. Work with UNM legal and other legal advisors to develop protocols for effective communication. **(11/18/14 and ongoing)**
3. Identify a specific person or people (who may or may not be on the advisory committee) who will be tasked with the goal of developing an information sharing protocol, such as a CIU program developer. **(11/18/14 and ongoing).**
4. The person identified in #3 will report to the committee, as well as seek out guidance and support from the committee. **(11/18/14 and ongoing).**

PROGRESS:

The department is committed to continue working with MHRAC Information Sub-Committee.

STATUS SUMMARY:

In Progress

PARAGRAPH: 115

SUBSECTION: A. Mental Health Response Advisory Committee

**115.** Within nine months of the Effective Date, APD shall provide the Advisory Committee with data collected by crisis intervention certified responders, CIU, and COAST pursuant to Paragraphs 129 and 137 of this Agreement for the sole purpose of facilitating program guidance. Also within nine months of the Effective Date, the Advisory Committee shall review the behavioral health training curriculum; identify mental health resources that may be available to APD; network and build more relationships; and provide guidance on scenario-based training involving typical situations that occur when mental illness is a factor.

PARAGRAPH DEADLINE: 3/2/2016

IMPLEMENTATION PLAN:

1. Have staff assigned to the project of building and/or acquiring a database containing information specific to CIT, CIU, and COAST. **(1/1/15)**
2. Have sufficient staff in order to assign someone to collect and enter data into this database. **(2/1/15)**
3. Have a functioning database for CIU/CIT/COAST **(5/14/15)**
4. Have dedicated staff, such as program assistant, to manage the database, once it is fully functioning, query the database, and present data in an understandable way, as requested by APD, the City, and/or the Advisory committee. **(3/14/15)**
5. APD will hire someone, such as a program assistant, to allow follow up on the mental health resources identified by the Committee that may be available to APD, this includes follow up networking, grant writing, as well as establishing and managing cross agency collaborations. This could be the same person identified in #3 above. **(2/1/15).**
6. APD will work with the advisory committee to help them review the behavioral health training curriculum and ... *as stated by DOJ* **(12/16/14 and ongoing)**

PROGRESS:

All patrol officers are currently using a CIT contact sheet. APD CIU is actively training the remaining officers that are not CIT trained. CIT has received input in participation from MHRAC members on the lesson plan and curriculum, as well as attending the class. CIU Staff is also been providing data as requested to the MHRAC.

A packet containing SOP's, course curriculum , CIU and COAST monthly highlights, a monthly statistics template, and a resource list have all been submitted to the monitor for review and approval.

STATUS SUMMARY:

Support for [115] submitted to monitor; pending monitor approval

PARAGRAPH: 116

SUBSECTION: A. Mental Health Response Advisory Committee

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

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. APD will continue to coordinate with local providers to improve outcomes for people who are homeless and/or living with mental illness. **(Started before 6/7/2006 and is Ongoing).**
2. CIU will help expand and improve connections with the community. **(3/14/15)**
3. Report to the Committee regarding these ongoing efforts and incorporate the advice of the committee to improve outcomes. **(12/16/14, ongoing)**

PROGRESS:

APD continues to coordinate with MHRAC to expand a network of local providers to ensure ongoing efforts to improve the outcomes for individuals experiencing mental health crisis.

STATUS SUMMARY:

In Progress

PARAGRAPH: 117

SUBSECTION: A. Mental Health Response Advisory Committee

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

PARAGRAPH DEADLINE: 6/2/2016

IMPLEMENTATION PLAN:

1. Command staff will review the findings of the Advisory Committee and will post the report on the APD website. **(11/14/2015)**
2. CIU's program developer will help liaison with the community regarding the posted findings. **(3/14/15)**

PROGRESS:

MHRAC is currently working on the report and advised that a preliminary report could be completed by the deadline.

STATUS SUMMARY:

In Progress

PARAGRAPH: 118

SUBSECTION: B. Behavioral Health Training

**118.** APD has undertaken an aggressive program to provide behavioral health training to its officers. This Agreement is designed to support and leverage that commitment.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Approximately 50-55 hours of behavioral health related training is provided in the Cadet Academy. The training is coordinated by the behavioral sciences division and covers a number of areas mandated by the NM Law Enforcement Academy (NMLEA) related to mental illness and crisis de-escalation are covered. The current level of training exceeds state requirements.  
11/10/2014 (on-going)
2. Mental Health First Aid (8hrs) will start in January 2016 to comply with 8hr refresher and completed by October 2016. HB93 Biannual required training (performed by the CIU Detectives) every two years for all officers (has historically been 8 hours in length). APD has decided to change this to be a CIT Refresher class (which will meet HB93 requirements) which all officers will need to complete every two years. The first class is scheduled to take place in April of 2015 and continue on a regular basis from that date forward. This training has been contracted out and will be provided by a third party subject matter expert.  
11/10/14 (on-going)
3. 40-hour Basic Crisis Intervention for Field Officers (CIT-FO) certification class. In April of 2014 APD began to implement a goal of providing the CIT-FO class to all field officers including cadets after they finish their FTO program.  
12/31/2015 (on-going)
4. 40-hour Advanced Crisis Intervention for Field Officers (ACIT) certification class. In March of 2015 APD will began to provide a 40-hour class for folks wanting to be CIU detectives. The plan is to complete 2-3 of these classes per year.  
12/31/2015 (on-going)
5. Basic and Advanced Crisis Intervention training for all APD Communications Staff (24 hours of training for all current and future telecommunications staff). Began action in November of 2014. This training has been contracted out and will be provided by a third party subject matter expert.  
12/31/2015 (on-going)
6. CIT, CNT, and CISD Supervisor awareness Class (8 hours). APD has required the class for all field supervisors and began implementation in May of 2014. This training has been contracted out and will be provided by a third party subject matter expert.  
12/31/2015 (on-going)
7. Civilian Crisis Intervention (CCI) class for non-sworn personnel. Approximately 4-5 per year and 16-hours in duration. APD has opened up free slots for community member attendance. The first class was completed in June of 2014. This training has been contracted out and will be provided by a third party subject matter expert.  
12/31/15 (on-going)

8. Crisis Negotiations Training (two 40-Hour Basic CNT Classes a year and one 40-hour Advanced CNT class) for officers who choose to pursue a position with the negotiations team. This training has been present in APD for over ten years and will continue to be offered. This training has been contracted out and will be provided by a third party subject matter expert. 11/10/14 (on-going)

**PROGRESS:**

A CD of HB93 Training was submitted to the monitor via Fed-Ex on 9/25/15 for review and approval.

**STATUS SUMMARY:**

In Progress

PARAGRAPH: 119

SUBSECTION: B. Behavioral Health Training

**119.** APD agrees to continue providing state-mandated, basic behavioral health training to all cadets in the academy.

APD also agrees to provide 40 hours of basic crisis intervention training for field officers to all academy graduates upon their completion of the field training program.

APD is also providing 40 hours of basic crisis intervention training for field officers to all current officers, which APD agrees to complete by the end of 2015.

PARAGRAPH DEADLINE: 6/15/2016

IMPLEMENTATION PLAN:

1. Approximately 50-55 hours of behavioral health related training is provided in the Cadet Academy. The training is coordinated by the behavioral sciences division and covers a number of areas mandated by the NM Law Enforcement Academy (NMLEA) related to mental illness and crisis de-escalation are covered. The current level of training exceeds state requirements.  
11/10/2014 (on-going)
2. 40-hour Basic Crisis Intervention for Field Officers (CIT-FO) certification class. In April of 2014 APD began to implement a goal of providing the CIT-FO class to all field officers including cadets after they finish their FTO program. This training has been contracted out and will be provided by a third party subject matter expert.  
12/31/2015 (on-going)

PROGRESS:

A CD of HB93 Training was submitted to the monitor via Fed-Ex on 9/25/15 for review and approval.

STATUS SUMMARY:

Support for [119] submitted to monitor; pending monitor approval

PARAGRAPH: 120

SUBSECTION: B. Behavioral Health Training

**120.** The behavioral health and crisis intervention training provided to all officers will continue to address field assessment and identification, suicide intervention, crisis de-escalation, scenario-based exercises, and community mental health resources. APD training shall include interaction with individuals with a mental illness and coordination with advocacy groups that protect the rights of individuals with disabilities or those who are chronically homeless. Additionally, the behavioral health and crisis intervention training will provide clear guidance as to when an officer may detain an individual solely because of his or her crisis and refer them for further services when needed.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Approximately 50-55 hours of behavioral health related training is provided in the Cadet Academy. The training is coordinated by the behavioral sciences division and covers a number of areas mandated by the NM Law Enforcement Academy (NMLEA) related to mental illness and crisis de-escalation are covered. The current level of training exceeds state requirements and has been in place for over ten years. Training will continue to include mental illness related topics, crisis intervention, 16 hours of scenario-based learning, and participation by community groups (such as NAMI, Agora, A Noon Day, etc.).  
11/10/2014 (on-going)
2. HB93 Biannual required training (performed by the CIU Detectives) every two years for all officers (has historically been 8 hours in length). APD has decided to change this to be a CIT Refresher class (which will meet HB93 requirements) which all officers and telecommunications staff will need to complete every two years. The first class is scheduled to take place in April of 2015 and continue on a regular basis from that date forward. This training has been contracted out and will be provided by a third party subject matter expert.  
11/10/14 (on-going)
3. 40-hour Basic Crisis Intervention for Field Officers (CIT-FO) certification class. In April of 2014 APD began to implement a goal of providing the CIT-FO class to all field officers including cadets after they finish their FTO program. This training has been contracted out and will be provided by a third party subject matter expert. Training will continue to include mental illness related topics, crisis intervention, approximately 12-16 hours of scenario-based learning, and participation by community groups (such as NAMI, Agora, A Noon Day, etc.).  
12/31/2015 (on-going)
4. 40-hour Advanced Crisis Intervention for Field Officers (ACIT) certification class. In March of 2015 APD will began to provide a 40-hour class for folks wanting to be CIU detectives. The plan is to complete 2-3 of these classes per year. This training has been contracted out and will be provided by a third party subject matter expert. 12/31/2015 (on-going)

PROGRESS:

A CD of HB93 Training was submitted to the monitor via Fed-Ex on 9/25/15 for review and approval.

STATUS SUMMARY:  
In Progress

PARAGRAPH: 121

SUBSECTION: B. Behavioral Health Training

**121.** APD shall ensure that new telecommunicators receive 20 hours of behavioral health training. This training shall include: telephonic suicide intervention; crisis management and de-escalation; interactions with individuals with mental illness; descriptive information that should be gathered when telecommunicators suspect that a call involves someone with mental illness; the roles and functions of COAST, crisis intervention certified responders, and CIU; the types of calls that should be directed to particular officers or teams; and recording information in the dispatch database about calls in which mental illness may be a factor.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Basic and Advanced Crisis Intervention training for Communications Staff (24 hours of training for all current and future telecommunications staff). Began implementation in November of 2014. This training has been contracted out and will be provided by a third party subject matter expert. Training will include mental illness related topics, crisis intervention, info gathering techniques, scenario-based learning, appropriate ways and directions to direct calls, and participation by community groups when appropriate  
(on-going) 12/31/2015

PROGRESS:

Crisis Intervention Training for communications staff consistent with paragraph 121 has been held as new telecommunicators are hired.

STATUS SUMMARY:

In Progress

PARAGRAPH: 122

SUBSECTION: B. Behavioral Health Training

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

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. HB93 Biannual required training for all officers will continue to be delivered. This training will also be given to all telecommunicators as required by the paragraph.

PROGRESS:

Two hours of CIT (HB93) was deployed using PSU (global classroom). All APD sworn personnel as well as telecommunicators will complete the task by December 31, 2015.

A packet containing HB93 curriculum was submitted to the monitor for review and approval.

STATUS SUMMARY:

Support for [122] submitted to monitor; pending monitor approval

PARAGRAPH: 123

SUBSECTION: C. Crisis Intervention Certified Responders and Crisis Intervention Unit

**123.** APD shall maintain a sufficient number of crisis intervention certified responders who are specially trained officers across the Department who retain their normal duties and responsibilities and also respond to calls involving those in mental health crisis. APD shall also maintain a Crisis Intervention Unit (“CIU”) composed of specially trained detectives housed at the Family Advocacy Center whose primary responsibilities are to respond to mental health crisis calls and maintain contact with mentally ill individuals who have posed a danger to themselves or others in the past or are likely to do so in the future. APD agrees to expand both the number of crisis intervention certified responders and CIU.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. APD will train and certify sufficient numbers of officers in CIT (**In process and being done by behavioral health sciences division**)
2. Continue the work of the CIU ... *as described by the DOJ* (**Ongoing**)
3. Expand CIT officers (**ongoing**)
4. Conduct an internal staffing study to identify need for more detectives. (Already done, which identified the need for 7 more detectives for a total of 12)
5. Expand CIU by adding **2 detectives by January 1<sup>st</sup>, 2015**, (spots have already opened in early December 2014), and then add **3 more before May 1<sup>st</sup> 2015**, and then **2 more by November 1<sup>st</sup>, 2015**, for a total of 7 additional detectives by mid-2015
6. Per paragraph 110 of DOJ agreement, “APD agrees to develop, implement, and support more integrated, specialized responses to individuals in mental health crisis through collaborative partnerships with community stakeholders, specialized training, and improved communication and coordination with mental health professionals. To achieve these outcomes ...” CIU leadership will assign detectives to various duties such as training, community outreach, intra-department outreach, program development, community engagement.
7. Adjust number of CIU and COAST after the official staffing study completed (**Whenever the staffing study is complete**).

PROGRESS:

FSB CIT training is now being conducted in-house by APD’s staff psychiatrist and is expected to complete training for 100% of field service officers.

The staffing study is expected to be released in early December. At that time, APD will adjust the number of CIT and COAST accordingly.

STATUS SUMMARY:

Support for [123] submitted to monitor; pending monitor approval

PARAGRAPH: 124

SUBSECTION: C. Crisis Intervention Certified Responders and Crisis Intervention Unit

**124.** The number of crisis intervention certified responders will be driven by the demand for crisis intervention services, with an initial goal of 40% of Field Services officers who volunteer to take on specialized crisis intervention duties in the field. Within one year of the Effective Date, APD shall reassess the number of crisis intervention certified responders, following the staffing assessment and resource study required by Paragraph 204 of this Agreement.

PARAGRAPH DEADLINE: 6/2/2016

IMPLEMENTATION PLAN:

1. Build and maintain a functioning database containing information specific to CIT, CIU, and COAST, which will demonstrate “the demand for crisis intervention services” (As per DOJ). **(5/14/15)**
2. Re-assess the number of CIT responders after the staffing study. **(When study completed)**

PROGRESS:

FSB CIT training is now being conducted in-house by APD’s staff psychiatrist and is expected to complete training for 100% of field service officers.

The staffing study is expected to be released in early December. At that time, APD will adjust the number of CIT and COAST accordingly.

STATUS SUMMARY:

In Progress

PARAGRAPH: 125

SUBSECTION: C. Crisis Intervention Certified Responders and Crisis Intervention Unit

**125.** During basic crisis intervention training for field officers provided to new and current officers, training facilitators shall recommend officers with apparent or demonstrated skills and abilities in crisis de-escalation and interacting with individuals with mental illness to serve as crisis intervention certified responders.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Develop crisis intervention training for field officers and create a system to identify officers with apparent or demonstrated skills in crisis de-escalation.

PROGRESS:

Currently all class attendees in the CIT-FO (Crisis Intervention Training for Field Officers) Class are evaluated via written test and scenarios. During the course of the scenarios (which are often facilitated by CIU detectives) skilled crisis de-escalators are identified for future consideration for crisis certified responder positions. All scenario events are also followed by a facilitator debriefing which allows for further discussion about class participants.

STATUS SUMMARY:

In Progress

PARAGRAPH: 126

SUBSECTION: C. Crisis Intervention Certified Responders and Crisis Intervention Unit

**126.** Within 18 months of the Operational Date, APD shall require crisis intervention certified responders and CIU to undergo at least eight hours of in-service crisis intervention training biannually.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Create and develop an eight hour curriculum of in-service crisis intervention training.

PROGRESS:

HB93 Biannual required training (performed by the CIU Detectives) every two years for all officers (has historically been 8 hours in length). APD has decided to change this to be a CIT Refresher class (which will continue to meet HB93 requirements) which all officers and telecommunications staff will need to complete every two years. The first class is scheduled to take place in April of 2015 and continue on a regular basis from that date forward.

STATUS SUMMARY:

In Progress

PARAGRAPH: 127

SUBSECTION: C. Crisis Intervention Certified Responders and Crisis Intervention Unit

**127.** Within 18 months of the Effective Date, APD will ensure that there is sufficient coverage of crisis intervention certified responders to maximize the availability of specialized responses to incidents and calls for service involving individuals in mental health crisis; and warrant service, tactical deployments, and welfare checks involving individuals with known mental illness.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Work with CIU to build and maintain a functioning database containing information specific to CIT, CIU, and COAST, which will demonstrate “the demand for crisis intervention services” (As per DOJ) and can be the basis of information to “ensure that there is sufficient coverage of crisis intervention” (5/14/15)
2. Re-assess the number of various crisis responders after the staffing study. (When study completed).
3. Conduct ongoing internal reviews to ensure that there are sufficient staffing levels for crisis intervention. (Already started and ongoing)
4. Review all information available about crisis coverage and assure that sufficient staffing levels are available. (5/10/2016)

PROGRESS:

Three new positions filled. Staffing study will be released in early December 2015.

Internal reviews of sufficient staffing CIT-trained officers ongoing.

STATUS SUMMARY:

In Progress

PARAGRAPH: 128

SUBSECTION: C. Crisis Intervention Certified Responders and Crisis Intervention Unit

**128.** APD will ensure that crisis intervention certified responders or CIU will take the lead, once on scene and when appropriate, in interacting with individuals in crisis. If a supervisor has assumed responsibility for the scene, the supervisor will seek input of the crisis intervention certified responder or CIU on strategies for resolving the crisis when it is practical to do so.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Update SOP and develop written protocol that delineates the responsibilities of all people involved in a call involving people who are in crisis. **(1/10/2015)**
2. Create protocols and SOP that will ... *as stated by DOJ* **(1/10/2015)**

PROGRESS:

SOP 2-13 Response to Persons Affected by Mental Illness or In Crisis has been modified as stated above. SOP 2-13 has been moved through the APD policy approval process and will be sent to the monitoring team for review, commentary, and approval.

STATUS SUMMARY:

In Progress

PARAGRAPH: 129

SUBSECTION: C. Crisis Intervention Certified Responders and Crisis Intervention Unit

**129.** APD shall collect data on the use of crisis intervention certified responders and CIU. This data will be collected for management purposes only and shall not include personal identifying information of subjects or complainants. APD shall collect the following data:

- a) date, shift, and area command of the incident;
- b) subject's age, race/ethnicity, and gender;
- c) whether the subject was armed and the type of weapon;
- d) whether the subject claims to be a U.S. military veteran;
- e) name and badge number of crisis intervention certified responder or CIU detective on the scene;
- f) whether a supervisor responded to the scene;
- g) techniques or equipment used;
- h) any injuries to officers, subjects, or others;
- i) disposition of the encounter (e.g., arrest, citation, referral); and
- j) a brief narrative of the event (if not included in any other document).

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Create a form for crisis intervention certified responders and CIU to collect necessary data, i.e., "Field Monthlies." (3/10/2015)
2. Collect data ... *as stated by DOJ* (3/10/2015)
3. Build and maintain a functioning database containing information specific to CIT, CIU, and COAST. (5/2015)
4. Have dedicated staff to manage the database, collect data, input data, query the database, as well as present the data in an understandable way, as requested by APD and/or the Advisory committee. (3/14/2015)

PROGRESS:

APD has developed a mechanism to collect information specific to CIT, CIU, and COAST. The collected information is shared with APD and the MHRAC as requested.

A packet containing a CIT worksheet was submitted to the monitor for review and approval.

STATUS SUMMARY:

Support for [129] submitted to monitor; pending monitor approval

PARAGRAPH: 130

SUBSECTION: C. Crisis Intervention Certified Responders and Crisis Intervention Unit

**130.** APD will utilize incident information from actual encounters to develop case studies and teaching scenarios for roll-call, behavioral health, and crisis intervention training; to recognize and highlight successful individual officer performance; to develop new response strategies for repeat calls for service; to identify training needs for in-service behavioral health or crisis intervention training; to make behavioral health or crisis intervention training curriculum changes; and to identify systemic issues that impede APD's ability to provide an appropriate response to an incident involving an individual experiencing a mental health crisis.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Develop case studies and teaching scenarios
2. Highlight successful officer performance
3. Develop new response strategies
4. Identify training needs
5. Make appropriate curriculum changes
6. Identify systemic issues

PROGRESS:

The APD Behavioral Sciences Division and the CIU Detectives obtain and review cases or field situations in order to gain up-to-date scenarios and evolving trends in crisis intervention. Trends are also monitored on a national level to obtain training evolution guides.

The division director for APD's behavioral Sciences Division has also been placed on APD's Force Review Board in order to have access to current use of force information and potential training scenario input.

Currently, the APD Behavioral Sciences Division and the CIU Detectives also attend national conferences and training to enhance their knowledge of emerging trends and training techniques.

APD has contracted with an outside agency to conduct two research studies regarding the effectiveness of CIT training and Officer Involved Shootings. The results of these studies will directly impact training approaches in regards to crisis intervention.

STATUS SUMMARY:

In Progress

PARAGRAPH: 131

SUBSECTION: C. Crisis Intervention Certified Responders and Crisis Intervention Unit

**131.** Working in collaboration with the Advisory Committee, the City shall develop and implement a protocol that addresses situations involving barricaded, suicidal subjects who are not posing an imminent risk of harm to anyone except themselves. The protocol will have the goal of protecting the safety of officers and suicidal subjects while providing suicidal subjects with access to mental health services.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. See below

PROGRESS:

APD revised SOP 2-42 Response to Suicidal Subject. It was moved through the APD policy approval process.

A packet containing SOPs and actual case Use of Force Data Reports were submitted to the monitor for review and approval.

STATUS SUMMARY:

Support for [131] submitted to monitor; pending monitor approval

PARAGRAPH: 132

SUBSECTION: D. Crisis Prevention

**132.** APD shall continue to utilize COAST and CIU to follow up with chronically homeless individuals and individuals with a known mental illness who have a history of law enforcement encounters and to proactively work to connect these individuals with mental health service providers.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Continue to use COAST and CIU to help homeless individuals ... *As stated by DOJ.*
2. As dictated by staffing levels, CIU work proactively to connect individual with mental health services providers.

PROGRESS:

Two crisis outreach clinicians were hired to expand mental health response.

CIU/COAST continues to work with service providers in outreach programs to offer the chronically homeless services. This is done on a weekly basis.

Clinicians are currently working under the clinical supervision of Dr. Nils Rosenbaum and have been a great addition to CIU and COAST. CIU and COAST have also restructured into 2 teams consisting of a detective, a clinician, and COAST member. Teams also streamlined what cases to take to promote efficiency and delivery of services to the population defined in this section.

STATUS SUMMARY:

Support for [132] submitted to monitor; pending monitor approval

PARAGRAPH: 133

SUBSECTION: D. Crisis Prevention

**133.** COAST and CIU shall provide crisis prevention services and disposition and treatment options to chronically homeless individuals and individuals with a known mental illness who are at risk of experiencing a mental health crisis and assist with follow-up calls or visits.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Continue to use COAST and CIU to provide ... *As stated by DOJ.*

PROGRESS:

Two crisis outreach clinicians were hired to expand mental health response.

CIU/COAST continues to work with service providers in outreach programs to offer the chronically homeless services. This is done on a weekly basis.

Clinicians are currently working under the clinical supervision of Dr. Nils Rosenbaum and have been a great addition to CIU and COAST. CIU and COAST have also restructured into 2 teams consisting of a detective, a clinician, and COAST member. Teams also streamlined what cases to take to promote efficiency and delivery of services to the population defined in this section.

STATUS SUMMARY:

In Progress

PARAGRAPH: 134

SUBSECTION: D. Crisis Prevention

**134.** APD shall continue to utilize protocols for when officers should make referrals to and coordinate with COAST and CIU to provide prevention services and disposition and treatment options.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Update SOP and develop written protocol that clearly defines when an officer should make a referral to CIU and COAST. **(12/14/14)**
2. Disseminate the information and updates to field services so they are current on SOP (Ongoing).
3. Create protocols and SOP that will ... *as stated by DOJ* **(12/14/14)**

PROGRESS:

APD revised SOP 2-42 Response to Suicidal Subject. It was moved through the APD policy approval process.

Two crisis outreach clinicians were hired to expand mental health response.

CIU and COAST continues to work with service providers in outreach programs to offer the chronically homeless services.

Clinicians are currently working under the clinical supervision of Dr. Nils Rosenbaum and have been a great addition to CIU and COAST. CIU and COAST have also restructured into 2 teams consisting of a detective, a clinician, and COAST member. Teams also streamlined what cases to take to promote efficiency and delivery of services to the population defined in this section.

STATUS SUMMARY:

In Progress

PARAGRAPH: 135

SUBSECTION: D. Crisis Prevention

**135.** APD shall maintain a sufficient number of trained and qualified mental health professionals in COAST and full-time detectives in CIU to satisfy its obligations under this Agreement.

Within three months of completing the staffing assessment and resource study required by Paragraph 204 of this Agreement, APD shall develop a recruitment, selection, and training plan to assign, (3 months)

within 24 months of the study, 12 full-time detectives to the CIU, or the target number of detectives identified by the study, whichever is less. (24 months)

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Will hire four (4) master's level clinicians with sufficient training and expertise to evaluate people in the field who are in crisis and may be living with mental illness. These clinicians will have the qualifications to write certificates of evaluation allowing APD to bring people to a hospital involuntarily if needed.
2. Have a psychiatrist be a clinical consultant and training supervisor for the newly hired clinicians.
3. Have a psychiatrist act as the liaison between APD clinicians, community providers, the Advisory Committee, and other involved agencies, such as NAMI, FIC
4. *Within 3 months of completing ... etc as stated by DOJ.* As stated above in paragraph 123:
  - a. Expand CIT officers (ongoing)
  - b. Conduct an internal staffing study to identify need for more detectives. (Already done, which identified the need for 7 more detectives for a total of 12)
  - c. Expand CIU by adding 2 detectives by January 1st, 2015, (spots have already opened in early December 2014), and then add 3 more before May 1st 2015, and then 2 more by November 1st, 2015, for a total of 7 additional detectives by mid-2015
5. Adjust number of CIU and COAST after the official staffing study completed (Whenever the staffing study is complete).

PROGRESS:

The staffing study is expected to completed by early December 2015. APD has hired two clinicians to assist CIU and COAST and work cases. Other staff will be added as appropriate and defined by the staffing study and staffing plan.

STATUS SUMMARY:

In Progress

PARAGRAPH: 136

SUBSECTION: D. Crisis Prevention

**136.** COAST and CIU shall continue to look for opportunities to coordinate in developing initiatives to improve outreach, service delivery, crisis prevention, and referrals to community health resources.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Continue to ... *as stated by DOJ* (Ongoing)
2. Document these continuous efforts and successes. (Ongoing)
3. Have CIU and their psychiatrist continue to work as a liaison between APD and the community, which includes NAMI, FIC, UNM, St. Martin's, Heading Home, Presbyterian, Albuquerque Healthcare for the homeless, and many others. (Ongoing)
4. Have a person assigned as a program assistant to help CIU develop to improve outreach, service delivery, crisis prevention, and referrals to community health resources. (3/14/2015)

PROGRESS:

APD is moving towards staffing a Field Mobile Crisis Team with the input from hospitals, MHRAC, and various providers. A MOU was signed and implemented for RRPD, BCSO, and APD CIU units to work together to provide crisis intervention services and follow-up.

STATUS SUMMARY:

In Progress

PARAGRAPH: 137

SUBSECTION: D. Crisis Prevention

**137.** APD shall collect and analyze data to demonstrate the impact of and inform modifications to crisis prevention services. This data will be collected for management purposes only and shall not include personal identifying information of subjects or complainants. APD shall collect the following data:

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

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Collect data ... *as stated by DOJ*
2. Build and maintain a functioning database that is HIPAA compliant or doesn't have any personal information, or has the ability to assure that personal information will not be connected to mental health diagnosis and treatment, which is HIPAA protected). The database will contain information specific to CIT, CIU, and COAST. **(5/14/2015)**
3. Have sufficient and qualified staff to manage the database, collect data, input data, query the database, as well as present the data in an understandable way. **(3/14/2015)**

PROGRESS:

FSB and COAST are using the newly developed CIT contact sheet, which the new data analyst will use to collect and analyze the data.

A packet containing CIT worksheets and CIT monthly reports were submitted to the monitor for review and approval.

STATUS SUMMARY:

Support for [137] submitted to monitor; pending monitor approval

PARAGRAPH: 138

SUBSECTION: VII. Policies and Training Generally

**138.** To maintain high-level, quality service; to ensure officer safety and accountability; and to promote constitutional, effective policing, APD's policies and procedures shall reflect and express the Department's core values and priorities and shall provide clear direction to ensure that officers and civilian employees deliver effective and constitutional policing services. APD shall ensure that officers and civilian employees are trained to understand and carry out consistently and competently the duties and responsibilities specified in APD policies and procedures. To achieve these outcomes, APD agrees to implement the requirements below.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. APD will follow the action plans listed below

PROGRESS:

APD, through the SOP Review Committee and the Policy and Procedures Review Board, continue to review and revise every APD SOP. During the review of each of the two groups, SOPs are being updated with new information, deleting information that is redundant or not required, and generally making the SOP easier to follow and understand.

