

policing. The authorized uniforms, except for the civilian dress mode, identify unit members as police officers through distinctive markings and images.

The monitoring team was provided SOP 2-6 Uniform, wherein section 2-06-12 was highlighted for our consideration. That section entitled "Tactical/BDU Style Uniform" specifies the uniform required by ERT members.

Two (2) pages from the 2014 APD Annual Report were provided that depict a number of pictures of people in various uniforms and clothing. It is unclear what the purpose is of this exhibit, since this is not a sufficient normal course of business document due to the lack of context for the photographs. The monitoring team will arrange field observations of SWAT and SOD personnel in upcoming site visits, as well as reviewing OBRD videos of SOD personnel engaged in their daily course of business process.

Results

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.86 Assessing Compliance with Paragraph 99: Force Review Board Assessments

Paragraph 99 stipulates that:

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.

Methodology

APD Administrative Order X-XX (no number assigned) Force Review Board (March 1, 2015) requires the Board to review each IAD use of force investigation, which includes K-9 bites, within thirty days of receiving the report. The undated draft order does not explicitly require that the Board review all tactical activations, but it has adopted that practice. The draft order should be revised to reflect the actual extent of the Board's oversight. The Board has adopted the categories specified in the paragraph to structure its case reviews.

The monitoring team also read a December 2015 posting that reported that "[t]he 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." SOP 3-67 is the indexing number assigned to an older APD policy titled Critical Incident Review Board

(CIRB), which apparently will be retired and retitled as Force Review Board (FRB). However, the monitoring team was not provided a copy of the most recent draft during the current reporting period. APD should confirm that the draft policy is included in the review schedule recently established by the monitoring for CASA-required policies.

As part of its second review, the monitoring team examined five FRB reports, all of which included the specific categories of interest listed in Paragraph 99. Monitoring team comments of the cases reviewed include the following:

1. It would be helpful to readers to identify each FRB-reviewed case by including the name of the subject/suspect and the location in the opening "header". This is particularly helpful when a reviewer is cross-referencing the FRB report, the investigative file, and the AAR. Such a protocol should simplify the task for APD command staff review of deployments of specialized tactical units.
2. In a July 2015 case the Board noted that the investigation deviated from CASA requirements by having a supervisor of the same rank as the involved officer investigate a serious use of force, rather than CIRT/IAD. It also commented on the fact that an officer's body camera was uncharged during the incident; this issue, however, was immediately addressed by the officer's commander; according to the report, though a disposition is not indicated. The Board recommended that the Department correct this problem by issuance of a Special Order to bring current practices into alignment with CASA requirements. APD eventually issued SO 15-91 on October 20, 2015, a turnaround time of almost three months.
3. Another report identified report writing concerns (the use of boilerplate and common description language) and referred those to the Academy for follow-up, though there is no indication of how this occurred and how it was documented to ensure that the follow-up occurred. In a previous case, the monitoring team found that the recommended remedial training had in fact not taken place even months after the incident.
4. The Board identified an issue of concern in a Taser case in which the suspect might have fallen into traffic after being disabled. The Board again referred the issue to the Academy for follow-up.
5. In the final case the Board found nothing of concern to report on.

The monitoring team also reviewed the Force Review Board Evaluation Forms that accompanied each report and found substantive comments on most. The Form structures the evaluator's review by requiring responses to a series of questions regarding important aspects of the case, such as whether the findings are supported by the preponderance of evidence, whether the

investigation meets Departmental standards, and whether the use of force complies with policy. This is an excellent approach that APD should continue to use and refine.

The monitoring team, for the sake of clarity, appreciates that there may be little of concern to comment on in some cases. All that may be required is to reinforce practices that proved successful, enabled officers to meet high standards of performance, and complied with Department policy and Constitutional standards. Consequently, reinforcing best practices should be viewed as an important function of the FRB.

The FRB clearly appreciates the importance of timely follow-up on significant issues and concerns. The monitoring team encourages APD to determine the best means of documenting and assuring follow-up on the Board's recommendations in order to "close" a critical feedback loop within the Department's force oversight and management system. In the next visit the monitoring team will look to identify how the FRB documents recommendations that are born from their meetings, and how they ensure those recommendations are acted upon.

Results

Primary: **In Compliance**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.87 Assessing Compliance with Paragraph 100: Eligibility Requirements for Tactical Teams

Paragraph 100 stipulates that:

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.

Methodology

The Special Operations Division, which oversees specialized tactical units, has established policies that set both selection criteria for team membership and training requirements for all members. These are listed in a series of Bureau SOPs that cover SWAT (4-04), Bomb Squad (4-03), and K-9 (4-12). The monitoring team also reviewed official several APD Department Personnel Circulars announcing openings in each of the specialized units. The circular includes a job description that describes the position and lists the selection criteria. CNT selection is covered in Administrative SOP 3-13 Crisis Negotiations Team Selection (9/30/11). Because it was last revised almost six years ago, APD should review it to ensure that it aligns with current

operational doctrine and procedures, along with CASA requirements. The monitoring team previously recommended that APD review these Bureau SOPs annually because they pertain to high-risk critical tasks.

Bureau SOP 4-04 SWAT mandates that each specialized unit member undergo an Annual Retention Review to ensure that they meet Department standards for such an assignment. The review consists of an Employee Work Plan (comparable to a performance evaluation) review, a "file" review conducted by unit commanders, and a meeting with the Behavioral Sciences Division. This type of annual review is commended, considering the duties and responsibilities of SWAT, and APD may consider their rationale for that review and whether expanding this practice to other departmental assignments is appropriate.

Results

This policy is in compliance with the requirements of Paragraph 100 and constitutes a best practice in the management of tactical units and personnel. The monitor has established a policy review schedule to assess and approve APD CASA-required policies expeditiously. Upon approval APD will be in Primary Compliance.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.88 Assessing Compliance with Paragraph 101: Tactical Team Training

Paragraph 101 stipulates that:

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.

Methodology:

During this reporting period's review, the monitoring team identified three different Departmental orders that relate to the requirements of this paragraph: APD SOP 2-42 Hostage, Suicidal/Barricaded Subject, and Tactical Threat Assessment (Draft: Undated); Special Services Bureau SOP 4-04 SWAT (Draft: Undated); and an non-indexed, undated, non-sourced draft titled Response to Suicidal/Barricaded Subjects, which appears responsive to the requirements in Paragraph 131. Collectively they address the "competencies and procedures" set forth in Paragraph 101, and the training requirements,

though terminology appears to vary in some instances. (We expect that all of these subjects are addressed fully in various training formats, but we have deferred reviewing any use of force training pending completion of critical, foundational policies) APD should review these policies, and any others that might be related to them, concurrently to ensure consistency and capitalize on any opportunities for consolidation. The third draft mentioned above may be a prime candidate for consolidation---if that hasn't occurred already---because of large overlaps with SOP 2-42. If this occurs, APD should make sure that collaboration with the MHRAC continues on this issue, as required by Paragraph 131.

Current policy appears to distinguish between two levels of response to barricaded subjects. The first is a response by Field Services Bureau (FSB) officers, including CIT-trained officers, supervisors, and commanders. The second is a SWAT response (a tactical activation) based upon the existence of certain pre-determined, high-risk factors set forth in both SOP 2-4 and Bureau SOP 4-04. However, neither policy adequately explains the role of crisis negotiators (CNT), nor defines how they are integrated with tactical operations. Additionally, it is not clear if CNT can be activated independent of a SWAT response when FSB officers retain command of an incident. These issues should be clarified during the upcoming policy review and approval process scheduled by the monitor.

Results

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.89 Assessing Compliance with Paragraph 102: K-9 Post Deployment Reviews

Paragraph 102 stipulates that:

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

Methodology:

The monitoring team found no specific requirement to conduct such reviews in either SOP 2-45 Use of Canine Unit (8/6/15) or Bureau SOP 4-12 K-9 Unit (undated), though we are aware that K-9 Unit supervisors have historically conducted full investigations on all canine bites, which are defined as serious uses of force in the CASA. We assume that deployments are a broader categorization than canine bites, but that should be clarified in policy. APD

should also incorporate an explicit requirement to conduct after-action reviews, particularly in SOP 4-12, prior to review by the monitor.

During our November 2015 visit, the monitoring team chaired a meeting that included both APD staff and DOJ representatives. One of the issues discussed in that meeting was how canine bites (and not deployments) should be investigated pursuant to the CASA. DOJ noted that canine bite investigations were not an area of concern that was flagged in their original investigation, and that those investigations, in their assessment, were generally thorough and well done. Because the CASA defines canine bites as serious uses of force, however, IAD is assigned to conduct the investigation. If implemented, this would displace the K-9 Unit supervisor as the primary investigator in all canine bite investigations. Given the generally high quality of K-9 Unit bite investigations, further discussion centered upon a compromise in which K-9 Unit supervisors would continue in the primary investigative role, while CIRT would respond and function in some yet-to-be-defined oversight role. No firm resolution was reached in the meeting. The monitoring team sees that as a workable solution, allowing APD to maintain the "craft knowledge" of K-9 unit supervisors and stipulating an "oversight" function for CIRT. We recommend policy reflect such a joint process.

Results

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.90 Assessing Compliance with Paragraph 103: Tracking K-9 Deployments

Paragraph 103 stipulates that:

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.

Methodology

APD has created an excellent tracking system to accomplish the tasks in Paragraph 103. First, it has included K-9 deployment and bite information fields in its Tactical Unit Deployment Tracking Sheet. The IMT reviewed ten tracking sheets and all ten showed that a K-9 was "available" during the activation. Seven of the ten indicated that a bite hadn't occurred, while one reported a bite and described the injury. Two failed to indicate whether a bite had occurred, but both showed no entry in the injury field, leading us to believe that a bite hadn't occurred. The monitoring team will review this issue further with Division supervisors and commanders during our next visit.

The K-9 Unit also tracks other deployments and calculates the ratio of bites to deployments for each officer-canine team monthly. The monitoring team reviewed the K-9 Units' 2015 *Ratio of Bites to Deployments* spreadsheet and determined that the K-9 Unit ratio overall never exceeded 4% in any month during 2015. Moreover, the highest ratio experienced by a single canine-officer team during the year was 13% (two officers for a single month each), well below the 20% threshold for a six-month period established in CASA Paragraph 104. In a conversation with the SOD Commander, it was explained that the higher ratio often results from skewed deployment practices, that is, a particular officer-canine team performs especially well within a SWAT configuration and, as a result, is activated more frequently in high-risk situations. The Commander stated that he and his staff monitor this understandable tendency closely to avoid major workload imbalances and to ensure that all canines can work competently in SWAT activations. As with any statistic concerning force by officers, it will be important for APD to document and justify well any instances where a particular K-9 is deployed in a manner inconsistent with its peers.

Results

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.91 Assessing Compliance with Paragraph 104: Tracking K-9 Bite Ratios

Paragraph 104 stipulates that:

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.

Methodology:

In IMR-1 the monitor stated that canine bites were not included as an EIS incident in Administrative Order 3-49 Early Warning System (6/19/13). This order is still in revision, but sub-section 4-12-11 has been added to incorporate the provisions in Paragraph 104. The added language is posted in memo form as DOJ 104 EIS Bite Ratio.docx and was posted in mid-2015. The monitoring team has not seen the language in an actual policy as of yet. In actuality, 4-12-11 should be a new section in 4-12, but that order currently ends at 4-12-11. APD should resolve these seeming inconsistencies by concurrent review

of all K-9 orders--- from all sources and levels---prior to review and approval by the IM.

As the K-9 bite-deployment ratio for any handler did not reach the 20% threshold at any time during 2015, no required EIS reviews were conducted. This is a significant achievement and SOD staff should be commended for their diligence and active oversight of a critical, high-risk task.

Results

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.92 Assessing Compliance with Paragraph 105: Analyzing Tactical Deployments

Paragraph 105 stipulates that:

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

Methodology

APD Special Operations Division has created a Tactical Unit Deployment Tracking Sheet, which the monitoring team reviewed during this reporting period and found that it included all of the fields set forth in Paragraph 105. However, several fields should be enhanced to provide more detail and clarity. First, the monitoring team ***strongly recommends*** that the field "Initial call for service" should require more than a 10-code entry. Sufficient narrative information should be required to capture the high-risk nature of the call. For instance, "mentally ill person armed with a knife" or "armed felon, barricaded" would suffice. Second, there is no specific field for firearm discharges. It should be added to the array of force options displayed on the left side of the sheet. Third, as APD appears to rely significantly on chemical agents, it should also be included as a specific option in the same array. Lastly, APD should evaluate whether the addition of a field to record information about the possible role of mental illness in the genesis of the incident would be of value. This is obviously unnecessary if such information is being captured by other means.

The monitoring team reviewed the FRB's revised Use of Force Reporting template (no date, but it's based upon the 2014 Annual Report) and

determined that “SWAT Breakdown” appears as the main category, though the information is rather sketchy, being limited to a simple count of activations and their geographical distribution. The sub-title is “SWAT Activations by Type of Call Out”, but this is misleading, as little information is provided, particularly any consistent with the categories set out in the paragraph.

Further refinements might include the type of resolution, negotiation outcomes, type and seriousness of injuries, presence of mental illness or other impairment, and duration of the incident. These are only suggestions, but underscore the importance of keeping the community informed about APD’s approach to handling high-risk situations. In short, the monitoring team finds reporting of these high-risk, critical tasks leaves too much to “inference” and “estimate.” Detailed reporting of these tasks is critical—both to the requirements of the CASA and to effective management of these processes.

Results

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.93 Assessing Compliance with Paragraph 106: Specialized Unit Policies

Paragraph 106 stipulates that:

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.

Methodology

The monitoring team reviewed Administrative Procedure 3-01 Special Investigations Division (SID). APD has revised SOP 3-01 Special Investigations Division (July 17, 2015), which is now an Investigative Bureau Order. The revised order complies with the requirements in Paragraph 106, although individual units are still in the process of compiling handbooks. During its November 2015 visit the monitoring team reviewed the SID Narcotics Section Handbook and provided feedback to the SID Commander. The monitoring team regards the handbook as an excellent approach to codify unit-level policies and procedures. The first draft appears comprehensive (that is, covers all of the important procedural issues), is generally user-friendly, and organized logically. The inclusion of an Appendix with sample reports and documents is excellent, though care should be taken to avoid “boilerplate” and “cut and paste” approaches that become routine practice. As the handbooks are developed and refined further, the monitoring team will work closely with

SID staff to bring them into Primary Compliance. It is important to note that the monitoring team found no indication that unit members were actively **trained** in the contents of the handbooks.

Results

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.94 Compliance with Paragraph 107: High Risk Situation Protocols

Paragraph 107 stipulates that:

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.

Methodology

Investigative Bureau SOP 3-01, sub-section 3 A.5. (7/16/15) explicitly prohibits SID units from providing tactical responses where a special tactical unit is required. The order also is in compliance with all of the tasks set forth in Paragraph 107. The order further requires that SID detectives use the APD Tactical Search/Arrest Warrant Service Risk Assessment Matrix as a guide for requesting the assistance of specialized tactical units. This is an excellent approach to managing operational risks in a systematic fashion. The monitoring team recommends that a section be added to SOP 3-01 to explain the matrix in detail and provide more detailed guidance for its use.

Results

Primary: **In Compliance**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

Compliance with Paragraph 108: Inspection of Specialized Units

Paragraph 108 stipulates:

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.

Methodology:

In its first report the monitoring team commended APD staff for the diligence shown in conducting both the 2014 and 2015 inspections in a timely manner. Based upon our review of Interoffice Memoranda verifying the inspections, we determined that APD was in full compliance with the requirements in this section. The inspections--- with the exception of one weapon (40mm gas launcher) that was immediately removed from the unit's inventory after it was discovered in the January 2015 inspection --- found that all other weapons and equipment were consistent with each unit's mission and training. Based upon the timing of past inspections, the 2016 annual inspection is due in January 2016. The monitoring team will review APD records relevant to this paragraph in its next visit to ensure this practice is continuing.

Results

APD is commended for this type of oversight wherein they inspected, followed up and documented requirements of this CASA. This type of accountability and oversight should be emulated throughout the organization, which will benefit its compliance processes with other CASA requirements.

Primary:	In Compliance
Secondary:	In Compliance
Operational:	In Compliance

4.7.96 Assessing Compliance with Paragraph 109: Tracking Specialized Unit Responses

Paragraph 109 stipulates that:

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.

Methodology

Administrative Procedure 3-01 Special Investigations Division (January 20, 2015) meets all the requirements set forth in Paragraph 109. The monitoring team assessed how this data is tracked and entered into APD's Early Intervention System during our meeting with the Division Commander in November. Performance on this task will thus be updated in IMR-3.

Primary: **In Compliance**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.97 Assessing Compliance with Paragraph 110: Minimum Use of Force and Those in Crisis

Paragraph 110 stipulates that:

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."

Methodology

Members of the monitoring team requested all policies submitted by APD regarding performance of task 110 that were completed during the second reporting period dates of July-November, 2015. Only Procedural Order 2-13, entitled "Response to the Mentally Ill / Suspected Mentally Ill and People in Crisis," was updated during this period (latest version: Effective 7/22/15, Expires 1/22/16, Replaces 6/25/13). APD is currently at work updating SOP 2-42 "Hostage, Suicidal/Barricaded Subject, and Tactical Threat Assessment" but has not completed that update, nor has it been through the proper approval process required by APD (PPRB) and the City. SOP 3-06, "Criminal Investigations Division," refers to the roles and responsibilities of members of the Crisis Intervention Section and COAST and has also recently been updated (latest version: Effective 12/10/15, Expires 12/10/16, Replaces 7/16/15). The monitoring team will continue to work with the APD to get workable, updated, meaningful and effective policies developed for this task and to generate meaningful training responsive to those policies.

