



## How to Talk About APD

These four approaches to talking about APD can be used when speaking in public about the Department at the City Council or Community Policing Councils, or when submitting letters to the editor at the Albuquerque Journal. You can bring up these issues when calling or emailing the mayor or your city councilor, or when talking to candidates for mayor or city council. Alter these descriptions of problems at APD as you see fit. But these are some of the most important issues facing the department. We need to let policy makers, the media and the general public know how much police reform matters for the future of our city.

Here's a few tips:

- *Keep it civil.* The issues we are dealing with are contentious and our community is understandably upset. We should be firm and steadfast in our demands. But we also risk losing our message if we cannot make our points in a civilized, respectful discussion.
- *Make it your own.* Our words as concerned community members are perceived differently as individuals than as on behalf of a group. The words of people advocating for themselves can be more powerful than someone that is advocating on behalf of a group. While APD Forward is responsible for this training, you should advocate for yourself, your family, and your community.

### Issue #1 Deliberate Noncompliance

Another monitor's report brings yet more bad news about APD. I'm not sure how much more of this we can take. Here we are, more than two and a half years into the reform process, and according to Independent Monitor Dr. James Ginger, APD is actually *deliberately blocking reform*. Instead of Chief Eden being the public face of culture change within the Department, he's become the public face of obstruction and excuses. There's too much at stake here for this to stand. Albuquerque deserves a police department that's able and willing to follow the requirements of the Constitution. We have to transform the culture of aggression within APD into a culture of community policing and public service. With a mayoral election coming up this fall, we need to demand that the new mayor make APD reform the highest priority.

Please see [Appendix 1](#) for specific examples of deliberate non-compliance or resistance by APD contained in the Monitor's fifth report.

### Issue #2 Pace of Reform

Despite a substantial investment of time and resources on behalf of the Monitor's team, the City, and the Department of Justice, the reform efforts are well behind schedule and likely will take years to complete. To meet the initial plan for compliance, APD would have needed to be in full compliance with 95 percent of the 278 specific settlement agreement tasks by November 14, 2016. Right now, according to the Monitoring Team's new report, APD is only in 47 percent compliance, and the hardest requirements are still ahead. It's clearer than ever that APD needs fundamental reform and needs it now, but where is the



push from the Mayor and Chief Eden to make APD reform the highest priority? In order for this process to keep moving forward and to accomplish true organizational change, we need the Mayor to step up his leadership and show the residents of this city that 1) he takes APD reform seriously and 2) he understands that issues like high crime, low police officer morale, and community trust in APD are all linked together.

#### Issue #3 Blame Game

I was shocked to see reports in this paper and elsewhere that APD is actually using social media to trash judges and the news media for Albuquerque's spike in crime as well as the Department's inability to recruit enough officers. When questioned about this, APD officials seemed almost belligerent, saying that they would continue to raise awareness about judges they think are soft on criminals. The fact that threatening comments by members of the public were allowed to remain on APD's social media platforms is offensive. When is this Department going to finally take responsibility for its internal problems? Until that happens, we're going to continue to see the same issues around supervision and accountability.

If APD leaders are *publicly* shifting blame for the Department's troubles onto judges and the media, we wonder about the *internal* narrative promoted among supervisors and rank-and-file officers about the reform process. Does the Department believe that it doesn't deserve to face such scrutiny? Or that it is oppressed by the CASA's requirements? Does the Department believe the Monitor is biased or unfair?

#### Issue #4 Need for Collaboration

If you are following the Albuquerque Police Department reform process, you'll know that there are few reasons for optimism and quite a few reasons for concern. First, the good news. Progress has been made, especially on specialized units, such as the SWAT, canine and bomb squad units. The Independent Monitor has also highlighted the good work of the Civilian Police Oversight Agency in reviewing use of force incidents. That said, the pace of the reform is agonizingly slow and the Independent Monitor has identified serious concerns over APD's inability to provide proper oversight and accountability on use of force incidents.

Rather than embracing the opportunity to change, it seems as if the City is being dragged through these reforms like a stubborn child kicking and screaming. We need a police chief that's highly engaged in the process and shows through his leadership that APD values meaningful reform. And it would be nice to see the Mayor show that he won't tolerate this stubbornness to change. I want to see the Mayor and Chief Eden show the community that they are committed to a collaborative process that respects the voice of the community, takes seriously the recommendations of the Monitor, and embraces the calls for reform.



## Appendix 1 – Deliberate Non-Compliance or Resistance

1. 2.1.1.3 Use of Neck Holds (p.8) = “The six-month review of APD’s use of force policy has been seriously delayed as APD attempt to ‘debate’ with the monitoring team and DOJ what a neck hold is...In the opinion of the monitor, such deliberate resistance, despite multiple discussions and debate of the topic, and despite clear and unequivocal definitional guidance in the CASA constitutes deliberate non-compliance on the part of APD and the City.”
2. 2.1.4 Overall Use of Force Conclusions (p.12) = “We note with more than a little frustration that, after five attempts to prompt a legitimate follow-up on cases that the monitoring team have identified as problematic that two of the three remain unresolved after nine months! To our minds this constitute a clear example of deliberate non-compliance.”
3. 4.7.28 Assessing Compliance with Paragraphs 41 – 59: Supervisory Review of Use of Force Reporting (Overview) (p.84) = “For future reference, the City is hereby put on notice that any failure to provide to the monitoring team legitimately requested information related to compliance issues, absent a clear and convincing legal reason supporting that decision, will result in an automatic non-compliance finding for that paragraph. We consider this an act of deliberate noncompliance.”
4. 4.7.65 Assessing Compliance with Paragraph 78: Force Review Board Responsibilities (p.172) = “For a body like the [Force Review Board] to miss completely categorizing a use of force against a handcuffed individual is incomprehensible, and speaks to a mindset of deliberate indifference.”
5. 4.7.153 Assessing Compliance with Paragraph 167: Duty to Accept Citizen Complaints (p.268) = “Requiring a ‘web-hack’ to file a citizen complaint anonymously is definitely construed by the monitoring team as ‘discouraging civilians from submitting complaints.’ This is the third time we have cautioned APD and the City about this issue. If it persists, we will find the City/CPOA and APD in deliberate non-compliance on this issue.”
6. 4.7.207 Assessing Compliance with Paragraph 221 (p.318) = “This seemingly minor revision, again without notice to the Parties or the monitor, reduced the required review rate for an average squad of officers from 16 per month to two per month. This action by APD stands in direct refusal to comply with this paragraph’s ‘notice and review’ clause. The monitoring team views such hugger-mugger changes as deliberate and in direct contradistinction to the requirements of the CASA. These were actions deliberately non-compliant with the CASA and were taken by the City completely without notice to the monitor or the Parties.”
7. 4.7.132 Assessing Compliance with Paragraph 146 (p.250) = “We have highlighted in IMR-2, IMR-3, IMR-4 and a special report on use of force, issues with policy violations, often serious and consequential, that have gone unaddressed by APD supervisory and command staff. These issues, accompanied by APD’s new-found resistance to effective revisions in Use of Force, Early Intervention, and On-Body Recording Device policies cause great concern to the monitoring team relative to the ‘accountability’ provision of this paragraph.”