STATUS SUMMARY:

In Progress

PARAGRAPH: 139

SUBSECTION: VII. Policies and Training Generally

**139.** APD shall review, develop, and implement policies and procedures that fully implement the terms of this Agreement, comply with applicable law, and comport with best practices. APD policies and procedures shall use terms that are defined clearly, shall be written plainly, and shall be organized logically.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Create and insert the SOP Review Committee (SOPRC) into the policy review and implementation process
  - a. The SOPRC will be comprised of four lieutenants from varying bureaus, in addition to the SOP Liaison
2. Attach Subject Matter Experts as a resource for the SOPRC to define policy that “full implements the terms of this Agreement, comply with applicable law, and comport with best practices”.

PROGRESS:

APD is still in the process of reviewing all of their SOPs, using both the SOP Review Committee and the Policy and Procedures Review Board. The SOPRC has reviewed each policy, deleting redundant information, updating out-of-date information, changing locations of information so that it is more readable, and generally making the SOP more literal so that it is easier to understand. The department has also hired two technical writers to review settlement agreement-related policies in order to make them more easily read, understood, and trained.

APD SOP will now have notations that will reference the USDOJ settlement agreement when a particular section has been added or satisfies the defined requirement. A notated settlement agreement will also show what SOP has been changed in order to satisfy the agreement requirements. These notations will be used during the formulation and review process, and then will be removed for publication.

STATUS SUMMARY:

Support for [139] submitted to monitor; pending monitor approval

PARAGRAPH: 140

SUBSECTION: A. Policy Development, Review, and Implementation

**140.** APD policies and procedures shall be indexed and maintained in an organized manner using a uniform numbering system for ease of reference. APD policies and procedures shall be accessible to all APD officers and civilian employees at all times in hard copy or electronic format.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Renumber existing SOP and organize so that it is arranged topically, not by organizational structure.
2. Create an indexed PDF with embedded links that will provide a graphical interface for access to SOPs.
3. All SOPs will be available via PowerDMS in electronic format and hard copies will be available on request.

PROGRESS:

As part of the SOP review process, formatting of the frame has occurred to help with the indexing. Numbering changes are being considered and SOPs will be grouped by topic. All SOPs are available on PowerDMS and most are available on APD's website.

There are a large amount of policy changes that are moving through the APD system and that require Monitor final approval. Once the proposals are approved, they will be finalized and linked to the new indexing system. The SOPRC continues to review policy proposals and will meet the requirements of regular review. A full-scale reorganization of policy grouped by topic and a renumbering are also pending.

STATUS SUMMARY:

Support for [140] submitted to monitor; pending monitor approval

PARAGRAPH: 141

SUBSECTION: A. Policy Development, Review, and Implementation

**141.** Within three months of the Effective Date, APD shall provide officers from varying ranks and units with a meaningful opportunity to review and comment on new or existing policies and procedures.

PARAGRAPH DEADLINE: 9/2/2015

IMPLEMENTATION PLAN:

1. Revise policy implementation process to allow comment from all APD employees.
2. Via PowerDMS, provide a 15-day commentary process so that all employees can review and comment on proposed policies.

PROGRESS:

The procedure for vetting proposed policy changes has been changed to include a comment period. APD employees (via PowerDMS) can now view proposed policies and submit comments within 15 days of its posting. The comments are collected, reviewed, and discussed during the PPRB meetings.

STATUS SUMMARY:

Support for [141] submitted to monitor; pending monitor decision

PARAGRAPH: 142

SUBSECTION: A. Policy Development, Review, and Implementation

**142.** Within three months of the Effective Date, APD shall ensure that the Policy and Procedures Review Board is functional and its members are notified of the Board's duties and responsibilities. The Policy and Procedures Review Board shall include a representative of the Technology Services Division in addition to members currently required under Administrative Order 3-65-2 (2014).

PARAGRAPH DEADLINE: 9/2/2015

IMPLEMENTATION PLAN:

1. Revise existing PPRB SOP to officially include the Technical Services Manager as a permanent part of the PPRB.

PROGRESS:

During a scheduled PPRB meeting, the PPRB SOP was presented and reviewed by all PPRB members in attendance. Although the Technical Services Manager had been a regular informal invite of the PPRB, the SOP was officially amended to include that position as a permanent member.

The PPRB (and the policy review and implementation process) has been revised to make the process more effective while still providing department-wide input and review.

STATUS SUMMARY:

Support for [142] submitted to monitor; pending monitor approval

PARAGRAPH: 143

SUBSECTION: A. Policy Development, Review, and Implementation

**143.** Within nine months of the Effective Date, the Policy and Procedures Review Board shall review, develop, and revise policies and procedures that are necessary to implement this Agreement. The Policy and Procedures Review Board shall submit its formal recommendations to the Chief through the Planning and Policy Division.

PARAGRAPH DEADLINE: 3/2/2016

IMPLEMENTATION PLAN:

1. The SOPRC has been formed and has largely completed the entire review of existing policy. In addition, the SOPRC is in the process (in conjunction with other stakeholder divisions), reviewing the settlement agreement to ensure that all policy revisions are included in the SOP.

PROGRESS:

The PPRB continues to review and revise SOPs that are affected by this agreement. Significant work has already been dedicated to revising the Use of Force policy, as well as the On-Body Camera policy, Internal Affairs policies, and others.

STATUS SUMMARY:

In Progress

PARAGRAPH: 144

SUBSECTION: A. Policy Development, Review, and Implementation

**144.** Unless otherwise noted, all new and revised policies and procedures that are necessary to implement this Agreement shall be approved and issued within one year of the Effective Date. APD shall continue to post approved policies, procedures, and administrative orders on the City website to ensure public accessibility. There shall be reasonable exceptions for policies, procedures, and administrative orders that are law enforcement sensitive, such as procedures on undercover officers or operations.

PARAGRAPH DEADLINE: 6/2/2016

IMPLEMENTATION PLAN:

1. Utilizing the new policy review and implementation process (SOPRC, review/comments, PPRB, monitor, distribution), APD will revise all applicable SOPs and post them via PowerDMS.
2. APD will also make appropriate SOPs available to the public via the internet.

PROGRESS:

The PPRB continues to cycle proposed updated policies at its weekly meeting. Once the SOPs are approved by the monitor, they will be posted on PowerDMS (internally) and the department's website (externally).

STATUS SUMMARY:

In Progress

PARAGRAPH: 145

SUBSECTION: A. Policy Development, Review, and Implementation

**145.** The Policy and Procedures Review Board shall review each policy or procedure six months after it is implemented and annually thereafter, to ensure that the policy or procedure provides effective direction to APD personnel and remains consistent with this Agreement, best practices, and current law. The Policy and Procedures Review Board shall review and revise policies and procedures as necessary upon notice of a significant policy deficiency during audits or reviews.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. The SOP Liaison will add an expiration date of six months to review each policy on the header bar of the document, and it will be scheduled for review using a log.
2. The PPRB (via the SOPRC) will review all policies and procedures that are flagged as potentially being deficient.

PROGRESS:

Each SOP will now include an expiration/review date of six months past its implementation date. A log has been created so that the expiring SOPs can be cycled back through the PPRB for review.

STATUS SUMMARY:

Support for [145] submitted to monitor; pending monitor approval

PARAGRAPH: 146

SUBSECTION: A. Policy Development, Review, and Implementation

**146.** APD shall apply policies uniformly and hold officers accountable for complying with APD policy and procedure.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. IN PLACE – SOP 1-09 DISCIPLINE SYSTEM
  - a. Department policy is to ensure that disciplinary action be taken in a prompt, resolute, fair, and consistent manner. In order to provide a framework for the fair and consistent administration of discipline, the Department has established a Schedule of Sanctions. This will enable the department to retain its discretionary authority for the "individualized" imposition of disciplinary action while ensuring a systematic and equitable administration of discipline to all personnel of the Albuquerque Police Department
2. IN PLACE – SOP 1-09-6 SOP SCHEDULE OF SANCTIONS
3. PROPOSED – SOP 1-09 DISCIPLINE SYSTEM
  - a. Add “APD shall apply policies uniformly and hold officers accountable for complying with APD policy and procedure.” to policy
4. PROPOSED – Clarify if the IA Commander will be trier of fact for all administrative cases for consistency reasons.

PROGRESS:

The department is committed to holding officers accountable for complying with APD policies and procedures and applying policies uniformly.

SOP 1-09 Discipline System has been modified to reflect the language stated above and will be moved through the APD policy review and approval process.

STATUS SUMMARY:

In Progress

PARAGRAPH: 147

SUBSECTION: A. Policy Development, Review, and Implementation

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

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Submit all policies, procedures, manuals, and other administrative orders directives related to this Agreement for review and comment.

PROGRESS:

APD has improved its submission process to include the monitor and DOJ representatives.

STATUS SUMMARY:

Support for [147] submitted to monitor; pending monitor approval

PARAGRAPH: 148

SUBSECTION: A. Policy Development, Review, and Implementation

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

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. APD will track submissions to the monitor and will abide by the directive stated above.

PROGRESS:

APD has developed mechanisms to track submissions to the monitor and parties in order to adhere to the 15 day timeframe to resolve any objections to new or revised policies, procedures, manuals, or directives in relation to paragraph 148.

STATUS SUMMARY:

Support for [148] submitted to monitor; pending monitor approval

PARAGRAPH: 149

SUBSECTION: B. Training on Revised Policies, Procedures, and Practices

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

PARAGRAPH DEADLINE: 8/2/2015

IMPLEMENTATION PLAN:

1. Create PowerPoint presentation that highlights the main points of the settlement agreement
2. Schedule several mandatory citywide briefings; have attendees sign in when they arrive.
3. In anticipation of those who could not attend, APD will post the presentation on PowerDMS for review.

PROGRESS:

A PowerPoint presentation was created and presented to APD employees at several citywide briefings where attendance was mandatory. The presentation was also posted to PowerDMS and was accessible to all APD personnel.

The PowerPoint presentation, attendance rosters, and justifications for non-attendees were submitted to the monitor for review and approval.

STATUS SUMMARY:

Support for [149] submitted to monitor; pending monitor decision

PARAGRAPH: 150

SUBSECTION: B. Training on Revised Policies, Procedures, and Practices

**150.** Within three months of issuing a policy or procedure pursuant to this Agreement, APD agrees to ensure that all relevant APD personnel have received and read their responsibilities pursuant to the policy or procedure, including the requirement that each officer or employee report violations of policy; that supervisors of all ranks shall be held accountable for identifying and responding to policy or procedure violations by personnel under their command; and that personnel will be held accountable for policy and procedure violations.

APD agrees to document that each relevant APD officer or other employee has received and read the policy. Training beyond roll-call or similar training will be necessary for many new policies to ensure officers understand and can perform their duties pursuant to the policy. (1 month)

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Using PowerDMS, APD can track who has read and confirmed their understanding of each SOP distributed. Monthly audits will be conducted to ensure that all employees have signed off on PowerDMS documents. SOP 1-04 Personnel Code of Conduct will be changed to reflect the second half of the paragraph.
2. Coordinate with the Inspections/Audit staff to meet with IT staff to address issues with the reports and removing staff that have separated from the department.
3. Develop a procedure to ensure the Training Major will be advised on all SOP changes and will develop training that is appropriate for large-scale changes to the SOP.

PROGRESS:

APD uses PowerDMS as the platform to disseminate new or revised policies and department documents. APD can track who has read and verified their understanding of each publication in PowerDMS. Audits are conducted monthly to ensure that all employees have signed off on PowerDMS documents. SOP 1-04 Personnel Code of Conduct has been changed to reflect the requirements stated in paragraph 150. Inspections/Audit staff met with IT staff to address issues with the reports and cleaning out staff that are no longer employed with APD.

The department is continuing to use several different methods to train personnel on SOP changes, such as PowerDMS, Public Service University, training videos, or classroom instruction.

STATUS SUMMARY:

Support for [150] submitted to monitor; pending monitor approval

PARAGRAPH: 151

SUBSECTION: B. Training on Revised Policies, Procedures, and Practices

**151.** Unless otherwise noted, the training required under this Agreement shall be delivered within 18 months of the Effective Date, and annually thereafter. Within six months of the Effective Date, APD shall set out a schedule for delivering all training required by this Agreement.

Within six months of the effective date, APD shall set out a schedule for delivering all training required by this agreement.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Identify resources to implement the delivery of training to APD personnel.
2. Develop a schedule and coordinate with vendors for externally-sourced training.

PROGRESS:

The department has hired a curriculum developer who has redeveloped lessons plans based on DOJ related requirements and recommendations. Staff is meeting with PSU to work on an online training distribution for a large portion of the required training.

The training schedule was pending approval of the use of force policy. Curricula complete and has been submitted. The training will be modified as necessary once the use of force policy is approved.

STATUS SUMMARY:

Support for [151] submitted to monitor; pending monitor decision

PARAGRAPH: 152

SUBSECTION: B. Training on Revised Policies, Procedures, and Practices

**152.** APD shall ensure that all new lateral hires are certified law enforcement officers and that they receive all training required by this Agreement prior to entry onto duty.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Policy in place. Hiring standards for lateral officers established in SOP.

PROGRESS:

APD has since hired one lateral officer and is attending APD Academy class #114. The lateral hire will receive the same training as the non-lateral cadets.

STATUS SUMMARY:

In Progress

PARAGRAPH: 153

SUBSECTION: B. Training on Revised Policies, Procedures, and Practices

**153.** APD shall maintain complete and accurate records of all training provided to sworn APD officers during pre-service and in-service training programs, including curricula, course materials, lesson plans, classroom presentations, handouts, videos, slides, recordings, and attendance records. APD shall also maintain complete and accurate records of any audit, review, assessment, or evaluation of the sufficiency or effectiveness of its training programs. APD shall make these records available for inspection by the Monitor and DOJ.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Continuing the use of OTIS for training records management. Search for modernized system underway in cooperation with City IT. All required documentation is collected and maintained.
2. Continue to work with City IT to identify best software for current needs.

PROGRESS:

All training records are archived at the APD Academy. City IT staff are exploring the Public Service University platform as a vehicle for centralized recordkeeping.

STATUS SUMMARY:

In Progress

PARAGRAPH: 154

SUBSECTION: B. Training on Revised Policies, Procedures, and Practices

**154.** APD shall ensure that changes in relevant case law and statutes are disseminated to APD personnel in a timely manner and incorporated, as appropriate, into annual and pre-service training.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. APD Academy staff will continue the practice of reviewing Supreme Court cases and incorporating relevant law into maintenance of effort training.
2. Any change in case law that has a shorter timeline for implementation can be covered in a training video that will be distributed via PowerDMS.
3. The APD Academy will continue the practice of providing a District Attorney to teach the current cadet class about case law.
4. APD Academy staff will footnote teaching materials to refer to current or new case law.

PROGRESS:

The District Attorney's office provides law block instruction to cadets. Annual in-service training curriculum almost complete to include legal updates. The state-mandated legal update block for in-service training is underway. The course is being taught by an officer who is also an attorney.

STATUS SUMMARY:

In Progress

PARAGRAPH: 155

SUBSECTION: C. Field Training Officer Program

**155.** APD shall supervise and manage its field training program to ensure that new officers develop the necessary technical and practical skills required to use force in accordance with APD policy and applicable law. The field training program should reinforce, rather than circumvent, the agency's values, core principles, and expectations on use of force and engagement with the community. Field Training Officers should demonstrate the highest levels of competence, professionalism, impartiality, and ethics.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Submit revised FTO training manual for review
2. Incorporate value assessment into LEFTA
3. Develop evaluation forms for FTO's

PROGRESS:

APD's Field Training Officer (FTO) program has been moved under the guidance of the Academy. The FTO training manual was created and approved by APD's policy approval process.

A packet containing the Field Training and Evaluation Program Operational Manual, FTO evaluation form, and SOP 4-08 Operations Review Section was submitted to the monitor for review and approval.

STATUS SUMMARY:

Support for [155] submitted to monitor; pending monitor approval

PARAGRAPH: 156

SUBSECTION: C. Field Training Officer Program

**156.** APD shall revise the policies applicable to its field-training program to provide that academy graduates will receive 16 weeks of field training following the training academy and that recruits will not be released from the field training program early.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Create a newly revised FTO program for review.

PROGRESS:

The FTO SOP has been moved through the APD policy approval process and is waiting on review by the monitor. This section was recently re-assigned to the Academy and established a new FTO coordinator as oversight.

SOP 4-08 Operations Review Section has been updated due to the shift of the FTO program from the Operations Review Section to the Academy. The SOP explicitly states that no recruits will be released from the field training and evaluation program early.

A packet containing SOP 4-08 Operations Review Section was submitted to the monitor for review and approval.

STATUS SUMMARY:

Support for [156] submitted to monitor; pending monitor approval

PARAGRAPH: 157

SUBSECTION: C. Field Training Officer Program

**157.** APD shall revise the qualifications for Field Training Officers to require four years of non-probationary experience as a sworn police officer and to ensure that Field Training Officers have a demonstrated commitment to constitutional policing, ethics, and professionalism.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Review and revise FTO qualifications

PROGRESS:

The procedural manual was updated to better reflect how FTO's are retained and removed from the program to reflect the program's commitment to constitutional policing, ethics, and professionalism. The SOP has been updated as well. The policy and procedure review board has been sent both documents. It is expressly stated in the SOP that there are no early releases from the FTO program which meets the methodology statement.

A packet containing the Field Training and Evaluation Program Operational Manual and SOP 1-04 Personnel Code of Conduct was submitted to the monitor for review and approval.

STATUS SUMMARY:

Support for [157] submitted to monitor; pending monitor approval

PARAGRAPH: 158

SUBSECTION: C. Field Training Officer Program

**158.** New Field Training Officers and Area Sergeant Coordinators shall receive at least 40 hours of initial supervisory-level training and annual in-service training in the following areas: management and supervision; constitutional, community-oriented policing; de-escalation techniques; and effective problem-solving techniques.

Field Training Officers and Area Sergeant Coordinators shall be required to maintain, and demonstrate on a regular basis, their proficiency in managing recruits and subordinates, as well as practicing and teaching constitutional, community-oriented policing; de-escalation techniques; and effective problem solving. APD shall maintain records of all evaluations and training of Field Training Officers and Area Sergeant Coordinators.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Develop initial minimum 40 hour training block to include Management & Supervision, constitutional, community oriented policing: de-escalation techniques, and effective problem solving techniques.
2. Submit curriculum for review and approval.
3. Develop Subject Matter experts for teaching the course.

PROGRESS:

The changes stated above were included in the FTO Operational Manual.

A packet containing the Field Training and Evaluation Program Operational Manual was submitted to the monitor for review and approval.

STATUS SUMMARY:

Support for [158] submitted to monitor; pending monitor approval

PARAGRAPH: 159

SUBSECTION: C. Field Training Officer Program

**159.** Recruits in the field training program shall be trained in multiple Area Commands and shifts and with several Field Training Officers.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Implement protocols within the FTO process to ensure requirements of paragraph 159 are met and update the FTO Operations Manual.

PROGRESS:

Revisions have been made to the Field Training and Evaluation Program Operational Manual to include procedures that institute training in multiple Area Commands and shifts with several FTOs.

A packet containing the Field Training and Evaluation Program Operational Manual was submitted to the monitor for review and approval.

STATUS SUMMARY:

Support for [159] submitted to monitor; pending monitor approval

PARAGRAPH: 160

SUBSECTION: C. Field Training Officer Program

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

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Create a survey for review to assess constancy of training, suggestions changes to Academy training.
2. Develop after action evaluations to be done after every FTO program addressing surveys

PROGRESS:

The changes stated above were included in the FTO Operational Manual. APD has also purchased new software to help track and evaluate FTOs and their trainees.

A packet containing the Field Training and Evaluation Program form was submitted to the monitor for review and approval.

STATUS SUMMARY:

Support for [160] submitted to monitor; pending monitor approval

PARAGRAPH: 161

SUBSECTION: C. Field Training Officer Program

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

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. The administration and the department will consider the staffing plan and develop a comprehensive plan to acquire appropriate staffing levels of Field Training Officers.
2. The department will calculate the number required, train, and staff FTO positions.

PROGRESS:

This section was recently re-assigned to the Academy and established a new FTO coordinator as oversight.

Best practices are being evaluated in order to convey the amount of FTOs required to maintain a strong FTO program. The staffing study is anticipated to be released in December 2015.

STATUS SUMMARY:

Support for [161] submitted to monitor; pending monitor approval

PARAGRAPH: 162

SUBSECTION: VIII. Misconduct Complaint Intake, Investigation, and Adjudication

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

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Amend written CPOA Policies and Procedures to reflect the requirements for investigative and review Procedures contained in the City's amended Police Oversight Ordinance (Ordinance) and the Settlement Agreement for the investigation of Civilian Police Complaints (CPC).
2. Report data of CPC cases reviewed and approved by Police Oversight Board.

PROGRESS:

SOP 3-43 Complaints Involving Department Policy or Personnel was re-written to comply with this paragraph and has completed APD's policy approval process.

CPOA policies and procedures were approved by City Council on October 17<sup>th</sup>, 2015.

STATUS SUMMARY:

In Progress

PARAGRAPH: 163

SUBSECTION: A. Reporting Misconduct

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

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. See below

PROGRESS:

SOP 1-04 Personnel Code of Conduct and SOP 3-43 Complaints Involving Department Policy or Personnel were re-written to comply with this paragraph and has completed APD's policy approval process.

CPOA policies and procedures were approved by City Council on October 17<sup>th</sup>, 2015.

A packet containing SOP 3-43 Complaints Involving Department Policy or Personnel were submitted to the monitor for review and approval.

STATUS SUMMARY:

Support for [163] submitted to monitor; pending monitor approval

PARAGRAPH: 164

SUBSECTION: B. Public Information of Civilian Complaints

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

PARAGRAPH DEADLINE: 12/2/2015

IMPLEMENTATION PLAN:

1. Secure funding from City Council to hire full-time Community Outreach employee and printing/design costs for Outreach materials for FY16;
2. Form an Outreach Committee of the Police Oversight Board (POB) to formulate plan to develop Outreach Programs;
3. Amend written CPOA Policies and Procedures to reflect Outreach Plan approved by POB;
4. Report Outreach efforts in required reports.

PROGRESS:

SOP 3-43 Complaints Involving Department Policy or Personnel was re-written to comply with this paragraph and has completed APD's policy approval process.

CPOA policies and procedures were approved by City Council on October 17<sup>th</sup>, 2015.

Per CPOA Executive Director, CPOA will make a PSA using APD Video Unit. The complaint process training video was conveyed via PowerDMS to all APD staff.

A packet containing SOP 3-43 Complaints Involving Department Policy or Personnel, civilian complaint forms in both English and Spanish, CPOA brochures, CPOA posters, CPOA Policies and Procedures, and screenshots of the televised outreach programs were submitted to the monitor for review and approval.

STATUS SUMMARY:

Support for [164] submitted to monitor; pending monitor approval

PARAGRAPH: 165

SUBSECTION: B. Public Information of Civilian Complaints

**165.** APD and the Civilian Police Oversight Agency shall make complaint forms and informational materials, including brochures and posters, available at appropriate government properties, including APD headquarters, Area stations, APD and City websites, City Hall, public libraries, community centers, and the office of the Civilian Police Oversight Agency.

Individuals shall be able to submit civilian complaints through the APD and City websites and these websites shall include, in an identifiable and accessible form, complaint forms and information regarding how to file civilian complaints. Complaint forms, informational materials, and the APD and City websites shall specify that complaints may be submitted anonymously or on behalf of another person. Nothing in this Agreement prohibits APD from soliciting officer commendations or other feedback through the same process and methods as above.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Amend written CPOA Policies and Procedures to reflect the requirements that CPC's maybe filed anonymously or behalf of other persons ;
2. Amend written and electronic Civilian Police Complaint forms to specify that CPC's may be submitted anonymously or on behalf of another person;
3. CPOA Outreach Coordinator shall revise brochures and create posters regarding CPOA and Civilian Police Complaint process;
4. Coordinate with APD headquarters, APD Area stations, City Hall staff, public libraries, and community centers for the placement of created brochures, posters and CPC forms;
5. Report the number of anonymous or third party Complaints in required reports.

PROGRESS:

SOP 2-05 Internal Affairs was re-written to include verbiage outlining the coordination between IA and CPOA with the intake process of civilian complaints. IA Coordinator Duties will include supplying forms at listed locations. CPC form is being reviewed to be re-written to comply.

New CPC form made by CPOA was implemented and being translated into Spanish. Website has been updated <https://www.cabq.gov/cpoa/police-complaint-form> and CPOA has revised their brochure and poster for publication.

APD staff has completed distribution of all brochures, posters, CPC forms to all libraries, Park & Rec centers, and APD buildings open to the public. Photographs of all the brochures, pamphlets located in the required places were taken. The websites are live and the CPC forms were re-written to comply.

A packet containing CPOA CPC forms, pamphlets, CPOA posters, and photographs of all distribution locations were submitted to the monitor for review and approval.

STATUS SUMMARY:

Support for [165] submitted to monitor; pending monitor approval

PARAGRAPH: 166

SUBSECTION: B. Public Information of Civilian Complaints

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

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. See below

PROGRESS:

APD staff has completed distribution of all brochures, posters, CPC forms to all libraries, Park & Rec centers, and APD buildings open to the public. Photographs of all the brochures, pamphlets located in the required places were taken. The websites are live and the CPC forms were re-written to comply.

A packet containing CPOA CPC forms, pamphlets, CPOA posters, and photographs of all distribution locations were submitted to the monitor for review and approval.

STATUS SUMMARY:

Support for [166] submitted to monitor; pending monitor approval

PARAGRAPH: 167

SUBSECTION: B. Public Information of Civilian Complaints

**167.** APD agrees to accept all civilian complaints and shall revise any forms and instructions on the civilian complaint process that could be construed as discouraging civilians from submitting complaints.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. IN PLACE – SOP 3-43 COMPLAINTS INVOLVING DEPT POLICY OR PERSONNEL
  - a. It is the policy of this Department to accept all complaints, including anonymous complaints, of alleged employee misconduct, to equitably determine whether the allegations are valid or invalid and to take appropriate corrective action. It is also the policy to conduct all investigations in an objective, fair and impartial manner to maintain the trust of our community.
2. IN PLACE – SOP 3-43-3E
  - a. Complainants shall not be made to feel as if they are at fault or that they are wrong for filing the complaint.
3. IN PLACE – CITY ORDINANCE CHAPTER 9 CIVILIAN POLICE OVERSIGHT AGENCY
  - a. 9-4-1-8 – Any person claiming to be aggrieved by actions of the Police may file a written complaint against the department or any of its officers. The POB shall submit rules and regulations governing civilian complaint procedures to the City Council for approval, including rules and regulations relative to time limits, notice and other measures to insure impartial review of civilians’ complaints against members of the police department. Anonymous complaints shall be accepted.
4. PROPOSED – Revision of PD-1102 Citizen Police Complaint Form
  - a. Remove 90 calendar day limitation
  - b. Remove required signature allowing for anonymous complaint filing
5. PROPOSED - <http://www.cabq.gov/police/contact-the-police/file-citizen-complaint>
  - a. Remove language warning citizens about false reports and/or statement
6. PROPOSED - <http://www.cabq.gov/cpoa/police-complaint-form>
  - a. Remove signature requirement
  - b. Remove Email requirement
  - c. Remove Contact Information requirement

PROGRESS:

SOP 3-43 Complaints Involving Department Policy or Personnel was re-written to comply with this paragraph and has completed APD’s policy approval process.

CPOA policies and procedures were approved by City Council on October 17<sup>th</sup>, 2015.

The CPC form was reviewed and revised to comply with the requirements and is operational.

STATUS SUMMARY:

In Progress

PARAGRAPH: 168

SUBSECTION: B. Public Information of Civilian Complaints

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

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Revise City Website to include link to Spanish CPC form;
2. Translate amended Civilian Police Complaint into Spanish;
3. Provide both Spanish and English forms at locations described in Paragraph 165; and
4. Report the number of Spanish Complaints received in required reports.

PROGRESS:

APD staff has completed distribution of all brochures, posters, CPC forms to all libraries, Park & Rec centers, and APD buildings open to the public. Photographs of all the brochures, pamphlets located in the required places were taken. The websites are live and the CPC forms were re-written to comply.

A packet containing CPOA CPC forms, pamphlets, CPOA posters, and photographs of all distribution locations were submitted to the monitor for review and approval.

STATUS SUMMARY:

Support for [168] submitted to monitor; pending monitor approval

PARAGRAPH: 169

SUBSECTION: C. Computer Intake, Classification, and Tracking

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

PARAGRAPH DEADLINE: 12/2/2015

IMPLEMENTATION PLAN:

1. Write a script detailing employee responsibility on how to receive a complaint
2. PROPOSED – Write a script detailing supervisor responsibility on what to do with a complaint
3. PROPOSED – Coordinate a training video production to be viewed on PowerDMS

PROGRESS:

This training was delivered to all APD personnel via PSU (global classroom) and was successfully completed by over 95% of APD personnel.

STATUS SUMMARY:

Support for [169] submitted to monitor; pending monitor approval

PARAGRAPH: 170

SUBSECTION: C. Computer Intake, Classification, and Tracking

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

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Specify in Brochures/Posters that persons should make their complaints as quickly as possible after incident so that Officers may be disciplined and corrective action be taken;
2. Amend written CPOA Policies and Procedures to reflect the requirements that CPC's maybe filed and investigated regardless of when they are filed;
3. Amend written and electronic Civilian Police Complaint forms to specify that CPC's may be maybe filed and investigated regardless of when they are filed; and
4. Report the time between complaint filed date and date of incident in required reports.
5. Develop public service announcements (PSAs) that promote and encourage the filing of civilian complaints using the newly revised process.

PROGRESS:

SOP 3-43 Complaints Involving Department Policy or Personnel was re-written to comply with this paragraph and has completed APD's policy approval process.

CPOA policies and procedures were approved by City Council on October 17<sup>th</sup>, 2015.

APD staff has completed distribution of all brochures, posters, CPC forms to all libraries, Park & Rec centers, and APD buildings open to the public. Photographs of all the brochures, pamphlets located in the required places were taken. The websites are live and the CPC forms were re-written to comply.