It is clear to the monitoring team that policies supporting Section V tasks are currently in a state of flux, and duties and responsibilities are still being sorted

out. For example, there appears to be continued confusion about response modalities and responsibilities. The monitoring team continues to work to clarify these roles and responsibilities with the APD.

Results

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.98 Assessing Compliance with Paragraph 111: Establish MHRAC

Paragraph 111 stipulates that:

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

Methodology

This provision is not yet due. Effective September 24, 2015, Federal District Court Judge Brack extended, at the request of the Parties and with the monitor's support, the deadline for this task to December 2, 2015. The monitoring team will evaluate this paragraph again for IMR-3. While this provision is not yet due, members of the monitoring team noted the following progress toward meeting the requirements of this paragraph:

- MHRAC is meeting monthly and producing meeting minutes, which are posted on the CABQ website.
- The new co-chairs for the MHRAC were nominated and approved by vote of the MHRAC on June 16, 2015.
- While the first few meetings of the MHRAC (February, 2015--May, 2015) focused upon logistics and administrative issues rather than substantive response strategies (meeting locations, subcommittee formation, website administration and the like), subsequent meetings (July, 2015-November, 2015) have addressed the future leadership of the MHRAC, information sharing, and coordination with the Bernalillo County Sheriff's Department.
- MHRAC by-laws were formally voted on and adopted on June 16, 2015.
- The requirement of this paragraph carries a timeline of "within six months of the effective date" thus these requirements are not yet due.

Results

Primary: **In Compliance**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.99 Assessing Compliance with Paragraph 112: Representation on MHRAC

Paragraph 112 stipulates that:

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.

Methodology

During the second team site visit (November 2-6, 2015), members of the monitoring team met with an MHRAC co-chairs and committee members as well as with members of the APD Crisis Intervention Unit to discuss progress, including the formation of the MHRAC subcommittees. Members of the monitoring team reviewed MHRAC meeting minutes, by-laws and other relevant documents produced by the MHRAC, most of which is publicly posted on the City of Albuquerque's website.

The Committee composition is responsive to the requirements of paragraph 112 and minutes of the MHRAC meetings indicate that the Committee is responsive to its tasking. The APD support personnel are actively engaged and supportive.

The following processes and milestones were noted:

- MHRAC has been formed and is meeting regularly, with specified groups present at each meeting.
- New co-chairs have taken over the duties of the original co-chairs, and are moving MHRAC's agenda forward.
- Appropriate APD staff members have been assigned to attend the MHRAC meetings and participate on the Committee as well as subcommittees.

Results

Primary: **In Compliance**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.100 Assessing Compliance with Paragraph 113: MHRAC Guidance

Paragraph 113 requires:

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.

Methodology

During the second team site visit (November 2-6, 2015), members of the monitoring team met with the MHRAC co-chairs, members of the MHRAC subcommittees, and members of the APD Crisis Intervention Unit to discuss progress. We reviewed not only the MHRAC meeting minutes for this reporting period, but also the subcommittee proposals and documents, including those from the Information Sharing subcommittee, the Training subcommittee, and the Resources subcommittee. The documentation suggests that the MHRAC is actively considering new and current response strategies and moving toward providing guidance on effective responses to behavioral crisis events.

Results

Primary: **In Compliance**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.101 Assessing Compliance with Paragraph 114: MHRAC Protocols

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

Methodology

During the second site visit (November 2-6, 2015), members of the monitoring team met with the MHRAC co-chairs and MHRAC members as well as with members of the APD Crisis Intervention Unit to discuss progress. The subcommittee on Information Sharing was at work on drafting an action plan

during this reporting period, but as of November 30, the action plan was neither complete nor voted on by the MHRAC.

Results

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.102 Assessing Compliance with Paragraph 115: APD Provides Data to MHRAC

Paragraph 115 requires:

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

Methodology

During the second site visit (November 2-6, 2015), members of the monitoring team met with an MHRAC co-chair as well as with members of the APD Crisis Intervention Unit to discuss progress. Monitors also reviewed CIU/COAST Monthly reports from June, July, August and September, 2015; minutes from MHRAC meetings during this reporting period; an updated mental health resources card/list; and draft tracking materials, which are not yet final. We determined that:

- APD is currently developing a new data tracking system – both officer forms and tracking spreadsheets are being developed
- APD is currently developing a new behavioral health training curriculum for the 40-hour in-service CIT course, including scenario-based training
- The requirement of this paragraph carries a timeline of “within nine months of the effective date,” and is not due for completion until March 2, 2016, a date outside the timeframe for this report.

Results

The performance deliverables of this paragraph are not due until March 2, 2016.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**

Operational: **Not Yet Due**

4.7.103 Assessing Compliance with Paragraph 116: MHRAC Coordination

Paragraph 116 requires:

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.

Methodology

During the third site visit (November 2-6, 2015), members of the monitoring team met with the MHRAC co-chairs, MHRAC members, and members of the APD Crisis Intervention Unit to discuss progress. Monitors reviewed the CIU's monthly reports and the MHRAC meeting minutes for this reporting period (July-November). Documentation indicates that the MHRAC subcommittees are in communication with local behavioral health systems and are in the process of formulating plans and action items.

Results

The performance deliverables of this paragraph are not yet due.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.104 Assessing Compliance with Paragraph 117: MHRAC Public Reports

Paragraph 117 stipulates:

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

Methodology

During the second site visit (November 2-6, 2015), members of the monitoring team met with members of the MHRAC, including the co-chairs, as well as with members of the APD Crisis Intervention Unit to discuss progress. Monitors also reviewed CIU/COAST Monthly reports and MHRAC meeting minutes and subcommittee documentation for this reporting period. Documentation indicates that MHRAC is at work on its recommendations for training, policies and procedures and coordination to connect people to

available mental health resources. The requirement of this paragraph carries a timeline of "within 12 months of the effective date." Criteria for this paragraph are not due until June, 2, 2016.

Results

Primary: **Not Yet Due**

Secondary: **Not Yet Due**

Operational: **Not Yet Due**

4.7.105 Assessing Compliance with Paragraph 119:⁸ Training for CIT Officers

Paragraph 119 stipulates:

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.

Methodology

Members of the monitoring team have been holding monthly teleconferences with members of the Crisis Intervention Unit responsible for facilitating the development of training addressing mental health issues to discuss progress. Since the transfer of responsibility for the 40-hour in-service CIT curriculum from Dr. Troy Rodgers (PSPG) to the internal APD Crisis Intervention Unit (CIU) in July of 2015, the CIU has been at work updating the in-service 40-hour CIT curriculum to attempt to comply with this paragraph. APD continues providing state-mandated behavioral health training to cadets in the academy. Monitors reviewed CIU Monthly reports for this reporting period, in addition to their regular calls with the CIU.

Results

Primary: **Not Yet Due**

Secondary: **Not Yet Due**

Operational: **Not Yet Due**

4.7.106 Assessing Compliance with Paragraph 120: CIT Training

Paragraph 120 stipulates:

⁸ No evaluation methodology was developed for paragraph 118, as it is not a "requirement" for APD or City action, but simply states facts.

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.

Methodology

Members of the monitoring team have been holding monthly teleconferences with members of the Crisis Intervention Unit responsible for facilitating the development of training addressing mental health issues to discuss progress. Since the transfer of responsibility for the 40-hour in-service CIT curriculum from Dr. Troy Rodgers' Public Safety Psychology Group (PSPG) to the internal APD Crisis Intervention Unit (CIU) in July of 2015, the CIU has been at work updating the in-service 40-hour CIT curriculum to attempt to comply with this paragraph. Discussions indicate that the updated training curriculum will address assessment, identification, suicide intervention, crisis de-escalation, community mental health participation and scenario-based exercises and role-play. Monitors reviewed CIU Monthly reports for this reporting period, in addition to their regular calls with the CIU.

Results

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.107 Assessing Compliance with Paragraph 121: Tele-Communicators Training

Paragraph 121 stipulates:

APD shall ensure that new tele-communicators 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 tele-communicators 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.

Methodology

During the first site visit (June 21-26, 2015), members of the monitoring team met with Crisis Intervention Unit personnel responsible for facilitating the development of training addressing mental health issues to discuss progress. During partial-team site visit (August 19-22, 2015), members of the monitoring team again met with members of the APD Crisis Intervention Unit to discuss progress. The monitoring team also reviewed CIU/COAST Monthly reports from March and April, 2015.

Results

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.108 Assessing Compliance with Paragraph 122: Training in Behavioral Health Issues

Paragraph 122 stipulates:

APD shall provide two hours of in-service training to all existing officers and tele-communicators on behavioral health-related topics bi-annually.

Methodology

During this reporting period, some confusion surfaced about the roles and responsibilities of PSPG-developed training vs. APD CIU-developed training. In recent years, PSPG delivered this training and it is yet unclear whether that will continue or the training for tele-communicators will be moved in-house like the 40-hour in-service CIT curriculum, which was undergoing major revisions during this reporting period.

To date, these issues remain unresolved by the City or the monitor.

Training for Tele-communicators was offered by the City during the months of November, 2014 through October, 2015. The monitoring team has reviewed those scores and found the following issues:

- A total of 8.7 % of those listed on the roster for training were listed, without explanation as "N/A," yielding any internal assessment of the efficacy of the training moot;
- On a series of four quizzes, scores were listed as "1-4" yielding no "context" of the meaning of those numbers;
- Scores on the four "quizzes" given tele-communicators ranged from a low of 85.71 to a high of 100, with an average "quiz" score of 89.9;

- A total of 10 of the tele-communicators who should have taken the test were listed as "N/A," which the monitoring team assumes means (there is no guidance or legend associated with the data provided by the City) they did not complete the course or the quizzes. There is no evidence located by the monitoring team to explain what the "NA" means (and more importantly no documentation to show a retraining or re-testing of those personnel, if they are still employed).
- Test results seemed abnormally high, with an "average score" of 98.4, which causes the monitor to have some concern about the complexity of the training and the efficacy of the scores. The monitoring team will revisit the issue of tele-communicator's training during the third site visit.

Results

The results of this preliminary assessment of tele-communicator's training raise enough issues to warrant revisiting them with the City during the third site visit.

Primary: **Not Yet Due**
 Secondary: **Not Yet Due**
 Operational: **Not Yet Due**

4.7.109 Assessing Compliance with Paragraph 123: CIT Staffing

Paragraph 123 stipulates:

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.

Methodology

During the site visit to prepare for the second monitor's report (November 2-6, 2015), members of the monitoring team met with Crisis Intervention Unit personnel responsible for staffing to discuss progress and reviewed the CIU/COAST Monthly reports from June, July, August and September, 2015. Compliance with staffing factors cannot be fully assessed until the Weiss and Associates staffing study is complete (the study was completed and results disseminated in November 2015, which did not give members of the monitoring team sufficient time to review and comment on the report for this period. Comments will be registered in the monitor's third report.

Results

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.110 Assessing Compliance with Paragraph 124: CIT Staffing Goals

Paragraph 124 stipulates:

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.

Methodology

During the site visit (November 2-6, 2015), members of the monitoring team met with Crisis Intervention Unit personnel responsible for staffing to discuss progress and reviewed the CIU/COAST Monthly reports from June, July, August and September, 2015. Compliance with staffing factors cannot be assessed until the Weiss and Associates staffing study is complete. The requirement of this paragraph carries a timeline of "within one year of the Effective date." Members of the monitoring team have reviewed the training documentation for officers who were trained by PSPG trainers. That documentation consists of a collection of 295 PowerPoint slides for the 40-hour in-service CIT course; a matrix listing topics and instructors for 40-hour course; a 36-page participant/learner guide for the 40-hour in-service CIT course; a 1-page agenda for "CIT-FO refresher" course (8 hours) but no additional course materials; a 1-page agenda for "Basic Crisis Intervention and Verbal De-Escalation for Tele-Communicators" (8 hours), but no additional course materials; and a 1-page agenda for "Advanced CIT and Verbal De-Escalation for Tele-Communicators (8 hours) but no additional course materials. The document support provided by APD of the training used to certify 87 percent of its CIT-capable officers falls short of expected documentation, which *should include* the following:

- Needs Assessment;
- Course Objectives;
- Learning Objectives;
- Participant Performance Objectives;
- Identification of instructional modalities (including more than straight "lecture" from PowerPoint slides), such as small-group problem-solving

exercises, video review and debrief; and reality-based training scenario exercises;

- Descriptions of assessment modalities, such as exams and problem-solving rubrics for situations commonly faced by CIT-capable officers assessed through scenario exercises; and
- Content absorption testing process (pre-training and post-training knowledge assessments)

The documentation provided depicts lecture-style teaching methods. This is inadequate "proof of life" for an effective training process and learning experience. The monitoring team will continue to monitor CIU/COAST training for appropriate documentation and testing.

Results

Primary: **Not Yet Due**

Secondary: **Not Yet Due**

Operational: **Not Yet Due**

4.7.111 Assessing Compliance with Paragraph 125: CIT Training for Field Officers

Paragraph 125 stipulates:

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.

Methodology

Monthly telephone communications with CIU officers during this reporting period indicate that APD is moving forward with utilizing the "Mental Health First Aid USA" curriculum to fulfill this requirement. Several CIU officers attended a Train-the-Trainer event for this 8-hour curriculum, developed by the Mental Health Association of Maryland, the Missouri Department of Mental Health and the National Council for Behavioral Health.

Results

No deliverables are due as of yet for this paragraph, as it has an 18-month timeline.

Primary: **Not Yet Due**

Secondary: **Not Yet Due**

Operational: **Not Yet Due**

4.7.112 Assessing Compliance with Paragraph 126: In-Service Training for CIU

Paragraph 126 stipulates:

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.

Methodology

Monthly telephone communications with CIU officers during this reporting period indicate that APD is moving forward with utilizing the "Mental Health First Aid USA" curriculum to fulfill this requirement. Several CIU officers attended a Train-the-Trainer event for this 8-hour curriculum, developed by the Mental Health Association of Maryland, the Missouri Department of Mental Health and the National Council for Behavioral Health.

Results

No deliverables are due as of yet for this paragraph, as it has an 18-month timeline.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.113 Assessing Compliance with Paragraph 127: Staffing of CIU Responders

Paragraph 127 stipulates:

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

Methodology

Members of the monitoring team assessed APD's status regarding revision of Procedural Order 2-13 and found it to be "in-progress" as the APD continues to review iterations of the policy and consult with the MHRAC on policy language. The staffing study by Weiss and Associates has not yet been made available to the CIU, as of the writing of this report.

Results

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.114 Assessing Compliance with Paragraph 128: Response to Individuals in Crisis

Paragraph 128 stipulates:

APD will ensure that crisis intervention certified responders or CIU would 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.

Methodology

Members of the monitoring team assessed APD's status regarding revision of Procedural Order 2-13 and found it to be "in-progress" as the APD continues to review iterations of the policy and consult with the MHRAC on policy language. The staffing study by Weiss and Associates has not yet been provided to the MHRAC.

Results

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.115 Assessing Compliance with Paragraph 129: CIU Use Data Collection

Paragraph 129 stipulates:

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).

Methodology

Members of the monitoring team met with APD personnel working on compliance efforts for this paragraph to determine their status and ensure all items required are addressed. The system in its entirety is still under development, and will include both officer forms and tracking spreadsheet of officer contacts. As of August 3, 2015 officers are required to complete the CIT Worksheet for Mental Health Contacts, per a memo from Chief Gordon Eden, Jr., which reads, in part, "Effective immediately, all officers should start using the CIT Worksheet for Mental Health Contacts, located at [link to APD internal website]. This contact sheet may be used in lieu of a police report unless there is an arrest, use of force, or subject(s) are placed in handcuffs." Again, the monitoring team is concerned with what should be detailed and specific policy guidance being issued by memorandum instead of formal policy. Given the issues currently being encountered by APD with crafting effective policy, this may be a reasonable stop-gap measure; however, it should not be relied on as a long-term "fix."

Results

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.116 Assessing Compliance with Paragraph 130: Case Studies for Training

Paragraph 130 stipulates:

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.

Methodology

Members of the monitoring team had regularly scheduled monthly teleconferences with APD personnel tasked with developing systems responsive to this task. CIU officers have been at work updating the crisis response and behavioral health curricula to attempt to comply with this paragraph. Discussions indicate that the updated training curriculum will include case studies, reality-based scenarios and role-play exercises and

curriculum updates. Monitors reviewed CIU Monthly reports for this reporting period, in addition to their regular calls with the CIU.

Results

No outputs have been produced relative to this paragraph as of the team's second site visit.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.117 Assessing Compliance with Paragraph 131: Suicidal Subjects Not Posing Imminent Harm to Others

Paragraph 131 stipulates:

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.

Methodology

APD's progress toward compliance with this paragraph provides another example of a fragmented policy development process. During the first reporting period, the monitoring team reviewed a draft protocol on "Response to Suicidal/Barricaded Subjects" that appeared to be a working policy draft. The document had no index number, was undated, and indicated no source that would enable follow-up. (These should be standard notations on every draft policy, along with page numbers and a DRAFT marker.) It was unclear to the team whether the document, which was posted in August 2015, was an outline of proposed policy and procedures, or actually a draft policy. Another document dated April 1, 2015 advised the CNT Commander that the document had been sent to the Mental Health Resource Advisory Committee (MHRAC) for review at its next meeting. The monitoring team also reviewed several sets of MHRAC meeting minutes from July 21, 2015 and August 8, 2015, which confirmed that the scheduled review had taken place. Additionally, the CNT Commander confirmed with monitoring team members that he had attended the August 2015 meeting to discuss the guidelines. Though this activity is indicative of some level of collaboration, as required by the CASA, it is unclear what the extent and nature of the collaboration actually was, and whether a mechanism exists to maintain regular consultation in the future.