STATUS SUMMARY:

Support for [170] submitted to monitor; pending monitor approval

PARAGRAPH: 171

SUBSECTION: C. Computer Intake, Classification, and Tracking

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

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Amend written CPOA Policies and Procedures to reflect the requirements that the CPOA is required to accept all complaints;
2. Accept and investigate complaints in which persons allege that APD employees refused to accept a misconduct complaint, or discouraged the filing of complaint or provided false or misleading information about filing a misconduct complaint.

PROGRESS:

SOP 3-43 Complaints Involving Department Policy or Personnel was re-written to comply with this paragraph and has completed APD's policy approval process.

CPOA policies and procedures were approved by City Council on October 17<sup>th</sup>, 2015.

STATUS SUMMARY:

Support for [171] submitted to monitor; pending monitor approval

PARAGRAPH: 172

SUBSECTION: C. Computer Intake, Classification, and Tracking

**172.** APD and the Civilian Police Oversight Agency shall accept all misconduct complaints, including anonymous and third-party complaints, for review and investigation. Complaints may be made in writing or verbally, in person or by mail, telephone (or TDD), facsimile, or electronic mail.

Any Spanish-speaking individual with limited English proficiency who wishes to file a complaint about APD personnel shall be provided with a complaint form in Spanish to ensure that the individual is able to make a complaint. Such complaints will be investigated in accordance with this Agreement.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Amend written CPOA Policies and Procedures to reflect the requirements that the CPOA is required to accept all complaints
2. Specify on Complaints and Brochures/Posters that Complaints may be made in writing or verbally, in person or by mail, telephone (or TDD), facsimile, or electronic mail;
3. Translate amended Civilian Police Complaint into Spanish;
4. Provide both Spanish and English forms at locations described in Paragraph 165

PROGRESS:

SOP 3-43 Complaints Involving Department Policy or Personnel was re-written to comply with this paragraph and has completed APD's policy approval process.

CPOA policies and procedures were approved by City Council on October 17<sup>th</sup>, 2015.

STATUS SUMMARY:

Support for [172] submitted to monitor; pending monitor approval

PARAGRAPH: 173

SUBSECTION: C. Computer Intake, Classification, and Tracking

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

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. PROPOSED – SOP 3-43 COMPLAINTS INVOLVING DEPARTMENT POLICY OR PERSONNEL
  - a. Add procedure stating, “All APD personnel who receive a misconduct complaint shall immediately inform a supervisor of the misconduct complaint so that the supervisor can ensure proper intake of the misconduct complaint. All misconduct complaints shall be submitted to Internal Affairs by the end of the shift following the shift in which it was received.”
  - b. Continue having IA document date/time received

PROGRESS:

SOP 3-43 Complaints Involving Department Policy or Personnel was re-written to comply with this paragraph and has completed APD’s policy approval process.

CPOA policies and procedures were approved by City Council on October 17<sup>th</sup>, 2015.

This training was delivered to all APD personnel via PSU (global classroom) and was successfully completed by over 95% of APD personnel.

STATUS SUMMARY:

Support for [173] submitted to monitor; pending monitor approval

PARAGRAPH: 174

SUBSECTION: C. Computer Intake, Classification, and Tracking

**174.** APD and the Civilian Police Oversight Agency shall develop a system to ensure that allegations by a judicial officer of officer misconduct made during a civil or criminal proceeding are identified and assessed for further investigation. Any decision to decline investigation shall be documented.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Coordinate with Court Services to have IA attend Metro & District court judges meetings to determine how they would want to implement this paragraph.
2. PROPOSED - Coordinate with Court Services to have IA attend weekly District Attorney meeting to determine how they would want to implement this paragraph.
3. PROPOSED - Coordinate with the State Bar of New Mexico to determine how they would want to implement this paragraph.
4. PROPOSED – Develop and implement a “Judicial Complaint” form that satisfies stakeholders after consultation.
  - a. Meet with judicial stakeholders for approval of form
    - i. Revise until all parties are satisfied
5. PROPOSED – SOP 3-43 COMPLAINTS INVOLVING DEPARTMENT POLICY OR PERSONNEL
  - a. Define Judicial Complaints
  - b. Write policy for handling Judicial Complaints
    - i. Court Services Role (if any)
    - ii. Process for receiving complaints
    - iii. Documentation of declined investigations

PROGRESS:

SOP 3-43 Complaints Involving Department Policy or Personnel was re-written to comply with this paragraph and has completed APD’s policy approval process.

CPOA policies and procedures were approved by City Council on October 17<sup>th</sup>, 2015.

SOP 2-05 Internal Affairs is in final draft form and has been submitted to the monitor for final approval.

Judicial complaints will be received and processed like citizen complaints. No special complaint form will be developed. The CPOA Executive Director will implement a memorandum to judicial officers as notification of the CPOA complaint process and procedures. The estimated date of completion for this directive is January 31<sup>st</sup>, 2016.

STATUS SUMMARY:

In Progress

PARAGRAPH: 175

SUBSECTION: C. Computer Intake, Classification, and Tracking

**175.** APD and the Civilian Police Oversight Agency shall track allegations regarding misconduct involving individuals who are known to be homeless or have a mental illness, even if the complainant does not specifically label the misconduct as such.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. PROPOSED – CPC FORM
  - a. Add check boxes for homeless & mental illness
  - b. Statistical purposes only
2. IN PROGRESS – IA PRO & Blue Team
  - a. Ensure homeless & mental illness are tracked
3. PROPOSED – See paragraph 80
  - a. Training – ensure all personnel are trained to collect this data when receiving or assisting in a complaint
4. IAPro is live for tracking remaining actions need to be implemented
5. Report homelessness and mental illness through the CPOA's current CIRIS database system;
6. Request IAPro programmers to modify that database to track allegations from individuals who are known to be homeless or have a mental illness for future reports.

PROGRESS:

IAPro went live in January 2015.

SOP 3-43 Complaints Involving Department Policy or Personnel was re-written to comply with this paragraph and has completed APD's policy approval process.

CPOA policies and procedures were approved by City Council on October 17<sup>th</sup>, 2015.

IAPro will capture this data and Form PD-1102 has been amended to capture the data.

STATUS SUMMARY:

Support for [175] submitted to monitor; pending monitor approval

PARAGRAPH: 176

SUBSECTION: C. Computer Intake, Classification, and Tracking

**176.** Within six months of the Effective Date, the Internal Affairs Bureau, in coordination with the Civilian Police Oversight Agency, shall develop and implement a centralized numbering and tracking system for all misconduct complaints. Upon the receipt of a complaint, the Internal Affairs Bureau shall promptly assign a unique numerical identifier to the complaint, which shall be provided to the complainant at the time the numerical identifier is assigned when contact information is available for the complainant.

PARAGRAPH DEADLINE: 12/2/2015

IMPLEMENTATION PLAN:

1. IN PROGRESS – Implementation of IA PRO & Blue Team
  - a. Develop, change, or keep IA PRO numbering system for CPC's and I's
  - b. Installation of IA PRO in CPOA office for all
  - c. Training for CPOA scheduled for January
2. PROPOSED – Since all CPC's go to CPOA ensure they understand their responsibility as it pertains to this paragraph.
3. PROPOSED - This paragraph states, "...the Internal Affairs Bureau shall promptly assign a unique numerical identifier to the complaint."
4. Check with monitor and see if the CPOA doing this will satisfy the intent of this paragraph
5. Continue using the centralized numbering system in place for IA and CPC cases.

PROGRESS:

APD has amended SOP 2-05 Internal Affairs to satisfy the requirement above. Discussions with the CPOA and APD continue to devise an efficient method of complaint collection that meets the needs of both groups.

STATUS SUMMARY:

Support for [176] submitted to monitor; pending monitor approval

PARAGRAPH: 177

SUBSECTION: C. Computer Intake, Classification, and Tracking

**177.** The Internal Affairs Bureau's tracking system shall maintain accurate and reliable data regarding the number, nature, and status of all misconduct complaints, from initial intake to final disposition, including investigation timeliness and notification to the complainant of the interim status and final disposition of the investigation. This system shall be used to determine the status of complaints and to confirm that a complaint was received, as well as for periodic assessment of compliance with APD policies and procedures and this Agreement, including requirements on the timeliness of administrative investigations.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. IN PROGRESS – IA PRO & Blue Team
  - a. The implementation of this software should satisfy this paragraph. This tracking software should be "live" Q1 2015
2. IAPro live 1/16/2015 (IA and CPOA) <https://www.youtube.com/watch?v=yisGlaiq6No> Demo showing capabilities of IAPro.
3. Continue to use MIRIAD and CIRIS database systems to track this data.
4. Test and then implement IAPro database program to ensure that it accurately reports information using prior data and new data.

PROGRESS:

SOP 2-05 Internal Affairs has been finalized and will be submitted to the monitoring team and the parties for review and comment. IAPro went live in January 2015 and Blue Team is expected to be installed in December 2015.

STATUS SUMMARY:

In Progress

PARAGRAPH: 178

SUBSECTION: C. Computer Intake, Classification, and Tracking

**178.** Where a supervisor receives a complaint alleging that misconduct has just occurred, the supervisor shall gather all relevant information and evidence and provide the information and evidence to the Internal Affairs Bureau. All information should be referred to the Internal Affairs Bureau by the end of the shift following the shift in which the misconduct complaint was received, absent exceptional circumstances.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. PROPOSED – SOP 3-43 COMPLAINTS INVOLVING DEPARTMENT POLICY OR PERSONNEL
  - a. Add procedure stating, “Where a supervisor receives a complaint alleging that misconduct has just occurred, the supervisor shall gather all relevant information and evidence and provide the information and evidence to the Internal Affairs Division. All information should be referred to the Internal Affairs Division by the end of the shift following the shift in which the misconduct complaint was received, absent exceptional circumstances.”
  - b. Continue having IA document date/time received
2. IN PLACE – SOP 2-30-1C
  - a. The on-scene supervisor will ensure that misconduct of A.P.D. personnel, which is not of a criminal nature, is documented and prepared separately from any police reports. All administrative investigative documentation will be forwarded to the Internal Affairs Unit, by 0800 hours the following day.
  - b. Change the language to “by the end of the next shift.”
3. SOP 3-43 Still needs to be re-written to comply 2-30-1C
  - a. Language needs to change from notify IA by 0800 the following day to ‘...by the end of the shift following the shift in which the misconduct complaint was received, absent exceptional circumstances.’

PROGRESS:

SOP 2-30 Investigation of Personnel was moved through the APD policy approval process and was submitted to the monitoring team.

SOP 3-43 Complaints Involving Department Policy or Personnel was re-written to comply with this paragraph and has completed APD’s policy approval process.

CPOA policies and procedures were approved by City Council on October 17<sup>th</sup>, 2015.

A packet containing SOP 3-43 Complaints Involving Department Policy or Personnel was submitted to the monitor for review and approval.

STATUS SUMMARY:

Support for [178] submitted to monitor; pending monitor approval

PARAGRAPH: 179

SUBSECTION: C. Computer Intake, Classification, and Tracking

**179.** Within three business days of the receipt of a misconduct complaint from a civilian, the Internal Affairs Bureau shall refer the complaint to the Civilian Police Oversight Agency.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. PROPOSED – SOP 3-43A COMPLAINTS INVOLVING DEPARTMENT POLICY OR PERSONNEL
  - a. Add procedure stating, “Within three business days of the receipt of a misconduct complaint from a civilian, the Internal Affairs Division shall refer the complaint to the Civilian Police Oversight Agency.”

PROGRESS:

SOP 3-43 Complaints Involving Department Policy or Personnel was re-written to comply with this paragraph and has completed APD’s policy approval process.

CPOA policies and procedures were approved by City Council on October 17<sup>th</sup>, 2015.

STATUS SUMMARY:

Support for [179] submitted to monitor; pending monitor approval

PARAGRAPH: 180

SUBSECTION: C. Computer Intake, Classification, and Tracking

**180.** Within Internal misconduct complaints submitted by APD personnel shall remain with the Internal Affairs Bureau for review and classification. The Internal Affairs Bureau shall determine whether the internal complaint will be assigned to a supervisor for investigation or retained by the Internal Affairs Bureau for investigation. In consultation with the Chief, the commanding officer of the Internal Affairs Bureau shall also determine whether a civilian or internal complaint will be investigated criminally by the Internal Affairs Bureau, the Multi-Agency Task Force, and/or referred to the appropriate federal law enforcement agency.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. PROPOSED – SOP 2-05-4 ADMINISTRATION PERSONNEL DUTIES
  - a. Write policy establishing Commander duties and responsibilities
2. PROPOSED – SOP 3-41-3A8 & SOP 3-41-13A8a
  - a. Replace this section with, “Internal misconduct complaints submitted by APD personnel shall remain with the Internal Affairs Division for review and classification. The Internal Affairs Division shall determine whether the internal complaint will be assigned to a supervisor for investigation or retained by the Internal Affairs Division for investigation. In consultation with the Chief, the commanding officer of the Internal Affairs Division shall also determine whether a civilian or internal complaint will be investigated criminally by the Internal Affairs Division, the Multi-Agency Task Force, and/or referred to the appropriate federal law enforcement agency.”
3. PROPOSED – SOP 3-43 RULES Administrative Review of completed Internal cases – “1” #2
  - a. Change the rule giving IA Division the responsibility of final review and classification and not the division commander.

PROGRESS:

SOP 3-43 Complaints Involving Department Policy or Personnel and SOP 3-41 **TITLE** was re-written to comply with this paragraph and has completed APD’s policy approval process.

SOP 2-05 Internal Affairs has been finalized and will be submitted to the monitoring team and the parties for review and comment. IAPro went live in January 2015 and Blue Team is expected to be installed in December 2015.

STATUS SUMMARY:

In Progress

PARAGRAPH: 181

SUBSECTION: C. Computer Intake, Classification, and Tracking

**181.** APD shall continue to maintain an internal complaint classification protocol that is allegation-based rather than anticipated-outcome-based to guide the Internal Affairs Bureau in determining where an internal complaint should be assigned.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. IN PLACE – SOP 3-43 RULES 1D
  - a. There are two categories of complaints:
    - i. Internal or “I”
      1. These cases are generated from within the Department are investigated solely by the Internal Affairs Unit
    - ii. Citizen Complaints or “CPC”
      1. Any signed, written complaint by a person claiming to be aggrieved by the actions of an employee of the Albuquerque Police Department.
      2. A “CPC” must be forwarded to the Independent Review Office for investigation. The Independent Review Officer shall assign the citizen’s complaint to an IRO investigator or they have the discretion to assign a “CPC” to Internal Affairs for investigation.
2. PROPOSED – SOP 3-43 COMPLAINTS INVOLVING DEPARTMENT POLICY OR PERSONNEL
  - a. Change “IRO” to “CPOA” and “Independent Review Officer” to “Civilian Police Oversight Agency”

PROGRESS:

SOP 3-43 Complaints Involving Department Policy or Personnel was re-written to comply with this paragraph and has completed APD’s policy approval process.

STATUS SUMMARY:

Support for [181] submitted to monitor; pending monitor approval

PARAGRAPH: 182

SUBSECTION: C. Computer Intake, Classification, and Tracking

**182.** An internal complaint investigation may not be conducted by any supervisor who used force during the incident; whose conduct led to the injury of a person; who authorized the conduct that led to the reported incident or complaint; or who witnessed or was involved in the incident leading to the allegation of misconduct.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. PROPOSED – 3-43-3
  - a. Add procedure stating, “An internal complaint investigation may not be conducted by any supervisor who used force during the incident; whose conduct led to the injury of a person; who authorized the conduct that led to the reported incident or complaint; or who witnessed or was involved in the incident leading to the allegation of misconduct.”
2. Changes to SOP 3-43 will not be necessary because they are covered by a proposed change to 2-52 Use of Force. Proposed changes to 2-52-7B states, 'A supervisor who was involved in a reportable use of force, including by participating in or ordering the force being reviewed, shall not review the incident or use of force reports for approval.' This should satisfy this paragraph.

PROGRESS:

Changes to SOP 3-43 will not be necessary because they are covered by a proposed change to 2-52 Use of Force. Proposed changes to 2-52-7B states, 'A supervisor who was involved in a reportable use of force, including by participating in or ordering the force being reviewed, shall not review the incident or use of force reports for approval.'

STATUS SUMMARY:

Support for [182] submitted to monitor; pending monitor approval

PARAGRAPH: 183

SUBSECTION: D. Investigation of Complaints

**183.** APD and the Civilian Police Oversight Agency shall ensure that investigations of officer misconduct complaints shall be as thorough as necessary to reach reliable and complete findings. The misconduct complaint investigator shall interview each complainant in person, absent exceptional circumstances, and this interview shall be recorded in its entirety, absent specific, documented objection by the complainant.

All officers in a position to observe an incident, or involved in any significant event before or after the original incident, shall provide a written statement regarding their observations, even to state that they did not observe anything.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. IN PLACE – SOP 2-05-4A8 DUTIES OF LIEUTENANT
  - a. Ensure that Internal Affairs complaints are properly and objectively investigated.
2. IN PLACE – SOP 2-31-11A FORMAL STATEMENTS OF WITNESSES AND OFFICERS (Deadly Force)
  - a. Witness officer(s) will give a formal statement or be required to complete a detailed report. This will be dictated by the circumstances.
3. PROPOSED – SOP 2-05-4A DUTIES OF LIEUTENANT
  - a. Add language stating, “Shall ensure that investigations of officer misconduct complaints shall be as thorough as necessary to reach reliable and complete findings.”
4. PROPOSED – SOP 2-05-4B DUTIES OF INVESTIGATORS
  - a. Add language mandating investigators identify all possible witness officers and require them to be formally interviewed and/or provide a written statement documenting their observations.
5. PROPOSED – SOP 3-43-5 RULES FOR CONDUCTING INTERVIEWS
  - a. Add a rule for interviewing complainants stating, “The misconduct complaint investigator shall interview each complainant in person, absent exceptional circumstances, and this interview shall be recorded in its entirety, absent specific, documented objection by the complainant.”
6. PROPOSED – SOP 2-31-11A FORMAL STATEMENTS OF WITNESSES AND OFFICERS (Deadly Force)
  - a. Remove language stating, “This will be dictated by the circumstances.”
7. IN PLACE – SOP 2-21-12A PERSONNEL REQUIRED TO SUBMIT REPORTS (Deadly Force)
  - a. All participating police personnel other than principals/witnesses, regardless of rank, will submit a report. All original reports will be submitted to the PST supervisor before personnel end their tour of duty.
8. Amend written CPOA Policies and Procedures to reflect the requirements for investigative and review Procedures the investigation of Civilian Police Complaints (CPC) to include that:
9. CPOA Investigator shall interview each complainant in person, absent exceptional circumstances, record the interview in its entirety, absent specific, documented objection by the complainant; and
10. CPOA Investigator shall obtain a written statement from all officers in a position to observe an incident, or involved in any significant event before or after the original incident, regarding their observations, even to state that they did not observe anything;

**PROGRESS:**

SOP 3-43 Complaints Involving Department Policy or Personnel and SOP 2-31 Formal Statements of Witnesses and Officers was re-written to comply with this paragraph and has completed APD's policy approval process.

CPOA policies and procedures were approved by City Council on October 17<sup>th</sup>, 2015.

SOP 2-05 Internal Affairs has been finalized and will be submitted to the monitoring team and the parties for review and comment.

**STATUS SUMMARY:**

Support for [183] submitted to monitor; pending monitor approval

PARAGRAPH: 184

SUBSECTION: D. Investigation of Complaints

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

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. PROPOSED – SOP 3-43 COMPLAINTS INVOLVING DEPARTMENT POLICY OR PERSONNEL
  - a. Add rule stating, “APD and the Civilian Police Oversight Agency shall investigate all misconduct complaints and document the investigation, its findings, and its conclusions in writing.”
  - b. Add rule stating, “Administrative closing or inactivation of a complaint investigation shall be used for the most minor policy violations that do not constitute a pattern of misconduct, duplicate allegations, or allegations that even if true would not constitute misconduct.”
2. Amend written CPOA Policies and Procedures to reflect the requirements for investigative and review Procedures for the investigation of Civilian Police Complaints (CPC) to include:
  - a. Complaints other than misconduct that may be resolved informally or through mediation;
  - b. The use of Administrative closing or inactivation of a complaint shall be for the most minor policy violations that do not constitute a pattern of misconduct, duplicate allegations, or allegations that even if true would not constitute misconduct.

PROGRESS:

SOP 3-43 Complaints Involving Department Policy or Personnel was re-written to comply with this paragraph and has completed APD’s policy approval process.

CPOA policies and procedures were approved by City Council on October 17<sup>th</sup>, 2015.

SOP 2-05 Internal Affairs has been finalized and will be submitted to the monitoring team and the parties for review and comment.

STATUS SUMMARY:

Support for [184] submitted to monitor; pending monitor approval

PARAGRAPH: 185

SUBSECTION: D. Investigation of Complaints

**185.** APD shall require personnel to cooperate with Internal Affairs Bureau and Civilian Police Oversight Agency investigations, including appearing for an interview when requested by an APD or Civilian Police Oversight Agency investigator and providing all requested documents and evidence under the person's custody and control. Supervisors shall be notified when a person under their supervision is summoned as part of a misconduct complaint or internal investigation and shall facilitate the person's appearance, absent extraordinary and documented circumstances.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. IN PLACE – SOP 3-43-5 RULES FOR CONDUCTING INTERVIEWS
  - a. Personnel conducting administrative investigations will be considered designees of the Chief of Police and City Attorney with appropriate authority to compel compliance with the investigation.
2. IN PLACE – UNION CONTRACT 20.1.10
  - a. An officer must, as a condition of continuing employment, truthfully answer any and all questions relating to the matter under investigation whether the officer is a subject or a witness to the matter.
3. IN PLACE – SOP 1-4-4W PERSONNEL CODE OF CONDUCT
  - a. Personnel shall truthfully answer all questions specifically directed to them which are related to the scope of employment and operations of the department.
4. IN PLACE – CITY ORDINANCE 9-4-1-14 CIVILIAN POLICE OVERSIGHT AGENCY MANDATORY COOPERATION AGREEMENT
  - a. ...APD hereby agrees and understands that its full cooperation is necessary, hereby agrees to mandate that its officers provide honest and truthful responses to all questions by the Director, CPOA staff or the designated independent investigator. If any officer refuses to answer the question proposed to him or her by the Director, CPOA staff, of the independent investigator, he or she may be subject to termination or disciplinary action at the discretion of the Chief of Police.
5. IN PLACE – 3-43-7A COMPLIANCE WITH LAWFUL ORDERS
  - a. Personnel will comply with all lawful orders for information, materials, or assistance when such orders are made by the investigator of a complaint.
6. PROPOSED – 3-43-7 COMPLIANCE WITH LAWFUL ORDERS
  - a. Add rule specifically stating officers will appear when ordered in conjunction with APOA Contract 20.1.1 & 20.1.2
7. PROPOSED – Clarify applicable to Internal Affairs NOT FIT
8. Amend written CPOA Policies and Procedures to reflect the requirements for investigative and review Procedures for the investigation of Civilian Police Complaints (CPC) to include:
  - a. Notify supervisors when a person under their supervision is summoned as part of a misconduct complaint.

PROGRESS:

SOP 3-43 Complaints Involving Department Policy or Personnel was re-written to comply with this paragraph and has completed APD's policy approval process.

CPOA policies and procedures were approved by City Council on October 17<sup>th</sup>, 2015.

SOP 2-05 Internal Affairs has been finalized and will be submitted to the monitoring team and the parties for review and comment.

**STATUS SUMMARY:**

Support for [185] submitted to monitor; pending monitor approval

PARAGRAPH: 186

SUBSECTION: D. Investigation of Complaints

**186.** APD and the City shall develop and implement protocols to ensure that criminal and administrative investigations of APD personnel are kept appropriately separate, to protect APD personnel's rights under the Fifth Amendment. When an APD employee affirmatively refuses to give a voluntary statement and APD has probable cause to believe the person has committed a crime, APD shall consult with the prosecuting agency (e.g., District Attorney's Office or USAO) and seek the approval of the Chief before taking a compelled statement.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Amend written CPOA Policies and Procedures to reflect the requirements for investigative and review Procedures for the investigation of Civilian Police Complaints (CPC) to include policies to ensure Fifth Amendment rights are given if appropriate and ensure the timely referral of potential criminal matters to IA.

PROGRESS:

CPOA policies and procedures were approved by City Council on October 17<sup>th</sup>, 2015.

STATUS SUMMARY:

In Progress

PARAGRAPH: 187

SUBSECTION: D. Investigation of Complaints

**187.** Advisements by the Internal Affairs Bureau or the Civilian Police Oversight Agency to APD personnel of their Fifth Amendment rights shall only be given where there is a reasonable likelihood of a criminal investigation or prosecution of the subject employee.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. PROPOSED – Coordinate with CPOA in development of their SOP to cover this agreement
2. IN PLACE – SOP 2-30 INVESTIGATION OF PERSONNEL
  - a. 2-30-7A6 SWORN APD EMPLOYEES INVOLVED DOMESTIC VIOLENCE INCIDENTS
    - i. Supervisor Responsibilities - Direct the interview or interrogation of the subject officer (if this has not already been accomplished) ensuring that the subject officer is advised of Miranda rights. The supervisor will be present during the interview or interrogation.
3. Amend written CPOA Policies and Procedures to reflect the requirements for investigative and review Procedures for the investigation of Civilian Police Complaints (CPC).

PROGRESS:

SOP 3-43 Complaints Involving Department Policy or Personnel was re-written to comply with this paragraph and has completed APD's policy approval process.

CPOA policies and procedures were approved by City Council on October 17<sup>th</sup>, 2015.

The Force Investigation Team (FIT) is undergoing an analysis of job duties and pending potential revisions of their SOP 2-09. As of 11-30-15, FIT is meeting with city legal staff to review the duties of the unit to ensure compliance.

STATUS SUMMARY:

In Progress

PARAGRAPH: 188

SUBSECTION: D. Investigation of Complaints

**188.** If at any time during misconduct complaint intake or investigation the investigator determines that there may have been criminal conduct by any APD personnel, the investigator shall immediately notify the Internal Affairs Bureau commanding officer. If the complaint is being investigated by the Civilian Police Oversight Agency, the investigator shall transfer the administrative investigation to the Internal Affairs Bureau. The Internal Affairs Bureau commanding officer shall immediately notify the Chief. The Chief shall consult with the relevant prosecuting agency or federal law enforcement agency regarding the initiation of a criminal investigation. Where an allegation is investigated criminally, the Internal Affairs Bureau shall continue with the administrative investigation of the allegation. Consistent with Paragraph 186, the Internal Affairs Bureau may delay or decline to conduct an interview of the subject personnel or other witnesses until completion of the criminal investigation unless, after consultation with the prosecuting agency and the Chief, the Internal Affairs Bureau deems such interviews appropriate.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. PROPOSED – SOP 2-05-4 DUTIES OF INVESTIGATOR (IA)
  - a. Add rule stating, “If at any time during misconduct complaint intake or investigation the investigator determines that there may have been criminal conduct by any APD personnel, the investigator shall immediately notify the Internal Affairs Division commanding officer.”
2. PROPOSED – Coordinate with CPOA to ensure they add policy for their investigators stating, “If at any time during misconduct complaint intake or investigation the investigator determines that there may have been criminal conduct by any APD personnel, the investigator shall immediately notify the Internal Affairs Division commanding officer.”
3. PROPOSED – SOP 2-05-4 ADMINISTRATION PERSONNEL DUTIES (IA)
  - a. Establish Commander duties to include notifying the Chief when an investigator determines an employee may have committed a crime.
4. PROPOSED – SOP 3-01-1 AUTHORITY AND RESPONSIBILITIES (CHIEF)
  - a. Add rule stating, “The Chief shall consult with the relevant prosecuting agency or federal law enforcement agency regarding the initiation of a criminal investigation when any employee may have committed a crime.”
5. PROPOSED – SOP 2-30-1B CRIMINAL INVESTIGATIONS INVOLVING SWORN LAW ENFORCEMENT PERSONNEL
  - a. Change the language to mandate IA to conduct an administrative investigation concurrent with a criminal investigation except when ordered not to by the Chief
6. PROPOSED – SOP 2-30-1 CRIMINAL INVESTIGATIONS INVOLVING SWORN LAW ENFORCEMENT PERSONNEL
  - a. Add rule stating, “The Internal Affairs Division may delay or decline to conduct an interview of the subject personnel or other witnesses until completion of the criminal investigation unless, after consultation with the prosecuting agency and the Chief, the Internal Affairs Division deems such interviews appropriate.”
7. Amend written CPOA Policies and Procedures to reflect the requirements for investigative and review Procedures for the investigation of Civilian Police Complaints (CPC) to include:
  - a. If at any time during misconduct complaint intake or investigation the investigator determines that there may have been criminal conduct by any APD personnel, the

investigator shall immediately notify the Internal Affairs Bureau commanding officer. If the complaint is being investigated by the Civilian Police Oversight Agency, the investigator shall transfer the administrative investigation to the Internal Affairs Bureau.

**PROGRESS:**

SOP 3-43 Complaints Involving Department Policy or Personnel was re-written to comply with this paragraph and has completed APD's policy approval process.

CPOA policies and procedures were approved by City Council on October 17<sup>th</sup>, 2015.

SOP 2-05 Internal Affairs has been finalized and will be submitted to the monitoring team and the parties for review and comment.

SOP 2-30 mandates notifying IAD whenever an officer is a suspect of a crime. 2-30-1B allows for simultaneous criminal and administrative investigations. SOPs 3-01 and 2-30 are being reviewed as part of the APD policy review and approval process.

**STATUS SUMMARY:**

In Progress

PARAGRAPH: 189

SUBSECTION: D. Investigation of Complaints

**189.** Nothing in this Agreement or APD policy shall hamper APD personnel's obligation to provide a public safety statement regarding a work-related incident or activity, including Use of Force Reports and incident reports. APD shall make clear that all statements by personnel in incident reports, arrest reports, Use of Force Reports and similar documents, and statements made in interviews such as those conducted in conjunction with APD's routine use of force investigation process, are part of each employee's routine professional duties and are not compelled statements. Where an employee believes that providing a verbal or written statement will be self-incriminating, the employee shall affirmatively state this and shall not be compelled to provide a statement without prior consultation with the prosecuting agency (e.g., District Attorney's Office or USAO), and approval by the Chief.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Amend written CPOA Policies and Procedures to reflect the requirements for investigative and review Procedures for the investigation of Civilian Police Complaints (CPC) to include:
  - a. There will be no automatic preference for an officer's statement over a non-officer's statement, nor will APD or the Civilian Police Oversight Agency disregard a witness's statement merely because the witness has some connection to the complainant or because of any criminal history;
  - b. Investigators shall take into account any convictions for crimes of dishonesty of the complainant or any witness;
  - c. Investigators shall also take into account the record of any involved officers who have been determined to have been deceptive or untruthful in any legal proceeding, misconduct investigation, or other investigation.
  - d. The CPOA shall make efforts to resolve material inconsistencies between witness statements.

PROGRESS:

The CPOA policies and procedures were approved by City Council on October 17<sup>th</sup>, 2015.

STATUS SUMMARY:

In Progress

PARAGRAPH: 190

SUBSECTION: D. Investigation of Complaints

**190.** In each investigation, APD and the Civilian Police Oversight Agency shall consider all relevant evidence, including circumstantial, direct, and physical evidence. There will be no automatic preference for an officer's statement over a non-officer's statement, nor will APD or the Civilian Police Oversight Agency disregard a witness's statement merely because the witness has some connection to the complainant or because of any criminal history. During their investigation, APD and the Civilian Police Oversight Agency shall take into account any convictions for crimes of dishonesty of the complainant or any witness. APD and the Civilian Police Oversight Agency shall also take into account the record of any involved officers who have been determined to have been deceptive or untruthful in any legal proceeding, misconduct investigation, or other investigation. APD and the Civilian Police Oversight Agency shall make efforts to resolve material inconsistencies between witness statements.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. PROPOSED – SOP 3-43-4 REVIEW OF COMPLETED ADMINISTRATIVE CASES (“I” AND “CPC”)
  - a. Add rule stating, “In each investigation, APD and the Civilian Police Oversight Agency shall consider all relevant evidence, including circumstantial, direct, and physical evidence. There will be no automatic preference for an officer's statement over a non-officer's statement, nor will APD or the Civilian Police Oversight Agency disregard a witness's statement merely because the witness has some connection to the complainant or because of any criminal history.”
2. PROPOSED – SOP 2-05-3C PROCEDURES FOR PRELIMINARY AND COMPREHENSIVE INVESTIGATIONS OF ALLEGATIONS AND COMPLAINTS
  - a. Add rule stating, “During their investigation, APD and the Civilian Police Oversight Agency shall take into account any convictions for crimes of dishonesty of the complainant or any witness. APD and the Civilian Police Oversight Agency shall also take into account the record of any involved officers who have been determined to have been deceptive or untruthful in any legal proceeding, misconduct investigation, or other investigation. APD and the Civilian Police Oversight Agency shall make efforts to resolve material inconsistencies between witness statements.”

PROGRESS:

SOP 2-05 Internal Affairs has been finalized and will be submitted to the monitoring team and the parties for review and comment.

SOP 3-43 Complaints Involving Department Policy or Personnel was re-written to comply with this paragraph and has completed APD's policy approval process.

CPOA policies and procedures were approved by City Council on October 17<sup>th</sup>, 2015.

STATUS SUMMARY:

Support for [190] submitted to monitor; pending monitor approval

PARAGRAPH: 191

SUBSECTION: D. Investigation of Complaints

**191.** All administrative investigations conducted by the Internal Affairs Bureau or the Civilian Police Oversight Agency shall be completed within 90 days of the initiation of the complaint investigation. The 90-day period shall not include time for review. An extension of the investigation of up to 30 days may be granted but only if the request for an extension is in writing and is approved by the Chief. Review and final approval of the investigation, and the determination and imposition of the appropriate discipline, shall be completed within 30 days of the completion of the investigation. To the extent permitted by state and city law, extensions may also be granted in extenuating circumstances, such as military deployments, hospitalizations of the officer, and extended absences.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. PROPOSED – SOP 2-05-8A3; 2-05-8A4 (INVESTIGATIVE TIME LIMITS)
  - a. Replace these rules with, “All administrative investigations conducted by the Internal Affairs Division or the Civilian Police Oversight Agency shall be completed within 90 days of the initiation of the complaint investigation. The 90-day period shall not include time for review. An extension of the investigation of up to 30 days may be granted but only if the request for an extension is in writing and is approved by the Chief.
2. PROPOSED – SOP 3-43-4 RULES 3A FINAL ACTION FOR ADMINISTRATIVE INVESTAGTIONS
  - a. Change the rule to, “Review and final approval of the investigation, and the determination and imposition of the appropriate discipline, shall be completed within 30 days of the completion of the investigation. To the extent permitted by state and city law, extensions may also be granted in extenuating circumstances, such as military deployments, hospitalizations of the officer, and extended absences.”
3. PROPOSED – SOP 3-43-4 RULES 3B (30 DAY EXTENSION FOR REVIEW MAY BE GRANTED BY CHIEF)
  - a. Remove this rule
4. Amend written CPOA Policies and Procedures to reflect the requirements for investigative and review Procedures for the investigation of Civilian Police Complaints (CPC) to include:
  - a. Investigations shall be completed within 90 days of the initiation of the complaint investigation. The 90-day period shall not include time for review.
  - b. An extension of the investigation of up to 30 days may be granted but only if the request for an extension is in writing and is approved by the Chief.
  - c. Review and final approval of the investigation, and the determination and imposition of the appropriate discipline, shall be completed within 30 days of the completion of the investigation.
  - d. To the extent permitted by state and city law, extensions may also be granted in extenuating circumstances, such as military deployments, hospitalizations of the officer, and extended absences.

PROGRESS:

SOP 2-05 Internal Affairs has been finalized and will be submitted to the monitoring team and the parties for review and comment.

SOP 3-43 Complaints Involving Department Policy or Personnel was re-written to comply with this paragraph and has completed APD's policy approval process.

CPOA policies and procedures were approved by City Council on October 17<sup>th</sup>, 2015.

**STATUS SUMMARY:**

Support for [191] submitted to monitor; pending monitor approval

PARAGRAPH: 192

SUBSECTION: D. Investigation of Complaints

**192.** The APD or Civilian Police Oversight Agency investigator shall explicitly identify and recommend one of the following dispositions for each allegation of misconduct in an administrative investigation:

- n) "Unfounded," where the investigation determines, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officer;
- o) "Sustained," where the investigation determines, by a preponderance of the evidence, that the alleged misconduct did occur;
- p) "Not Sustained," where the investigation is unable to determine, by a preponderance of the evidence, whether the alleged misconduct occurred;
- q) "Exonerated," where the investigation determines, by a preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures, or training;
- r) "Sustained violation not based on original complaint," where the investigation determines, by a preponderance of the evidence, that misconduct did occur that was not alleged in the original complaint but that was discovered during the misconduct investigation; or
- s) "Administratively closed," where the policy violations are minor, the allegations are duplicative, or investigation cannot be conducted because of the lack of information in the complaint.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. PROPOSED – SOP 3-43-1 DEFINITIONS 2 FOLLOWING THE COMPLETION OF AN ADMINISTRATIVE INVESTIGATION, THE REVIEWING AUTHORITY SHALL CLASSIFY THE CASE AS ONE OF THE FOLLOWING
  - a. Change the classifications and definitions to:
    - i. "Unfounded," where the investigation determines, by clear and convincing evidence, that the alleged misconduct did not occur or did not involve the subject officer
    - ii. "Sustained," where the investigation determines, by a preponderance of the evidence, that the alleged misconduct did occur
    - iii. "Not Sustained," where the investigation is unable to determine, by a preponderance of the evidence, whether the alleged misconduct occurred
    - iv. "Exonerated," where the investigation determines, by a preponderance of the evidence, that the alleged conduct did occur but did not violate APD policies, procedures, or training
    - v. "Sustained violation not based on original complaint," where the investigation determines, by a preponderance of the evidence, that misconduct did occur that was not alleged in the original complaint but that was discovered during the misconduct investigation
    - vi. "Administratively closed," where the policy violations are minor, the allegations are duplicative, or investigation cannot be conducted because of the lack of information in the complaint
2. Amend written CPOA Policies and Procedures to reflect the requirements for investigative and review procedures for the investigation of Civilian Police Complaints (CPC) to include the above referenced Findings and Definitions.

PROGRESS:

SOP 2-05 Internal Affairs has been finalized and will be submitted to the monitoring team and the parties for review and comment.

SOP 3-43 Complaints Involving Department Policy or Personnel was re-written to comply with this paragraph and has completed APD's policy approval process.

CPOA policies and procedures were approved by City Council on October 17<sup>th</sup>, 2015.

**STATUS SUMMARY:**

Support for [192] submitted to monitor; pending monitor approval

PARAGRAPH: 193

SUBSECTION: D. Investigation of Complaints

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

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. PROPOSED - SOP 3-43-1 DEFINITIONS 2 FOLLOWING THE COMPLETION OF AN ADMINISTRATIVE INVESTIGATION, THE REVIEWING AUTHORITY SHALL CLASSIFY THE CASE AS ONE OF THE FOLLOWING
  - a. Add to the classification of "Administratively Closed," "Administratively closed complaints may be re-opened if additional information becomes available. The 90 day time limit shall run from when the complaint is re-opened.
2. Amend written CPOA Policies and Procedures to reflect the requirements for investigative and review procedures for the investigation of Civilian Police Complaints (CPC) to include:
  - a. Administratively closed complaints may be re-opened if additional information becomes available; and
  - b. The enumerated deadlines shall run from when the complaint is re-opened.

PROGRESS:

SOP 3-43 Complaints Involving Department Policy or Personnel was re-written to comply with this paragraph and has completed APD's policy approval process.

CPOA policies and procedures were approved by City Council on October 17<sup>th</sup>, 2015.

STATUS SUMMARY:

In Progress

PARAGRAPH: 194

SUBSECTION: D. Investigation of Complaints

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

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. PROPOSED – SOP 3-43-4 RULES, ADMINISTRATIVE REVIEW
  - a. For both CPC's & I's Add language mandating the IA Commander shall, "In addition to determining whether APD personnel committed the alleged misconduct, administrative investigations shall assess and document whether the action was in compliance with training and legal standards and whether the incident suggests the need for a change in policy, procedure, or training. In reviewing completed administrative investigations, APD shall also assess and document whether:
    - i. (a) the incident suggests that APD should revise strategies and tactics; and
    - ii. (b) The incident indicates a need for additional training, counseling, or other non-disciplinary corrective measures. This information shall be shared with the relevant commander(s).
2. PROPOSED – SOP 2-05 IA Division COMMANDERS DUTIES
  - a. Include in Commander's duties when reviewing completed cases he/she shall determine whether the action was in compliance with training and legal standards and whether the incident suggests the need for a change in policy, procedure, or training. In reviewing completed administrative investigations, the Commander shall also assess and document whether:
    - i. (a) the incident suggests that APD should revise strategies and tactics; and
    - ii. (b) The incident indicates a need for additional training, counseling, or other non-disciplinary corrective measures. This information shall be shared with the relevant commander(s).
3. PROPOSED – FINAL RECOMMENDATION FORM
  - a. Add area for Commander to document counseling, or other non-disciplinary corrective measures. NOTE: Training and Policy issues are already included on the form
  - b. Assign PD Form Number to form for accountability.
4. Amend written CPOA Policies and Procedures to reflect the requirements for investigative and review procedures for the investigation of Civilian Police Complaints (CPC) to include:
  - a. Investigations shall assess and document whether the subject employees' actions were in compliance with training and legal standards;
  - b. Investigations shall assess and document whether the incident suggests the need for a change in policy, procedure, or training.

PROGRESS:

SOP 2-05 Internal Affairs has been finalized and will be submitted to the monitoring team and the parties for review and comment.

SOP 3-43 Complaints Involving Department Policy or Personnel was re-written to comply with this paragraph and has completed APD's policy approval process.

CPOA policies and procedures were approved by City Council on October 17<sup>th</sup>, 2015.

STATUS SUMMARY:

In Progress

PARAGRAPH: 195

SUBSECTION: E. Preventing Retaliation

**195.** The City shall continue to expressly prohibit all forms of retaliation, including discouragement, intimidation, coercion, or adverse action, against any person who reports misconduct, makes a misconduct complaint, or cooperates with an investigation of misconduct.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Current SOP and City Rules and Regulations prohibit retaliation in any form.

PROGRESS:

SOP 2-05 Internal Affairs has been finalized and will be submitted to the monitoring team and the parties for review and comment.

CPOA policies and procedures were approved by City Council on October 17<sup>th</sup>, 2015.

Language will call for the IA Commander and CPOA Executive Director to review retaliation claims and policy 3-7-8. A documentation of the meeting will be mandated, and the continuation of annual meetings must continue.

STATUS SUMMARY:

Support for [195] submitted to monitor; pending monitor approval

PARAGRAPH: 196

SUBSECTION: D. Investigation of Complaints

**196.** Within six months of the Effective Date, and annually thereafter, the Internal Affairs Bureau and the Civilian Police Oversight Agency shall review APD's anti-retaliation policy and its implementation. This review shall consider the alleged incidents of retaliation that occurred or were investigated during the reporting period, the discipline imposed for retaliation, and supervisors' performance in addressing and preventing retaliation. Following such review, the City shall modify its policy and practice, as necessary, to protect individuals, including other APD personnel, from retaliation for reporting misconduct.

PARAGRAPH DEADLINE: 12/2/2015

IMPLEMENTATION PLAN:

1. IN PLACE – See paragraph #197 for anti-retaliatory policy and SOP proposal
2. PROPOSED SOP 2-05-4 ADMINISTRATION ↓PERSONNEL DUTIES
  - a. Division Commander's Duties
  - b. Mandate bi-annual meetings with CPOA to review all retaliation complaints and retaliation policy
3. PROPOSED – Establish IA database to document this and all mandated meetings
4. PROPOSED – Meet with CPOA to establish policy & procedure for these meetings
5. The Civilian Police Oversight Agency Administrative Office shall review APD's anti-retaliation policy and its implementation, considering:
  - a) The alleged incidents of retaliation that occurred
  - b) Or were investigated during the reporting period,
  - c) The discipline imposed for retaliation, and
  - d) Supervisors' performance in addressing and preventing retaliation.
6. The Police Oversight Board shall review the CPOA's Administrative Office review regarding the retaliation policy and make any recommendations to APD for review of their retaliation policy.

PROGRESS:

SOP 2-05 Internal Affairs has been finalized and will be submitted to the monitoring team and the parties for review and comment.

CPOA policies and procedures were approved by City Council on October 17<sup>th</sup>, 2015.

Language will call for the IA Commander and CPOA Executive Director to review retaliation claims and policy 3-7-8. A documentation of the meeting will be mandated, and the continuation of annual meetings must continue.

STATUS SUMMARY:

Support for [196] submitted to monitor; pending monitor decision

PARAGRAPH: 197

SUBSECTION: E. Preventing Retaliation

**197.** Retaliation for reporting misconduct or for cooperating with an investigation of misconduct shall be grounds for discipline, up to and including termination of employment.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. PROPOSED – SOP 1-04-6 CONDUCT BOTH ON AND OFF DUTY
  - a. Add paragraph stating, “Personnel shall not retaliate, in any form, against anyone for reporting employee misconduct or for cooperating with an investigation of misconduct. Retaliation shall be grounds for discipline, up to and including termination of employment.”
2. IN PLACE – CITY ORDINANCE DEFINITIONS
  - a. RETALIATION or RETALIATORY ACTION. Any disciplinary action taken because
    - i. (1) an employee lawfully disclosed information or filed an allowable complaint pursuant to this article,
    - ii. (2) an employee testified or assisted or is scheduled to testify or assist in any investigation, action or proceeding relating to the lawful disclosure of information by another employee pursuant to this article, or
    - iii. (3) The supervisor who imposed the disciplinary action believed the employee receiving the disciplinary action was involved in the activities described in parts (1) and (2) of this paragraph and such belief was the primary reason for the disciplinary action.
3. IN PLACE – CITY ORDINANCE 3-7-8 RETALIATION
  - a. (A) Retaliation prohibited. Elected city officials and city employees are prohibited from taking retaliatory action against an employee because the employee participated in an action protected under this article.
  - b. (G) Retaliation. If a supervisor is found to have retaliated against an employee in violation of this article, one or more of the following remedies may be ordered by the supervisor's department: (1) placement of information describing the violation of this article in the supervisor's personnel file, (2) reprimand, (3) suspension without pay, (4) demotion or (5) termination of employment.
4. IN PLACE – CITY ORDINANCE 3-1-23A1 DISCIPLINARY ACTIONS
  - a. Employees may be disciplined by written reprimand, suspension, demotion or dismissal. Just cause for discipline is any behavior significant or substantial in nature relating to the employee's work that is inconsistent with the employee's obligation to the city. Just cause shall also include prohibited retaliation as defined in the Whistleblower Ordinance and the Accountability in Government Ordinance and the filing of frivolous complaints or complaints based on false or confidential information pursuant to the Whistleblower Ordinance and the Accountability in Government Ordinance. The Chief Administrative Officer may enumerate in Personnel Rules and Regulations examples of behaviors that constitute just cause.
5. Amend written CPOA Policies and Procedures to reflect the requirements for investigative and review procedures for the investigation of Civilian Police Complaints (CPC) that all CPC cases in which an allegation of retaliation for reporting misconduct or for cooperating with an investigation of misconduct was Sustained shall include a recommendation to the Chief that he should impose discipline in the case, up to and including termination of employment.

**PROGRESS:**

SOP 1-04-6 was moved through APD's policy approval process and was submitted to the monitoring team.

CPOA policies and procedures were approved by City Council on October 17<sup>th</sup>, 2015.

**STATUS SUMMARY:**

Support for [197] submitted to monitor; pending monitor approval

PARAGRAPH: 198

SUBSECTION: F. Staffing and Training Requirements

**198.** The City shall ensure that APD and the Civilian Police Oversight Agency have a sufficient number of well-trained staff assigned and available to complete and review thorough and timely misconduct investigations in accordance with the requirements of this Agreement. The City shall re-assess the staffing of the Internal Affairs Bureau after the completion of the staffing study to be conducted pursuant to Paragraph 204. The City further shall ensure sufficient resources and equipment to conduct thorough and timely investigations.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. IN PROGRESS – Executive Staffing Study
  - a. This study is in the planning stages
2. PROPOSED – Once the study results are in
  - a. Adjust IA Division staffing levels accordingly
  - b. Re-Evaluate all time requirements for cases
  - c. Re-Evaluate resource and equipment needs\
  - d. Re-Evaluate training needs

PROGRESS:

The staffing study performed by Dr. Alex Weiss is expected to be released in early December 2015. At the time of release APD will evaluate staffing levels and adjust accordingly.

STATUS SUMMARY:

In Progress

PARAGRAPH: 199

SUBSECTION: F. Staffing and Training Requirements

**199.** All APD personnel conducting misconduct investigations, whether assigned to the Internal Affairs Bureau, an Area Command, or elsewhere, shall receive at least 24 hours of initial training in conducting misconduct investigations within one year of the Effective Date, and shall receive at least eight hours of training each year. The training shall include instruction on APD's policies and protocols on taking compelled statements and conducting parallel administrative and criminal investigations.

PARAGRAPH DEADLINE: 6/2/2016

IMPLEMENTATION PLAN:

1. Externally sourced IA training scheduled for February 2015.

PROGRESS:

The training requirement has been addressed in SOP 2-05 Internal Affairs.

SOP 2-05 Internal Affairs has been finalized and will be submitted to the monitoring team and the parties for review and comment.

STATUS SUMMARY:

Support for [199] submitted to monitor; pending monitor approval

PARAGRAPH: 200

SUBSECTION: F. Staffing and Training Requirements

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

PARAGRAPH DEADLINE: 6/2/2016

IMPLEMENTATION PLAN:

1. Externally sourced IA training scheduled for February 2015.
2. Contract with vendor for externally sourced IA training cleared and ready.
3. Amend written CPOA Policies and Procedures to reflect the requirements for investigative and review procedures for CPOA Investigators to be required to receive at least 40 hours of initial training in conducting misconduct investigations within one year of the Effective Date, and shall receive at least eight hours of training each year;
4. Require the training of the CPOA Investigators to include instruction on APD's policies and protocols on taking compelled statements and conducting parallel administrative and criminal investigations;
5. Locate training courses which support directive

PROGRESS:

CPOA staff has received forty hours of training. The CPOA Executive Director is compiling a source document to include dates, subject, syllabus if available, and the hours. Certificates of completion for any internet training will be provided. CPOA policies and procedures were adopted by City Council on October 17<sup>th</sup>, 2015. Part of the forty hours of training completed included 8 hours of investigative training and 17 hours of training conducted at the NACOLE conference.

STATUS SUMMARY:

In Progress

PARAGRAPH: 201

SUBSECTION: G. Discipline Process and Transparency

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

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. IN PLACE – SOP 1-09
  - a. POLICY - Department policy is to ensure that disciplinary action be taken in a prompt, resolute, fair, and consistent manner. In order to provide a framework for the fair and consistent administration of discipline, the Department has established a Schedule of Sanctions. This will enable the department to retain its discretionary authority for the "individualized" imposition of disciplinary action while ensuring a systematic and equitable administration of discipline to all personnel of the Albuquerque Police Department.
2. IN PLACE – SOP 1-09-2 ADMINISTRATIVE RESPONSIBILITIES
  - a. The department acknowledges the need for authority and its responsibility. Authority permits the imposition of sanctions in enforcing rules and procedures the department must impose upon it. The Administration's responsibility is to ensure fair, impartial, consistent, and judicious enforcement of these rules.
3. IN PLACE – SOP 1-09-7 USE OF SCHEDULE OF SANCTIONS
  - a. Supervisors intending to impose disciplinary action will consult the Schedule of Sanctions. To determine the appropriate discipline, the supervisor will:
    - i. Determine the minimum disciplinary action applicable to the act or omission from the Chart of Sanctions.
    - ii. Consider the seriousness of the act or omission.
    - iii. Consider mitigating or aggravating circumstances.
    - iv. Consider the disciplinary record of the individual involved.

PROGRESS:

SOP 1-09 Discipline System has moved through the APD policy approval process and was sent to the monitor for review and approval.

STATUS SUMMARY:

Support for [201] submitted to monitor; pending monitor approval

PARAGRAPH: 202

SUBSECTION: G. Discipline Process and Transparency

**202.** APD shall establish a disciplinary matrix that:

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

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. SOP 1-09 Meets items a, b, d, e
  - b. Needs language to account for c and f
  - c. Define mitigating/aggravating factors
  - d. Add non-disciplinary corrective action when appropriate
2. Addendum to 1-09 needed to define mitigating and aggravating 3-45 Case Review will have addendum to comply with this paragraph.

PROGRESS:

SOP 1-09 Discipline System meets items a, b, d, e. SOP 1-09 Discipline System was modified to account for c and f. SOP 1-09 Discipline System has moved through the APD policy approval process and was sent to the monitor for review and approval.

STATUS SUMMARY:

In Progress

PARAGRAPH: 203

SUBSECTION: IX. Staffing, Management, and Supervision

**203.** To maintain high-level, quality service; to ensure officer safety and accountability; and to promote constitutional, effective policing, the City shall ensure that APD has the staffing necessary to implement the terms of this agreement. APD shall also deploy a sufficient number of first-line supervisors to respond to scenes of uses of force; investigate thoroughly each use of force to identify, correct, and prevent misconduct; and provide close and effective supervision necessary for officers to improve and develop professionally. APD shall revise and implement policies for supervision that set out clear requirements for supervision and comport with best practices.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Hire a vendor to conduct a staffing study to determine appropriate supervision and deploy a sufficient a number of first line supervisors to provide close and effective supervision necessary.

PROGRESS:

The City has hired a consultant to undertake a staffing study to determine the appropriate staffing required by the APD. APD has also undergone an effort to civilianize positions that were formally held by sworn officers. Policies associated with superior officer responsibilities and officer responsibilities has also been reviewed and proposed changes are pending.

The staffing study was nearly complete and is expected to be released in early December 2015.

STATUS SUMMARY:

In Progress

PARAGRAPH: 204  
SUBSECTION: A. Staffing

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

PARAGRAPH DEADLINE: 6/2/2016

IMPLEMENTATION PLAN:

1. A staffing study vendor has been selected.
2. Once the study is complete, the City of Albuquerque will formulate a plan to staff the department accordingly.

PROGRESS:

A staffing study vendor has been selected. The staffing study contractor conducted a kick-off meeting on March 4 to brief the command staff and to meet with staff responsible for data collection.

The staffing study is nearly complete and is expected to be released in early December. Once the staffing study is released, a staffing plan will be developed. A contractor has already been selected and a contract is underway.

STATUS SUMMARY:

In Progress

PARAGRAPH: 205

SUBSECTION: B. Duties of Supervisors

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

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Identify appropriate SOP sections to review and revise. Also research best practices of other agencies.
2. Re-writing SOP sections 3-18 to comply with the agreement language.

PROGRESS:

SOP 3-18 Supervisors was moved through the APD policy approval process and was submitted to the monitoring team for review and approval.

STATUS SUMMARY:

Support for [205] submitted to monitor; pending monitor approval

PARAGRAPH: 206

SUBSECTION: B. Duties of Supervisors

**206.** All field officers shall be assigned to a primary, clearly identified first-line supervisor and shall also report to any other first-line supervisor within the chain of command. First-line supervisors shall be responsible for closely and consistently supervising all officers under their primary command. Supervisors shall also be responsible for supervising all officers under their chain of command on any shift to which they are assigned to ensure accountability across the Department.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Identify, research, and review current policy related to first-line supervisor responsibilities to ensure compliance with paragraph 206.
2. Consult with Operations Review on implementation of paragraph 207 of this agreement in order to be in compliance with paragraph 206.
3. Consult with Human Resources with respect to the department's organizational chart and current payroll/personnel policies as it relates to paragraphs 206 and 207.
4. Submit proposed draft policy to monitor for approval.
5. Once approved, send to PowerDMS for distribution.

PROGRESS:

SOP 3-18 Supervisors define what a supervisor/superior officer is and list their general duties and responsibilities. The APD Organizational Chart captures the Bureau and Divisional structure of the Department to include its Command Staff. The APD Bidding process clearly defines and distinguishes the Chain of Command within each Area Command which supports this DOJ requirement.

SOPs 3-18 Supervisors and SOP 3-02 Assistant/Deputy Chief of Police, Major, and Commander Responsibilities were sent to the monitoring team for review and approval.

STATUS SUMMARY:

Support for [206] submitted to monitor; pending monitor approval

PARAGRAPH: 207

SUBSECTION: B. Duties of Supervisors

**207.** First-line supervisors shall ordinarily be assigned as primary supervisor to no more than eight officers. Task complexity will also play a significant role in determining the span of control and whether an increase in the level of supervision is necessary.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Wait for the completion of the staffing study to determine total number of staff.
2. Assess the ratio of supervisors to subordinates.
3. Using the staffing plan, adjust supervisory oversight accordingly to meet the 1:8 requirement.

PROGRESS:

The staffing study is nearly complete and will be released in early December 2015. The staffing plan will begin immediately after the staffing study, and appropriate adjustments will be made to ensure that the 1:8 requirement is met and will continue to be met as APD adds additional employees.

STATUS SUMMARY:

In Progress

PARAGRAPH: 208

SUBSECTION: B. Duties of Supervisors

**208.** APD Commanders and lieutenants shall be responsible for close and effective supervision of officers under their command. APD Commanders and lieutenants shall ensure that all officers under their direct command comply with APD policy, federal, state and municipal law, and the requirements of this Agreement.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Review other agencies polices and developing policy for this section.
2. Draft policy written and will be submitted to SOPRC and PPRB

PROGRESS:

Revised SOPs 3-18 Supervisors and SOP 3-02 Assistant/Deputy Chief of Police, Major and Commander Responsibility were moved through the APD policy approval process and submitted to the monitoring team for review and approval.

STATUS SUMMARY:

Support for [208] submitted to monitor; pending monitor approval

PARAGRAPH: 209

SUBSECTION: C. Supervisor Training

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

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Academy team is evaluating externally sourced supervisor training. Multiple courses have been identified.
2. Academy LT and two SGTs attending PAT-C course "Leadership for Troubled Times," to evaluate suitability for local delivery.

PROGRESS:

The new Field Training Officer Sergeant is working on developing an appropriate curriculum to satisfy the requirements of paragraph 209.

STATUS SUMMARY:

In Progress

PARAGRAPH: 210

SUBSECTION: C. Supervisor Training

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

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

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. All topics being investigated and incorporated into new training curriculum.

PROGRESS:

The new Field Training Officer Sergeant is working on developing an appropriate curriculum to satisfy the requirements of paragraph 209.

STATUS SUMMARY:

In Progress

PARAGRAPH: 211

SUBSECTION: C. Supervisor Training

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

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Continue to leverage BMT/BLT events to satisfy this training requirement.
2. Reviewing external sources of manager/supervisor training. Piloting multiple programs for best fit. - JTW Evaluation team piloting PAT-C leadership program week of 1/19/15.
3. Dates requested for IACP Leadership in Police Organizations (LPO) training for 2015; exploring possibility of developing APD instructor cadre and future hosting of regular iterations of the LPO program.

PROGRESS:

In September 2015, a needs assessment was completed for the supervisory training. Curricula for the eight hour managers meeting and a 24 hour supervisory course was completed. The eight hour training course was scheduled for October 20, 2015.

The eight hour supervisory training was held on October 30, and was attended by several members of the monitoring team. The supervisors who were not able to attend will be scheduled to attend a make-up session including the session video and the learning assessment. The remaining 24 hours will be delivered once the Use of Force policy is finalized.