Overall, the "draft order" is comprehensive, the tone is excellent, and the procedures set forth are balanced and sound. Having said that, the protocol

requires additional work to make sure that it accords with the interests represented by the Advisory Committee, the interests of APD, and the interests of public safety. The policy fragmentation mentioned above stems from the existence of four different policies⁹ that overlap significantly (the monitoring team acknowledges the ambiguous status of the draft presented to the MHRAC). Consequently, the monitor recommends that APD review this set of policies--and any others within its directives system that might be linked in some way--concurrently to consider potential consolidation and to ensure uniformity. For instance, Bureau SOP 4-04 SWAT (Undated) is comprehensive and generally well written (there are several organization issues), but does not include the expansive language on suicidal-barricaded subjects found in SOP 2-42 Hostage, Suicidal/Barricaded Subject, Sniper Situations (Undated, but notes that it replaces the one dated January 1, 1999). Hence, APD should review this issue and decide if similar language should be added to 4-04 to bring it into compliance. The monitoring team further recommends that the last sentence in Paragraph 131, with the additional underlined language that follows, be added to both SOP 4-04 and SOP 2-42-3, sub-section B.7.vi, or, alternatively, to the opening section: *The protocol will have the goal of protecting the safety of officers, members of the general public, and suicidal subjects while providing suicidal subjects with access to mental health services.* The existing language in the Policy section of 2-42 states that "...it is department policy to protect citizens and officers and to arrest the subjects involved...." That appears to conflict with the intent of this paragraph. SOP 4-04 makes no mention of the protocol required by Paragraph 131. Likewise, where policies include force provisions (as with 2-42) APD should be explicit and include sufficient language to ensure those provisions are clear and consistent with the CASA, as well as cohesive with other APD policies related to force.

Results

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.118 Assessing Compliance with Paragraph 132: COAST and CIU Follow-up

Paragraph 132 stipulates:

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

⁹ The fourth, not mentioned in the narrative, is SOP 2-13 Response to Persons Affected by Mental Illness or in Crisis (7/22/15).

enforcement encounters and to proactively work to connect these individuals with mental health service providers.

Methodology

During the a second site visit (August 19-22, 2015), members of the monitoring team rode along with members of the APD Crisis Intervention Unit to observe proactive outreach to individuals with a known mental illness. One-on-one interviews with APD CIU and COAST personnel during that visit, and monthly phone calls throughout this reporting period indicate that APD continues to maintain regular contact with individuals known to them. Further, APD continues conversations with UNM's Psychiatric Department to discuss community working relationships. Until such time as APD's policy regarding delivery of services to people with mental illness is completed (SOP 2-13), however, the APD is not in compliance.

Results

As recommended in its first report, the monitor again recommends that APD set a requirement to conduct an annual review of any policy that deals with critical, high-risk tasks. The monitoring team finds it unacceptable that the last date of review for SOP was January 1, 1999--- sixteen years ago. To facilitate annual reviews, APD should consider grouping policies that concern, high-risk-critical tasks together and mandate that all uniformed officers possess an in-depth working knowledge of these policies.

The approach required by Paragraph 131 is a major change in APD operational doctrine governing field responses to high-risk incidents involving persons who are in crisis, or otherwise impaired. However, developing specialized policy for response to such incidents is an operational and risk management mindset that is slowly gaining adherents in U.S. policing. Risk assessment has been added as an explicit supervisory and command responsibility, as have requirements pertaining to de-escalation and using the minimum amount of force necessary. To its credit, APD's Special Operations Division has moved quickly to embrace and implement these changes, which shape fundamental mindsets and Departmental practice. Yet, these new emphases should not in any way compromise officer safety, public safety, or tactical requirements. The two orientations---tactical-safety and clinical-support--- must proceed hand-in-glove, varying in relative emphasis depending upon circumstances. Skilled practice regards the two mindsets as complementary, rather than conflicting.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.119 Assessing Compliance with Paragraph 133: Staffing for COAST and CIU

Paragraph 133 stipulates:

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.

Methodology

During a second site visit (August 19-22, 2015), members of the monitoring team rode along with members of the APD Crisis Intervention Unit to observe proactive outreach to individuals with a known mental illness. The monitoring team also reviewed the CIU Monthly Reports and the MHRAC meeting minutes for this reporting period. APD continues to manage its caseload through CIU and COAST with consistent outreach to individuals with a known mental illness. Until such time as APD's policy regarding delivery of services to people with mental illness is completed (SOP 2-13), however, the APD is not in compliance.

Results

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.120 Assessing Compliance with Paragraph 134: COAST and CIU Referrals

Paragraph 134 stipulates:

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.

Methodology

Ride-alongs and regular communication with the APD personnel responsible for this paragraph in the CIU and COAST indicate that APD's CIU and COAST units continue to provide referrals to/for treatment options. A review of the CIU Monthly Reports and the MHRAC meeting minutes for this reporting period also indicate that APD continues to assist people with mental illness in connecting with available services and treatment options. Until such time as APD's policy regarding delivery of services to people with mental illness is completed (SOP 2-13), however, the APD is not in compliance.

Results

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.121 Assessing Compliance with Paragraph 135: Staffing Levels for CIU/COAST

Paragraph 135 stipulates:

APD shall maintain a sufficient number of trained and qualified mental health professionals in COAST and full-time detectives in CIU to satisfy its obligations under this Agreement. Within three months of completing the staffing assessment and resource study required by Paragraph 204 of this Agreement, APD shall develop a recruitment, selection, and training plan to assign, within 24 months of the study, 12 full-time detectives to the CIU, or the target number of detectives identified by the study, whichever is less.

Methodology

Members of the monitoring team spoke regularly to the CIU personnel responsible for outreach and case management to discuss progress. The monitoring team spoke with community members and service providers through the MHRAC to discuss collaborative opportunities. The staffing study by Weiss and Associates, which is the critical piece of this analysis, was not yet complete during this reporting period.

Results

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.122 Assessing Compliance with Paragraph 136: Improving CIU/COAST Outreach

Paragraph 136 stipulates:

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.

Methodology

Members of the monitoring team, through conversations with CIU personnel and members of the MHRAC, observed that communication and coordination is taking place, focused on improving outreach, service delivery, crisis

prevention and referrals. Members of the monitoring team also reviewed the CIU Monthly reports and the MHRAC meeting minutes during this reporting period. The final policy for CIU/COAST is still under development and the staffing study was not complete as of end of the second reporting period.

Results

Two pieces of critical work remain to be done to achieve compliance with this task: completion of the staffing study (expected in late November) and finalization of controlling policy for CIU/COAST.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.123 Assessing Compliance with Paragraph 137: Impact Analysis for Crisis Prevention

Paragraph 137 stipulates:

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 caseloads;
- b) number of individuals receiving crisis prevention services;
- b) 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).

Methodology

Members of the monitoring team met with APD personnel working on compliance efforts for this paragraph to determine their status and ensure all items required are addressed. The system in its entirety is still under development, and will include both officer forms and tracking spreadsheet of officer contacts. As of August 3, 2015 officers are required to complete the CIT Worksheet for Mental Health Contacts, per a memo from Chief Gorden Eden,

Jr., which reads, in part: "Effective immediately, all officers should start using the CIT Worksheet for Mental Health Contacts, located at [link to APD internal website]. This contact sheet may be used in lieu of a police report unless there is an arrest, use of force, or subject(s) are placed in handcuffs."

Results

Work continues on new data collection instruments and processes, but at the time of this analysis, had not been completed. The protocols for the required analysis of data had not yet been implemented.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.124 Assessing Compliance with Paragraph 138-148 Training

The monitoring team noted in its first report assessing the APD's performance in implementing the requirements of the CASA that:

"APD's recruit and in-service training processes are the subject of paragraphs 138-161. The very first paragraphs informing APD's training practices focus, rightfully so, on the policy that underlies the training. Policy is the foundation of training. Any training developed and delivered absent a strong and resilient policy system is virtually guaranteed to fail to deliver a training product that maintains consistent performance reflective of organizational values and operational requirements."

"Members of the monitoring team recognized from the very start that APD policies in effect at the time the monitoring team were in less than exemplary. Critical, "key piece" policies were difficult to understand, were often disjointed, clearly written piecemeal, without an over-arching understanding of the function of policy as a critical piece of the training continuum. For example, the monitors gave failing marks to critical policy elements on their initial reviews, finding fatal flaws in the APD's use of force, internal affairs, supervision, and other policies that made effective training virtually impossible."

"Further, as members of the monitoring team became more acquainted with APD's training system in the early days of the monitoring process, it was clear that that system was not based on any clear form of needs assessment that would drive what would be trained or how it would be trained. Thus the first two critical pieces of any training development, clear and careful needs assessment and effective, clear, well-written policy were missing from the APD's existing training rubric at the time of the monitoring team's first assessment. Without a reasonable needs assessment, the agency does not know what to train; without effective policy, the agency does not know

how to train. These two flaws would have undermined APD's training efforts, no matter how well intentioned or effectively managed."

"After a brief discussion with the Chief of Police and key command staff responsible for training, the monitoring team agreed that a brief training hiatus, allowing time for meaningful training needs assessments and the development of understandable policy in such key areas as use of force, internal affairs, responding to persons in crisis, and high-risk critical task response was a far superior tactic to one of moving forward without clear guidance. As a result, some training was delayed pending development of an internal training planning process that was more likely to be successful than the one that existed at the time the monitoring team first began working with APD."

"This new approach [for APD], used in many well-respected police agencies, and agencies that have successfully navigated the consent decree management process, would implement the assessment-development-implementation-evaluation model recommended in many organizations, similar to Edwards Deming's quality-circle process. On November 2, 2015 the monitor will engage in a "conversation" with APD command staff regarding the training development cycle used with Pittsburgh Bureau of Police and with the New Jersey State Police. At that point, a coordinated, responsive, needs-based training evaluation can take place at APD, which should result in training specifically designed to address issues actually confronting APD. The monitoring team will, if so desired, take an active role in reviewing, critiquing, and facilitating revisions to training at APD, as opposed to simply "evaluating" the end result of the APD's efforts."

"This approach is necessitated in part by the monitoring team's late arrival 'on the job' in Albuquerque. Secure funding, for a variety of reasons, was not secured for the monitoring team until late May. The team's first full-site visit was, of necessity, delayed until June. Thus, the APD was deprived of critical insights and assessments as their policy development--training plan--execution--evaluation--modification cycle was implemented."

Paragraphs 138-148 continue to be classified as "pending" for the monitor's second report (IMR-2). All following reports will include detailed discussion of each of the requirements, including APD actions for the period, responses of the monitoring team to those actions, and findings regarding compliance status. While paragraphs 138-148 deal with "policy" directly, it is clear to the monitoring team that a great deal of training will need to be done before APD begins to develop adequate and responsive policy.

In the intervening months, since the monitoring team penned those words, several processes have been initiated to facilitate APD's response to

paragraphs 138-148. The monitoring team engaged key members of the command staff in in-depth "discussions" about policy development, training needs assessment processes, training curriculum development and documentation, and training delivery evaluation, as well as processes designed to undergird training activities. The monitors have engaged key APD units and staff in wide-ranging, comprehensive, and detailed discussion of policy development and assessment.

To date, however, APD has yet (as of the end of the second reporting period) to develop a clear, concise and trainable use of force policy, and other less critical, but nonetheless important policies also lag behind expected deliverable dates.

Training, as a result also has been delayed. An acceptable use of force policy, due to have been completed by the December 2, 2016, is still "pending." Other essential policies lag even further behind. Thus, with few exceptions, all training at APD has been placed on hold for the foreseeable future. Until there is policy to serve as the foundation for training in high-risk, critical tasks such as use of force, vehicle pursuits, internal affairs investigations, discipline, SWAT operations, etc., training on those topics will be further delayed. The monitoring team is deeply concerned that development in these critical areas continues to be stymied by lack of effective policy in the articulated areas. The APD project was, at the end of this reporting period, almost a full year into program planning and response, yet the critical areas of policy and training still need urgent attention.

4.7.125 Assessing Compliance with Paragraph 149: Briefing on CASA

Paragraph 149 stipulates that:

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.

Methodology

Based on normal daily course of business (COB) documents provided to the monitoring team, a series of presentations were made to all APD personnel consisting of a briefing of the requirements of the CASA and a depiction of the implementation plan established by APD to meet the require "briefing" process. There appears to be some question as to the coverage of one of the elements required by the CASA; however, given the number of elements in the CASA applicable to the APD *per se* (280), even if that one element were omitted or not exactly what the CASA required, it constitutes only a 0.003 error. Obviously, .003 is well within the acceptable margin of error of five percent. The monitoring team will continue to monitor progress on ***all*** training

elements of the decree. Task 149 was the only two-month task identified by the CASA.

Results

Primary:	In Compliance
Secondary:	In Compliance
Operational:	In Compliance

4.7.126 Assessing Compliance with Paragraph 150: Distribution of Policy

Paragraph 150 stipulates that:

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.

Methodology

Requirements for this paragraph were not assessed this monitoring period, as training relative to policies and procedures has not yet begun on a regularized basis—as of the end of this reporting period (November, 2015), APD had not produced a single core policy that has been approved by the Parties or the monitor. Paragraph 143 allows nine-months for APD (via the Policy and Procedures Review Board) to “review, develop, and revise policies and procedures that are necessary to implement this Agreement.” This requirement is not due to be fully completed until June, 2016 (nine months to complete the policy work and three months to ensure training of content).

Results

Paragraph	
Primary:	Not Yet Due
Secondary:	Not Yet Due
Operational:	Not Yet Due

4.7.127 Assessing Compliance with Paragraph 151: Training Timelines

Paragraph 151 stipulates that:

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.

Methodology

The monitoring team reviewed the APD's "class schedule" for training development and found all training elements required by the CASA to be reflected in that document, which lists, for each training development cycle, the "task lead", the date of the last CASA paragraph update related to each training element, a narrative of the title and status of the training element, the time development started, elapsed time for development, and finish date. The monitoring team will conduct "real time" audits of these training events over the coming years to ensure that the training is not only completed to national standards but is complete on-time. The APD is currently in compliance with time parameters for setting out a schedule for training, as required by this task. APD has developed its 18-month training calendar. The monitoring team will assess compliance levels with the posted schedules during the course of the following three years.

Schedule:

2016 Training

11 July – 10 November

2017 Training

10 July – 10 November

2018 Training

9 July – 9 November

Results

Setting Out a Schedule

Primary:	In Compliance
Secondary:	In Compliance
Operational:	In Compliance

Delivery of Training

Primary:	Not Yet Due
Secondary:	Not Yet Due
Operational:	Not Yet Due

4.7.128 Assessing Compliance with Paragraph 152: Lateral Hires

Paragraph 152 stipulates that:

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.

Methodology

During the second monitoring site visit, members of the monitoring team met with Training Academy personnel responsible for the Recruitment/Hiring policy development and implementation, and identified current development processes and expected due dates. Throughout this monitoring period, the APD retained one lateral entry-level hire and decided to have this lateral hire complete the entire Academy process. The lateral hire received the same training as the non-lateral cadets. This lateral hire was subjected to the same screening processes as all other entry level cadets.

The APD also recruited and hired one executive-level employee during this reporting period. This individual was recruited as an executive appointment to a senior-level training position. As such, the APD contends this position is considered discretionary and exempt from this requirement.

Results

Primary:	In Compliance
Secondary:	In Compliance
Operational:	In Compliance

4.7.129 Assessing Compliance with Paragraph 153: Accurate Training Records

Paragraph 153 stipulates that:

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.

Methodology

During the second monitoring site visit, members of the monitoring team met with Training Academy Personnel responsible for the maintenance of all APD sworn officers training records. The APD houses the training records electronically and in hard copy format. The electronic database is called Officer Training Information System (OTIS). All records are archived at the APD Academy. The staff showed the members of the monitoring team how they access any information required to be available for inspection upon request as stipulated in this paragraph. The monitoring team will conduct

inspections of these materials in future site visits to ensure that implementation processes can be maintained.

Results

Primary:	In Compliance
Secondary:	In Compliance
Operational:	In Compliance

4.7.130 Compliance with Paragraph 154: Updates on Case Law

Paragraph 154 stipulates that:

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.

Methodology

During the second monitoring site visit, members of the monitoring team met with Training Academy Personnel responsible for the dissemination of changes to relevant case law and statutes. Members of the monitoring team specifically met with the Advanced Training Sergeant assigned to this paragraph. During the monitoring time frame that was reviewed for this paragraph, (June 1, 2015 thru November 30, 2015) there was one case law change (Department Special Order 15-23) that affected the APD. The Advanced Training Sergeant explained the process in place to accomplish this task. The Order is received from the Court, submitted to the APD. The APD submits Order down the chain to the Academy to the Advanced Training Sergeant. The Advanced Training Sergeant reviews material and enters approved changes into PDMS, or if a presentation is necessary the Order is entered into PSU. A review of PDMS records revealed that +95% of APD personnel reviewed the material. APD was compliant with the requirements of this paragraph. The monitoring team will continue to monitor the implementation of this paragraph in future site visits.

Compliance

Primary:	In Compliance
Secondary:	In Compliance
Operational:	In Compliance

4.7.131 Compliance with Paragraph 155: Management of FTO Program

Paragraph 155 stipulates that:

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.