STATUS SUMMARY:

In Progress

PARAGRAPH: 212

SUBSECTION: D. Early Intervention System

**212.** Within nine months of the Effective Date, APD shall revise and update its Early Intervention System to enhance its effectiveness as a management tool that promotes supervisory awareness and proactive identification of both potentially problematic as well as commendable behavior among officers. APD supervisors shall be trained to proficiency in the interpretation of Early Intervention System data and the range of non-punitive corrective action to modify behavior and improve performance; manage risk and liability; and address underlying stressors to promote officer well-being.

PARAGRAPH DEADLINE: 3/2/2016

IMPLEMENTATION PLAN:

1. IN PROGRESS – IA PRO & BLUE TEAM
  - a. IAPRO is scheduled to go live in Q1 2015
  - b. Blue Team approximately 2 months later
2. PROPOSED – Commander level meeting
  - a. Review current EIS standards
  - b. Adopt new standards in accordance with this agreement
  - c. Adjust “triggers” according to area command, assignment, unit, etc.
3. PROPOSED – Mandated supervisor training
  - a. Blue Team IA Pro
  - b. Supervisor training in EIS interpretation
  - c. Supervisor training in effective police management (rewards & discipline)
4. Supervisor training in risk management and liability
  - a. Supervisor training in stress management
5. PROPOSED – SOP 3-49 EARLY INTERVENTION SYSTEM
  - a. Add to policy commendable behavior inclusion
  - b. Add commendable behaviors to “EIS Incidents”]
  - c. Ensure EIS thresholds identify 3-5% of the line officer population

PROGRESS:

IAPro went live in January 2015 and Blue Team is expected to be installed in December 2015.

APD sent the monitoring team a packet that included an internal control memo addressing the topic, an email regarding the updated policy approval, screenshots of the EIS system, and early intervention system training presentation, a sign in sheet for the previous training, and SOP 3-49 Early Intervention System. The packet is pending review and approval by the monitoring team.

STATUS SUMMARY:

Support for [212] submitted to monitor; pending monitor approval

PARAGRAPH: 213

SUBSECTION: D. Early Intervention System

**213.** APD shall review and adjust, where appropriate, the threshold levels for each Early Identification System indicator to allow for peer-group comparisons between officers with similar assignments and duties.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. PROPOSED – See paragraph #212 proposals
2. PROPOSED – SOP 3-49-6 MONTHLY EIS REPORT/THRESHOLD LEVELS
  - a. Define threshold levels after statistical analysis for:
    - i. Area command
    - ii. Assignment
    - iii. Unit
    - iv. Etc.

PROGRESS:

SOP 3-49 Early Intervention System was adjusted and moved through the APD policy review process.

Threshold levels were determined for each working group and APD is working with the software vendor to determine the capabilities of the new EIS software. City IT is also reviewing another software package that is being used by other law enforcement agencies to determine its capabilities.

STATUS SUMMARY:

In Progress

PARAGRAPH: 214

SUBSECTION: D. Early Intervention System

**214.** APD shall implement rolling thresholds so that an officer who has received an intervention of use of force should not be permitted to engage in additional uses of force before again triggering a review.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. IN PLACE – SOP 3-49-7 EIS REVIEW PANEL MONITORING

- a. All employees in the EIS system who have had a panel review hearing are subject to a mandatory 90-day review by their immediate supervisor regarding their progress or lack thereof for a period of one year.
- b. Employees, upon successful completion of the year, will then be automatically dropped from the system. If any employee receives discipline as a result of a new misconduct incident within one year of a panel review hearing or a 90-day counseling session, the employee shall be called in again before the EIS Review Panel for further review. A memorandum from the employee's Area Commander or Division Manager shall be directed to the EIS Coordinator on all 90-day reviews and upon termination of the monitoring after successful completion of the one-year period.

PROGRESS:

SOP 3-49 Early Intervention System clearly defines the rolling threshold process. It will be submitted to the monitoring team for review and approval.

STATUS SUMMARY:

In Progress

PARAGRAPH: 215

SUBSECTION: D. Early Intervention System

**215.** The Early Intervention System shall be a component of an integrated employee management system and shall include a computerized relational database, which shall be used to collect, maintain, integrate, and retrieve data department-wide and for each officer regarding, at a minimum:

- a. uses of force;
- b. injuries and deaths to persons in custody;
- c. failures to record incidents with on-body recording systems that are required to be recorded under APD policy, whether or not corrective action was taken, and cited violations of the APD's on-body recording policy;
- d. all civilian or administrative complaints and their dispositions;
- e. all judicial proceedings where an officer is the subject of a protective or restraining order;
- f. all vehicle pursuits and traffic collisions involving APD equipment;
- g. all instances in which APD is informed by a prosecuting authority that a declination to prosecute any crime occurred, in whole or in part, because the officer failed to activate his or her on-body recording system;
- h. all disciplinary action taken against employees;
- i. all non-punitive corrective action required of employees;
- j. all awards and commendations received by employees, including those received from civilians, as well as special acts performed by employees;
- k. demographic category for each civilian involved in a use of force or search and seizure incident sufficient to assess bias;
- l. all criminal proceedings initiated against an officer, as well as all civil or administrative claims filed with, and all civil lawsuits served upon, the City and/or its officers or agents, allegedly resulting from APD operations or the actions of APD personnel; and
- m. All offense reports in which an officer is a suspect or offender.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. IN PROGRESS – IAPRO & Blue Team
  - a. Adjust tracking measures in IAPRO's EIS section to meet requirements of the agreement
  - b. IAPRO is capable of multiple threshold levels for different units
2. PROPOSED – SOP 3-49 EARLY INTERVENTION SYSTEM
  - a. Write threshold policy for every unit/section based on statistical analysis
  - b. Mandate annual review of thresholds
3. PROPOSED – Item "K" clarification
  - a. Search and seizure pursuant to what?
    - i. Officer safety?
    - ii. Towed vehicle?
    - iii. Consensual search during traffic stop?
    - iv. Only when force is used?

PROGRESS:

SOP 3-49 Early Intervention System clearly defines the rolling threshold process. It will be submitted to the monitoring team for review and approval.

IAPro went live in January 2015 and Blue Team is expected to be installed in December 2015. As mentioned previously, City IT are reviewing another software that is being used by several other law enforcement agencies that may meet the requirements of the paragraph.

**STATUS SUMMARY:**

In Progress

PARAGRAPH: 216

SUBSECTION: D. Early Intervention System

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

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Defer writing policy until all limitations and capabilities are known for IAPRO & Blue Team
  - a. Refer to USDOJ study "Early Intervention Systems for Law Enforcement Agencies"
  - b. Refer to Seattle EIS Policy

PROGRESS:

SOP 3-49 Early Intervention System clearly defines the rolling threshold process. It will be submitted to the monitoring team for review and approval.

IAPro went live in January 2015 and Blue Team is expected to be installed in December 2015. As mentioned previously, City IT are reviewing another software that is being used by several other law enforcement agencies that may meet the requirements of the paragraph.

STATUS SUMMARY:

In Progress

PARAGRAPH: 217

SUBSECTION: D. Early Intervention System

**217.** APD shall maintain all personally identifying information about an officer included in the Early Intervention System for at least five years following the officer's separation from the agency except where prohibited by law. Information necessary for aggregate statistical analysis will be maintained indefinitely in the Early Intervention System. On an ongoing basis, APD will enter information into the Early Intervention System in a timely, accurate, and complete manner and shall maintain the data in a secure and confidential manner.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. PROPOSED – SOP 3-49 EARLY INTERVENTION SYSTEM
  - a. Add policy mandating all personally identifiable information in EIS will be maintained for at least five years after an employee separates from APD
  - b. Add policy mandating aggregate statistical analysis will be maintained indefinitely
  - c. Establish policy defining when information will be entered into EIS
  - d. Define timely manner
2. IN PLACE – SOP 3-49-3 CUSTODIAN OF RECORDS
  - a. Clearly states EIS records are confidential
  - b. Clearly states when information can be released
    - i. Approval of the Chief
    - ii. City Attorney
    - iii. Valid court order
3. IN PLACE – Secure database for EIS Records through City IT
4. IN PROGRESS – IAPRO & Blue Team
  - a. Comprehensive front end to IA database
  - b. Password protected with definable user access

PROGRESS:

SOP 3-49 Early Intervention System clearly defines the rolling threshold process. It will be submitted to the monitoring team for review and approval.

IAPRO went live in January 2015 and Blue Team is expected to be installed in December 2015. As mentioned previously, City IT are reviewing another software that is being used by several other law enforcement agencies that may meet the requirements of the paragraph.

STATUS SUMMARY:

In Progress

PARAGRAPH: 218

SUBSECTION: D. Early Intervention System

**218.** APD shall provide in-service training to all employees, including officers, supervisors, and commanders, regarding the updated Early Intervention System protocols within six months of the system improvements specified in Paragraphs 212-215 to ensure proper understanding and use of the system. APD supervisors shall be trained to use the Early Intervention System as designed and to help improve the performance of officers under their command. Commanders and supervisors shall be trained in evaluating and making appropriate comparisons in order to identify any significant individual or group patterns of behavior.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. IN PROGRESS – IAPRO & Blue Team
  - a. Training for IA staff scheduled for January
2. PROPOSED – After implementation of IAPRO & Blue Team
  - a. Coordinate with Academy for PowerDMS video training
  - b. In the alternative instructor training at the Academy
  - c. Mandate all training for supervisors
3. PROPOSED – Use USDOJ study “Early Intervention Systems for Law Enforcement Agencies”
  - a. Training tool
  - b. Purpose and Intent of EIS
4. PROPOSED – Commander and supervisor training
  - a. Refresh resources available to assist officers with their performance
  - b. Refresh identifying underlying issues to officers performance problems
  - c. Refresh subordinate counseling skills In-service curriculum development dependent on roll-out of new EIS
5. In-service curriculum development dependent on roll-out of new EIS

PROGRESS:

SOP 3-49 Early Intervention System clearly defines the rolling threshold process. It will be submitted to the monitoring team for review and approval.

IAPro went live in January 2015 and Blue Team is expected to be installed in December 2015. As mentioned previously, City IT are reviewing another software that is being used by several other law enforcement agencies that may meet the requirements of the paragraph.

STATUS SUMMARY:

In Progress

PARAGRAPH: 219

SUBSECTION: D. Early Intervention System

**219.** Following the initial implementation of the updated Early Intervention System, and as experience and the availability of new technology may warrant, the City may add, subtract, or modify thresholds, data tables and fields; modify the list of documents scanned or electronically attached; and add, subtract, or modify standardized reports and queries as appropriate. The Parties shall jointly review all proposals that limit the functions of the Early Intervention System that are required by this Agreement before such proposals are implemented to ensure they continue to comply with the intent of this Agreement.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. PROPOSED – SOP 3-49 EARLY INTERVENTION SYSTEM
  - a. Write policy stating, “As experience and the availability of new technology may warrant, the City may add, subtract, or modify thresholds, data tables and fields; modify the list of documents scanned or electronically attached; and add, subtract, or modify standardized reports and queries as appropriate.”
  - b. Write special order mandating six month (?) review by majors and IA Commander of EIS thresholds prior to meeting with the monitor to approve changes if any
2. In-service curriculum development dependent on roll-out of new EIS

PROGRESS:

SOP 3-49 Early Intervention System clearly defines the rolling threshold process. It will be submitted to the monitoring team for review and approval.

IAPro went live in January 2015 and Blue Team is expected to be installed in December 2015. As mentioned previously, City IT are reviewing another software that is being used by several other law enforcement agencies that may meet the requirements of the paragraph.

STATUS SUMMARY:

In Progress

PARAGRAPH: 220

SUBSECTION: E. On-Body Recording Systems for Documentation of Police Activities

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

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

PARAGRAPH DEADLINE: 12/2/2015

IMPLEMENTATION PLAN:

1. Form a camera policy revision committee that meets weekly
2. Research policies and best practices
3. Create a draft policy that meets criteria above
4. Submit proposed draft policy to monitor for approval
5. Once approved, send to PowerDMS for distribution

PROGRESS:

An earlier revised version of the on-body camera policy was submitted to the monitoring team that was sent back for additional modification. The paragraph lead sat with two members of the monitoring team to finalize any remaining recommendations. The policy is now undergoing internal review before being resubmitted to the monitoring team for review and approval.

STATUS SUMMARY:

In progress

PARAGRAPH: 221

SUBSECTION: E. On-Body Recording Systems for Documentation of Police Activities

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

PARAGRAPH DEADLINE:

IMPLEMENTATION PLAN:

1. Form a camera policy revision committee that meets weekly
2. Research policies and best practices
3. Create a draft policy that meets criteria above
4. Submit proposed draft policy to monitor for approval
5. Once approved, send to PowerDMS for distribution

PROGRESS:

An earlier revised version of the on-body camera policy was submitted to the monitoring team that was sent back for additional modification. The paragraph lead sat with two members of the monitoring team to finalize any remaining recommendations. The policy is now undergoing internal review before being resubmitted to the monitoring team for review and approval.

STATUS SUMMARY:

In Progress

PARAGRAPH: 222

SUBSECTION: E. On-Body Recording Systems for Documentation of Police Activities

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

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Develop a new curriculum based on the requirements of the on-body worn camera policy.

PROGRESS:

New curriculum development pending roll-out of revised body-worn camera policy.

STATUS SUMMARY:

In Progress

PARAGRAPH: 223

SUBSECTION: E. On-Body Recording Systems for Documentation of Police Activities

**223.** APD agrees to develop and implement a schedule for testing on-body recording systems to confirm that they are in proper working order. Officers shall be responsible for ensuring that on-body recording systems assigned to them are functioning properly at the beginning and end of each shift according to the guidance of their system's manufacturer and shall report immediately any improperly functioning equipment to a supervisor.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Form a camera policy revision committee that meets weekly
2. Research policies and best practices
3. Create a draft policy that meets criteria above
4. This section is covered in the revised SOP. The draft was submitted for review in December 2015
5. Minor revisions have been made to the draft policy
6. Submit proposed draft policy to monitor for approval
7. Once approved, send to PowerDMS for distribution

PROGRESS:

An earlier revised version of the on-body camera policy was submitted to the monitoring team that was sent back for additional modification. The paragraph lead sat with two members of the monitoring team to finalize any remaining recommendations. The policy is now undergoing internal review before being resubmitted to the monitoring team for review and approval.

STATUS SUMMARY:

In Progress

PARAGRAPH: 224

SUBSECTION: E. On-Body Recording Systems for Documentation of Police Activities

**224.** Supervisors shall be responsible for ensuring that officers under their command use on-body recording systems as required by APD policy. Supervisors shall report equipment problems and seek to have equipment repaired as needed. Supervisors shall refer for investigation any officer who intentionally fails to activate his or her on-body recording system before incidents required to be recorded by APD policy.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Form a camera policy revision committee that meets weekly
2. Research policies and best practices
3. Create a draft policy that meets criteria above
4. This section is covered in the revised SOP. The draft was submitted for review in December 2015
5. Minor revisions have been made to the draft policy.
6. Submit proposed draft policy to monitor for approval
7. Once approved, send to PowerDMS for distribution

PROGRESS:

An earlier revised version of the on-body camera policy was submitted to the monitoring team that was sent back for additional modification. The paragraph lead sat with two members of the monitoring team to finalize any remaining recommendations. The policy is now undergoing internal review before being resubmitted to the monitoring team for review and approval.

STATUS SUMMARY:

In Progress

PARAGRAPH: 225

SUBSECTION: E. On-Body Recording Systems for Documentation of Police Activities

**225.** At least on a monthly basis, APD shall review on-body recording system videos to ensure that the equipment is operating properly and that officers are using the systems appropriately and in accordance with APD policy and to identify areas in which additional training or guidance is needed.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Form a camera policy revision committee that meets weekly
2. Research policies and best practices
3. Create a draft policy that meets criteria above
4. This section is covered in the revised SOP. The draft was submitted for review in December 2015
5. Minor revisions have been made to the draft policy.
6. Submit proposed draft policy to monitor for approval
7. Once approved, send to PowerDMS for distribution

PROGRESS:

An earlier revised version of the on-body camera policy was submitted to the monitoring team that was sent back for additional modification. The paragraph lead sat with two members of the monitoring team to finalize any remaining recommendations. The policy is now undergoing internal review before being resubmitted to the monitoring team for review and approval.

STATUS SUMMARY:

In Progress

PARAGRAPH: 226

SUBSECTION: E. On-Body Recording Systems for Documentation of Police Activities

**226.** APD policies shall comply with all existing laws and regulations, including those governing evidence collection and retention, public disclosure of information, and consent.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Devise a process to include legal review and commentary regarding development of all laws, regulations, and policies.

PROGRESS:

As part of the review process, all proposed SOP changes will be reviewed by a staff attorney in order to meet the criteria described in the settlement agreement paragraph. A City attorney is also a voting member on APD's Policy and Procedures Review Board.

STATUS SUMMARY:

In Progress

PARAGRAPH: 227

SUBSECTION: E. On-Body Recording Systems for Documentation of Police Activities

**227.** APD shall ensure that on-body recording system videos are properly categorized and accessible. On-body recording system videos shall be classified according to the kind of incident or event captured in the footage.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. APD's current vendor for video storage provides for a comprehensive indexing system as described above.

PROGRESS:

See above.

STATUS SUMMARY:

In Progress

PARAGRAPH: 228

SUBSECTION: E. On-Body Recording Systems for Documentation of Police Activities

**228.** Officers who wear on-body recording systems shall be required to articulate on camera or in writing their reasoning if they fail to record an activity that is required by APD policy to be recorded. Intentional or otherwise unjustified failure to activate an on-body recording system when required by APD policy shall subject the officer to discipline.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Include above language above in the new draft of the on-body camera policy.

PROGRESS:

An earlier revised version of the on-body camera policy was submitted to the monitoring team that was sent back for additional modification. The paragraph lead sat with two members of the monitoring team to finalize any remaining recommendations. The policy is now undergoing internal review before being resubmitted to the monitoring team for review and approval.

STATUS SUMMARY:

In Progress

PARAGRAPH: 229

SUBSECTION: E. On-Body Recording Systems for Documentation of Police Activities

**229.** APD shall ensure that on-body recording systems are only used in conjunction with official law enforcement duties. On-body recording systems shall not be used to record encounters with known undercover officers or confidential informants; when officers are engaged in personal activities; when officers are having conversations with other Department personnel that involve case strategy or tactics; and in any location where individuals have a reasonable expectation of privacy (e.g., restroom or locker room).

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Include above language above in the new draft of the on-body camera policy.

PROGRESS:

An earlier revised version of the on-body camera policy was submitted to the monitoring team that was sent back for additional modification. The paragraph lead sat with two members of the monitoring team to finalize any remaining recommendations. The policy is now undergoing internal review before being resubmitted to the monitoring team for review and approval.

STATUS SUMMARY:

In Progress

PARAGRAPH: 230

SUBSECTION: E. On-Body Recording Systems for Documentation of Police Activities

**230.** APD shall ensure that all on-body recording system recordings are properly stored by the end of each officer's subsequent shift. All images and sounds recorded by on-body recording systems are the exclusive property of APD.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Include above language above in the new draft of the on-body camera policy.

PROGRESS:

An earlier revised version of the on-body camera policy was submitted to the monitoring team that was sent back for additional modification. The paragraph lead sat with two members of the monitoring team to finalize any remaining recommendations. The policy is now undergoing internal review before being resubmitted to the monitoring team for review and approval.

STATUS SUMMARY:

In Progress

PARAGRAPH: 231

SUBSECTION: E. On-Body Recording Systems for Documentation of Police Activities

**231.** The Parties are committed to the effective use of on-body recording systems and to utilizing best practices. APD currently deploys several different platforms for on-body recording systems that have a range of technological capabilities and cost considerations. The City has engaged outside experts to conduct a study of its on-body recording system program. Given these issues, within one year of the Effective Date, APD shall consult with community stakeholders, officers, the police officer's union, and community residents to gather input on APD's on-body recording system policy and to revise the policy, as necessary, to ensure it complies with applicable law, this Agreement, and best practices.

PARAGRAPH DEADLINE: 6/2/2016

IMPLEMENTATION PLAN:

1. As policy is developed, the Communication and Community Outreach Director will launch a multiplatform communication plan to inform and educate the general public and stakeholders about on-body cameras; considerations in developing a policy surrounding their implementation and usage and updates of where the department's efforts and timelines stand.
2. The Albuquerque Police Department will also launch a multiplatform communication plan in conjunction with the University of New Mexico to educate the community on the findings of the University's on-body camera study upon the study's completion.
3. The Albuquerque Police Department will work with the ACLU, APD Forward, the Albuquerque Police Oversight Board, Albuquerque Community Police Councils and additional community stakeholders to draft and approve the new policy.
4. The Communication and Community Outreach Director will present the proposed policy to the Community Police Councils in each of the area commands for written input. Community Police Councils will determine how to include public comment on this topic.
5. The proposed policy will also be posted on PowerDMS for review and comments from staff and stakeholders.
6. The proposed will also pass through stakeholders and approval process.
7. Upon completion and final approval the Communication and Community Outreach Director will launch a multiplatform communication plan to thoroughly inform and educate the community of the requirements, abilities and purpose of the newly-enacted policy.

PROGRESS:

As of July 2015, APD staff met with University of New Mexico representatives to reexamine the on body camera study. The UNM contract was extended through November 2015 to include additional survey groups. The final report is expected in December 2015.

APD staff continue to work on a media/public distribution plan.

STATUS SUMMARY:

In Progress

PARAGRAPH: 232

SUBSECTION: X. Recruitment, Selection, and Promotions

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

PARAGRAPH DEADLINE:

IMPLEMENTATION PLAN:

1. Continue to evaluate the existing recruitment and hiring program in order to attract and hire qualified individuals.

PROGRESS:

The APD Academy is close to finalizing a recruitment plan that will build on past successes of using the internet to recruit prospective candidates and other methods to attract qualified individuals.

Existing policy and procedures satisfy requirements of the Settlement Agreement. SOP 2-04 Selection Standards and Qualifications Criteria was submitted to the monitoring team for review and approval.

STATUS SUMMARY:

Support for [232] submitted to the monitor; pending monitor approval.

PARAGRAPH: 233

SUBSECTION: A. Recruitment Plan

**233.** APD shall develop a strategic recruitment plan that includes clear goals, objectives, and action steps for attracting qualified applicants from a broad cross section of the community. The recruitment plan shall establish and clearly identify the goals of APD's recruitment efforts and the duties of officers and staff implementing the plan.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Working in cooperation with UNM to devise comprehensive recruiting strategy.

PROGRESS:

The first session of the APD/UNM Recruiting Summit was held in January 2015.

The APD Academy is close to finalizing a recruitment plan that will build on past successes of using the internet to recruit prospective candidates and other methods to attract qualified individuals.

Existing policy and procedures satisfy requirements of the Settlement Agreement. SOP 2-04 Selection Standards and Qualifications Criteria was submitted to the monitoring team for review and approval.

STATUS SUMMARY:

In Progress

PARAGRAPH: 234

SUBSECTION: A. Recruitment Plan

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

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Working in cooperation with UNM to devise comprehensive recruiting strategy.

PROGRESS:

The first session of the APD/UNM Recruiting Summit was held in January 2015.

The APD Academy is close to finalizing a recruitment plan that will build on past successes of using the internet to recruit prospective candidates and other methods to attract qualified individuals.

Existing policy and procedures satisfy requirements of the Settlement Agreement. SOP 2-04 Selection Standards and Qualifications Criteria was submitted to the monitoring team for review and approval.

STATUS SUMMARY:

In Progress

PARAGRAPH: 235

SUBSECTION: A. Recruitment Plan

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

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Working in cooperation with UNM to devise comprehensive recruiting strategy.

PROGRESS:

The first session of the APD/UNM Recruiting Summit was held in January 2015. Awaiting results of individual interviews and receipt of UNM report.

The recruitment plan and associated SOP were discussed with the monitoring team during their November site visit. The verbal feedback received assessing progress to date was positive.

STATUS SUMMARY:

In Progress

PARAGRAPH: 236

SUBSECTION: B. Hiring Practices

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

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Develop minimum standards for hiring and selecting recruits that comport with best practices.

PROGRESS:

Existing policy and procedures require APD to implement an objective system for hiring and selecting recruits. APD does most of its recruiting using an online provider. It is only much later in the selection process that APD staff learn about an applicant's race, gender, age, or other identifying information.

STATUS SUMMARY:

Support for [236] submitted to monitor; pending monitor approval

PARAGRAPH: 237

SUBSECTION: B. Hiring Practices

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

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Conduct fitness for employment examinations in accordance with best practices and anti-discrimination laws.
2. Ensure that the examinations include the items listed above.

PROGRESS:

Existing policy and procedures require APD to consider the listed items during a pre-service testing of all lateral hires.

STATUS SUMMARY:

Support for [237] submitted to monitor; pending monitor approval

PARAGRAPH: 238

SUBSECTION: B. Hiring Practices

**238.** APD shall ensure that thorough, objective, and timely background investigations of candidates for sworn positions are conducted in accordance with best practices and federal anti-discrimination laws. APD's suitability determination shall include assessing a candidate's credit history, criminal history, employment history, use of controlled substances, and ability to work with diverse communities.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Conduct background investigations in accordance with best practices and anti-discrimination laws.
2. Ensure that the investigation includes the items listed above.

PROGRESS:

Existing policy and procedures require APD to consider the listed items during a pre-employment investigation of all lateral hires.

STATUS SUMMARY:

Support for [238] submitted to monitor; pending monitor approval

PARAGRAPH: 239

SUBSECTION: B. Hiring Practices

**239.** APD shall complete thorough, objective, and timely pre-employment investigations of all lateral hires. APD's pre-employment investigations shall include reviewing a lateral hire's history of using lethal and less lethal force, determining whether the lateral hire has been named in a civil or criminal action; assessing the lateral hire's use of force training records and complaint history, and requiring that all lateral hires are provided training and orientation in APD's policies, procedures, and this Agreement.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Continue to complete pre-employment investigations as stated above.
2. Ensure that investigations assess the topics listed.

PROGRESS:

Existing policy and procedures require APD to consider the listed items during a pre-employment investigation of all lateral hires.

During their site visit the monitoring team reviewed lateral applicant files. As a result, APD Background staff will now include a section in their report that covers the review of the applicants training and use of force incidents, as well as civil litigation.

STATUS SUMMARY:

Support for [239] submitted to monitor; pending monitor approval

PARAGRAPH: 240

SUBSECTION: B. Hiring Practices

**240.** APD shall annually report its recruiting activities and outcomes, including the number of applicants, interviewees, and selectees, and the extent to which APD has been able to recruit applicants with needed skills and a discussion of any challenges to recruiting high-quality applicants.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Continue to collect data as stated above.
2. Developing a format for the formal reporting instrument.

PROGRESS:

The Recruiting Unit will continue to gather data from 2015 to create an annual report in 2016. An action plan has been developed and will be used to create the annual report.

STATUS SUMMARY:

In Progress

PARAGRAPH: 241

SUBSECTION: B. Hiring Practices

**241.** APD shall develop and implement fair and consistent promotion practices that comport with best practices and federal anti-discrimination laws. APD shall utilize multiple methods of evaluation for promotions to the ranks of Sergeant and Lieutenant. APD shall provide clear guidance on promotional criteria and prioritize effective, constitutional, and community-oriented policing as criteria for all promotions. These criteria should account for experience, protection of civil rights, discipline history, and previous performance evaluations.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Team will develop new policy to cover Sergeant and Lieutenant Promotional Processes to ensure they are in step with DOJ guidance.
2. Draft policy will have to be reviewed and City Rules and Regulations will have to be amended by City Legal.
3. The implementation team will meet regularly to draft policy. Break out groups have been assigned to research best practices to establish our procedures. Target completion for Departmental SOP is June 1, 2015. This will give the City time to make adjustments to City Rules and Regulations to bring the department into consideration for compliance.

PROGRESS:

The draft policy has been completed and is being review by city legal staff.

APD staff met with monitoring team representatives in reference to the promotional process. The monitor staff requested data on previous policies, legal findings, and promotional process dates. APD staff have provided the previous and current promotions policies and requested information on promotions.

STATUS SUMMARY:

In Progress

PARAGRAPH: 242

SUBSECTION: C. Promotions

**242.** APD shall develop objective criteria to ensure that promotions are based on knowledge, skills, and abilities that are required to perform supervisory and management duties in core substantive areas.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. This is already built into the system with testing with City HRO and CWH (testing company used by the City of Albuquerque); will incorporate into paragraph 241.

PROGRESS:

The draft policy has been completed and is being review by city legal staff.

APD staff met with monitoring team representatives regarding the promotional process. The monitor staff requested data on previous policies, legal findings, and promotional process dates. APD staff have provided the previous and current promotions policies and requested information on promotions.

STATUS SUMMARY:

In Progress

PARAGRAPH: 243

SUBSECTION: C. Promotions

**243.** Within six months of the Effective Date, APD shall develop and implement procedures that govern the removal of officers from consideration from promotion for pending or final disciplinary action related to misconduct that has resulted or may result in a suspension greater than 24 hours.

PARAGRAPH DEADLINE: 12/2/2015

IMPLEMENTATION PLAN:

1. PROPOSED – SOP 1-09 DISCIPLINE SYSTEM
  - a. Write policy stating, “Any officer having been suspended for misconduct greater than 24 hours shall not be eligible to test for promotion.”
  - b. Write policy stating, “Any officer who has been investigated for misconduct and facing 24 or more hours suspension shall not be eligible to test for promotion during the active testing cycle until final discipline has been imposed and is less than a 24 hour suspension. If final discipline is not imposed prior to testing, the officer will be eligible to test for promotion during the next testing cycle unless the officer receives a 24 or more hour suspension.”
2. Seek clarification on terminology
  - a. 24 hours total for one incident or 24 hours accumulated over multiple cases?
  - b. Career long ban or banned from current testing cycle?

PROGRESS:

Existing language in City Rules and Regulations is actually stricter than proposed USDOJ language. Original rules and regulations were submitted to the monitor for review and approval. However, the City continues to work on additional changes to rules and regulations that may be a better solution to the existing process.