Methodology

During the second monitoring site visit, members of the monitoring team met with Training Academy Personnel responsible for the Field Training and Evaluation Program. This section was recently moved from the Operations Review section to the Academy and assigned a new FTO coordinator. The members of the monitoring team discussed the changes that needed to be made to the Field Training and Evaluation Program Operational Manual. The draft copy reviewed contained changes that would constitute compliance with the requirements of the CASA. However, the monitor has not received a final copy of those changes to manual from the APD.

Results

Primary:	Not Yet Due
Secondary:	Not Yet Due
Operational:	Not Yet Due

4.7.132 Compliance with Paragraph 156: FTO Policies

Paragraph 156 stipulates that:

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.

Methodology

During the second monitoring site visit, members of the monitoring team met with Training Academy Personnel responsible for the Field Training and Evaluation Program. This section was recently moved from the Operations Review section to the Academy and assigned a new FTO coordinator. Although the Final Policy for the FTO program has not been received, a review of the draft policy was conducted with the Academy staff. Documentation to support that the trainees received 16 weeks of documented field training was reviewed and verified. The +95% threshold was met during the time frame for this report. The draft policy also showed that the provision for early release was removed ensuring that no recruit would be released from the program until a minimum of 16 weeks of training was received. Despite the fact that the +95% threshold was met, the final policy for the FTO program has not been received, therefore the APD is not in compliance.

Results

Primary:	Not Yet Due
Secondary:	Not Yet Due
Operational:	Not Yet Due

4.7.133 Compliance with Paragraph 157: Qualifications for FTOs

Paragraph 157 stipulates that:

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.

During the second monitoring site visit, members of the monitoring team met with the Training Academy Personnel responsible for the Field Training and Evaluation Program. This section was recently moved from the Operations Review Section to the Academy and assigned a new FTO coordinator. Although the final policy for the FTO program has not been received by the monitoring team, a review of the draft policy was conducted with the Academy staff. Documentation was reviewed by the monitoring team supporting the requirement of this paragraph that stipulates that FTO's have four years of non-probationary experience as a sworn officer. The draft policy also requires that the FTO's have a demonstrated commitment to constitutional policing, ethics, and professionalism. Documentation to support this requirement was also met. A complete list of the department's FTOs was supplied and a random 20% of that population was selected. The +95% threshold was met for the time frame for this report. Upon the completion of the policy the FTO program will be in compliance.

Results

Primary:	Not Yet Due
Secondary:	Not Yet Due
Operational:	Not Yet Due

4.7.134 Compliance with Paragraph 158: FTO Training Requirements

Paragraph 158 stipulates that:

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.

Methodology

During the second monitoring site visit, members of the monitoring team met with the Training Academy Personnel responsible for the Field Training and Evaluation Program. This section was recently moved from the Operations Review Section to the Academy and assigned a new FTO coordinator. The Academy has revised its Policies/Procedures for the FTO program, and they are currently in the review process. A review of the draft policy was conducted with the Academy staff. The 40-hour training block of instruction is in the developmental stage that will include community oriented policing, de-escalation techniques, and effective problem solving as well as management and supervision to fulfill the requirements of this paragraph.

Results

Primary: Not Yet Due

Secondary: Not Yet Due

Operational: Not Yet Due

4.7.135 Compliance with Paragraph 159: Rotating Commands and Shifts for Field Training

Paragraph 159 stipulates that:

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

Methodology

During the second monitoring site visit, members of the monitoring team met with the Training Academy Personnel responsible for the Field Training and Evaluation Program. This section was recently moved from the Operations Review Section to the Academy and assigned a new FTO coordinator. The Academy has revised its Policies/Procedures for the FTO program, and they are currently in the review process. A review of the draft policy was conducted with the Academy staff. A section is added to the revision of the policy stipulating that a recruit officer will be assigned to all phases of training. The Academy staff supplied the monitor with the Field Services Bureau Special Orders that indicates the assignment changes during the time frame monitored for this report. The program has a 100% percent compliance rate and will meet the requirements of this paragraph upon completion of its Policy/Procedures.

Results

Primary: Not Yet Due

Secondary: Not Yet Due

Operational: Not Yet Due

4.7.136 Paragraph 160: Confidential Feedback on Field Training

Paragraph 160 stipulates that:

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.

Methodology

During the second monitoring site visit, members of the monitoring team met with the Training Academy Personnel responsible for the Field Training and Evaluation Program. This section was recently moved from the Operations Review Section to the Academy and assigned a new FTO coordinator. The Academy has revised its Policies/Procedures for the FTO program, and they are currently in the review process. A review of the draft policy was conducted with the Academy staff. The Academy utilizes Survey Monkey Analyze to monitor confidential feedback regarding the quality of their field training. The monitor conducted a thorough review of the random 20% sample, provided by the Academy Staff, to ensure that the responses were reflective of their day-to-day activities and an indication of the pros and cons of their experiences in the FTO program. During the time frame for this report, the Academy did not have a system to track and evaluate the FTOs and their trainees. This is an essential element that must be fulfilled in order to measure the reasoning behind any responsive action taken or the decision to take no action. They have since purchased new software to accomplish this portion of the paragraph requirement. The monitoring team will continue to monitor progress on all training elements of the paragraph on future site visits.

Results

Primary: Not Yet Due

Secondary: Not Yet Due

Operational: Not Yet Due

4.7.137 Compliance with Paragraph 161: Support for FTOs

Paragraph 161 stipulates that:

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.

Methodology

During the second monitoring site visit, members of the monitoring team met with the Training Academy personnel responsible for the Field Training and Evaluation Program. This section was recently moved from the Operations Review Section to the Academy and assigned a new FTO coordinator. The Academy has revised its Policies/Procedures for the FTO program, and they are currently in the review process. A review of the draft policy was conducted with the Academy staff. An Interoffice Memorandum was generated to address the current staffing levels and what they should be as a result of the demands of the CASA, and submitted through the chain of command to Support Services. The results of the staffing study conducted by the consultant, the Weiss Team, had just been addressed at the conclusion of this site visit and did not have an impact on the Academy at that time. As of the date this report was written there is no formal definition of "necessary support and resources" for the APD Training Academy.

Primary: Not Yet Due
Secondary: Not Yet Due
Operational: Not Yet Due

4.7.138 Compliance with Paragraph 162: Accountability for Conduct

Paragraph 162 stipulates:

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.

Methodology

Members of the independent monitoring team had several meetings during the site visit, meeting with personnel from the Internal Affairs Bureau (IA) and the Civilian Police Oversight Agency (CPOA). The monitoring team also conducted visits to substations and reviewed procedures for informing the public of its right to lodge a complaint and procedures for taking complaints. The monitoring team also reviewed stratified random samples of IA and CPOA investigations completed during the monitoring period of June 1 through November 30, 2015, including the imposition of discipline. Total investigations

review were 14 IA investigations and 17 CPOA investigations. The monitoring team also reviewed rules, regulations and orders containing policies related to the internal affairs process.

Results

This is the overarching paragraph pertaining to the IA function. As such, full compliance with this paragraph cannot be achieved until all paragraphs pertaining to the IAB and CPOA functions of APD are in compliance. The reader is directed to paragraphs 162-202, and 271-292, below for a paragraph-by-paragraph discussion of compliance at these two entities. Overall, however, the monitoring team is able to draw some critical impressions regarding IAB and CPOA functions for this reporting period. Firstly, the monitoring team continues to be impressed with the cooperation, professionalism and commitment of the IAB and CPOA personnel.

A review of randomly selected IAB and CPOA investigations by the monitoring team during this site showed some trends that are concerning. CPOA cases are backlogged resulting in inordinate delays and cases where discipline cannot be imposed due to the time limitations of the Collective Bargaining Agreement (CBA). In IA investigations the monitoring team notes that IA does not make investigative findings. The IA presents its investigation without investigative findings to the Supervisory Chain of the subject officer. Thus the expertise of IA and its close working knowledge of the facts of the case do not factor into making investigative findings. This is of particular concern in cases requiring credibility determinations. Investigative findings are now made by the subject officer's command, which has the potential of introducing one's personal knowledge and opinion of the subject officer into the findings equation. The monitoring team highly recommends that IA consider making investigative findings in its investigative reports unless this is precluded by labor contracts, state statute or other restrictive covenants.

The monitoring team has noticed several cases, both CPOA and IA, where witnesses to a police-citizen encounter were not interviewed. All witnesses should be interviewed unless there is a cogent reason not to do so. If the investigator feels an interview is not necessary in order to conclude the investigation, or has tried to contact a witness without success, or there is some other valid reason for not conducting a witness interview, a short statement of explanation should be included in the investigative packet.

A Chart of Sanctions / Progressive Discipline Matrix with disciplinary guidelines (ranges of discipline) has been established and is generally followed. When punishment deviates from the ranges established in the guidelines the monitoring team has not found an abuse of discretion. The guidelines contain discipline ranges for each classification of offense, with the classifications ranging from 1 through 7. The problem is that the APD has not classified every violation of an SOP or general order. Where a violation is

unclassified a similar violation that is classified is to be used as a guide. This has the potential of introducing undue complexity and subjectivity into the recommendations for imposition of discipline. The monitoring team highly recommends that each potential violation be classified for purposes of the Chart of Sanctions/ Disciplinary Matrix Guidelines.

The monitoring team recommends an articulation of reasons in every instance where final discipline imposed does not follow the disciplinary matrix guidelines range, where progressive discipline is not followed, or recommendations of investigative or reviewing authorities are not followed. Deviations are acceptable where appropriate; however, a careful consideration of mitigating and/or aggravating circumstances or other reasons should be evidenced by a succinct statement of reasons.

4.7.139 Assessing Compliance with Paragraph 163: Duty to Report Misconduct

Paragraph 163 stipulates:

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.

Methodology

The monitoring team reviewed stratified random samples of IA and CPOA investigations completed during the monitoring period, and had several meetings during the site visit with IA and CPOA personnel regarding the operations of their offices.

Policy mandating compliance with this paragraph is contained in AO 3-43, currently under review (see also paragraph 164, Status, AO 3-43 Comment). It is expected that upon the revision and formal adoption of AO 3-43, the APD will be in primary compliance of this task.

- The monitoring team considers the “immediacy” of a supervisor’s ligation to document and report misconduct as one of reasonableness under the totality of circumstances.
- A review of randomly selected IAB and CPOA investigations by the monitoring team during this site did not reveal any instance of a supervisor failing to “immediately document and report” alleged misconduct to IA.

- A CPOA investigation astutely pointed out that there is a discrepancy between this paragraph and, 3-43-3G5 which allows for discretion of the supervisor in handling a misconduct complaint. The monitoring team recommends that APD amend to comply with this paragraph.

Results

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.140 Assessing Compliance with Paragraph 164: Public Information on Civilian Complaints

Paragraph 164 stipulates:

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.

Methodology

Members of the monitoring team visited four of the six substations during this site visit as well as the IA and CPOA offices. The monitoring team conducted interviews of IA, CPOA and substation personnel to determine if procedures are in place to inform the public of its right to lodge a complaint, the different methods and procedures for doing so, and also viewed APD and CPOA websites and relevant materials..

All inspections conducted this site visit revealed that personnel at substations are knowledgeable of complaint procedures and the substations contain informative materials in English and Spanish relevant to the IA process. Displayed brochures were informative and user-friendly, and accurately depicted the complaint filing and resolution process. Further, websites were informative and user-friendly.

The CPOA publication materials include posters, brochures, and complaint forms, all of which are acceptable to the monitoring team in terms of format and content. CPOA posters and brochures list TTY (Teletypewriter) and the internet as appropriate ways for the hearing impaired to interact with the Agency. Brochures and posters are available in English and Spanish.

The APD complaint forms and related informative materials were also acceptable to the monitoring team. Access attempts at websites, and inspections of facilities all indicated adequate compliance at greater than 95 percent.

The APD draft policy (Administrative Order) was returned to APD as insufficient and needing a comprehensive rewrite and edit. The monitor notes this is a common theme with APD, and as such indicates a need for a refocus and upgrade of this critical piece of the compliance effort.

CPOA policies and procedures were submitted to the monitoring team and at the time of preparation of this document have not been approved. We expect that the APD and CPOA will be in full compliance with this paragraph once the underlying policies are completed, reviewed and approved.

Results

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.141 Assessing Compliance with Paragraph 165: Availability of Complaint Forms

Paragraph 165 stipulates:

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.

Methodology

Members of the monitoring team had several meetings during the site visit with persons charged with the responsibility of responding to this paragraph's tasks at the IA and CPOA offices. Staff also conducted unscheduled visits/inspections at four of the six APD substations.

Results

Members of the monitoring team reviewed the brochures available at the substations visited. They found the brochures were readily available, informative and user-friendly. The monitoring team also found related City websites to be informative and user-friendly.

APD and CPOA is > 95 percent compliant with web access attempts and station visits by the monitoring team. The team will continue "live visits" during

the next site visit, and will assess availability at City Hall, public libraries, and community centers. APD and CPOA will be in full compliance with this paragraph once the underlying policies are completed, reviewed and approved.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.142 Assessing Compliance with Paragraph 166: Public Information on Complaint Process

Paragraph 166 stipulates:

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.

Methodology

The monitoring team visited the IA offices and CPOA offices as well as 4 of 6 substations. Members of the monitoring team had several meetings during the site visit with persons charged with the responsibility of responding to task(s) included in this paragraph, reviewed documents related to the internal affairs process, and reviewed a random selection of 31 IA and CPOA investigations that were completed during this monitoring period.

Results

Policy mandating compliance with this paragraph is contained in AO 3-43, currently under review (see also paragraph 164, Status). It is expected that upon adequate revision and formal adoption of AO 3-43, the APD will be in primary compliance of this task. Informational placards are located in all (>.95) of the locations inspected. During the next site visit, the monitoring team will conduct inspections of Police Vehicles for complaint forms. Other City facilities, as outline in Paragraph 165 will also be assessed at that time.

A review of randomly selected IAB and CPOA investigations by the monitoring team during this site visit did not reveal any investigation involving the failure to provide requested information to a prospective complainant or any instance

where a supervisor was not informed when a complainant indicated the desire to make a complaint.

One investigation involved the allegation of failure to provide information regarding the complaint process. That allegation was unfounded.

Primary: **Not Yet Due**

Secondary: **Not Yet Due**

Operational: **Not Yet Due**

4.7.143 Assessing Compliance with Paragraph 167: Duty to Accept Citizen Complaints

Paragraph 167 stipulates:

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.

Methodology

The monitoring team reviewed forms and instructions on the civilian complaint process, reviewed the information given to members of the public by way of substation visits and interviews, and reviewed a random selection of 31 IA and CPOA investigations that were completed during this monitoring period.

Results

Policy mandating compliance with this paragraph is contained in AO 3-43, currently under review (see also paragraph 164, "Results"). We expect that upon revision and formal adoption of AO 3-43, the APD will be in primary compliance of this task. Complaint forms have been revised, and have been approved by the monitoring team.

The revised complaints forms, information and instructions are compliant with the requirement that reporting forms do not discourage civilians from submitting complaints.

The APD website under "Steps for Filing a Misconduct Complaint" states that "Citizens must be aware of the city ordinance which governs false reports and states that it is unlawful for any person to intentionally make or file with any law enforcement agency any false, misleading, or unfounded report or statement." Although true, this can be construed as discouraging civilians from submitting complaints and should be revised.

Primary: **Not Yet Due**

Secondary: **Not Yet Due**

Operational: **Not Yet Due**

4.7.144 Assessing Compliance with Paragraph 168: Multi-Lingual Complaint Forms

Paragraph 168 stipulates:

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

Methodology

Members of the monitoring team had several meetings during the site visit with persons charged with the responsibility of responding to task(s) included in this paragraph, reviewed documents related to the Internal Affairs process, and reviewed a 14 of Internal Affairs investigations that were completed during this monitoring period.

Status

Policy mandating compliance with this paragraph is contained in AO 3-43, currently under review (see also paragraph 164, Status). Upon revision, approval by the monitoring team and formal adoption of AO 3-43, the APD will be in primary compliance of this task.

Brochures and complaint forms were reviewed by the monitoring team, as were the APD and CPOA Websites. All (>.95) informational material was posted in English and Spanish. During the next site visit, inspections will be conducted of police vehicles for complaint forms and informational materials.

The APD website, specifically the Internal Affairs and Contact the Police windows, both lead to a "Report Police Misconduct" window, which lists substations and government offices where complaint forms can be obtained with addresses and telephone numbers and also allows for submitting complaint online. The APD website Homepage does not directly lead to a Report Police Misconduct window and should be revised.

Compliance

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.145 Assessing Compliance with Paragraph 169: Training on Complaint Intake

Paragraph 169 stipulates:

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

Methodology

Members of the monitoring team had several meetings during the site visit with persons charged with the responsibility of responding to task(s) included in this paragraph, reviewed documents related to the Internal Affairs process, and reviewed a 14 of Internal Affairs investigations that were completed during this monitoring period.

Results

Members of the monitoring team were provided a spreadsheet, generated by the APD's PowerDMS intra-agency training platform. The document provided by the system indicates that the APD trained its personnel regarding complaint intake, classification and tracking during the time period of for this report. Data indicate that the agency trained 94.8 percent of the sworn and civilian workforce, with the remainder, those not trained, being shown on various forms of temporary duty, injury leave, military leave, FMLA leave, etc. The 94.8 percent "rounds up" to a .95 compliance rate; however, the monitoring team has expressed some concerns to APD about two issues which are currently being researched and responded to.

1. The first of these involves those full-time employees who were on leave and not tested in April and May of 2015. The monitoring team needs to know if any of those have returned to work, and how many of those have taken the intake training and have been tested; and
2. The second issue involves a lack of test data demonstrating employee mastery of the data produced and reviewed through Power DMS (test dates, data test questions, and test scores are currently not available to the monitoring team).
3. The fourth involves a probable data management error that showed some participants finishing the training process before they were shown to have started.

The monitoring team notes that items 1-3 were mentioned in the first monitoring report, and have not yet been corrected. The APD is cautioned to ensure that, whenever possible, issues addressed in one monitoring report are corrected prior to the next monitoring site visit.

In conversations with APD personnel in prefatory phases of the monitoring process, the monitoring team was informed verbally that testing outcomes, use data (how much time was spent per page of DMS product, etc.) would be

available by participant. The monitoring team will review those data as they come available.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.146 Assessing Compliance with Paragraph 170: Complaint Receipt Process

Paragraph 170 stipulates:

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.

Methodology

Members of the monitoring team had several meetings during the site visit with persons charged with the responsibility of responding to task(s) included in this paragraph, reviewed documents related to the Internal Affairs process, and reviewed a random selection¹⁴ of Internal Affairs investigations that were completed during this monitoring period.

Policy mandating compliance with this paragraph is contained in AO 3-43, currently under review (see also paragraph 164, Results). The monitoring team review of investigations during this site visit showed complaints more than ninety (90) days old being accepted and at least one complaint accepted where the date of incident was two years old at the time of filing the complaint.

The monitoring team review of investigations during this site visit did not show any complaints being rejected as "late," and in fact revealed some complaints that were investigated despite being several years old. The Civilian Police Oversight Agency informational brochure both addresses and encourages the benefit of filing complaints in a timely manner.

Results

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.147 Assessing Compliance with Paragraph 171: Prohibition of Refusal to Take Complaint

Paragraph 171 stipulates

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.

Methodology

Members of the monitoring team had several meetings during the site visit with persons charged with the responsibility of responding to task(s) included in this paragraph, reviewed documents related to the Internal Affairs process, and reviewed a random selection of 14 Internal Affairs investigations that were completed during this monitoring period.

Results

The monitoring team has not yet been provided a copy of the regulation or order making the violation of this paragraph a ground for discipline. A review of randomly selected IAB and CPOA investigations by the monitoring team during this site visit revealed only one investigation involving the allegation of failure to provide information regarding the complaint process, and that allegation was correctly unfounded.

A review of randomly selected IAB and CPOA investigations by the monitoring team during this site visit did not reveal any investigation involving the discouraging of filing a complaint or the giving of false or misleading information about filing a misconduct complaint.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.148 Assessing Compliance with Paragraph 172: Acceptance of Anonymous Complaints

Paragraph 172 stipulates:

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.

Methodology

Members of the monitoring team had several meetings during the site visit with persons charged with the responsibility of responding to task(s) included in this

paragraph, reviewed documents related to the Internal Affairs process, and reviewed a random selection of 14 Internal Affairs investigations that were completed during this monitoring period.

Results

Policy mandating acceptance of all complaints is contained in AO 3-43, currently under review (see also paragraph 164, Results). The CPOA Complaint Form highlights that complaints may be submitted anonymously or on behalf of another person. The CPOA Complaint Form is also produced and available in Spanish.

The CPOA informational brochure also highlights that complaints may be made in writing or verbally, in person or by mail, telephone, facsimile, or online/electronic mail, and allows for the downloading of the complaint form.

The monitoring team reviewed investigations that were started in a variety of ways-email, telephone calls and on site complaints. The monitoring team has uncovered no refusal or reluctance to accept a complaint. The CPOA Complaint Form highlights that complaints may be submitted anonymously or on behalf of another person. The CPOA Complaint Form is also produced and available in Spanish, and the accompanying informational brochure highlights that complaints may be submitted anonymously or on behalf of another person. The informational brochure also highlights that complaints may be made in writing or verbally, in person or by mail, telephone, facsimile, or online/electronic mail, and allows for the downloading of the complaint form.

The APD website (Misconduct Complaint) website makes clear that complaints may be submitted online or by obtaining complaint forms at substations and government offices and lists the specific substations and offices with addresses and phone numbers. In addition, the APD website (Misconduct Complaint) does not specify that complaints may be made verbally, by mail, telephone or by facsimile, and does not allow for the downloading of the complaint form.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.149 Assessing Compliance with Paragraph 173: Inform Supervisors of Citizen Complaints

Paragraph 173 stipulates:

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.

Methodology

Members of the monitoring team had several meetings during the site visit with persons charged with the responsibility of responding to task(s) included in this paragraph, reviewed documents related to the Internal Affairs process, and reviewed a random selection of 14 Internal Affairs investigations that were completed during this monitoring period.

Results

Policy mandating compliance with this paragraph is contained in AO 3-43, currently under review (see also paragraph 164, Results). The monitor expects that upon revision and formal adoption of AO 3-43, the APD will be in primary compliance with this task. The timeliness of submitting complaints required by this paragraph is not a statistic that is separately tracked at the current time; however, a review of randomly selected IAB and CPOA investigations by the monitoring team during this site did not reveal any violations of the policy required by this paragraph. A CPOA investigation astutely pointed out that there is a discrepancy between this paragraph and 3-43-3G5, which allows for discretion of the supervisor in handling a misconduct complaint. The monitoring team recommends that APD amend its proposed policy to comply with this paragraph.

Primary: **Not Yet Due**

Secondary: **Not Yet Due**

Operational: **Not Yet Due**

4.7.150 Assessing Compliance with Paragraph 174: Allegation by Judicial Officers

Paragraph 174 stipulates:

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.

Methodology

Members of the monitoring team had several meetings during the site visit with persons charged with the responsibility of responding to task(s) included in this paragraph, reviewed documents related to the Internal Affairs process, and reviewed a random selection of 14 Internal Affairs investigations that were completed during this monitoring period.

Results

Policy mandating compliance with this paragraph is contained in AO 3-43, currently under review (see also paragraph 164, Results). It is expected that upon formal adoption of AO 3-43, the APD will be in primary compliance of this task. Although AO 3-43 contains the requirement to comply with this paragraph, there is no system described or in place that would ensure that such allegations made during civil or criminal proceedings would be identified and assessed. The monitoring team strongly suggests that APD modify AO 3-43 accordingly.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.151 Assessing Compliance with Paragraph 175: Allegations Made by the Homeless or the Mentally Ill

Paragraph 175 stipulates:

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.

Methodology

Members of the monitoring team reviewed a random selection of 31 IA and CPOA investigations that were completed during this monitoring period and assessed the complaints to determine source and process.

Results

A review of completed investigations reveals investigations that clearly show whether a complainant is homeless or has mental illness. There is currently no written policy requiring a separate tracking of allegations regarding misconduct involving individuals who are known to be homeless or have a mental illness. Although all allegations of misconduct are tracked, there currently is no special tracking of misconduct complaints involving an individual(s) who is homeless or has mental illness. The monitoring team recommends that the requirements of this paragraph be memorialized in IA and CPOA policy.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**

Operational: **Not Yet Due**

4.7.152 Assessing Compliance with Paragraph 176: Centralized Complaint Numbering System

Paragraph 176 stipulates that:

Within six months of the Operational 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.

Methodology

Members of the monitoring team reviewed a sample of the complaints made in the IA and CPOA cases reviewed during the monitoring period to determine numbering protocols.

Results

Policy mandating compliance with this paragraph is contained in AO 3-43, currently under review (see also paragraph 164, Status, AO 3-43 Comment). It is expected that upon revision and formal adoption of AO 3-43, the APD will be in primary compliance of this task. A centralized numbering and tracking system has been implemented.

Although centralized system is utilized, the CPOA will utilize an identifier starting with "CPC" and IA will utilize an identifier starting with "I". The monitoring team has been provided "screen shots" of data entry in inquiry screens from the APD/CPOA data management systems that show "sequencing" numbers for complaints received at APD. Policies to support this data system, and that allow APD, CPOA and the monitoring team to assess the "shall be provided to the complainant" portion of this requirement are, as of this date, pending. The IAB manages the tracking system, and assigns the identifier to complaints investigated by IAB and CPOA. A review of randomly selected IAB and CPOA investigations by the monitoring team during this site revealed that in all cases (>.95) where complainant contact information is available the identifier is given to complainants as well as letters to civilian complainants explaining the outcome of investigation and containing the unique numerical identifier.

Primary: **Not Yet Due**

Secondary: **Not Yet Due**

Operational: **Not Yet Due**

4.7.153 Assessing Compliance with Paragraph 177: IAB Complaint Data Management

Paragraph 177 stipulates:

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.

Methodology

Members of the monitoring team reviewed a sample of the complaints made in the IA and CPOA cases to determine tracking system protocols present or calculable, as well as documentation related to the IA process and discussions with IA and CPOA personnel.

Status

Members of the monitoring team have seen no regulations or orders setting forth the requirements of this paragraph. The IAB tracking system has the ability to identify various pieces of relevant information and to produce data relevant to the IA function.

A review of a randomly selected sample of investigations shows that >.95 of IA/CPOA cases reflect tracking system requirements. Further, the IAB tracking system has the ability to identify various pieces of relevant information and to produce data relevant to the IA function.

The monitoring team also viewed a MRIAD Sort Report containing a Case #, Incident Date, Entry Date and Case Status along with subject identifying information for all Internal Affairs investigations closed during the monitoring period. In addition, the monitoring team also viewed an IA-PRO report that contained the allegations and case disposition for all Internal Affairs investigations closed during the monitoring period, as well as a similar CPOA report from which the monitoring team selected a stratified random sampling of investigations to review. The monitoring team was unable to monitor this site visit whether the system was used for periodic assessment of compliance with APD policies and procedures and this Agreement.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.154 Assessing Compliance with Paragraph 178: Supervisors to Provide Complaint Information

Paragraph 178 stipulates:

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.

Methodology

Members of the monitoring team reviewed a random selection of 31 IA and CPOA and their underlying complaints to determine receipt and processing methods, as well as conducted discussion with IA and CPOA personnel.

Results

Policy mandating compliance with this paragraph is contained in AO 3-43, (see also paragraph 164, Results), currently under review. It is expected that upon revision and formal adoption of AO 3-43, the APD will be in primary compliance of this task. The timeliness of submitting complaints required by this paragraph is not a statistic that is separately tracked at the current time and can only be determined on a case-by-case review. The monitor will continue to assess progress on this requirement in scheduled monitor's reports.

A review of randomly selected investigations by the monitoring team did not reveal any violations of this paragraph. A CPOA investigation astutely pointed out that there is a discrepancy between this paragraph and 3-43-3G5, which allows for discretion of the supervisor in handling a misconduct complaint. The monitoring team recommends that APD amend 3-43-3G5 to comply with this paragraph.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.155 Assessing Compliance with Paragraph 179: Referral of Complaints to CPOA

Paragraph 179 stipulates:

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.

Methodology

Policy mandating compliance with this paragraph is contained in AO 3-43, (see also paragraph 164, Results), currently under review. It is expected that upon revision and formal adoption of AO 3-43, the APD will be in primary compliance of this task. The timeliness of submitting complaints required by this paragraph is available in each individual investigation although the monitoring team was unable this site visit to verify whether it is a statistic that is separately tracked.

Members of the monitoring team reviewed a random selection of 31 IA and CPOA investigations that were completed during this monitoring period, and assessed their underlying complaints to ensure compliance to the three-day requirement

Results

Policy mandating compliance with this paragraph is contained in AO 3-43, (see also paragraph 164, Status), currently under review. The monitoring team expects that, upon revision and formal adoption of AO 3-43, the APD will be in primary compliance of this task.

The timeliness of submitting complaints required by this paragraph is not a statistic that is separately tracked at the current time and can only be determined on a case-by-case review. APD and CPOA should assess the viability of modifying automated systems to "time" the three-day referral process, with automatic "error" reports when necessary. A review of randomly selected investigations by the monitoring team during this site visit did not reveal any violations of the policy required by this paragraph.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.156 Assessing Compliance with Paragraph 180: Handling of Internal Complaints by IAB

Paragraph 180 stipulates:

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.

Methodology

Members of the monitoring team reviewed a random selection of 14 IA investigations that were completed during this monitoring period and their underlying complaints to ensure proper routing and classification, as well as reviewed documents pertaining to the IA system and conduct meetings/discussion with IA personnel.

Results

Draft Policy 2-05 sets forth the requirements of this paragraph including that the IAB commander, in consultation with the Chief, determines 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. Policy mandating compliance with this paragraph is contained in AO 2-205, currently under review by the APD. It is expected that upon revision and formal adoption of AO 2-205, the APD will be in primary compliance of this task.

A review of randomly selected IA investigations by the monitoring team during this site visit showed that IA accepts, reviews, and classifies internal complaints. The review of randomly selected IA investigations showed that in all cases (>.95) IA determines whether the matter is handled by IA or assigned to the appropriate supervisor for investigation. The review of randomly selected IA investigations did not reveal any abuse of discretion in determining which matters are assigned to the appropriate supervisor and which matters are handled by IA personnel.

The review of randomly selected IA investigations during this site visit did not reveal any case of potential criminality requiring the use of discretion by the IA Commander in deciding whether to refer the matter to another law enforcement agency.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.157 Assessing Compliance with Paragraph 181: IAB Classification Protocol

Paragraph 181 stipulates:

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.

Methodology

Members of the monitoring team reviewed a random selection of 14 IA investigations that were completed during this monitoring period and their underlying complaints to determine whether complaints are routed by a protocol that is allegation based, and properly routed and classified, as well as reviewed documents pertaining to the IA system and conduct meetings/discussions with IA personnel.

Results

The monitoring team has not yet viewed the SOP or Orders requiring the internal affairs complaint classification protocol set forth in this paragraph by members of the APD. The protocol that is currently followed is based on the nature of the allegations and the anticipated corresponding complexity of investigation in deciding whether to assign a case to the appropriate supervisor or to retain the case in the IA. The decision-making in determining where an internal complaint should be assigned is impacted by the current shortage of personnel in IA.

A review of randomly selected IA investigations by the monitoring team during this site visit revealed > .95 of complaints were reasonably and properly routed and classified based on nature of allegations, with no instance of an abuse of discretion in determining which matters are assigned to the appropriate supervisor and which matters are handled by IA. Based on previous experience, the monitor is concerned about the apparent staffing shortage in IA, and will monitor timeliness of IA work processes carefully to ensure that this apparent shortage does not affect the quality or timeliness of IA investigations.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.158 Assessing Compliance with Paragraph 182: Prohibition from Self-Investigation

Paragraph 182 stipulates:

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

Methodology

Members of the monitoring team reviewed a random selection of 14 IA investigations that were completed during this monitoring period and their underlying complaints, to ensure reasonable and proper routing, classification, and assignment for investigation, as well as reviewed documents pertaining to the IA system and conduct meetings/discussions with IA.

Policy mandating compliance with this paragraph is contained in AO 3-43, currently under review (see also paragraph 164, Results). It is expected that upon formal adoption of AO 3-43, the APD will be in primary compliance of this task. A review of randomly selected IAB investigations by the monitoring team during this site visit did not reveal any violations of the policy required by this paragraph.

Results

Policy mandating compliance with this paragraph is contained in AO 3-43, currently under review (see also paragraph 164, Status). It is expected that upon formal adoption of AO 3-43, the APD will be in primary compliance of this task.

A review of randomly selected IA investigations by the monitoring team during this site visit revealed that >.95 of complaints were reasonably and properly routed and classified based on nature of allegations, with no violations of the policy required by this paragraph.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.159 Compliance with Paragraph 183: Investigation Reach Reliable Conclusions

Paragraph 183 stipulates:

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.

Methodology

Members of the monitoring team reviewed a random selection of 14 IA investigations that were completed during this monitoring period and their underlying complaints to ensure investigations were thorough enough to reach reliable and complete findings, that complainants were interviewed and the interview was recorded and transcribed, and that officer witnesses either gave a written statement or were interviewed in the IA process.

Results

Policy mandating compliance with this paragraph is contained in AO 3-43, currently under review (see also paragraph 164, Results). It is expected that upon formal adoption of AO 3-43, the APD will be in primary compliance of this task.

A review of randomly selected IA and CPOA investigations by the monitoring team during this site visit showed investigative deficiencies in 8 of 31 investigations cases (74%, clearly <.95) consisting of failure to interview witnesses (or provide logical explanation why interview not necessary or not practicable), failure to follow logical steps; group interview, and incorrect citation of disciplinary record in investigative narratives. Investigations were thorough enough to generally support findings and conclusions in relation to the allegations and circumstances of the reviewed cases.

Greater than .95 of all complaints investigated by IA and CPOA indicate a formal interview of each complainant, recorded and transcribed, unless the complainant lodged specific and formal objections to recording or otherwise was unavailable or uncooperative. A review of randomly selected IA and CPOA investigations by the monitoring team during this site visit showed relevant officer witnesses either provided written statements or were interviewed in the IA process.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.160 Assessing Compliance with Paragraph 184: Investigations Documented in Writing

Paragraph 184 stipulates:

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.

Methodology

Members of the monitoring team reviewed a random selection of 31 IA and CPOA investigations that were completed during this monitoring period. The monitor reviewed the underlying complaints to ensure that all misconduct complaints are investigated and that the reports adequately document the investigation, its findings, and its conclusions in writing. Further the team assessed whether findings and conclusions are documented in writing, and that the investigations ensure reasonable adherence to the policies regarding mediation and the administrative closure of complaints. The team also had several meetings during the site visit with persons charged with the responsibility of responding to task(s) included in this paragraph, and reviewed documents related to the IA process.