The monitoring team was aware that the department was working on developing a new process.

STATUS SUMMARY:

Support for [243] submitted to monitor; pending monitor approval

PARAGRAPH: 244

SUBSECTION: C. Promotions

**244.** APD shall develop and implement fair and consistent practices to accurately evaluate the performance of all APD officers in areas related to constitutional policing, integrity, community policing, and critical police functions on both an ongoing and annual basis. APD shall develop objective criteria to assess whether officers meet performance goals. The evaluation system shall provide for appropriate corrective action, if such action is necessary.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Review current City rules and Regulations and Department SOP to ensure that all aspects are addressed and up to date.
2. Make a draft of proposed modifications, if needed and submit for approval.
3. Once approved, submit to City Human Resources for public comment and PPRB
4. Post on PowerDMS for signoff

PROGRESS:

There have been ongoing conversations regarding the revamped EWP process. APD staff are coordinating with City IT to incorporate multiple HR platforms and IA EIS information in order to provide a comprehensive package to evaluate each employee.

STATUS SUMMARY:

In Progress

PARAGRAPH: 245

SUBSECTION: D. Performance and Evaluation

**245.** As part of this system, APD shall maintain a formalized system documenting annual performance evaluations of each officer by the officer's direct supervisor. APD shall hold supervisors accountable for submitting timely, accurate, and complete performance evaluations of their subordinates.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Review current City rules and Regulations and Department SOP to ensure that all aspects are addressed and up to date.
2. Make a draft of proposed modifications, if needed and submit for approval.
3. Once approved, submit to City Human Resources for public comment and PPRB
4. Post on PowerDMS for signoff

PROGRESS:

There have been ongoing conversations regarding the revamped EWP process. APD staff are coordinating with City IT to incorporate multiple HR platforms and IA EIS information in order to provide a comprehensive package to evaluate each employee.

Preliminary discussions have indicated that EWPs will be completed at least annually, possibly more frequently.

STATUS SUMMARY:

In Progress

PARAGRAPH: 246

SUBSECTION: D. Performance and Evaluation

**246.** As part of the annual performance review process, supervisors shall meet with the employee whose performance is being evaluated to discuss the evaluation and develop work plans that address performance expectations, areas in which performance needs improvement, and areas of particular growth and achievement during the rating period.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Review current City rules and Regulations and Department SOP to ensure that all aspects are addressed and up to date.
2. Make a draft of proposed modifications, if needed and submit for approval.
3. Once approved, submit to City Human Resources for public comment and PPRB
4. Post on PowerDMS for signoff

PROGRESS:

There have been ongoing conversations regarding the revamped EWP process. APD staff are coordinating with City IT to incorporate multiple HR platforms and IA EIS information in order to provide a comprehensive package to evaluate each employee.

Preliminary discussions have indicated that EWPs will be completed at least annually, possibly more frequently.

STATUS SUMMARY:

In Progress

PARAGRAPH: 247

SUBSECTION: XI. Officer Assistance and Support

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

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. APD's Behavioral Sciences Division will provide counseling, therapy, psychological services, and support groups for all officers and their families. Counseling can be scheduled at any point in the career of the officer. Voluntary and supervisor-mandated counseling is available. HIPPA confidentiality requirements are maintained. Currently the behavioral Sciences Division has five clinicians available. 11/10/14 (on-going)
2. APD's Behavioral Sciences Division will provide counseling, therapy, psychological services, and support groups for all APD civilians and their families (including communications, the crime lab, etc.). HIPPA confidentiality requirements are maintained. 11/10/14 (on-going)
3. APD's Behavioral Sciences Division will provide referrals to peer-support, chaplains, city EAP, city health, and outside mental health providers as needed. 11/10/14 (on-going)
4. APD's Behavioral Sciences Division will provide training, support and oversight of the department peer support team. Generally accepted confidentiality standards will be maintained. 11/10/14 (on-going)
5. A list of resources and referral options is maintained by the Behavioral Sciences Division and will be provided as needed. A services offered flyer is also available and distributed department wide. 11/10/14 (on-going)
6. APD's Behavioral Sciences Division will Specialty Assignment Annual Check-ins (as-needed) for department personnel. 11/10/14 (on-going)
7. APD's Behavioral Sciences Division is on-call 24 hours a day and 356 days a year for all internal mental health related crises or critical incidents. 11/10/14 (on-going)
8. APD's Behavioral Sciences Division will provide as needed Critical Incident Stress Debriefings (CISD) and critical incident stress responses. 11/10/14 (on-going)

PROGRESS:

A packet containing SOP 1-14 Behavioral Sciences Division, a press release regarding APD's peer counseling initiative, and a review of the lead's qualifications was submitted to the monitor for review and approval.

STATUS SUMMARY:

Support for [247] submitted to monitor; pending monitor approval

PARAGRAPH: 248

SUBSECTION: XI. Officer Assistance and Support

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

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. APD's Behavioral Sciences Division will provide counseling, therapy, psychological services, and support groups for all officers and their families. Counseling can be scheduled at any point in the career of the officer. Voluntary and supervisor-mandated counseling is available. HIPPA confidentiality requirements are maintained. Currently the behavioral Sciences Division has five clinicians available. 11/10/14 (on-going)
2. APD's Behavioral Sciences Division will provide counseling, therapy, psychological services, and support groups for all APD civilians and their families (including communications, the crime lab, etc.). HIPPA confidentiality requirements are maintained. 11/10/14 (on-going)
3. APD's Behavioral Sciences Division will provide referrals to peer-support, chaplains, city EAP, city health, and outside mental health providers as needed. 11/10/14 (on-going)
4. APD's Behavioral Sciences Division will provide training, support and oversight of the department peer support team. Generally accepted confidentiality standards will be maintained. 11/10/14 (on-going)
5. A list of resources and referral options is maintained by the Behavioral Sciences Division and will be provided as needed. A services offered flyer is also available and distributed department wide. 11/10/14 (on-going)
6. APD's Behavioral Sciences Division will Specialty Assignment Annual Check-ins (as-needed) for department personnel. 11/10/14 (on-going)
7. APD's Behavioral Sciences Division is on-call 24 hours a day and 356 days a year for all internal mental health related crises or critical incidents. 11/10/14 (on-going)
8. APD's Behavioral Sciences Division will provide as needed Critical Incident Stress Debriefings (CISD) and critical incident stress responses. 11/10/14 (on-going)
9. APD's Behavioral Sciences Division will provide pre-employment psych screenings for all cadet, PTU, and PSA applicants. Screenings will be completed before an applicant starts the training academy. 11/10/14 (on-going)

10. APD's Behavioral Sciences Division will provide stress management training in the academy, and periodically throughout an officer's career with APD. 11/10/14 (on-going)

11. When fitness-for-duty psychological evaluations are warranted and needed officers will be referred to community psychologists who are competent in the performance of such evaluations.

**PROGRESS:**

The Behavioral Health Division met with and is working in conjunction with the lieutenant lead for this paragraph. A Peer Support Coordinator position description has been developed and responsibilities were defined, as well as multiple informational pieces to promote BSD.

**STATUS SUMMARY:**

In Progress

PARAGRAPH: 249

SUBSECTION: XI. Officer Assistance and Support

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

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Develop training for officer support protocols to management and supervisory personnel.
2. Develop scheduling for optimal delivery. Likely to be a combination of live, roll-call sessions and distributed learning through APD-Academy On-line.

PROGRESS:

An in-service training program was developed and submitted to the Behavioral Science Division for review and coordination.

A request for a peer support coordinator was submitted. Training for the peer support program is tentatively scheduled for January 2016. Grant funding is being considered to fund the training.

STATUS SUMMARY:

In Progress

PARAGRAPH: 250

SUBSECTION: XI. Officer Assistance and Support

**250.** APD shall ensure that any mental health counseling services provided to APD employees remain confidential in accordance with federal law and generally accepted practices in the field of mental health care.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. APD's Behavioral Sciences Division will provide counseling, therapy, psychological services, and support groups for all officers and their families. Counseling can be scheduled at any point in the career of the officer. Voluntary and supervisor-mandated counseling is available. HIPPA confidentiality requirements are maintained. Currently the behavioral Sciences Division has five clinicians available. 11/10/14 (on-going)
2. APD's Behavioral Sciences Division will provide counseling, therapy, psychological services, and support groups for all APD civilians and their families (including communications, the crime lab, etc.). HIPPA confidentiality requirements are maintained. 11/10/14 (on-going)
3. APD's Behavioral Sciences Division will provide referrals to peer-support, chaplains, city EAP, city health, and outside mental health providers as needed. 11/10/14 (on-going)
4. APD's Behavioral Sciences Division will provide training, support and oversight of the department peer support team. Generally accepted confidentiality standards will be maintained. 11/10/14 (on-going)

PROGRESS:

The City submitted information to the monitoring team including BSD's intake form with privacy statement and HIPPA confidentiality and BSD's Annual Check-In consent form with notice of confidentiality.

STATUS SUMMARY:

Support for [250] submitted to monitor; pending monitor approval

PARAGRAPH: 251

SUBSECTION: XI. Officer Assistance and Support

**251.** APD shall involve mental health professionals in developing and providing academy and in-service training on mental health stressors related to law enforcement and the mental health services available to officers and their families.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. APD shall continue to provide professionals that can provide input on mental health training.
2. APD shall continue to promote the mental health services available to their employees and families.

PROGRESS:

A packet including the Behavioral Sciences syllabus, lesson plan, and an explanation of Cadet Family Night were submitted to the monitoring team for review and approval.

STATUS SUMMARY:

Support for [251] submitted to monitor; pending monitor approval

PARAGRAPH: 252

SUBSECTION: XI. Officer Assistance and Support

**252.** APD shall develop and implement policies that require and specify a mental health evaluation before allowing an officer back on full duty following a traumatic incident (e.g., officer-involved shooting, officer-involved accident involving fatality, or all other uses of force resulting in death) or as directed by the Chief.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. APD's Behavioral Sciences Division is on-call 24 hours a day and 356 days a year for all internal mental health related crises or critical incidents. 11/10/14 (on-going)
2. APD's Behavioral Sciences Division will attempt to respond to the scene of all Officer Involved Shootings (OIS) and Critical Incidents. 11/10/14 (on-going)
3. APD's Behavioral Sciences Division will complete Return to Duty Psychological Screenings (RTD) after all traumatic events. Written documentation of the screening will be provided to APD. 11/10/14 (on-going)
4. APD's Behavioral Sciences Division Director or designee will participate in the department's Critical Incident Review Board for all officer involved shootings and critical incident situations.

PROGRESS:

A packet including SOP 1-14 Behavioral Sciences Division was submitted to the monitor for review and approval.

STATUS SUMMARY:

Support for [252] submitted to monitor; pending monitor approval

PARAGRAPH: 253

SUBSECTION: XI. Officer Assistance and Support

**253.** APD agrees to compile and distribute a list of internal and external available mental health services to all officers and employees. APD should periodically consult with community and other outside service providers to maintain a current and accurate list of available providers.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. APD's Behavioral Sciences Division will provide referrals to peer-support, chaplains, city EAP, city health, and outside mental health providers as needed. 11/10/14 (on-going)
2. APD's Behavioral Sciences Division will provide training, support and oversight of the department peer support team. Generally accepted confidentiality standards will be maintained. 11/10/14 (on-going)
3. A list of resources and referral options is maintained by the Behavioral Sciences Division and will be provided as needed. A services offered flyer is also available and distributed department wide. Community providers will be contacted as needed to maintain an up-to-date list of options. 11/10/14 (on-going)

PROGRESS:

The monitor's methodology was updated. APD submitted a packet that included a BSD flyer, BSD Support Network Quick Resource Guide, BSD Law Enforcement Referral Options, and a BSD referral list for substance abuse programs.

STATUS SUMMARY:

Support for [253] submitted to the monitor; pending review and approval.

PARAGRAPH: 254

SUBSECTION: XII. Community Engagement and Oversight

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

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Establish, train and support Community Police Councils within each of the City's area commands which will submit recommendations and input to the Albuquerque Chief of Police through the chain of command.

5/14/2014
2. Host frequent 'Coffee with a Cop' events at area businesses and community meeting places to ensure the public has a casual opportunity to get to know individual officers within the department, ask questions and build relationships.

11/12/2014
3. Launch [www.talkwithacop.com](http://www.talkwithacop.com) providing a portal for public information questions, concerns and input.

1/1/2015
4. Participate in and assist with the City of Albuquerque's Police Community Collaborative.
  - a. Once the study conducted by the University of New Mexico and derived from the Collaborative, reveals recommendations, create and implement an action plan to achieve as many findings as possible.

10/27/2014 - CONTINUING
5. Utilize social media to spread positive stories highlighting the selfless work of the department's officers and the responsibilities required of them with the goal of fostering an atmosphere of mutual respect.

CONTINUING
6. Create an educational curriculum for young adults depicting the duties, goals, responsibilities and dedication of Albuquerque Police officers which will be given to local schools, youth groups, boy/girl scouting troops, etc. to ensure the departments fosters support, community policing, mutual respect and bolsters possible recruiting efforts.

8/8/2015
7. Launch 'Civilian 49' on social media and YouTube as a weekly, interactive update video informing the community about the news of the week, criminal activity, accomplishments and developments within the department.

4/6/2015

8. Launch 'I Am APD' a video web series featuring officers' unknown talents and commitments to the community they serve which will show the diverse, positive interaction police officers have when they are off duty and out of uniform.

6/1/2015

9. Host open houses in each of the area commands so the community can get to know their officers, become familiar with the resources available to them and build relationships which encourage community policing and mutual respect.

8/8/2015

**PROGRESS:**

APD utilizes Facebook, Twitter, nextdoor.com, and talkwithacop.com to facilitate ongoing and constructive communication between APD and the many communities that comprise Albuquerque on a daily basis. The Department provides daily updates on criminal activity, crime prevention tips, and good news concerning the department and information involving upcoming events. Residents are also encouraged to ask questions and submit ideas through APD's social media sites.

**STATUS SUMMARY:**

In Progress

PARAGRAPH: 255

SUBSECTION: A. Community and Problem-Oriented Policing

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

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Mission statement working group completed deliberations. Recommendations submitted to Chief for review/approval.
2. Contract curriculum developer shaping Community Oriented Policing and Problem Oriented Policing (COP/POP) learning program for delivery by APD-Academy On-Line. Reviewed formatting and content. This is in response to the training requirement established by this paragraph. Anticipate roll-out to workforce in early 2016.

PROGRESS:

A new mission statement was created and approved by the Chief.

Core values and principles continue to be stressed throughout training. Values are reinforced daily and are including in all training. A packet was sent to the monitor that included the new mission statement.

A community and problem-oriented policing curriculum has been developed and will be rolled out to all sworn staff in January 2016. The curriculum was submitted to the monitoring team for their review in November 2015.

STATUS SUMMARY:

Support for [255] submitted to monitor; pending monitor approval

PARAGRAPH: 256

SUBSECTION: A. Community and Problem-Oriented Policing

**256.** As part of the Parties' staffing plan described in Paragraph 204, APD shall realign its staffing allocations and deployment, as indicated, and review its recruitment and hiring goals to ensure they support community and problem-oriented policing.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Hiring goals under review. Changes to base qualifications under review.
2. Recruiting Summit initial session 1/15/15. One-on-one interviews with prospective Recruiting Advisory Council members will further refine our way forward. This strategy proposal, along with results of the full staffing study, will inform our future recruitment and hiring goals. These criteria will be fashioned into the new APD strategic recruiting plan.

PROGRESS:

A recruiting summit was held in January 2015.

Staff were waiting on the results of the staffing study (expected in early December 2015) to ensure that recruiting and hiring goals were in line with the recommendations or changes described in the report.

STATUS SUMMARY:

In Progress

PARAGRAPH: 257

SUBSECTION: A. Community and Problem-Oriented Policing

**257.** APD shall ensure that officers are familiar with the geographic areas they serve, including their issues, problems, and community leaders; engage in problem identification and solving activities with the community members around the community's priorities; and work proactively with other city departments to address quality-of-life issues.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Identified the following information to be distributed to all officers at the beginning of a bid: Spreadsheet to document community meetings, problem-solving activities, and community priorities. Beat maps of the area command, a list of neighborhood associations and emergency contact information for the officers.
2. Re-writing SOP section 3-17 and 1-02 to reflect these changes to comply with the agreement.
3. Drafts of the SOP sections were submitted for review by APD's SOPRC and PPRB

PROGRESS:

APD developed packets for each area command that includes a map of each beat/area command, contact information for neighborhood associations, and emergency contacts. A spreadsheet was developed to document community meetings and problem solving activities.

The associated SOPs were submitted to the APD's policy approval process and are pending.

STATUS SUMMARY:

In Progress

PARAGRAPH: 258

SUBSECTION: A. Community and Problem-Oriented Policing

**258.** Within 12 months of the Effective Date, APD agrees to provide 16 hours of initial structured training on community and problem-oriented policing methods and skills for all officers, including supervisors, commanders, and executives. This training shall include:

- a. methods and strategies to improve public safety and crime prevention through community engagement;
- b. leadership, ethics, and interpersonal skills;
- c. community engagement, including how to establish formal partnerships and actively engage community organizations, including youth, homeless, and mental health communities;
- d. problem-oriented policing tactics, including a review of the principles behind the problem solving framework developed under the "SARA Model" (Scanning, Analysis, Response, Assessment), which promotes a collaborative, systematic process to address issues of the community, safety, and quality of life;
- e. conflict resolution and verbal de-escalation of conflict; and
- f. Cultural awareness and sensitivity training.

PARAGRAPH DEADLINE: 6/2/2016

IMPLEMENTATION PLAN:

1. Comprehensive training package development underway for on-line delivery.
2. Contract curriculum developer shaping COPS POP learning program for delivery by APD-Academy On-Line. Reviewed formatting and content. Anticipate roll-out to workforce in early 2016.

PROGRESS:

The 16-hour curriculum has been developed and finalized. It was submitted to the monitoring team for their review during their site visit in early November 2015. It is expected the training will occur in five sessions from January through May 2016.

STATUS SUMMARY:

In Progress

PARAGRAPH: 259

SUBSECTION: A. Community and Problem-Oriented Policing

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

PARAGRAPH DEADLINE: 12/2/2015

IMPLEMENTATION PLAN:

1. Research current use and effective partnerships utilized by APD's Crisis Outreach and Service Team (COAST)
2. Ensure that there is an excellent system in place to accurately track contacts and results of mental health related interaction by APD officers and members of COAST
3. When possible, disseminate the accomplishments and successes of these efforts to the community, stakeholders and media.

PROGRESS:

The Mayor's Office has held Mental Health Collaborative meetings:

<http://www.cabq.gov/mayor/events/albuquerque-police-community-relations-collaborative-mental-health-oct-27-2014>

APD staff and community members participated in the above Police and Community Relations Collaborative focused on Mental Health and Mental Health Providers.

The purpose of the dialogue was to open lines of communication between the department and community. The Collaborative is implemented in three stages. The dialogue is the first. During the second phase, stakeholder groups will vote on and create an action plan designed to address reoccurring themes and goals. A monitoring committee made up of local volunteers and leaders will then help to ensure accepted recommendations are met. The process is expected to take around six months.

The Southeast Area Command Community Police Council has decided to focus on mental health issues in Albuquerque. The council is comprised of seven community members, two Albuquerque Police officers and two Albuquerque Police Sergeants. The Council meets monthly and provides the community and department an open, educational and productive atmosphere to discuss concerns focused on mental health issues and police.

The Southeast Community Police Council also continues to discuss and focus on mental health issues.

The Community Outreach Director is also working with KOB Channel 4 (NBC TV Affiliate) to do a ride-along news story highlighting the diverse work of APD's COAST team.

STATUS SUMMARY:

Support for [259] submitted to monitor; pending monitor approval

PARAGRAPH: 260

SUBSECTION: B. Community Meetings and Public Information

**260.** APD shall develop a Community Outreach and Public Information program in each Area Command.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Create and launch individual informative websites for each area command.
  - a. These websites will be linked to the Department's main website on [www.cabq.gov](http://www.cabq.gov) ensuring easy accessibility. Links to the area command sites will also be available on [www.talkwithacop.com](http://www.talkwithacop.com) . The area command sites will contain monthly updates from the Communications and Community Outreach Director, as well as any immediate information released by the Public Information Officers.

4/1/2015
2. Launch [www.nextdoor.com](http://www.nextdoor.com) which will act a social, online portal for the release of public information and dually act as a community policing collaborative site in not only the each area command, but specific street blocks and neighborhoods.

11/17/2014
3. Create a [www.Nixle.com](http://www.Nixle.com) account for the Albuquerque Police Department which will alert residents in all area commands of urgent public safety matters, community events and necessary public information.

3/1/2015
4. Create and publish a monthly online and print newsletter which will be distributed citywide on the above mentioned portals (excluding Nixle). Newsletter will also be printed and distributed to Neighborhood Watch block captains, be made available at each of the department's substations, area businesses and city owned locations.

PROGRESS:

The plan items described above have been implemented.

STATUS SUMMARY:

In Progress

PARAGRAPH: 261

SUBSECTION: B. Community Meetings and Public Information

**261.** The Community Outreach and Public Information program shall require at least one semi-annual meeting in each Area Command that is open to the public. During the meetings, APD officers from the Area Command and the APD compliance coordinator or his or her designee shall inform the public about the requirements of this Agreement, update the public on APD's progress meeting these requirements, and address areas of community concern. At least one week before such meetings, APD shall widely publicize the meetings.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Schedule and plan meetings in each area commands set around the release of the Department of Justice's quarterly reports and the Albuquerque Police Department's Quarterly Reports.  
June, October and January starting in June of 2015
2. Meetings will include multiplatform information (written, visual and video) concerning the quarterly reports of both agencies and updates on progress in achieving compliance, community's and department's goals.
3. Albuquerque Police Department's Communication and Community Outreach director will ensure meetings are publicized on department's area command websites, city website, [www.talkwithacop.com](http://www.talkwithacop.com), when possible in the media, through press releases and through a multiplatform communication plan.  
At Least Two Weeks Prior to First Meeting
4. The Albuquerque Police Department will use social media, [www.talkwithacop.com](http://www.talkwithacop.com) and written comments to gather questions and be able to respond to community concerns prior to the meetings. This can be done through Twitter and online forums which will be posted with answers following the meetings as an additional element.  
Two Weeks Prior to First Meeting

PROGRESS:

The items described above have been implemented.

STATUS SUMMARY:

In Progress

PARAGRAPH: 262

SUBSECTION: B. Community Meetings and Public Information

**262.** The Community Outreach and Public Information meetings shall, with appropriate safeguards to protect sensitive information, include summaries of all audits and reports completed pursuant to this Agreement and any policy changes made and other significant action taken as a result of this Agreement. The meetings shall also include public education on an individual's rights and responsibilities during a police encounter.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Host Community Outreach and Public Information meetings in conjunction with those set out in Subsection: B. Community Meetings and Public Information item number 261.
2. Create further online/video Public Safety Announcements surrounding victim's rights and expectations for citizen and officer interactions during often encountered situations. EXAMPLE: 'What Should I Do If I'm Stopped by a Police Officer?' <http://youtu.be/sPCmnppVn44> which will also be presented at such meetings.  
CONTINUOUS / First Launched 7/17/2014
3. Create written material to be distributed at these meetings as well as to each of the Albuquerque Police Department Substations in each of the area commands, area businesses, city facilities and community groups emphasizing the above mentioned scenarios.  
CONTINUOUS/ First Launched Summer of 2014
4. Posts updated SOP and policy changes on the city's website and educate the public on how to access this information. Direct questions and comments to [www.talkwithacop.com](http://www.talkwithacop.com) .  
CONTINUOUS

PROGRESS:

The items described above have been implemented.

STATUS SUMMARY:

In Progress

PARAGRAPH: 263

SUBSECTION: B. Community Meetings and Public Information

**263.** For at least the first two years of this Agreement, every APD officer and supervisor assigned to an Area Command shall attend at least two community meetings or other meetings with residential, business, religious, civic or other community-based groups per year in the geographic area to which the officer is assigned.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Working on and identifying SOP sections that need to be changed. Also creating a special order to be implemented immediately.
2. Special Order was signed and posted on January 2, 2015 via Power DMS. SOP section 1-02 of General Orders was revised and submitted to the chain of command for review and approval.

PROGRESS:

A packet for [263] including Special Order 15-01 Mandatory Community Meeting and Documentation and SOP 1-02 Officer's Duties were included. A spreadsheet that included all patrol officers and the community meeting locations was developed. Discussions to incorporate this information into the officer's monthly report are ongoing, and ideas about how to better automate the process are also being considered.

STATUS SUMMARY:

Support for [263] submitted to monitor; pending monitor approval

PARAGRAPH: 264

SUBSECTION: B. Community Meetings and Public Information

**264.** APD shall continue to maintain and publicly disseminate accurate and updated crime statistics on a monthly basis.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Research current efforts and modes of dissemination 2/17/2015
2. Widely publicize the Albuquerque Police Department's existing monthly crime statistic reports which are available online at <http://www.cabq.gov/police/internal-reports/monthly-reports>
  - a. Launch a multi-platform (Written/video/graphics: online, press release, social media, nextdoor.com, newsletter, etc.) education campaign informing the public this service exists and explain how to utilize/analyze the data. 3/1/2015
3. Work with the Albuquerque Police Department's Crime Analysts to track, recognize and report developing trends
  - a. Develop multi-platform media and targeted public safety announcements based on those trends with the goal of informing the public, disseminating the proactive approaches taken by the Albuquerque Police Department to prevent criminal activity and offering suggestions on how to implement community policing strategies to curb further instances of crime. 4/6/2015
4. Conduct multiplatform media blitz educating the community about the Albuquerque Police Department's Crime Prevention Unit and the preventative, educational efforts they provide.
  - a. Create continuous multiplatform public safety announcements from these presentations and the demographics they target (e.g. Seniors, College Students, Young Drivers, etc.) 4/6/2015

PROGRESS:

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

STATUS SUMMARY:

In Progress

PARAGRAPH: 265

SUBSECTION: B. Community Meetings and Public Information

**265.** APD audits and reports related to the implementation of this Agreement shall be posted on the City or APD's website, with reasonable exceptions for materials that are legally exempt or protected from disclosure.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Positions for five auditors and one audit supervisor were created and advertised. The position advertisements closed on February 4, 2015. Interviews are expected to commence in late February/early March. Once the staff is on board, all reports will be posted on the department's web site.

PROGRESS:

A team of three quality assurance auditors and a supervisor were hired in April 2015. They are tasked with developing processes that ensure that the City and APD are making progress in meeting the requirements of the Settlement Agreement. A page under the APD website umbrella was created and several reports have already been uploaded.

STATUS SUMMARY:

In Progress

PARAGRAPH: 266

SUBSECTION: Community Policing Councils

**266:** The City shall establish Community Policing Councils in each of the six Area Commands with volunteers from the community to facilitate regular communication and cooperation between APD and community leaders at the local level. The Community Policing Councils shall meet, at a minimum, every six months.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Establish CPCs in each of APD's area commands.
2. Facilitate regular communication and cooperation between the CPCs and APD by inviting APD officers, guest speakers, and utilizing additional resources to forge strong bonds with the community.

PROGRESS:

Mayor Berry announced the establishment of Community Policing Councils (CPCs) in the summer of 2014 and invited community members to sign up on the City website. The CPCs were formed and early work included the development of guidelines and rules. The Community Outreach Director is now able to distribute announcements regarding the CPCs via the City's website.

STATUS SUMMARY:

In Progress

PARAGRAPH: 267

SUBSECTION: Community Policing Councils

**267:** In conjunction with community representatives, the City shall develop a mechanism to select the members of the Community Policing Councils, which shall include a representative cross-section of community members and APD officers, including, for example, representatives of social services providers and diverse neighborhoods; leaders in faith, business, or academic communities; and youth. Members of the Community Policing Councils shall possess qualifications necessary to perform their duties, including successful completion of the Citizens Police Academy.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Mayor Berry announced the establishment of the Community Policing Councils (CPCs) and invited all Albuquerque citizens to participate. He set up a process by which community leaders from each of the six area commands would select the CPC membership for their area. The community leaders were given the list of applicants taken from the City website and they conducted interviews of each candidate to assure a diverse broad selection. The selection process took a few months in Fall of 2014 to allow the greatest participation from applicants to apply and be selected. There is a minimum of 6 community members on each CPC. APD officers were selected by the Chief of Police and the area commanders. The guidelines provided to each CPC member indicated that they would complete the Citizen Police Academy.

PROGRESS:

The CPCs are volunteer-based. Each individual CPC decides membership and duties. A web-based form to submit interest about serving on a CPC was developed. As part of the interest submission, the form requires the attachment of a resume and personal information about the applicant.

STATUS SUMMARY:

In Progress

PARAGRAPH: 268

SUBSECTION: Community Policing Councils

**268:** The City shall allocate sufficient resources to ensure that the Community Policing Councils possess the means, access, training, and mandate necessary to fulfill their mission and the requirements of this Agreement. APD shall work closely with the Community Policing Councils to develop a comprehensive community policing approach that collaboratively identifies and implements strategies to address crime and safety issues. In order to foster this collaboration, APD shall share appropriate information and documents with the Community Policing Councils, provided adequate safeguards are taken not to disclose information that is legally exempt or protected from disclosure.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. The first general meeting with all the selected CPC members was held on October 30, 2014 at the Albuquerque Museum. The community appointees and law enforcement were in attendance. At that meeting, all members were given a copy of the guidelines, the opportunity to meet their fellow members and facilitator, and to select a day, time and location for all future monthly meetings. The guidelines were developed with the understanding that each CPC would tailor their guidelines to suit the specific needs of their area command. The guidelines identify the goals and the resources to be provided including information the CPC's should address in going forward and provisions to help assure collaboration and confidentiality. The Office of Diversity and Human Rights and the Office of Alternative Dispute Resolution trained 6 facilitators to help guide the CPC's. The facilitators assist with the agenda, minutes, public postings and other things as needed. There are at least two APD officers assigned to each CPC as liaisons to improving community relations by providing information and insights into APD operation, as appropriate.