Results

Policy mandating compliance with this paragraph is contained in AO 3-43, currently under review (see also paragraph 164, Results). It is expected that upon formal adoption of AO 3-43, the APD will be in primary compliance of this task. A review of randomly selected IA and CPOA investigations by the monitoring team during this site visit showed that all misconduct complaints are investigated and findings and conclusions are documented in writing. A review of 31 randomly selected IA and CPOA investigations by the monitoring team during this site visit revealed no cases selected for mediation, therefore the monitoring team was unable to monitor this aspect of the paragraph.

A review of randomly selected IAB and CPOA investigations by the monitoring team during this site visit revealed one administratively closed matter that did not contain enough information to determine whether the use of discretion in administratively closing the matter was appropriate. The monitoring team will follow up with IAB by requesting additional information regarding this case.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.161 Assessing Compliance with Paragraph 185: Required Cooperation with IAB/CPOA

Paragraph 185 stipulates:

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.

Methodology

Members of the monitoring team reviewed a random selection of 31 IA and CPOA investigations that were completed during this monitoring period, and assessed their underlying complaints to ensure reasonable adherence to the requirement to cooperate, and also reviewed documents such as the Collective Bargaining Agreement (CBA) and policies under review by the monitoring team related to the IA process.

Results

The Collective Bargaining Agreement requires compliance with the policy of this paragraph. Policy mandating compliance with this paragraph of the CASA is also contained in AO 3-43, currently under review. A review of 31 randomly selected IA and CPOA investigations by the monitoring team during this site did not reveal any instances of non-compliance with the tasks of this paragraph.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.162 Assessing Compliance with Paragraph 186: Separate Administrative and Criminal Investigations

Paragraph 186 stipulates:

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.

Methodology

Members of the monitoring team reviewed a random selection of 31 IA and CPOA investigations that were completed during this monitoring period and their underlying complaints to ensure appropriate separation of cases to

administrative and criminal investigations, and to ensure appropriate consultation with prosecutorial agencies. Discussions regarding processes were also held with personnel of the IA and CPOA.

Results

Policy mandating compliance with this paragraph is contained in AO 2-05, currently under review. It is expected that upon revision and formal adoption of AO 2-05, and protocols to ensure that criminal and administrative investigations are kept appropriately separate, the APD will be in primary compliance of this task.

A review of 31 randomly selected IA and CPOA investigations by the monitoring team completed during this monitoring period revealed no cases where an APD employee refused to give a voluntary statement and therefore the monitoring team was unable to monitor this aspect of the paragraph.

A review of 31 randomly selected IA and CPOA investigations by the monitoring team during this monitoring period revealed one case where the allegation of a non-felony (simple assault) was made by a non-complainant witness against a co-employee. The witness was given the opportunity to file a charge but declined to do so. The monitoring team found IA appropriately handled the matter.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.163 Assessing Compliance with Paragraph 187: Advisement of Officer Rights

Paragraph 187 stipulates:

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.

Methodology

Members of the monitoring team reviewed a random selection of 31 IA and CPOA investigations that were completed during this monitoring period and their underlying complaints to ensure that Fifth Amendment rights are only given where there is a reasonable likelihood of a criminal investigation or prosecution of the subject employee. Discussions regarding processes were also held with personnel of the IA and CPOA

Results

Collective Bargaining Agreement, 20.1.8, requires Miranda Rights be given in accordance with “the Miranda Decision or applicable law.” The monitoring team points out that “reasonable likelihood of a criminal investigation or prosecution” and the requirements of “the Miranda Decision or applicable law” are different standards that could under certain circumstances cause confusion of application.

Members of the monitoring have seen no other regulations or orders setting forth the requirements of this paragraph. A review of 31 randomly selected IAB and CPOA investigations by the monitoring team during this site visit revealed no cases where an APD employee was improperly advised of Fifth Amendment rights by IAB or CPOA.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.164 Assessing Compliance with Paragraph 188: Notification of Criminal Misconduct

Paragraph 188 stipulates:

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.

Methodology

Members of the monitoring team reviewed a random selection of 31 IA and CPOA investigations that were completed during this monitoring period and assessed their underlying complaints to ensure that investigations that may indicate criminal activity or conduct by the police employee result in prompt transfer to IA, prompt notification to the Chief of Police, and result in consultation between the Chief of Police and the appropriate federal or state law enforcement agencies, and result in a parallel track administrative and

criminal investigations. Discussions regarding processes were also held with personnel of the IA and CPOA.

Results

Policy mandating compliance with this paragraph is contained in AO 2-05 and 3-43, currently under review. Upon revision and formal adoption of these Orders, the APD will be in primary compliance of this task. A review of randomly selected IAB and CPOA investigations by the monitoring team during this monitoring period showed no cases where a concurrent criminal investigation was implicated or warranted and therefore the monitoring team was unable to monitor this aspect of this paragraph.

Primary: **Not Yet Due**

Secondary: **Not Yet Due**

Operational: **Not Yet Due**

4.7.165 Assessing Compliance with Paragraph 189: Provision of Public Safety Statements

Paragraph 189 stipulates:

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.

Methodology

Members of the monitoring team had several meetings and discussions during the site visit with IA and CPOA personnel regarding investigative processes and reviewed documents related to the Internal Affairs process. A review of a random sample of 31 IA and CPOA investigations files was also conducted to ensure compliance with the routine professional duties requirement of this paragraph

The requirement of consultation with the appropriate prosecuting agency in the event an employee invokes the privilege against self-incrimination is contained in AO 2-205, currently under review. It is expected that upon revision and

formal adoption of AO 2-205, the APD will be in primary compliance of this task.

Results

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.166 Assessing Compliance with Paragraph 190: Considering All Relevant Evidence

Paragraph 190 stipulates:

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 be 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.

Methodology

Policy mandating compliance with this paragraph is contained in AO 2-205, currently under review. It is expected that upon revision and formal adoption of AO 2-205, the APD will be in primary compliance of this task. A review of 31 randomly selected IAB and CPOA investigations by the monitoring team during this site visit revealed that in all but one case all relevant evidence was considered. That same review of randomly selected IAB and CPOA investigations by the monitoring team during this site visit showed investigative deficiencies in 8 of 31 investigations cases, (74%, clearly <.95) consisting of failure to interview witnesses (or provide logical explanation why the interview was not necessary or not practicable), failure to follow logical steps; conducting a group interview, and incorrect citation of disciplinary record in the investigative narrative.

The monitoring team does not believe these deficiencies changed the outcome of the investigations. The review revealed no instances of preference for an officer's statement over a non-officer's statement, nor did it reveal any instances where a witness' statement was disregarded because the witness

had some connection to the complainant or because of any criminal history. Further, the review showed no cases where an involved officer had been determined to have been deceptive or untruthful in any legal proceeding, misconduct investigation, or other investigation.

Although the findings in the overwhelming majority of cases are supported by a preponderance of the evidence, the monitoring team believes there can and should be improved articulation of policy guidance regarding credibility determinations. Corroboration should be made clear, and inconsistencies and other factors affecting credibility judgments must be addressed and weighed. It should be clear to all those who review the investigation and make recommendations, as well as to the Chief before imposition of discipline, why any statement or aspect of a statement is believed or not believed.

In CPOA investigations, investigative findings are made by the Executive Director of CPOA before the matter is referred to the Chief for discipline. However in IA investigations the IA does not make investigative findings. Thus the expertise of IA and its close working knowledge of the facts of the case do not factor into making the investigative findings. This is of particular concern in cases requiring credibility determinations. Investigative findings are now made by the subject officer's command, which has the potential of introducing one's personal knowledge and opinion of the subject officer into the findings equation. The monitoring team highly recommends that IA policy and practice be amended to allow or require IA to make investigative findings in its investigations.

Results

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.167 Assessing Compliance with Paragraph 191: 90 Days to Complete Administrative Investigations

Paragraph 191 stipulates:

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.

Methodology

Members of the monitoring team reviewed a random selection of 31 IA and CPOA investigations that were completed during this monitoring period and their underlying complaints to ensure compliance with the time requirements of this paragraph, and to ensure the Chief's signed approval in cases of written requests for 30 day extensions. Discussions regarding IA processes were also held with personnel of the IA and CPOA.

Results

The Collective Bargaining Agreement, (CBA) requires compliance with the policy of this paragraph. Policy mandating compliance with this paragraph is contained in AO 2-205, currently under review. It is expected that upon revision and formal adoption of AO 2-205, the APD will be in primary compliance with this task.

A review of 17 randomly selected CPOA investigations by the monitoring team during this site visit revealed 8 investigations that were not completed on a timely basis. This number constitutes a compliance rate of only 53%. Even if the 14 IA investigations are factored in for a total of 31 cases reviewed, the compliance rate would be 74%, still well below the .95 compliance mark.

A review of the eight untimely investigations revealed three (3) cases in which discipline could not be imposed due to the failure to comply with the time requirements of the Collective Bargaining Agreement (CBA). A review of randomly selected CPOA investigations revealed no instances in which the POB was able to make timely recommendations to the Chief.

The monitoring team is concerned about the ability of the POB to review investigations and make recommendations to the Chief within the time periods allowed for imposition of discipline. The Executive Director of the CPOA may make recommendations along with investigative findings, in lieu of the POB, to subject officer's supervisory chain and ultimately the Chief. The monitoring team highly approves this practice, particularly when there is not enough time to obtain input from the POB.

The monitoring team is concerned about the backlog of CPOA cases and/or personnel shortages which led to the lengthy processing times. Even where the CPOA processes cases on time, it many times involves a request for and granting of an extension. It appears from discussions with the CPOA Executive Director and Legal Counsel that significant improvements have been made regarding the timely processing of cases, which should start to be evident in the next monitoring period. The monitoring team will continue to monitor CPOA workflow for timeliness. To date, in all cases where

extensions were requested, written approval by the Chief was noted by his initialing of the request.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.1568 Assessing Compliance with Paragraph 192: Case Dispositions

Paragraph 192 stipulates:

APD or Civilian Police Oversight Agency investigator shall explicitly identify and recommend one of the following dispositions for each allegation of misconduct in an administrative investigation:

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

Methodology

Members of the monitoring team reviewed a random selection of 31 IA and CPOA investigations that were completed during this monitoring period to ensure use of acceptable dispositions supported by the appropriate quantum of proof.

Results

Policy mandating compliance with this paragraph is contained in AO 3-43, currently under review (see also paragraph 164, Status). It is expected that upon formal adoption of AO 3-43, the APD will be in primary compliance of this task.

A review of randomly selected IAB and CPOA investigations by the monitoring team during this site visit revealed one matter that was sustained without

punishment that should have been a finding of unfounded, and one matter where an incorrect investigative finding of sustained was correctly changed to not sustained at the Chief's level. This number constitutes a compliance rate of 93%, below the .95 compliance mark.

A review of randomly selected IA and CPOA investigations by the monitoring team during this site visit did not reveal any instances where an allegation should have been sustained when it was not. A review of 31 randomly selected cases during this site visit revealed that, except for the 2 matters referred to above, findings were supported by preponderance of the evidence.

A review of 31 randomly selected IAB and CPOA investigations by the monitoring team during this site visit revealed one administratively closed matter that did not contain enough information to determine whether the use of discretion in administratively closing the matter was appropriate.

The monitoring team is generally impressed with the comments and sincerity of recommendations made in the Supervisory Reviews of the investigations.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.169 Assessing Compliance with Paragraph 193: Reopening Administrative Investigations

Paragraph 193 stipulates:

All 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.

Methodology

Members of the monitoring team reviewed a random selection of 31 IA and CPOA investigations that were completed during this monitoring period to ensure to ensure appropriate review of administratively closed cases and those administratively closed cases that were later reopened. Discussions regarding IA processes were also held with personnel of the IA and CPOA.

Results

Policy mandating compliance with this paragraph is contained in AO 3-43, currently under review (see also paragraph 164, Results). A review of randomly selected IAB and CPOA investigations by the monitoring team during this site visit did not reveal any cases that were administratively closed

and then reopened, thus the monitoring team was unable to monitor operational compliance with this paragraph.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.170 Assessing Compliance with Paragraph 194: Training and Legal Standards

Paragraph 194 stipulates:

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).

Methodology

The monitoring team held meetings and discussions with IA and CPOA personnel to discuss investigative processes including the identification of policy and training issues arising out of internal affairs and misconduct complaint matters. The monitoring team also reviewed a random selection of 31 IA and CPOA investigations that were completed during this monitoring period to ensure that closed cases document whether actions taken by the officer were in compliance with legal standards, officer training, or suggest a need for changes in policy, procedure, or training.

Results

Policy mandating compliance with this paragraph is contained in AO 3-43, currently under review (see also paragraph 164, Results). It is expected that upon formal adoption of AO 3-43, the APD will be in primary compliance of this task.

A review of randomly selected IA and CPOA investigations by the monitoring team during this site visit revealed a standard form used in all (>.95) investigations in compliance with this paragraph.

A review of 31 randomly selected IA and CPOA investigations by the monitoring team during this site revealed four of 31 cases where the monitoring team thought an issue should have been identified as a training or policy issue that were not so identified. This number constitutes a compliance rate of 87%, well below the .95 compliance mark.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.171 Assessing Compliance with Paragraph 195: Retaliation Prohibited

Paragraph 195 stipulates:

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.

Methodology

The monitoring team had several meetings during the site visit with persons charged with the responsibility of responding to task(s) included in this paragraph, reviewed documents related to the Internal Affairs process, and also reviewed a random selection of 31 IA and CPOA investigations that were completed during this monitoring period to ensure prohibition of discouragement, intimidation, coercion, or adverse action, against any person who reports misconduct, makes a misconduct complaint, or cooperates with an investigation of misconduct

Results

For the second consecutive reporting period, members of the monitoring have seen no regulations or orders setting forth the requirements of this paragraph. We strongly recommend existing policy be revised to include this prohibition. A review of randomly selected IA and CPOA investigations by the monitoring team during this site did not reveal any cases involving violations of the policies contained in this paragraph. Nor did a review of materials including complaint forms and websites reveal any discouragement of making a complaint or report of misconduct.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.172 Assessing Compliance with Paragraph 196: Review of Anti-Retaliation Statements

Paragraph 196 stipulates that:

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.

Methodology

Members of the monitoring team reviewed a random selection of 31 IA and CPOA investigations that were completed during this monitoring period to evaluate the handling of 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. Discussions regarding IA processes were also held with personnel of the IA and CPOA.

Results

Policy mandating compliance with this paragraph is contained in AO 2-205, currently under review. The first review required by this paragraph has not yet been conducted; the APD and CPOA are still within the extended time period to conduct such a review. A review of randomly selected IA and CPOA investigations by the monitoring team during this site did not reveal any cases involving retaliation, thus the monitoring team is unable to monitor compliance with this paragraph for this reporting period. During the next monitoring visit the monitoring team will specifically seek investigations involving alleged incidents of retaliation that occurred or that were investigated during the reporting period, the discipline imposed for retaliation, and supervisors' performance in addressing and preventing retaliation.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.173 Assessing Compliance with Paragraph 197: Retaliation Grounds for Discipline

Paragraph 197 stipulates:

Retaliation for reporting misconduct or for cooperating with an investigation of misconduct shall be grounds for discipline, up to and including termination of employment.

Methodology

Members of the monitoring team conducted a review of IA and CPOA investigative reports for allegations of retaliation and outcomes of

investigations and discipline. The monitoring team also had several meetings during the site visit to discuss internal affairs processes with members of IA and CPOA and reviewed SOPs and general Orders.

Results

Members of the monitoring have seen no regulations or orders setting forth the requirements of this paragraph. A review of randomly selected IAB and CPOA investigations by the monitoring team during this site revealed no instances of retaliation, implicating this paragraph.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.174 Assessing Compliance with Paragraph 198: CPOA Staffing

Paragraph 198 stipulates:

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.

Methodology

The monitoring team met with IA and CPOA on several occasions including visits to their respective offices and inspection of physical space. The monitoring team also reviewed staffing charts and assessed the timelines of investigations that were randomly selected.

Results

The staffing requirements for the IAB are set forth in in AO 2-05, currently under review. It is expected that upon revision and formal adoption of AO 2-05, the APD will be in primary compliance of this task.

The staffing requirements for the IAB are set forth in in AO 2-205, currently under review. It is expected that upon revision and formal adoption of AO 2-205, the APD will be in primary compliance of this task. The monitoring team will be unable to assess compliance with this paragraph until the City completes its staffing study.

Currently, the staffing of IA as shown in the Organizational Chart is insufficient; indicating four sergeant vacancies and two detective vacancies. The IA staffing

shortages necessitate the outsourcing of investigations to Area Commands, thereby losing the expertise of the IA personnel, and potentially impacting the consistency of investigations. The monitoring team is concerned with the apparent lack of sufficient staffing of the CPOA and the status of training of its personnel and the potential of both to adversely impact its performance and processing times.

During the next site visit the monitoring team will not only review the completion times on selected investigations but will **also broaden its search to look at overall processing time statistics.**

Primary: **Not Yet Due**

Secondary: **Not Yet Due**

Operational: **Not Yet Due**

4.7.175 Assessing Compliance with Paragraph 199: IA Initial Training

Paragraph 199 stipulates:

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 Operational Date, and shall receive at least eight hours of training each year. The training shall include instruction on APD's policies and protocols on taking compelled statements and conducting parallel administrative and criminal investigations.

Methodology

Members of the monitoring team had several meetings during the site visit with IA Commander and his staff. Review of training records, including syllabi, video recordings of training (if any) exams (if any) related to specified training and attendance rosters is also to be conducted in order to complete the review and approval process of the training required in this paragraph.

Results

The monitoring team has seen no regulations or orders setting forth the requirements of this paragraph. Nonetheless, the APD is still within the extended time period to conduct such training to be in full compliance with this paragraph, as the due date for this task is June 2, 2016.

Primary: **Not Yet Due**

Secondary: **Not Yet Due**

Operational: **Not Yet Due**

4.7.176 Assessing Compliance with Paragraph 200: CPOA Training

Paragraph 200 stipulates:

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.

Methodology

The monitoring team has several meetings during the site visit with the CPOA Executive Directive, Counsel and CPOA staff. Review of training records, including syllabi, video recordings of training (if any) exams (if any) related to specified training and attendance rosters was also conducted in order to complete the review and approval process of the training required in this paragraph.

Results

Members of the monitoring have seen no regulations or orders setting forth the requirements of this paragraph. Further, members of the monitoring have seen no training records documenting compliance with this paragraph; the CPOA is still within the extended time period to conduct such training, as the due date for this task is June 2, 2016.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.177 Assessing Compliance with Paragraph 201: Fact Based Discipline

Paragraph 201 stipulates:

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.

Methodology

The monitoring team reviewed a random selection of 31 IA and CPOA investigations that were completed during this monitoring period to ensure that discipline for sustained allegations of misconduct is that mitigating and aggravating factors are set out and applied consistently. The monitoring team also met with the Chief and Deputy Chiefs as well as IA and CPOA personnel to discuss the internal affairs and disciplinary process.

Results

Policy regarding the APD disciplinary system is set forth in General Order 1-09. Statistics regarding discipline imposed during the monitoring period showed a wide range of discipline imposed. A review of randomly selected IAB and CPOA investigations by the monitoring team during this site did not reveal any instances where the monitoring team determined the discipline imposed was an unreasonable finding.

The monitoring team's review of randomly selected IAB and CPOA investigations by the monitoring team during this site did reveal one (1) case where progressive discipline was not followed and two (2) cases where the punishment imposed deviated from the General Order. Deviation in imposing punishment from progressive discipline matrix or from recommended discipline is not per se a violation of policy as long as justifiable reasons are present and are articulated for the record.

The monitoring team would expect adequate statements of reasons in instances where progressive discipline is not followed and/or punishment imposed differs from the recommendations of Chain of Command recommendations.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.165 Assessing Compliance with Paragraph 202: Discipline Matrix

Paragraph 202 stipulates:

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.

Methodology

The monitoring team reviewed disciplinary actions and rationale for same viz a viz the ranges of discipline within the Chart of Sanctions/Disciplinary Matrix. The monitoring team also reviewed the disciplinary matrix and related

documents and discussed the internal affairs and disciplinary processes with IA and CPOA personnel.

Results

Policy regarding the APD disciplinary system is set forth in General Order 1-09, the revised version of which is currently under review. Once the revised general order is approved by the monitoring, we expect the APD will be in primary compliance with this paragraph. Seven (7) classes of violations are listed in a Chart of Sanctions/ Disciplinary Matrix, and presumptive ranges of discipline are established for each class depending on whether it is a first offense, second offense or third/subsequent to third offense (frequency of occurrence). Although the policy mandates consideration of mitigating and aggravating circumstances, it fails to set out defined mitigating or aggravating circumstances.

The policy requires any deviation from the use of the sanctions to be justified by listing the mitigating or aggravating circumstances. The policy fails to provide that APD shall not take only non-disciplinary corrective action in cases in which the disciplinary matrix calls for the imposition of discipline. Further, the policy fails to provide that APD shall consider whether non-disciplinary corrective action also is appropriate in a case where discipline has been imposed. The monitoring team recommends this policy be rewritten to comply with the requirements of this paragraph.

The guidelines contain discipline ranges for each classification of offense, with the classifications ranging from 1 through 7. Unfortunately, APD has not classified every violation of an SOP or general order. Where a violation is unclassified a similar violation that is classified is to be used as a guide. This has the potential of introducing undue complexity and subjectivity into the recommendations for and imposition of discipline. The monitoring team highly recommends that each potential violation be classified for purposes of the Chart of Sanctions/Disciplinary Matrix Guidelines

The monitoring team strongly recommends this policy be rewritten to comply with the requirements of this paragraph.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.179 Assessing Compliance with Paragraph 203-211

Paragraphs 203-211 are related to staffing, which is being addressed by a separate consultant. The results of the Weiss Team's staffing were not complete as of the operational dates established for this Monitor's Report. Once the results of that project are submitted, the monitoring team will opine on staffing only as it relates to the requirements of paragraphs 203-211.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.180 Assessing Compliance with Paragraph 212: Revision of EIS

Paragraph 212 stipulates:

Within nine months of the Operational Date, APD shall revise and update its Early Intervention System to enhance its effectiveness as a management tool that promotes supervisory awareness and proactive identification of both potentially problematic as well as commendable behavior among officers. APD supervisors shall be trained to proficiency in the interpretation of Early Intervention System data and the range of non-punitive corrective action to modify behavior and improve performance; manage risk and liability; and address underlying stressors to promote officer well being.

Methodology

During the second site visit, members of the monitoring team met with the Internal Affairs personnel responsible for Early Intervention System development and implementation, and identified current systems development progress, reviewed draft policies/procedures/protocols and expected due dates.

Status

APD continues the transition to a new EIS system. Development of "IAPro," which is a critical component of the EIS, is currently ongoing. Additional software—"Blue Team" is still in development and key members have attended training with Oracle to assist in implementation of the new systems. Supervisory training is in development but awaiting approval of new Policies/Procedures/Protocols. The requirement of this paragraph carries a timeline of "within nine months of the effective date" which would be March 2, 2016. The monitoring team strongly recommends that, once development plans are available, they be reviewed with the monitoring team to ensure that planned systems can be responsive to APD's management of CASA-related provisions.

Compliance

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.181 Assessing Compliance with Paragraph 213: EIS Thresholds

Paragraph 213 stipulates:

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.

Methodology

During the first site visit, members of the monitoring team met with the Internal Affairs personnel responsible for Early Intervention System development and implementation, and identified current systems development processes and expected due dates. No new versions of the planned EIS system have been identified or reviewed by the monitoring team this period.

Results:

Based on a review of the planned system, IAPro, as planned, appears to the monitoring team to have the capabilities called for in this paragraph. The system is not yet functional, and is still in the testing phase. As development proceeds, the monitoring team will follow it closely and provide feedback as needed and/or as requested by the APD. The monitoring team strongly recommends that, once development plans are available, they be reviewed with the monitoring team to ensure that planned systems can be responsive to APD's management of CASA-related provisions.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.182 Assessing Compliance with Paragraph 214: EIS Rolling Thresholds

Paragraph 214 stipulates:

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.

Methodology

During the second site visit, members of the monitoring team met with the Internal Affairs personnel responsible for Early Intervention System development and implementation, reviewed draft policies and identified current systems development progress and expected due dates. As development proceeds, the monitoring team will follow it closely and provide feedback as needed and/or as requested by the APD. This requirement is not yet due.

Results

APD currently has in effect plans for rolling thresholds when assessing officer use-of-force events, thus necessitating a review of every officer use of force. The agency is currently planning transition to "Blue-Team" software that will allow uses of force to be reviewed and assessed in "real time." In-depth assessment and planning of review triggers and time limits are being planned, and should be facilitated by the new software when it comes on line. The monitoring team continually assesses changes to planned system development and system capacities and abilities. The monitoring team strongly recommends that, once development plans are available, they be reviewed with the monitoring team to ensure that planned systems can be responsive to APD's management of CASA-related provisions.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.183 Assessing Compliance with Paragraph 215: EIS Requirements

Paragraph 215 stipulates:

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 .

Methodology

During the second site visit, members of the monitoring team met with the Internal Affairs personnel responsible for Early Intervention System development and implementation, and identified current systems development progress, reviewed draft policies/ procedures/protocols, discussed training and expected due dates. The system development process appears to be proceeding at a reasonable rate, given the complexity of the proposed system. This requirement is not yet due.

Results

APD continues in the transition to new EIS systems—"IAPro" and "Blue Team." Testing of the new system is currently ongoing. Policies/Procedures/Protocols are being revised and approved prior to training development. Capturing demographic data relating to Search/Seizure is, as yet, unresolved. Clarification will be required for the category of "Traffic Collisions." Current APD draft policy inserts the word "preventable" into the requirement. The requirements of this paragraph carry a timeline of "within nine months of the effective date." This requirement is not yet due.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.184 Assessing Compliance with Paragraph 216: EIS Protocols

Paragraph 216 stipulates:

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.

Methodology

During the second site visit, members of the monitoring team met with the Internal Affairs personnel responsible for Early Intervention System development and implementation. Discussions included "Best Practices" and clarification requests regarding several CASA requirements.

Results

The concept of an Early Intervention Systems is already a component and has been a component of Internal Affairs planning for some time. IAB personnel are aware of the benefits offered by the system, and are simply awaiting development of guidance via written policy, procedures, protocols and training so that the system can "go live." No timeline for those developments is currently available from the APD or IAB.

Primary: Not Yet Due
Secondary: Not Yet Due
Operational: Not Yet Due

4.7.185 Assessing Compliance with Paragraph 217: Retention in EIS

Paragraph 217 stipulates:

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.

Methodology

During the second site visit, members of the monitoring team met with the Internal Affairs personnel responsible for Early Intervention System development and implementation, and identified current systems development progress and expected due dates.

Results

EIS data is currently planned to be held "indefinitely" by APD IA which exceeds the CASA requirements. The updated IAPro system appears to comply with these requirements. The data entry requirements are on-going and all EIS data is maintained securely in Internal Affairs. Timeline for these requirements are "within nine months of the effective date."

Primary: Not Yet Due
Secondary: Not Yet Due
Operational: Not Yet Due

4.7.186 Assessing Compliance with Paragraph 218: Training re EIS

Paragraph 218 stipulates:

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.

Methodology

During the second site visit, members of the monitoring team met with the Internal Affairs personnel responsible for Early Intervention System development and implementation, identified current systems development progress, identified areas requiring clarification and expected due dates.

Results

EIS policies to be developed are currently in draft form and require approval after a few clarifications. The training for approximately 150 supervisors is to be developed upon policy/protocol approval. The training for all employees is to be developed. The timelines for these requirements begin "within six months of the system improvements" which carry a timeline of "within nine months of the effective date."

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.187 Assessing Compliance with Paragraph 219: Updates and Revisions to EIS

Paragraph 219 stipulates:

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.

Methodology

During the second site visit, members of the monitoring team met with the Internal Affairs personnel responsible for Early Intervention System

development and implementation, and identified current systems development processes, APD progress and expected due dates.

Results

This requirement is not yet due—it requires implementation/testing/use of and experience with the system before the monitoring team can assess efficacy of the planned system. As currently “planned,” the system appears to meet the requirements of the CASA. The monitoring team strongly recommends that, once final development plans are available, they be reviewed with the monitoring team to ensure that planned systems can be responsive to APD’s management of CASA-related provisions.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.188 Assessing Compliance with Paragraph 220: Use of OBRD

Paragraph 220 stipulates:

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

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

Methodology

During the second site visit, members of the monitoring team met with the APD personnel responsible for On-Body Recording Systems and identified current policy and training development progress and expected due dates. Members of the monitoring team and representatives of the DOJ participated in an abbreviated training session for the use of APD's Taser recording equipment.

Results

The latest version of the APD policy regarding On-Body Recording Systems appears to meet the requirements of the CASA. This final version has been submitted to DOJ and is pending approval by the monitor and the Parties. The timeline for compliance is "within six months of the Effective Date" and, if approved, will meet the timeline. Training will begin upon final approval of the policy by DOJ and the monitor.

Primary: **Not Yet Due**

Secondary: **Not Yet Due**

Operational: **Not Yet Due**

4.7.189 Assessing Compliance with Paragraph 221: Review of OBRD Use by Monitor and DOJ

Paragraph 221 stipulates:

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.

Methodology

During the second site visit, members of the monitoring team met with the APD personnel responsible for On-Body Recording Systems and identified current policy and training development processes, as well as current status/progress and expected due dates.

Results

The On-Body Recording System final policy is not yet available, while awaiting DOJ and monitor final approval; therefore, no policy-based training curriculum has been submitted to the Monitor pending policy approval. All personnel currently issued an On-Body recording system have completed training on the use of the system. The timeline for compliance follows policy timeline—"within six months of the Effective Date."

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.190 Assessing Compliance with Paragraph 222: Training on OBRD Use

Paragraph 222 stipulates:

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.

Methodology

During the second site visit, members of the monitoring team met with the APD personnel responsible for On-Body Recording Systems and identified current policy and training development processes, the current status/progress and expected due dates.

Results

The On-Body Recording System final policy awaits final approval by the monitor and DOJ; therefore, no training curriculum has been submitted to the monitor pending policy approval. All personnel currently issued an On-Body recording system have completed training on the use of the system. The timeline for compliance is "within six months of the Effective Date," and thus is not yet due.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.191 Assessing Compliance with Paragraph 223: OBRD Testing Schedule

Paragraph 223 stipulates:

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.

Methodology

During the second site visit, members of the monitoring team met with the APD personnel responsible for On-Body Recording Systems and identified current plans to comply with the requirements of this paragraph.

Results

APD Sergeants currently conduct monthly inspections of each officer under their command. Inspections include all issued equipment, including On-Body Recording Systems. As the timeline for compliance follows paragraph 220—“within six months of the Effective Date” and was not due now, no audit was conducted during this period. All future site visits will include an audit of these monthly inspections.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.192 Assessing Compliance with Paragraph 224: Supervision of OBRD Use

Paragraph 224 stipulates:

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.

Methodology

During the second site visit, members of the monitoring team met with the APD personnel responsible for On-Body Recording Systems and identified current policy and accountability development processes, progress in these areas and expected due dates.

Results

Upon final approval of APD SOP 1-39 Use of On-Body Recording Devices, Supervisors will be required to test the equipment monthly, ensure personnel are using systems appropriately, review at least two recordings and incorporate any knowledge gained from this review into ongoing evaluation and supervision. Additionally, supervisors will report equipment problems and immediately repair or replace equipment as needed. Supervisors shall refer assigned personnel for investigation who intentionally or repeatedly fail to activate his or her OBRD during incidents required to be recorded. This

timeline follows paragraph 220—"within six months of the Effective Date" and all future site visits will include an audit of these requirements.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.193 Assessing Compliance with Paragraph 225: Review of OBRD Video

Paragraph 225 states:

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.

Methodology

During the second site visit, members of the monitoring team met with the APD personnel responsible for On-Body Recording Systems and identified current policy and training development processes and expected due dates.

Results

The final draft of the On-Body Recording System Policies/Procedures was submitted to the monitor and DOJ and is currently awaiting final approval. These requirements are covered in the policy. Supervisors are required to conduct monthly inspections and reviews. No documentation has been submitted for equipment/video reviews as the timeline follows paragraph 220—"within six months of the Effective Date." These reviews should begin no later than December 2, 2016. Future site visits will include an audit of this requirement.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.194 Assessing Compliance with Paragraph 226: Compliance with Laws re OBRD

Paragraph 226 stipulates:

APD policies shall comply with all existing laws and regulations, including those governing evidence collection and retention, public disclosure of information, and consent.

Methodology

During the second site visit, members of the monitoring team met with the APD personnel responsible for On-Body Recording Systems and identified current policy development processes, progress in development and expected due dates.

Results

APD Policy 1-39 Use of On-Body Recording Devices is awaiting approval by DOJ and the monitor. The proffered policy appears to comply with all existing laws and regulations, having been reviewed by the Parties and the monitor. The policy itself cites both US Supreme Court and NM Statutes relative to privacy and communications.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.195 Assessing Compliance with Paragraph 227: Storage of OBRD Video

Paragraph 227 stipulates:

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.

Methodology

During the first site visit, members of the monitoring team met with the APD personnel responsible for On-Body Recording Systems and identified current policy and training development processes and expected due dates.

Results

Final policies are pending

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.197 Assessing Compliance with Paragraph 228: Failing to Record via OBRD

Paragraph 228 stipulates:

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.

Methodology

During the second site visit, members of the monitoring team met with the APD personnel responsible for On-Body Recording Systems to identify the storage, categorization and retrieval systems, progress of these requirements and expected due dates.

Results

During the review process of the draft policy, the monitor made additional requests for classifications to include date, time, officer involved and location. All categories are currently included in the system except for location. APD currently uses the Taser system "Evidence.com" for the video downloads/storage. Future plans include the automatic "geo tagging" of each video upon the activation of the recording device. As the timeline for compliance follows paragraph 220—"within six months of the Effective Date" the monitoring team made observations of the video logs with the required categories, but did not conduct an audit. Future site visits will include system/recording/category audits.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.197 Assessing Compliance with Paragraph 229: Use of OBRD Video

Paragraph 229 stipulates:

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).

Methodology

During the second site visit, members of the monitoring team met with the APD personnel responsible for On-Body Recording Systems to discuss prohibited uses of OBRD video.

Results

While the On-Body Recording System policy is currently pending review and approval by the monitor and the Parties, no training for APD personnel or

supervisors has been conducted. As the timeline for compliance follows paragraph 220—"within six months of the Effective Date" this requirement is not due until December, 2015. Future site visits will include a random audit of recordings to determine if any prohibited uses exist.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.198 Assessing Compliance with Paragraph 230: Storage of OBRD Video

Paragraph 230 stipulates

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.

Methodology

During the second site visit, members of the monitoring team met with the APD personnel responsible for On-Body Recording Systems to determine if officers are properly storing recordings at the end of their shift.