PROGRESS:

Recommendations, as reflected in the Community Policing Council's minutes, are proposed either by the community, council, or APD members. They are then researched by the councils (which include members of APD), and then a collaborative, actionable recommendation is draft and submitted to the council for approval. The recommendation can be amended, passed, or denied by the voting council members.

If passed, the recommendation is submitted to the Communication and Community Outreach Director who delivers it to the responsible party or Chief of Police. They can then take appropriate action. That information is documented and then passed back through to the Community Police Council.

As further training for Councils, APD has started collecting helpful information and training resources from the COPS Office website and distribute it via emails to members of the Councils.

STATUS SUMMARY:

In Progress

PARAGRAPH: 269

SUBSECTION: Community Policing Councils

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

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

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. The CPC's were provided with updated information about the itemized list taken from the DOJ/APD settlement agreement (paragraph 269). On December 9, 2014, a meeting was held with the law enforcement participants on the CPC to further clarify their role in accordance with these five specific recommendations. The meeting further allowed the law enforcement participants to discuss the progress of the CPC's and to help share best practices. The list was also shared with the facilitators to pass on to the CPC members. All six of the CPCs meet monthly to discuss various items of concern to them and to the APD area command.

PROGRESS:

See Implementation Plan above.

A Frequently Asked Questions document was created and distributed to the CPCs.

STATUS SUMMARY:

In Progress

PARAGRAPH: 270

SUBSECTION: Community Policing Councils

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

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. CPC facilitators have been notified that the minutes of the meetings will likely be the basis of their annual reports.
2. APD staff is working with the CPC leaders and the Community Outreach Director to compile their notes into an Annual Report.

PROGRESS:

The facilitators have been notified that the minutes will likely be the basis of their annual reports. The monitoring team has requested that APD reach out to the other departments and the COPS Office to identify best practices or evidence-based approaches in community policing curriculum and training delivery. APD reached out to the USDOJ to see how community policing councils are set up and obtained a draft manual. APD has also researched the COPS Office website and plans to distribute tips from the website.

STATUS SUMMARY:

In Progress

PARAGRAPH: 271

SUBSECTION: Civilian Police Oversight Agency

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

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. The City Council created the Citizens Police Oversight Agency and named a nine-person Police Oversight Board. The Board has met twice by April, 2015.
2. Apply amended Police Oversight Ordinance (City Code Sections 9-4-1-1, *et seq*)
  - a. Ensure mission goals are satisfied through specific provisions delineated below.
  - b. Ensure use of force is sufficiently delineated to report on serious uses of force
3. Ensure use of force weapon/resistance, restraints, and responses are individually classified.

PROGRESS:

A packet that included City of Albuquerque 21<sup>st</sup> Council Bill O-14-13 was submitted to the monitoring team. O-14-13 established the CPOA and defined its responsibilities and duties.

The CPOA has referred forty seven cases to be reviewed by the review board on December 10<sup>th</sup>, 2015. After review of all of the cases the CPOA will send notification letters out to the parties no later than 48 hours after the review process. Thereafter, CPOA will post the case findings publicly on their website. Per the CPOA Executive Director, the case findings will be posted no later than December 17<sup>th</sup>, 2015.

Revisions have been made to SOP 2-05 Internal Affairs to include CPOA as a distribution requirement of serious use of force cases from the Critical Incident Review Team (CIRT).

STATUS SUMMARY:

Support for [271] submitted to monitor; pending monitor approval

PARAGRAPH: 272

SUBSECTION: Civilian Police Oversight Agency

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

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Apply the provisions of the current Police Oversight Ordinance regarding independence of the Agency. Report to Monitor any violations of such.

PROGRESS:

A packet that included City of Albuquerque 21<sup>st</sup> Council Bill O-14-13 was submitted to the monitoring team. O-14-13 established the CPOA and defined its responsibilities and duties.

STATUS SUMMARY:

Support for [272] submitted to monitor; pending monitor approval

PARAGRAPH: 273

SUBSECTION: Civilian Police Oversight Agency

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

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. The amended legislation "Police Oversight Ordinance O-15-38 describes the orientation and training required by the POB members. The POB shall complete and orientation and training program consisting of the following:
  - a. Be trained by CPOA staff or CPOA legal counsel on CPOA and PAD rules, policies, and procedures; and
  - b. Attend at least one POB meeting as an observer
  - c. Each POB member shall complete a training program that includes:
    - i. completion of the Civilian Police Academy, civil rights training
    - ii. Two APD ride-alongs
    - iii. Annual firearms simulation training
    - iv. Internal Affairs training
    - v. Training provided to APD officers on use of force, include a review and familiarization with APD policies
    - vi. Equity and cultural sensitivity training
    - vii. Training on the 2014 USDOJ settlement agreement

PROGRESS:

A packet that included City of Albuquerque 21<sup>st</sup> Council Bill O-14-13 was submitted to the monitoring team. O-14-13 established the CPOA and defined its responsibilities and duties. The packet also included a list of Police Oversight Board Members, their backgrounds and qualifications.

APD conferred with interim CPOA Executive Director to develop a training package. CPOA POB members have been selected, and are coordinating with the APD Academy to select and track the required training.

STATUS SUMMARY:

Support for [273] submitted to monitor; pending monitor approval

PARAGRAPH: 274

SUBSECTION: Civilian Police Oversight Agency

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

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

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. CPOA staff to attend scheduled Internal Affairs training
2. Conferring with interim CPOA executive director to develop training package. Date for next CPA pending nomination of POB members, who will be required to attend.
3. Create plan to train POB Members on each of the required topics of training;
4. Track and document training compliance for each POB Member.

PROGRESS:

APD conferred with interim CPOA Executive Director to develop a training package. CPOA POB members have been selected, and are coordinating with the APD Academy to select and track the required training.

STATUS SUMMARY:

In Progress

PARAGRAPH: 275

SUBSECTION: Civilian Police Oversight Agency

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

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Discussions underway with CPOA Executive Director to determine training requirements and delivery date(s).
2. CPOA members will be exposed to pertinent aspects of future MOE in-service training. They will be added to the distribution list of the Academy's TEN-Code newsletter, which is APD's primary method of delivery for legal updates received from NMDPS and other sources.
3. Create a plan to train POB Members on changes in law, policy and development in the implementation of this Agreement;
4. Track and document training compliance for each POB Member.

PROGRESS:

A packet that included City of Albuquerque 21<sup>st</sup> Council Bill O-14-13 was submitted to the monitoring team. O-14-13 established the CPOA and defined its responsibilities and duties. The packet also included a list of Police Oversight Board Members describing their backgrounds and qualifications.

STATUS SUMMARY:

Support for [275] submitted to monitor; pending monitor approval

PARAGRAPH: 276

SUBSECTION: Civilian Police Oversight Agency

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

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. The Academy FTO Sergeant will be responsible for scheduling ride-alongs. The Training Division will ensure that CPOA members have established training jackets to document these events and other training received.
2. Assist POB Members to set up two ride-a-longs with APD every six months;
3. Track and document training compliance for each POB Member.

PROGRESS:

APD has developed an implementation plan and sent the APD ride-along approval form to all POB members, as well as developed a tracking form to document progress.

The FTO Sergeant is now overseeing ride-alongs for the CPOA and has developed a form to track the required two ride-alongs every six months. Per the CPOA Executive Director, the first set of required ride-alongs for the first six month period have been completed by the CPOA. The second set of ride-alongs are expected to be documented and tracked through the implemented plan in place.

STATUS SUMMARY:

In Progress

PARAGRAPH: 277

SUBSECTION: Civilian Police Oversight Agency

**277:** The City shall provide the agency sufficient resources and support to assess and make recommendations regarding APD's civilian complaints, serious uses of force, and officer involved shootings; and to review and make recommendations about changes to APD policy and long-term trends in APD's use of force.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Request sufficient resources from City to accomplish required missions;
2. Notify Monitor if City Budget is inadequate.

PROGRESS:

A packet that included City of Albuquerque 21<sup>st</sup> Council Bill O-14-13 was submitted to the monitoring team. O-14-13 established the CPOA and defined its responsibilities and duties. The City of Albuquerque budget appropriation for the CPOA was also included.

STATUS SUMMARY:

Support for [277] submitted to monitor; pending monitor approval

PARAGRAPH: 278

SUBSECTION: Civilian Police Oversight Agency

**278:** The City shall provide the agency a dedicated budget and grant the agency the authority to administer its budget in compliance with state and local laws. The agency shall have the authority to hire staff and retain independent legal counsel as necessary.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Resources provided by ordinance.

PROGRESS:

A packet that included City of Albuquerque 21<sup>st</sup> Council Bill O-14-13 was submitted to the monitoring team. O-14-13 established the CPOA and defined its responsibilities and duties.

Also included in the packet was the Council resolution that appropriates a FY15 budget for the CPOA, and an agreement between CPOA and the City.

STATUS SUMMARY:

Support for [278] submitted to monitor; pending monitor approval

PARAGRAPH: 279

SUBSECTION: Civilian Police Oversight Agency

**279:** The agency shall retain a full-time, qualified investigative staff to conduct thorough, independent investigations of APD's civilian complaints and review of serious uses of force and officer-involved shootings. The investigative staff shall be selected by and placed under the supervision of the Executive Director. The Executive Director will be selected by and work under the supervision of the agency. The City shall provide the agency with adequate funding to ensure that the agency's investigative staff is sufficient to investigate civilian complaints and review serious uses of force and officer-involved shootings in a timely manner.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Resources provided by ordinance.

PROGRESS:

A packet that included City of Albuquerque 21<sup>st</sup> Council Bill O-14-13 was submitted to the monitoring team. O-14-13 established the CPOA and defined its responsibilities and duties.

Also included in the packet was the Council resolution that appropriates a FY15 budget for the CPOA, job descriptions for investigator and lead investigator, and the CPOA organizational chart.

STATUS SUMMARY:

Support for [279] submitted to monitor; pending monitor approval

PARAGRAPH: 280

SUBSECTION: Civilian Police Oversight Agency

**280:** The Executive Director will receive all APD civilian complaints, reports of serious uses of force, and reports of officer-involved shootings. The Executive Director will review these materials and assign them for investigation or review to those on the investigative staff. The Executive Director will oversee, monitor, and review all such investigations or reviews and make findings for each. All findings will be forwarded to the agency through reports that will be made available to the public on the agency's website.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Place reports on CPOA website

PROGRESS:

A packet that included City of Albuquerque 21<sup>st</sup> Council Bill O-14-13 was submitted to the monitoring team. O-14-13 established the CPOA and defined its responsibilities and duties.

The CPOA has referred forty seven cases to be reviewed by the review board on December 10<sup>th</sup>, 2015. After review of all of the cases the CPOA will send notification letters out to the parties no later than 48 hours after the review process. Thereafter, CPOA will post the case findings publicly on their website. Per the CPOA Executive Director, the case findings will be posted no later than December 17<sup>th</sup>, 2015.

STATUS SUMMARY:

Support for [280] submitted to monitor; pending monitor approval

PARAGRAPH: 281

SUBSECTION: Civilian Police Oversight Agency

**281:** Investigation of all civilian complaints shall begin as soon as possible after assignment to an investigator and shall proceed as expeditiously as possible.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Ensure that process runs as quickly as possible

PROGRESS:

A packet that included City of Albuquerque 21<sup>st</sup> Council Bill O-14-13 was submitted to the monitoring team. The CPOA rules and regulations defined the civilian complaint process that the CPOA's role.

STATUS SUMMARY:

Support for [281] submitted to monitor; pending monitor approval

PARAGRAPH: 282

SUBSECTION: Civilian Police Oversight Agency

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

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

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Ensure communication and cooperation with APD to obtain salient information regarding citizen complaints.
2. PROPOSED – SOP 3-43-1D2a CITIZEN COMPLAINTS OR "CPC"
  - a. Add to definition anonymous and third party complaints
3. IN PLACE – SOP 3-43-1D2b
  - a. A "CPC" must be forwarded to the Independent Review Office for investigation. The Independent Review Officer shall assign the citizen's complaint to an IRO investigator or they have the discretion to assign a "CPC" to Internal Affairs for investigation.
4. IN PLACE – SOP 3-43-7A COMPLIANCE WITH LAWFUL ORDERS
  - a. Personnel will comply with all lawful orders for information, materials, or assistance when such orders are made by the investigator of a complaint.
5. IN PLACE – SOP 2-05-1 INDEPENDENT REVIEW OFFICE
  - a. The Independent Review Office receives all citizen complaints directed against the Albuquerque Police Department and any of its employees.
6. IN PLACE – CITY ORDINANCE 9-4-1-14 MANDATORY COOPERATION AGREEMENT
  - a. The City Council believes that full participation and cooperation of all parties involved is essential to the success of the police oversight process, and that APD hereby agrees and understands that its full cooperation is necessary, hereby agrees to mandate that its officers provide honest and truthful responses to all question by the Director, CPOA staff or the designated independent investigator.
7. IN PLACE – CITY ORDINANCE 9-4-1-8A CIVILIAN COMPLAINT PROCEDURES
  - a. "Any person claiming to be aggrieved by actions of the Police my file a written complaint against the department or any of its officers."
  - b. "Anonymous complaints shall be accepted."

PROGRESS:

A packet including 'in-place' documents was sent to the monitor. The packet included City of Albuquerque 21<sup>st</sup> Council Bill O-14-13 was submitted to the monitoring team. O-14-13 established the CPOA and defined its responsibilities and duties.

Proposed SOP 3-43 Complaints Involving Department Policy or Personnel was also included in the packet.

**STATUS SUMMARY:**

Support for [282] submitted to monitor; pending monitor approval

PARAGRAPH: 283

SUBSECTION: Civilian Police Oversight Agency

**283:** The City shall provide reasonable access to APD premises, files, documents, reports, and other materials for inspection by those appointed to the agency, its investigative staff, and the Executive Director upon reasonable notice. The City shall grant the agency the authority to subpoena such documents and witnesses as may be necessary to carry out the agency functions identified in this Agreement.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Ensure communication and cooperation with APD to obtain salient information regarding citizen complaints.
2. Set up a process for the subpoena of documents and witnesses.

PROGRESS:

With the hiring of the permanent Executive Director of the CPOA, relations between the CPOA and APD have solidified. Discussions continue between APD, the CPOA, and the APOA to develop a system that satisfies the paragraph requirements. Some of the requirements are contained in the CPOA's new rules and regulations that were recently submitted and approved by the City Council on October 17<sup>th</sup>, 2015. Additional guidelines are continuing to be developed.

STATUS SUMMARY:

In Progress

PARAGRAPH: 284

SUBSECTION: Civilian Police Oversight Agency

**284:** The City, APD, and the agency shall develop protocols to ensure the confidentiality of internal investigation files and to ensure that materials protected from disclosure remain within the custody and control of APD at all times.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Develop policy with APD concerning obtaining confidential materials.
2. IN PLACE – SOP 3-48 INTERNAL AFFAIRS UNIT RECORDS
  - a. “Department policy is to provide for the protection and confidentiality of the files and reports of internal investigations conducted by the Internal Affairs Unit or by other personnel of the Department.”
3. IN PLACE - SOP 3-48-1 CUSTODIAN OF INTERNAL INVESTIGATIONS RECORDS
  - a. “Actual files and reports of internal investigations are intended for the exclusive use of the Chief of Police, the City Attorney, the Independent Review Officer, or their representatives.”
4. PROPOSED – IAPRO & Blue Team
  - a. Have IA Commander establish access rules; permissions for IAPRO Blue Team users
    - i. Add rule to 3-48 to establish rules; permission levels for all users
    - ii. Add strict password policy for all users of IAPRO; Blue Team
      1. For Example, 16 char. min. length, mix of numbers, caps, lower case, and symbols
      2. Add rule to mandate monthly audit of all users and their activity
5. IN PLACE 2-08-C CONFIDENTIALITY OF RECORDS
  - a. “Internal Affairs records are considered confidential. As a result, complainants, witnesses, and employees who fall into these categories will not be allowed to view the administrative investigation, except for their own statements. An employee may view his/her own Chief’s Employee Retention File.”

PROGRESS:

IAPro was installed in January 2015. Both CPOA and IA staff have access to the software platform. Blue Team (the supervisor interface to IAPro) is expected to be installed in December 2015. SOP 2-05 Internal Affairs has been finalized and will be submitted to the monitoring team in early December. SOP 2-08 Confidentiality of Records is in place.

The CPOA Executive Director reported that all investigative files were in a locked office and/or in a locked filing cabinet.

STATUS SUMMARY:

In Progress

PARAGRAPH: 285

SUBSECTION: Civilian Police Oversight Agency

**285:** The Executive Director, with approval of the agency, shall have the authority to recommend disciplinary action against officers involved in the incidents it reviews. The Chief shall retain discretion over whether to impose discipline and the level of discipline to be imposed. If the Chief decides to impose discipline other than what the agency recommends, the Chief must provide a written report to the agency articulating the reasons its recommendations were not followed.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Ensure recommendations and chief's response are properly recorded and reported.
2. Assigned 2/13/2015 SOP 3-45-4
  - a. Allows for IRO to recommend discipline SOP 3-45-5
  - b. Mandates non-concurrence to be in writing
3. SOP 3-45-6 Gives the Chief final authority
  - a. All of SOP 3-45 needs to be updated to change from IRO to CPOA Executive Director. The title change is needed but procedure satisfies this paragraph

PROGRESS:

A packet that included City of Albuquerque 21<sup>st</sup> Council Bill O-14-13 was submitted to the monitoring team. O-14-13 established the CPOA and defined its responsibilities and duties. This CPOA's new rules and regulations were recently submitted and approved by the City Council on October 17<sup>th</sup>, 2015.

SOP 3-45 Review of Completed Administrative Investigation Cases allows for the CPOA Executive Director to recommend discipline, mandates non-concurrence to be in writing, and gives the Chief final authority.

SOP 3-45 was needs to be updated to change the name from IRO to the CPOA Executive Director. The title change is needed but procedure satisfies this paragraph. SOP 3-45 has made its way through the APD policy approval process and is pending review by the monitor.

STATUS SUMMARY:

Support for [285] submitted to monitor; pending monitor approval

PARAGRAPH: 286

SUBSECTION: Civilian Police Oversight Agency

**286:** The findings of the Executive Director shall be documented by APD's Internal Affairs Bureau for tracking and analysis.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. PROPOSED - SOP 3-45 add language documenting procedure of entering CPOA Executive Director's finding for tracking and analysis
2. Report findings in IAPro

PROGRESS:

Revised SOP 3-45 Review of Completed Administrative Investigation Cases has been amended and has been moved through the APD policy approval process. SOP 2-05 Internal Affairs has been finalized and will be submitted to the monitoring team in early December 2015.

STATUS SUMMARY:

In Progress

PARAGRAPH: 287

SUBSECTION: Civilian Police Oversight Agency

**287:** The City shall permit complainants a meaningful opportunity to appeal the Executive Director's findings to the agency.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Appeal process provided for in Ordinance.

PROGRESS:

A packet that included the City of Albuquerque Ordinance describing the appeals process was sent to the monitoring team for review and approval.

STATUS SUMMARY:

Support for [287] submitted to monitor; pending monitor approval

PARAGRAPH: 288

SUBSECTION: Civilian Police Oversight Agency

**288:** The agency shall make recommendations to the Chief regarding APD policy and training. APD shall submit all changes to policy related to this Agreement (i.e., use of force, specialized units, crisis intervention, civilian complaints, supervision, discipline, and community engagement) to the agency for review, and the agency shall report any concerns it may have to the Chief regarding policy changes.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Ensure recommendations and chief's response are properly recorded and reported.

PROGRESS:

This directive is included in the CPOA's new rules and regulations that were recently submitted and approved by the City Council on October 17<sup>th</sup>, 2015.

STATUS SUMMARY:

In Progress

PARAGRAPH: 289

SUBSECTION: Civilian Police Oversight Agency

**289:** For any of the agency's policy recommendations that the Chief decides not to follow, or any concerns that the agency has regarding changes to policy that Chief finds unfounded, the Chief shall provide a written report to the agency explaining any reasons why such policy recommendations will not be followed or why the agency's concerns are unfounded.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Ensure recommendations and chief's response are properly recorded and reported.

PROGRESS:

This directive is included in the CPOA's new rules and regulations that were recently submitted and approved by the City Council on October 17<sup>th</sup>, 2015.

STATUS SUMMARY:

In Progress

PARAGRAPH: 290

SUBSECTION: Civilian Police Oversight Agency

**290:** The agency shall conduct regular public meetings in compliance with state and local law. The City shall make agendas of these meetings available in advance on websites of the City, the City Council, the agency, and APD.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Conduct regular meetings and properly notice when meetings will take place.

PROGRESS:

This directive is included in the CPOA's new rules and regulations that were recently submitted and approved by the City Council on October 17<sup>th</sup>, 2015.

STATUS SUMMARY:

In Progress

PARAGRAPH: 291

SUBSECTION: Civilian Police Oversight Agency

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

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Implement community outreach in conjunction with agreement and ordinance requirements.

PROGRESS:

A packet was submitted to the monitoring team that included a presentation by the CPOA Executive Director and the presentation schedule between November 2014 and May 2015.

STATUS SUMMARY:

Support for [291] submitted to monitor; pending monitor approval

PARAGRAPH: 292

SUBSECTION: Civilian Police Oversight Agency

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

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

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. Ensure proper information is collected and reported.

PROGRESS:

This directive is included in the CPOA's new rules and regulations that were recently submitted and approved by the City Council on October 17<sup>th</sup>, 2015.

The CPOA Executive Director has not received any feedback regarding required semi-annual and annual reporting to City Council. There is currently a semi-annual report in draft form that has yet to be completed pending documentation. Per the CPOA Executive Director, the estimated date of completion for this directive will be set around the deadline of reporting requirements to City Council.

STATUS SUMMARY:

In Progress

PARAGRAPH: 293

SUBSECTION: Civilian Police Oversight Agency

**293:** The City shall not, through the City Attorney's office or other means, interpret the originating ordinance of the agency in any way that contradicts the provisions of this Agreement.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. The City has not taken any steps to change the originating ordinance.

PROGRESS:

The City has not taken any steps to change the originating ordinance.

STATUS SUMMARY:

In Progress

PARAGRAPH: 294

SUBSECTION: Implementation, compliance assessment, and enforcement / A. Independent Monitor

**294:** The Parties will jointly select an Independent Monitor (“Monitor”) who will assess and report whether the requirements of this Agreement have been implemented, and whether this implementation is resulting in high-level, quality service; officer safety and accountability; effective, constitutional policing; and increased community trust of APD.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. With an effective date of January 20, 2015 the parties selected PMRC, Inc. to assume the role of the independent monitor.
2. To date, the City has met the requirements of the agreement, and will continue to strive to do so.

PROGRESS:

See above.

STATUS SUMMARY:

In Progress

PARAGRAPH: 295

SUBSECTION: Implementation, compliance assessment, and enforcement / A. Independent Monitor

**295:** The Monitor shall only have the duties, responsibilities, and authority conferred by this Agreement. The Monitor shall not, and is not intended to, replace or assume the role and duties of APD, including the Chief or any other City official. The Monitor shall be subject to the supervision and orders of the Court, consistent with this Agreement and applicable law.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

PROGRESS: Monitor's responsibility

STATUS SUMMARY:

In Progress

PARAGRAPH: 296

SUBSECTION: Implementation, compliance assessment, and enforcement / A. Independent Monitor

**296:** In order to assess and report on the implementation of this Agreement and whether implementation is resulting in the outcomes outlined in Paragraph 294, the Monitor shall conduct the reviews specified in this Agreement, and shall review APD policies, training curricula, and programs developed and implemented under this Agreement.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

PROGRESS: Monitor's responsibility

STATUS SUMMARY:

In Progress

PARAGRAPH: 297

SUBSECTION: Compliance reviews and audits

**297:** The Monitor shall conduct compliance reviews or audits as necessary to determine whether the City has implemented and continues to comply with the material requirements of this Agreement. Compliance with a material requirement of this Agreement requires that the City has: (a) incorporated the requirement into policy; (b) trained all relevant personnel as necessary to fulfill their responsibilities pursuant to the requirement; and (c) that the requirement is being carried out in actual practice. Compliance reviews and audits shall contain the elements necessary for reliability and comprehensiveness, and may be conducted using sampling and compilation data in accordance with this Paragraph.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. The APD implementation team has developed several tools in order to insure that the criteria set forth by the agreement are met.
  - a. A strategic plan, with implementation plans attached, were developed for each paragraph. The strategic plan will also function as the quarterly progress reports required by the agreement.
2. All policy revisions are being tracked and documented, with an internal copy held that displays cues of USDOJ settlement agreement language inserted.
3. Training of all staff will be tracked using several software platforms, including Public Service University, PowerDMS, and IAPro.
4. Regular internal audits of all paragraph directives will be held to show compliance in actual practice.

PROGRESS: See above.

STATUS SUMMARY:

In Progress

PARAGRAPH: 298

SUBSECTION: Outcome assessments

**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. "a) use of force measurements including:
  1. number of uses of force overall and by force type, area command, type of arrest, and demographic category;"
  2. number of force complaints overall, disposition of complaints, force type, area command, and demographic category;
  3. number of uses of force that violate policy overall and by force type, area command, type of arrest, and demographic category;
  4. number of use of force administrative investigations supported by a preponderance of the evidence;
  5. 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;
  6. number of injuries to officers and members of the public overall and by type, area command, and demographic category; and
  7. ratio of use of force compared per arrest, force complaints, calls for service, and other factors that the parties deem appropriate;
- b. "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. "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. "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. "i) civilian complaints, internal investigations, and discipline, including:
  - i. the number of misconduct complaints, and whether any increase or decrease appears related to access to the complaint process;"
  - ii. number of sustained, not sustained, exonerated, and unfounded misconduct complaints;
  - iii. number of misconduct complaint allegations supported by a preponderance of the evidence;
  - iv. number of officers who are subjects of repeated misconduct complaints, or have repeated instances of sustained misconduct complaints; and
  - v. number of criminal prosecutions of officers for on- or off-duty conduct.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. APD has developed several data collection methods for individual divisions that will capture the information stated above

PROGRESS:

A recruiting action plan has been developed. Data collection of all categories continues.

STATUS SUMMARY:

In Progress

PARAGRAPH: 299

SUBSECTION: Monitoring Plan and Methodology

**299:** In conducting these outcome assessments, the Monitor may use any relevant data collected and maintained by APD (e.g., crime trend pattern analysis), provided that it has determined, and the Parties agree, that this data is reasonably reliable and complete.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

1. APD will provide any information that the monitoring team requests.

PROGRESS: Monitor's responsibility

STATUS SUMMARY:

In Progress

PARAGRAPH: 300

SUBSECTION: Monitoring Plan and Methodology

**300:** Within three months of his or her appointment date as the Monitor, the Monitor shall develop a plan for conducting the above compliance reviews and outcome assessments, and shall submit this plan to the Parties for review and approval. This plan shall:

- a. clearly delineate the requirements of this Agreement to be assessed for compliance, indicating which requirements will be assessed together;
- b. set out a methodology for reviewing serious use of force and serious misconduct complaint investigations;
- c. set out a schedule for conducting outcome measure assessments for each outcome measure at least annually, except where otherwise noted, with the first assessment occurring within 18 months of the Effective Date; and
- d. set out a schedule for conducting a compliance review or audit of each requirement of this Agreement within 18 months of the Effective Date, and a comprehensive compliance review or audit of each requirement within two years of the Effective Date and at least annually thereafter; and
- e. set out a schedule for conducting comprehensive compliance and outcome re-assessments, pursuant to Paragraphs 306 and 307.

PARAGRAPH DEADLINE:

IMPLEMENTATION PLAN:

PROGRESS: Monitor's responsibility

STATUS SUMMARY:

In Progress

PARAGRAPH: 301

SUBSECTION: Monitoring Plan and Methodology

**301:** Within 45 days of his or her appointment date as the Monitor, the Monitor shall review and recommend any changes to the outcome measures detailed in section XIII, above, that the Monitor deems useful in assessing whether implementation is achieving the goals of this Agreement. The Parties shall adopt any recommendations upon which they agree. If the Parties disagree whether to adopt a particular outcome measure, the Party seeking adoption may seek Court resolution.

PARAGRAPH DEADLINE: 12/2/2016

IMPLEMENTATION PLAN:

PROGRESS: Monitor's responsibility

STATUS SUMMARY:

In Progress

PARAGRAPH: 302

SUBSECTION: Monitoring Plan and Methodology

**302:** Where the Parties agree, the Monitor shall refrain from conducting a compliance review of a requirement previously found by the Monitor to be in sustained compliance for at least two years pursuant to audits or reviews, or where outcome assessments or other information indicate that the outcome intended by the requirement has been achieved.

PARAGRAPH DEADLINE:

IMPLEMENTATION PLAN:

PROGRESS: Monitor's responsibility

STATUS SUMMARY:

In Progress

PARAGRAPH: 303

SUBSECTION: Monitoring Plan and Methodology

**303:** Beginning six months after the Effective Date, the Monitor shall submit a proposed methodology for the assessment or review to the Parties at least three months before the initiation of any outcome measure assessment or compliance review. The Parties shall submit any comments or concerns regarding the proposed methodology to the Monitor within 45 days of the proposed date of the assessment or review. The Monitor shall modify the methodology as necessary to address any concerns or shall inform the Parties in writing of the reasons it is not modifying its proposed methodology. Any unresolved disputes involving the Monitor's methodology may be submitted to the Court for resolution.

PARAGRAPH DEADLINE: 12/2/2015

IMPLEMENTATION PLAN:

PROGRESS: Monitor's responsibility

STATUS SUMMARY:

In Progress

PARAGRAPH: 304

SUBSECTION: Coordination with the Executive Director

**304:** The City shall provide each investigation of a serious use of force, or use of force that is the subject of a misconduct investigation, and each investigation report of a serious misconduct complaint (i.e., criminal misconduct; unreasonable use of force; untruthfulness/false statements; and retaliation) to the Monitor once closed. The Monitor shall review each serious use of force investigation and each serious misconduct complaint investigation for completeness, consistent with the methodology developed pursuant to Paragraphs 300 and 303.

PARAGRAPH DEADLINE:

IMPLEMENTATION PLAN:

1. Provide requested IA cases and supporting information

PROGRESS: To date, APD has provided all IA cases requested by the monitor and will continue to do so in the future.

STATUS SUMMARY:

In Progress

PARAGRAPH: 305

SUBSECTION: Communications between Monitor, Parties, and Public

**305:** The Monitor may make recommendations to the Parties regarding measures necessary to ensure timely, full, and effective implementation of this Agreement and its underlying objectives. Such recommendations may include changing, modifying, or amending a provision of the Agreement; additional training in any area related to this Agreement; or seeking technical assistance. In addition to such recommendations, the Monitor may also, at the request of DOJ or the City and based on the Monitor's reviews, provide technical assistance consistent with the Monitor's responsibilities under this Agreement.

PARAGRAPH DEADLINE:

IMPLEMENTATION PLAN:

PROGRESS: Monitor's responsibility

STATUS SUMMARY:

In Progress

PARAGRAPH: 306

SUBSECTION: Communications between Monitor, Parties, and Public

**306:** Two years after the Effective Date, the Monitor shall conduct a comprehensive compliance assessment.

PARAGRAPH DEADLINE: 11/14/2016

IMPLEMENTATION PLAN:

PROGRESS: Monitor's responsibility

STATUS SUMMARY:

In Progress

PARAGRAPH: 307

SUBSECTION: Public Statements, Testimony, Records, and Conflicts of Interest

**307:** Two years and six months after the Effective Date, the Monitor shall conduct a comprehensive outcome assessment to determine whether and to what extent the outcomes intended by this Agreement have been achieved, and whether any modifications to this Agreement are necessary for continued achievement in light of changed circumstances or unanticipated impact (or lack of impact) of the requirement. This assessment shall also address areas of greatest achievement and the requirements that appear to have contributed to this success, as well as areas of greatest concern, including strategies for accelerating full and effective compliance. Based upon this comprehensive assessment, the Monitor shall recommend modifications to this Agreement necessary to achieve and sustain intended outcomes. Where the Parties agree with the Monitor's recommendations, the Parties shall stipulate to modify the Agreement accordingly. This provision in no way diminishes the Parties' ability to stipulate to modifications to this Agreement as set out in Paragraph 338 below. Nothing in this assessment shall enable the Monitor to unilaterally modify the terms of this Agreement.

PARAGRAPH DEADLINE: 12/2/2018

IMPLEMENTATION PLAN:

PROGRESS: Monitor's responsibility

STATUS SUMMARY:

In Progress

PARAGRAPH: 308

SUBSECTION: Public Statements, Testimony, Records, and Conflicts of Interest

**308:** For the first two years after the Monitor has been appointed, the Monitor shall file with the Court written, public compliance reports every four months, and after two years, every six months. These reports shall include the following:

- a. a description of the work conducted by the Monitor during the reporting period;
- b. "b) a list of each Agreement requirement, indicating which requirements have been:
  1. incorporated into policy;
  2. the subject of sufficient training for all relevant APD officers and employees;
  3. reviewed or audited by the Monitor to determine whether the requirements have been fully implemented in actual practice, including the date of the review or audit; and
  4. found by the Monitor to have been fully implemented in practice;
- c. the methodology and specific findings for each review conducted, where appropriate, and redacted as necessary for privacy concerns. An unredacted version shall be filed under seal with the Court and provided to the Parties. The underlying data for each review shall not be publicly available but shall be retained by the Monitor and provided to either or both Parties upon request;
- d. for any requirements that were reviewed or audited and found not to have been fully implemented in practice, the Monitor's recommendations regarding necessary steps to achieve compliance; and
- e. a projection of the work to be completed during the upcoming reporting period and any anticipated challenges or concerns related to implementation of this Agreement.

PARAGRAPH DEADLINE:

IMPLEMENTATION PLAN:

PROGRESS: Monitor's responsibility

STATUS SUMMARY:

In Progress

PARAGRAPH: 309

SUBSECTION: Public Statements, Testimony, Records, and Conflicts of Interest

**309:** The Monitor shall provide a copy of the compliance reports to the Parties in draft form within 15 days after the end of each reporting period. The Parties shall have 15 calendar days upon receipt of the report to allow the Parties to informally comment on the draft report. The Monitor shall consider the Parties' responses and make appropriate changes, if any, before issuing the report.

PARAGRAPH DEADLINE:

IMPLEMENTATION PLAN:

PROGRESS: Monitor's responsibility

STATUS SUMMARY:

In Progress

PARAGRAPH: 310

SUBSECTION: Public Statements, Testimony, Records, and Conflicts of Interest

**310:** The Monitor shall maintain regular contact with the Parties in order to ensure effective and timely communication regarding the status of APD's implementation of and compliance with this Agreement. To facilitate this communication, the Monitor shall conduct monthly meetings, which shall include participation by the Chief, counsel for the City, the APD Implementation Unit, and DOJ.

PARAGRAPH DEADLINE:

IMPLEMENTATION PLAN:

PROGRESS: Monitor's responsibility

STATUS SUMMARY:

In Progress

PARAGRAPH: 311

SUBSECTION: Public Statements, Testimony, Records, and Conflicts of Interest

**311:** The Monitor shall meet with community stakeholders to explain the Monitor's reports and inform the public about this Agreement's implementation process, as well as to hear community perspectives of police interaction.

PARAGRAPH DEADLINE:

IMPLEMENTATION PLAN:

PROGRESS: Monitor's responsibility

STATUS SUMMARY:

In Progress

PARAGRAPH: 312

SUBSECTION: APD Consent Decree Implementation Unit

**312:** Except as required or authorized by the terms of this Agreement or the Parties acting together, the Monitor (including, for the purposes of this paragraph, any agent, employee, or independent contractor thereof) shall not make any public statements or issue findings with regard to any act or omission of the City, its agents, representatives, or employees; nor shall it disclose non-public information provided to the Monitor pursuant to this Agreement. Any press or public statement made by the Monitor regarding its employment or monitoring activities under this Agreement shall first be approved by DOJ and the City.

PARAGRAPH DEADLINE:

IMPLEMENTATION PLAN:

PROGRESS: Monitor's responsibility

STATUS SUMMARY:

In Progress

PARAGRAPH: 313

SUBSECTION: Implementation Assessment and Report

**313:** Members of the monitoring team may testify only in this matter as to their observations, findings, and recommendations, but no member of the monitoring team shall testify in any other litigation or proceeding with regard to any act or omission of the City or any of its agents, representatives, or employees related to this Agreement or regarding any matter or subject that the Monitor may have received knowledge of as a result of his or her performance under this Agreement. This paragraph does not apply to any proceeding before a court related to performance of contracts or subcontracts for monitoring this Agreement.

PARAGRAPH DEADLINE:

IMPLEMENTATION PLAN:

PROGRESS: Monitor's responsibility

STATUS SUMMARY:

In Progress

PARAGRAPH: 314

SUBSECTION: Implementation Assessment and Report

**314:** Unless such conflict is waived by the Parties, the Monitor shall not accept employment or provide consulting services that would present a conflict of interest with the Monitor's responsibilities under this Agreement, including being retained (on a paid or unpaid basis) by any current or future litigant or claimant, or such litigant's or claimant's attorney, in connection with a claim or suit against the City or its departments, officers, agents or employees.

PARAGRAPH DEADLINE:

IMPLEMENTATION PLAN:

PROGRESS: Monitor's responsibility

STATUS SUMMARY:

In Progress

PARAGRAPH: 315

SUBSECTION: Access and Confidentiality

**315:** The Monitor is not a state or local agency or an agent thereof, and accordingly, the records maintained by the Monitor or communications between the Monitor and the Parties shall not be deemed public records subject to public inspection.

PARAGRAPH DEADLINE:

IMPLEMENTATION PLAN:

PROGRESS: Monitor's responsibility

STATUS SUMMARY:

In Progress

PARAGRAPH: 316

SUBSECTION: Access and Confidentiality

**316:** The Monitor shall not be liable for any claim, lawsuit, or demand arising out of the Monitor's performance pursuant to this Agreement brought by non-parties to this Agreement.

PARAGRAPH DEADLINE:

IMPLEMENTATION PLAN:

PROGRESS: Monitor's responsibility

STATUS SUMMARY:

In Progress

PARAGRAPH: 317

SUBSECTION: APD Implementation Unit

**317:** Implementation of this Agreement will require flexibility in assignments and staffing to ensure that this Agreement maintains high-level, quality service; ensures officer safety and accountability; and promotes effective, constitutional policing. The City agrees to hire and retain, or reassign current APD employees, at the discretion of the Chief, to form an interdisciplinary unit with the skills and abilities necessary to facilitate implementation of this Agreement. This unit will serve as a liaison between the Parties and the Monitor and will assist with the City's and APD's implementation of and compliance with this Agreement. At a minimum, this unit will: coordinate the City's and APD's compliance and implementation activities; facilitate the provision of data, documents, materials, and access to the City's and APD's personnel to the Monitor and DOJ, as needed; ensure that all data, documents and records are maintained as provided in this Agreement; and assist in assigning implementation and compliance-related tasks to APD personnel, as directed by the Chief.

PARAGRAPH DEADLINE:

IMPLEMENTATION PLAN:

1. The APD has formed their own implementation team, led by the APD Administrative Support Bureau Executive Director
  - a. The rest of the implementation team consists of sworn and civilian stakeholders that represent a wide cross-section of the department.

PROGRESS:

The APD Executive Director is in place, as well as the Quality Assurance Auditors (QAA) and supervisor. As part of the USDOJ implementation budget, APD asked for about 12 positions including crisis clinicians, data analysts, records staff, and administrative help.

APD has identified stakeholders that are responsible for each paragraph, and report monthly on progress. Critical stakeholders including representatives from the APD Academy, Internal Affairs, Quality Assurance, and Technical Services meet weekly to discuss the progress made on each of the directives.

The QAA staff and the APD Executive Director have coordinated all data submissions to the monitoring team.

STATUS SUMMARY:

In Progress

PARAGRAPH: 318

SUBSECTION: Implementation Assessment and Report

**318:** The City agrees to collect and maintain all data and records necessary to: (1) document implementation of and compliance with this Agreement, including data and records necessary for the Monitor to conduct reliable outcome assessments, compliance reviews, and audits; and (2) allow APD or other City entities to perform ongoing quality assurance in each of the areas addressed by this Agreement.

PARAGRAPH DEADLINE:

IMPLEMENTATION PLAN:

1. APD has developed collection methods for all compliance-related documents and data that will function as a repository for all compliance-related documents not contained within another software platform.
2. APD has hired their own auditors, and will assess collected information using a professional, industry-accepted method to prove compliance with each paragraph.

PROGRESS: As stated above.

STATUS SUMMARY:

In Progress

PARAGRAPH: 319

SUBSECTION: Implementation Assessment and Report

**319:** Within six months of the Effective Date, APD agrees to file a status report with the Court, with a copy also provided to the Monitor and DOJ. This report shall delineate the steps taken by APD during the reporting period to implement this Agreement; APD's assessment of the status of its progress; plans to correct any problems; and response to any concerns raised in the Monitor's previous report. Beginning with the Monitor's first report, and following the schedule for Monitor reports in Paragraph 308, APD agrees to file a status report one month before the Monitor reports are due, for the duration of this Agreement.

PARAGRAPH DEADLINE: 12/2/2015

IMPLEMENTATION PLAN:

1. APD will develop a document that will detail its approach to each settlement agreement paragraph, as well as the progress and status toward compliance of each.

PROGRESS:

This document fulfills the requirements of the above directive. Subsequent reports will use the same format.

STATUS SUMMARY:

In Progress

PARAGRAPH: 320

SUBSECTION: Access and Confidentiality

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

PARAGRAPH DEADLINE:

IMPLEMENTATION PLAN:

1. The City will comply with the directives stated above.

PROGRESS: Monitor's responsibility

STATUS SUMMARY:

In Progress

PARAGRAPH: 321

SUBSECTION: Access and Confidentiality

**321:** The City agrees to ensure that the Monitor shall have timely, full, and direct access to all City staff, employees, and facilities that the Monitor reasonably deems necessary to carry out the duties assigned to the Monitor by this Agreement. The Monitor shall cooperate with the City to access people and facilities in a reasonable manner that, consistent with the Monitor's responsibilities, minimizes interference with daily operations.

PARAGRAPH DEADLINE:

IMPLEMENTATION PLAN:

1. The City will comply with the directives stated above.

PROGRESS: Monitor's responsibility

STATUS SUMMARY:

In Progress

PARAGRAPH: 322

SUBSECTION: Access and Confidentiality

**322:** The City shall ensure that the Monitor has full and direct access to all City and APD documents and data that the Monitor reasonably deems necessary to carry out the duties assigned to the Monitor by this Agreement, except any documents or data protected by the attorney-client or work product privilege. The attorney-client or work product privilege may not be used to prevent the Monitor from observing reviews, trainings, or disciplinary hearings. Should the City decline to provide the Monitor access to documents or data based on privilege, the City shall inform the Monitor and DOJ that it is withholding documents or data on this basis, and shall provide the Monitor and DOJ with a log describing the documents or data and the basis of the privilege.

PARAGRAPH DEADLINE:

IMPLEMENTATION PLAN:

1. The City will comply with the directives stated above.

PROGRESS: Monitor's responsibility

STATUS SUMMARY:

In Progress

PARAGRAPH: 323

SUBSECTION: Access and Confidentiality

**323:** DOJ and its consultants and agents shall have full and direct access to all City staff, employees, facilities, documents, and data to the extent necessary to assess implementation of this Agreement, in coordination with the City's legal counsel. DOJ and its consultants and agents shall cooperate and coordinate with the City and its legal counsel to access involved personnel, facilities, and documents in a reasonable manner that, consistent with DOJ's responsibilities to enforce this Agreement, minimizes interference with daily operations. Should the City decline to provide DOJ with access to documents or data based on privilege, the City shall inform DOJ that it is withholding documents or data on this basis, and shall provide DOJ with a log describing the documents or data and the basis of the privilege.

PARAGRAPH DEADLINE:

IMPLEMENTATION PLAN:

1. The City will comply with the directives stated above.

PROGRESS: Monitor's responsibility

STATUS SUMMARY:

In Progress

PARAGRAPH: 324

SUBSECTION: Access and Confidentiality

**324:** The Monitor and DOJ shall provide the City with reasonable notice of a request for copies of documents. Upon such request, the City shall provide in a timely manner copies (electronic, where readily available) of the requested documents to the Monitor and DOJ.

PARAGRAPH DEADLINE:

IMPLEMENTATION PLAN:

1. The City will comply with the directives stated above.

PROGRESS: Monitor's responsibility

STATUS SUMMARY:

In Progress

PARAGRAPH: 325

SUBSECTION: Access and Confidentiality

**325:** The Monitor shall have access to all records and information relating to ongoing criminal investigations of APD officers that would be subject to disclosure under state public records laws. The Monitor shall have access to all documents in criminal investigation files that have been closed by APD after the Effective Date. The Monitor shall also have reasonable access to all arrest reports, warrants, and warrant applications initiated after the Effective Date.

PARAGRAPH DEADLINE:

IMPLEMENTATION PLAN:

1. The City will comply with the directives stated above.

PROGRESS: Monitor's responsibility

STATUS SUMMARY:

In Progress

PARAGRAPH: 326

SUBSECTION: Access and Confidentiality

**326:** The Monitor and DOJ shall maintain all non-public information provided by the City in a confidential manner. Other than as expressly provided in this Agreement, this Agreement shall not be deemed a waiver of any privilege or right the City may assert, including those recognized at common law or created by statute, rule, or regulation, against any other person or entity with respect to the disclosure of any document.

PARAGRAPH DEADLINE:

IMPLEMENTATION PLAN:

1. The City will comply with the directives stated above.

PROGRESS: Monitor's responsibility

STATUS SUMMARY:

In Progress

PARAGRAPH: 327

SUBSECTION: Selection and Compensation of the Monitor

**327:** Within two months of the Effective Date, or additional time if agreed to by the Parties, the City and DOJ shall together select a Monitoring Team, acceptable to both, which shall assess and report on the implementation of this Agreement. The Parties have agreed to use an open Request for Information process in selecting the Monitoring Team. This process shall be implemented in a manner consistent with this Agreement, including the requirement that the Monitoring Team be jointly selected and acceptable to both DOJ and the City. The Parties' Monitoring Team selection shall be subject to the approval of the Court. The Monitoring Team shall consist of individuals of the highest ethics.

PARAGRAPH DEADLINE: 1/14/2015

IMPLEMENTATION PLAN:

1. Develop and advertise a Request for Information for monitoring teams
2. Compile a list of applicants
3. Interview a selection of monitoring teams that are acceptable to both the City and the USDOJ
4. Select a monitoring team that is acceptable to both parties.

PROGRESS:

A packet including the US Attorney's Office and City of Albuquerque's joint announcement of a monitor selection, and City Council's meeting minutes approving the federal monitor contract was submitted to the monitoring team for review and approval.

STATUS SUMMARY:

Support for [327] was submitted to the monitor and is pending approval.

PARAGRAPH: 328

SUBSECTION: Selection and Compensation of the Monitor

**328:** The Parties commit to working together to implement this Agreement. Accordingly, the Parties commit to working collaboratively to select a Monitoring Team. If the Parties are unable to agree on a Monitor or an alternative method of selection within the timeframe agreed to by all parties, each Party shall submit the names of three candidates, or three groups of candidates, along with resumes and cost proposals, to the Court, and the Court will select a Monitoring Team from among the qualified candidates/candidate groups.

PARAGRAPH DEADLINE:

IMPLEMENTATION PLAN:

1. Develop and advertise a Request for Information for monitoring teams
2. Compile a list of applicants
3. Interview a selection of monitoring teams that are acceptable to both the City and the USDOJ
4. Select a monitoring team that is acceptable to both parties.

PROGRESS:

A packet including the US Attorney's Office and City of Albuquerque's joint announcement of a monitor selection, and City Council's meeting minutes approving the federal monitor contract was submitted to the monitoring team for review and approval.

STATUS SUMMARY:

Support for [328] was submitted to the monitor and is pending approval.

PARAGRAPH: 329

SUBSECTION: Selection and Compensation of the Monitor

**329:** The Monitoring Team shall be appointed for a period of four years from the Effective Date and shall have its appointment extended automatically should the City not demonstrate full and effective compliance at the end of this four-year period. The extension of the Monitoring Team beyond six years shall be allowed only if the Court determines that it is reasonably necessary in order to assess and facilitate full and effective compliance with this Agreement.

PARAGRAPH DEADLINE: 11/14/2018

IMPLEMENTATION PLAN:

1. Create a Stipulated Agreement that reflects the requirements of the settlement agreement.
2. Have City and Monitor sign and submit to the court.

PROGRESS: Monitor's responsibility

STATUS SUMMARY:

In Progress

PARAGRAPH: 330

SUBSECTION: Selection and Compensation of the Monitor

**330:** The City shall bear all reasonable fees and costs of the Monitor. DOJ and the City recognize the importance of ensuring that the fees and costs borne by the City are reasonable. Accordingly, fees and costs shall be one factor considered in selecting the Monitor. Before the Monitor is selected, candidates for the position of Monitor shall prepare annual budgets for the first four years of this Agreement. Upon selecting the Monitor, the Court will approve the annual budgets for the first four years of this Agreement. Those budgets will only be revised upon the agreement of the Parties, or, if the Parties are unable to agree on a budget revision, the matter shall be submitted to the Court to revise the budgets pursuant to Federal Rule of Civil Procedure 60(b).

PARAGRAPH DEADLINE:

IMPLEMENTATION PLAN:

1. The City has provided a budget for the remainder of FY15 and FY16 that adequately provides for the requirements of the settlement agreement, including the cost of the monitor, APD and City personnel, training, equipment, and supplies.

PROGRESS: See above.

STATUS SUMMARY:

In Progress

PARAGRAPH: 331

SUBSECTION: Selection and Compensation of the Monitor

**331:** In the event that any dispute arises regarding the reasonableness or payment of the Monitor's fees and costs, the City, DOJ, and the Monitor shall attempt to resolve such dispute cooperatively prior to seeking the assistance of the Court.

PARAGRAPH DEADLINE:

IMPLEMENTATION PLAN:

1. The City will comply with the directives stated above.

PROGRESS: Monitor's responsibility.

STATUS SUMMARY:

In Progress

PARAGRAPH: 332

SUBSECTION: Selection and Compensation of the Monitor

**332:** The City shall provide the Monitor with permanent office space and reasonable office support such as office furniture, telephones, Internet access, secure document storage, and photocopying.

PARAGRAPH DEADLINE:

IMPLEMENTATION PLAN:

1. The City will comply with the directives stated above.

PROGRESS: APD has provided the monitor all of the items listed above.

STATUS SUMMARY:

In Progress

PARAGRAPH: 333

SUBSECTION: Selection and Compensation of the Monitor

**333:** The Monitor, at any time after its initial selection, may request permission to hire, employ, or contract with such additional persons or entities as are reasonably necessary to perform the tasks assigned to the Monitor by this Agreement. Any person or entity hired or otherwise retained by the Monitor to assist in furthering any provision of this Agreement shall be subject to the provisions of this Agreement. The Monitor shall notify the City and DOJ in writing if the Monitor wishes to select such additional persons or entities. The notice shall identify and describe the qualifications of the person or entity to be hired or employed and the monitoring task to be performed. If the City and DOJ agree to the Monitor's proposal, the Monitor shall be authorized to hire or employ such additional persons or entities. The City or DOJ have ten business days to disagree with the proposal. If the City and DOJ are unable to reach agreement within ten business days of receiving notice of the disagreement, the Court will resolve the dispute.

PARAGRAPH DEADLINE:

IMPLEMENTATION PLAN:

1. The City will comply with the directives stated above.

PROGRESS: Monitor's responsibility

STATUS SUMMARY:

In Progress

PARAGRAPH: 334

SUBSECTION: Selection and Compensation of the Monitor

**334:** If full and effective implementation of this Agreement requires technical assistance beyond the scope of the Monitor's duties, DOJ, APD, and/or the Monitor shall inform the City of the need for technical assistance and its relation to implementation of this Agreement. The Monitor, with assistance from the City, shall arrange for the prompt initiation of the required technical assistance, to be performed by the Monitor or its agent or independent contractor, or a separate entity. The City shall set aside \$100,000.00 for this purpose, and shall allocate additional funds as necessary. If any party disagrees with the need for the technical assistance requested, the party shall, within 15 days of being informed in writing of the requested technical assistance, and within 10 business days of providing notice of the disagreement, inform the Court, which shall resolve the dispute.

PARAGRAPH DEADLINE:

IMPLEMENTATION PLAN:

1. The City will comply with the directives stated above.

PROGRESS: Monitor's responsibility

STATUS SUMMARY:

In Progress

PARAGRAPH: 335

SUBSECTION: Selection and Compensation of the Monitor

**335:** Should any of the Parties to this Agreement determine that the Monitor or the Monitor's individual members, agents, employees, or independent contractors have exceeded their authority, or failed to satisfactorily perform the duties required by this Agreement, the party may petition the Court for such relief as the Court deems appropriate, including replacement of the Monitor and/or any individual members, agents, employees, or independent contractors.

PARAGRAPH DEADLINE:

IMPLEMENTATION PLAN:

1. The City will comply with the directives stated above.

PROGRESS: Monitor's responsibility

STATUS SUMMARY:

In Progress

PARAGRAPH: 336

SUBSECTION: Court Jurisdiction, Modification of the Agreement, and Enforcement

**336:** This Agreement shall become effective upon signature of the Parties and submission to the Court.

PARAGRAPH DEADLINE:

IMPLEMENTATION PLAN:

PROGRESS: Monitor's responsibility

STATUS SUMMARY:

In Progress

PARAGRAPH: 337

SUBSECTION: Court Jurisdiction, Modification of the Agreement, and Enforcement

**337:** To ensure that the requirements of this Agreement are properly and timely implemented, the Court will retain jurisdiction of this action for all purposes until such time as full and effective compliance with this Agreement and compliance is maintained for no less than two years. At all times, the City shall bear the burden of demonstrating full and effective compliance with this Agreement. The United States acknowledges the good faith of the City of Albuquerque in trying to address measures that are needed to maintain high-level, quality service; to ensure officer safety and accountability; and promote effective, constitutional policing. The United States, however, reserves its right to seek enforcement of the provisions of this Agreement if it determines that the City has failed to fully comply with any provision of this Agreement. The United States agrees to consult with officials from the City of Albuquerque and its counsel before instituting enforcement proceedings.

PARAGRAPH DEADLINE:

IMPLEMENTATION PLAN:

1. The City will comply with the directives stated above.

PROGRESS: Monitor's responsibility

STATUS SUMMARY:

In Progress

PARAGRAPH: 338

SUBSECTION: Court Jurisdiction, Modification of the Agreement, and Enforcement

**338:** The Parties may jointly stipulate to make changes, modifications, and amendments to this Agreement, which shall be effective, absent further action from the Court, 45 days after a joint motion has been filed with the Court. Such changes, modifications, and amendments to this Agreement shall be encouraged when the Parties agree, or where the reviews, assessments, and/or audits of the Monitor demonstrate that the Agreement provision as drafted is not furthering the purpose of this Agreement or that there is a preferable alternative that will achieve the same purpose. Where the Parties or the Monitor are uncertain whether a change to the Agreement is advisable, the Parties may agree to suspend the current Agreement requirement for a time period agreed upon at the outset of the suspension. During this suspension, the Parties may agree to temporarily implement an alternative requirement. The Monitor shall assess whether the suspension of the requirement, and the implementation of any alternative provision, is as, or more, effective at achieving the purpose as the original or current Agreement requirement, and the Parties shall consider this assessment in determining whether to jointly stipulate to make the suggested change, modification, or amendment."

PARAGRAPH DEADLINE:

IMPLEMENTATION PLAN:

PROGRESS: Monitor's responsibility

STATUS SUMMARY:

In Progress

PARAGRAPH: 339

SUBSECTION: Court Jurisdiction, Modification of the Agreement, and Enforcement

**339:** The Parties agree to defend the provisions of this Agreement. The Parties shall notify each other of any court or administrative challenge to this Agreement by non-parties. In the event any provision of this Agreement is challenged in any state court, the Parties shall seek removal to federal court and consolidation with this action."

PARAGRAPH DEADLINE:

IMPLEMENTATION PLAN:

1. The City will comply with the directives stated above.

PROGRESS: Monitor's responsibility

STATUS SUMMARY:

In Progress

PARAGRAPH: 340

SUBSECTION: Court Jurisdiction, Modification of the Agreement, and Enforcement

**340:** The City agrees to promptly notify DOJ if any term of this Agreement becomes subject to collective bargaining consultation and to consult with DOJ in a timely manner regarding the position the City takes in any collective bargaining consultation connected with this Agreement."

PARAGRAPH DEADLINE:

IMPLEMENTATION PLAN:

1. The City will comply with the directives stated above.

PROGRESS: As stated above.

STATUS SUMMARY:

In Progress

PARAGRAPH: 341

SUBSECTION: Court Jurisdiction, Modification of the Agreement, and Enforcement

**341:** The City agrees to require compliance with this Agreement by their respective officers, employees, agencies, assigns, or successors.

PARAGRAPH DEADLINE:

IMPLEMENTATION PLAN:

1. The City will comply with the directives stated above.

PROGRESS: As stated above.

STATUS SUMMARY:

In Progress

PARAGRAPH: 342

SUBSECTION: Termination of Agreement

**342:** The City will endeavor to reach full and effective compliance with this Agreement within four years of its Effective Date. The Parties agree to jointly ask the Court to terminate this Agreement after this date, provided that the City has been in full and effective compliance with this Agreement for two years. "Full and Effective Compliance" shall be defined to require sustained compliance with all material requirements of this Agreement or sustained and continuing improvement in constitutional policing, as demonstrated pursuant to the Agreement's outcome measures.

PARAGRAPH DEADLINE: 11/14/2018

IMPLEMENTATION PLAN:

1. The City will comply with the directives stated above.

PROGRESS: As stated above.

STATUS SUMMARY:

In Progress

PARAGRAPH: 343

SUBSECTION: Termination of Agreement

**343:** If after six years from the Effective Date the Parties disagree whether the City has been in full and effective compliance for two years, either Party may seek to terminate this Agreement. In the case of termination sought by the City, prior to filing a motion to terminate, the City agrees to notify DOJ in writing when the City has determined that it is in full and effective compliance with this Agreement and that such compliance has been maintained for no less than two years. Thereafter, the Parties shall promptly confer as to the status of compliance. If, after a reasonable period of consultation and the completion of any audit or evaluation that DOJ and/or the Monitor may wish to undertake, including on-site observations, document review, or interviews with City personnel, the Parties cannot resolve any compliance issues, the City may file a motion to terminate this Agreement. If the City moves for termination of this Agreement, DOJ will have 60 days after the receipt of the City's motion to object to the motion. If DOJ does not object, the Court may grant the City's motion. If DOJ does make an objection, the Court will hold a hearing on the motion, and the burden shall be on the City to demonstrate that it is in full and effective compliance with this Agreement and has maintained such compliance for at least two years."

PARAGRAPH DEADLINE: 11/18/2020

IMPLEMENTATION PLAN:

PROGRESS: As stated above.

STATUS SUMMARY:

In Progress

PARAGRAPH: 344

SUBSECTION: Termination of Agreement

**344:** This Agreement is enforceable only by the Parties. No person or entity is intended to be a third-party beneficiary of the provisions of this Agreement for purposes of any civil, criminal, or administrative action. Accordingly, no person or entity may assert any claim or right as a beneficiary or protected class under this Agreement.

PARAGRAPH DEADLINE:

IMPLEMENTATION PLAN:

PROGRESS: As stated above.

STATUS SUMMARY:

In Progress