Results

The APD On-Body Recording Devices policy clearly states that all recordings captured by Department issued OBRDs are the exclusive property of APD. This policy is in the final review phase, but policy training will not be conducted until final approval. While each person issued an On-Board Recording Device has been trained in its use, and recordings are being stored at the end of each officer's shift, the monitoring team did not conduct an audit. The monitoring team reviewed logs of stored recordings, and future site visits will include audits to ensure compliance with this requirement. The timeline for compliance follows paragraph 220—"within six months of the Effective Date."

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.199 Assessing Compliance with Paragraph 231: OBRD Best Practices

Paragraph 231 stipulates:

The Parties are committed to the effective use of on-body recording systems and to utilizing best practices. APD currently deploys several different platforms for on-body recording systems that have a range of technological capabilities and cost

considerations. The City has engaged outside experts to conduct a study of its on-body recording system program. Given these issues, within one year of the Operational Date, APD shall consult with community stakeholders, officers, the police officer's union, and community residents to gather input on APD's on-body recording system policy and to revise the policy, as necessary, to ensure it complies with applicable law, this Agreement, and best practices.

Methodology

During the second site visit, members of the monitoring team met with the APD personnel responsible for On-Body Recording Systems to identify processes, personnel and expected due dates for the community outreach as required above.

Results

The APD has contracted with the University of New Mexico to conduct a study with focus groups and community groups to meet the requirements of this paragraph. Timeline for compliance is "within one year of the Effective Date." Initial comments from the UNM study should be available for review during the next site visit.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.200 Compliance with Paragraph 232: Strategic Recruitment Plan

Paragraph 232 stipulates:

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.

Methodology

During the second site visit, members of the monitoring team met with Training Academy personnel responsible for the Recruitment and Hiring Plan development and implementation, and identified current development processes and expected due dates.

Results

APD has revised its hiring Policies/Procedures, and the "draft" version appears to meet the requirements of the CASA. The monitoring team has not seen a

final/approved version. While the team has not been provided a recruitment policy and program, APD continues to aggressively recruit via Facebook, Twitter, and "APD Online" as well as High School Enrichment classes. Traditional outreach via TV, Radio, Newspaper and Billboard ads all failed to return any candidates, according to APD.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.201 Assessing Compliance with Paragraph 233: Recruitment Plan Goals and Objectives

Paragraph 233 stipulates:

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.

Methodology

During the second site visit, members of the monitoring team met with Training Academy personnel responsible for the Recruitment Plan development and implementation, and identified current development processes and expected due dates.

Results

APD has not provided the monitoring team with a "recruitment plan" but continues to aggressively promote APD via Facebook, Twitter, APD Online and attending various High School Enrichment programs. Additionally, APD has developed a "blind" online application process wherein an applicant can remain completely anonymous until they arrive for testing. The monitor is cognizant that these outreach processes, and a laudable "blind" on-line application processes are not a "strategic plan," and urges APD to move forward with a tangible, articulated strategy and plan for recruiting.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.202 Assessing Compliance with Paragraph 234: Recruitment Plan Strategies

Paragraph 234 stipulates:

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.

Methodology

During the second site visit, members of the monitoring team met with Training Academy personnel responsible for the Recruitment Plan development and implementation, and identified current development processes and expected due dates.

Results

The University of New Mexico has been working with the APD to develop a comprehensive recruiting plan. The monitoring team has requested an update to the progress of this process, but has not received a final version of the resulting Recruitment Plan. APD plans to build upon past successes with the internet to recruit. The specific strategies called for in this paragraph have not been documented in an official plan.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.203 Assessing Compliance with Paragraph 235: Consultation re Recruiting Processes

Paragraph 235 stipulates:

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.

Methodology

During the second site visit, members of the monitoring team met with Training Academy personnel responsible for the Recruitment Plan development and implementation, and identified current development processes and expected due dates.

Results

APD partnered with the UNM to develop a comprehensive strategy to attract a diverse pool of applicants. Beyond the resulting report from UNM, the monitoring team has not been provided with a strategic policy or plan for recruitment. Members of the monitoring team attended several diverse community meetings with the APD Chief who was actively recruiting during the meetings. Additionally, the APD has an extensive online presence in relation to recruiting. While their efforts are commendable, a written plan and documentation of its execution does not yet exist. The monitor cannot hold APD in compliance with this (and related tasks) until there is a formal plan.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.204 Assessing Compliance with Paragraph 236: Recruit Selection

Paragraph 236 stipulates:

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.

Methodology

During the second site visit, members of the monitoring team met with all Training Academy personnel responsible for the hiring and selection plan development and implementation, and identified current development processes and expected due dates.

Results

APD has developed a “blind” automated, on-line system that allows an applicant to remain completely anonymous until they arrive for testing. Recruiting and Hiring policies have been revised and are currently in the review/approval process. The monitoring team has requested, but has not yet received, the final policies/procedures supporting this process.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.205 Assessing Compliance with Paragraph 237: Selection Process Articulated

Paragraph 237 stipulates:

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.

Methodology

During the second site visit, members of the monitoring team met with Training Academy personnel responsible for the Recruitment Plan development and implementation, and identified current development processes and expected due dates.

Results

While APD has revised its Policies/Procedures on this topic, and they continue to make their way through the approval process. The current policy meets the requirements of this paragraph of the CASA. APD records showed evidence of one lateral hire into the rank of patrol officer during this period and all requirements were met. A second hire, according to APD, into the rank of major, was a hire into an exempt "at will" category. No background investigation is evident in that hiring.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.206 Assessing Compliance with Paragraph 238: Background Investigations for Recruits

Paragraph 238 stipulates:

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.

Methodology

During the second site visit, members of the monitoring team met with Training Academy personnel responsible for the Hiring policy development and implementation, and identified current development processes and expected due dates.

Results

APD has revised its Policies/Procedures and upon approval, they meet the requirements of this paragraph. During the site visit, the Academy staff added specific questions regarding a candidate's ability to work with diverse communities to its "Personal Reference Questionnaire and Employers Questionnaire". A training memo was issued to all investigators regarding the change. To date, the monitoring team have seen no internal audits of this requirement. Academy staff clearly exhibited a sincere desire to meet all requirements of the agreement related to recruitment/hiring.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.207 Assessing Compliance with Paragraph 239: Background Investigations for Lateral Hires

Paragraph 239 stipulates:

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.

Methodology

During the second site visit, members of the monitoring team met with Training Academy personnel responsible for the Recruitment/Hiring policy development and implementation, and identified current development processes and expected due dates.

Results

APD had one lateral hire during this monitoring period, and went beyond the requirements of CASA by having this hire complete the entire Academy process and also the additional requirements of a lateral hire. The monitoring team reviewed the personnel file of this hire, and many more that applied. 55 lateral applications were received—49 disqualified and 6 qualified. Reasons for disqualifications included failure of the Psychological exam, Complaints, Polygraph failures, etc. During the second monitoring period, the APD had one other lateral hire into a command position that it claims was an exempt "at will" position. No background investigation was completed for this hire.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**

Operational: **Not Yet Due**

4.7.208 Assessing Compliance with Paragraph 240: Annual Recruiting Outcome Reports

Paragraph 240 stipulates:

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 applicant.

Methodology

During the second site visit, members of the monitoring team met with Training Academy personnel responsible for the Hiring/Recruitment Plan development and implementation, and identified current development processes and expected due dates.

Results

The APD Annual Report contains information related to the Academy; however, APD will need to revise the content to address the requirements of this paragraph. The report for 2014 mentions cadets seated, but not applicants or interviewees. Upgraded electronic systems for applications and data sharing were mentioned in the report, but it makes no mention of challenges to recruiting or ability to recruit applicants with needed skills. The timeline of this requirement is “annually report” with the next report due for release in January, 2016.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.209 Assessing Compliance with Paragraph 241: Fair Promotion Practices

Paragraph 241 stipulates:

APD shall develop and implement fair and consistent promotion practices that comport with best practices and federal anti-discrimination laws.

- a. **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.**
- b. **These criteria should account for experience, protection of civil rights, discipline history, and previous performance evaluations.**

Methodology

APD has been working with Albuquerque City Legal, HRO, outside vendors (CWH) and obtained promotional policies from numerous other police agencies. APD is developing its own promotional plan to enable compliance with the requirements of this paragraph. During this monitoring period, this plan has not yet been approved or implemented. The monitoring team has not received a final/approved promotional plan.

Results

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.210 Assessing Compliance with Paragraph 242: Criteria-Based Promotions

Paragraph 242 stipulates:

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.

Methodology

APD has secured promotional practices policies from Tucson, AZ PD and the Las Vegas Metro PD, and, using those and the CASA as guides, has flowcharted the proposed promotional practice. No APD assessments of knowledge, skills and abilities (KSAs) have been provided to the monitoring team as of this point. Again, the monitoring team has provided APD with templates for acceptable needs assessment and training outline processes, which we would expect to be followed as this process continues.

Results

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.211 Assessing Compliance with Paragraph 243: Provisions for Removal of Officers from Consideration for Promotion

Paragraph 243 stipulates:

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.

Methodology

The City reportedly has developed draft policies regarding this requirement, but they had not been provided to the monitoring team as of the operational date for the monitor's second report.

Results

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.212 Assessing Compliance with Paragraph 244: Performance-Based Employee Evaluations

Paragraph 244 stipulates:

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.

Methodology

During the second site visit, members of the monitoring team met with all personnel responsible for the Promotions Plan development and implementation, and identified current development processes and expected due dates.

Results

APD has been using the City of Albuquerque Rules and Regulations related to promotions. Section 203.2C is stricter than this requirement of the CASA. APD is currently developing their own policy, but it has not been completed, and thus has not gone through the review process. The timeline for this requirement is "within six months" which is outside of this monitoring period. The City Policy contains one exclusion regarding a "first accident suspension." This will need to be clarified and approved by DOJ and the monitor prior to implementation of the new policy.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.213 Assessing Compliance with Paragraph 245: Performance Evaluation Practices

Paragraph 245 stipulates:

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.

Methodology

During the second site visit, members of the monitoring team met with all personnel responsible for the Performance Evaluation development and implementation, and identified current development processes and expected due dates.

Results

APD currently utilizes the City of Albuquerque policy for Performance Evaluations. They are currently crafting their own Performance Evaluation Procedures; however, this process has not been completed as of the drafting of this report. The monitoring team has not received a final Performance Evaluation Plan, nor have they approved specifics of the planned transition to an APD plan, separate and distinct from the City process. Given the amount of work entailed in assessing, developing, and articulating new performance evaluation systems, the monitoring team assesses this requirement's status (as reflected by current progress) as seriously delayed.

Primary: **Not Yet Due**

Secondary: **Not Yet Due**

Operational: **Not Yet Due**

4.7.214 Compliance with Paragraph 246: Annual Performance Evaluations

Paragraph 246 stipulates:

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.

Methodology

During the second site visit, members of the monitoring team met with all personnel responsible for the Performance Evaluation development and implementation, and identified current development processes and expected due dates.

Status

APD currently conducts Performance Evaluations using the policy of the City of Albuquerque. They are currently developing their own policy and review process; however, this was not completed during the current review period. Additionally, APD is developing electronic evaluations and incorporating EIS data to ensure a thorough review process. These tasks have not been completed as of the drafting of this report. An "annual review" as called for in this requirement is not yet due.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.215 Compliance with Paragraph 247: Ready Access to Mental Health Resources

Paragraph 247 stipulates that:

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.

Methodology

During the second monitor visit, the members of the monitoring team met with the Lead for this paragraph Dr. T Rodgers. The APD's Officer Assistant and Support Program has been substantially revised, but SOP 1-14 was in need of some revisions to meet the requirements of this paragraph. The monitoring team discussed the changes required by the CASA with Dr. Rodgers during their last site visit in November, 2015. As of the date of this report have yet to receive the additions and revisions to support the requirements. Upon completion of these revisions the monitoring will begin to measure the impact of this program on the APD. The key element to compliance with this paragraph is the addition in the SOP 1-14 section 1-14.2 Rules and Regulation A, to reflect **"APD agrees to provide officers and employees ready access to mental health and support resources."** Until that SOP is substantially

revised and updated, reviewed by the monitoring team, and approved, APD cannot be considered in compliance with this task. The monitoring team judges progress on this task to be **seriously delayed**, although it is officially "not yet due."

Results

Primary:	Not Yet Due
Secondary:	Not Yet Due
Operational:	Not Yet Due

4.7.216 Compliance with Paragraph 248: Best Practices Mental Health Services

Paragraph 248 stipulates that:

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.

Methodology

During the second monitor visit, the members of the monitoring team met with the Lead for this paragraph, Dr. T Rodgers to review progress on this requirement. Substantial changes had been made to the draft Officer Assistant and Support Program, but SOP 1-14 is in need of additional revisions to meet the requirements of this paragraph. Members of the monitoring team discussed the changes required by the CASA and as of the date of this report have yet to receive the requested additions to support the requirements. Upon completion of these revisions the monitoring will begin to measure the impact of this program on APD operations. The key element in this paragraph is a "Peer Support Coordinator" position. Position descriptions, training plans, recruiting and selection for this position are reportedly "under development," although the monitoring team have not been provided any product indicating the degree of progress made with this task to date. The monitoring team judges progress on this task to be **seriously delayed**, although it is officially "not yet due."

Results

Primary:	Not Yet Due
Secondary:	Not Yet Due
Operational:	Not Yet Due

4.7.217 Compliance with Paragraph 249: Training in Officer Support Protocols

Paragraph 249 stipulates that:

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.

Methodology

During the second monitor visit, the members of the monitoring team met with Dr. T Rodgers, the APD point of contact responsible for this task. Although changes had been made to the Officer Assistant and Support Program, SOP 1-14 was in need of some revisions to meet the requirements of this paragraph. Members of the monitoring team discussed the changes required by the CASA and as of the date of this report have yet to receive the changes and or additions to policy necessary to support the requirements of this task. Upon completion of these revisions the monitoring will begin to measure the impact of this program on the APD. Dr. Rodgers advised the monitoring team that he was working with APD staff to develop the training aspect of this program, although acceptable policy guidance is required prior to the development of any training related to this topic. The monitoring team judges progress on this task to be **seriously delayed**, although it is officially "not yet due."

Results

Primary:	Not Yet Due
Secondary:	Not Yet Due
Operational:	Not Yet Due

4.7.218 Compliance with Paragraph 250: Confidentiality of Counseling Services

Paragraph 250 stipulates that:

APD shall ensure that any mental health counseling services provided APD employees remain confidential in accordance with federal law and generally accepted practices in the field of mental health care.

Methodology

During the second monitor visit, the members of the monitoring team met with the lead employee for this paragraph Dr. T Rodgers. According to Dr. Rogers,

substantial changes had been made to the Officer Assistant and Support Program; however, SOP 1-14 was in need of some revisions to meet the requirements of this paragraph. The members discussed the changes required by the CASA, and as of the date of this report have yet to receive the additions to support the requirements of this paragraph, which were requested from Dr. Rogers. Upon completion of these revisions, review and approval by the monitoring team, APD will need to plan assessment methodologies to begin to measure the impact of this program on the APD. The monitoring team judges progress on this task to be **seriously delayed**, although it is officially "not yet due."

Results

Primary:	Not Yet Due
Secondary:	Not Yet Due
Operational:	Not Yet Due

4.7.219 Compliance with Paragraph 251: Involvement of Mental Health Professionals in Training Development

Paragraph 251 stipulates that:

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.

Methodology

During the second monitor visit, the members of the monitoring team met with the lead employee for this paragraph Dr. T Rodgers. According to Dr. Rogers, substantial changes had been made to the Officer Assistant and Support Program; however, SOP 1-14 was in need of some revisions to meet the requirements of this paragraph. The members discussed the changes required by the CASA, and as of the date of this report have yet to receive the additions to support the requirements of this paragraph, which were requested from Dr. Rogers. Upon completion of these revisions, review and approval by the monitoring team, APD will need to plan assessment methodologies to begin to measure the impact of this program on the APD. The monitoring team judges progress on this task to be **seriously delayed**, although it is officially "not yet due."

Results

Primary:	Not Yet Due
Secondary:	Not Yet Due
Operational:	Not Yet Due

4.7.220 Compliance with Paragraph 252: Requirements for Mental Health Evaluation

Paragraph 252 stipulates that:

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.

Methodology

During the second monitor visit, members of the monitoring team met with the lead individual for this paragraph, Dr. T Rodgers. According to Dr. Rogers substantial changes had been made to the Officer Assistant and Support Program; however, SOP 1-14 was in need of some revisions to meet the requirements of this paragraph. The members discussed the changes required by the CASA and as of the date of this report have yet to receive the additions to support the requirements of this paragraph. Upon completion of these revisions the monitoring will begin to measure the impact of this program on the APD. The key element in this paragraph was in SOP 1-14 section 1-14-2 C. Officer-Involved Shooting should be changed to 1-14-2 Traumatic Event.

Results

The monitoring team judges progress on this task to be **seriously delayed**, although it is officially "not yet due."

4.7.221 Compliance with Paragraph 253: Cataloging Mental Health Services

Paragraph 253 stipulates that:

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.

Methodology

During the second monitor visit, the members of the monitoring team met with the lead for this paragraph Dr. T Rodgers. According to Dr. Rogers, substantial changes had been made to the Officer Assistant and Support Program, but SOP 1-14 was in need of some revisions to meet the requirements of this paragraph. The members discussed the changes required by the CASA, and, as of the date of this report have yet to receive evidence from the APD to indicate that the required revisions additions to support the requirements of this paragraph have been made. Upon completion of these revisions the

monitoring will begin to measure the impact of this program on the APD. The key element in this paragraph is maintaining a current and accurate list of available providers.

Results

The monitoring team judges progress on this task to be **seriously delayed**, although it is officially "not yet due."

Primary:	Not Yet Due
Secondary:	Not Yet Due
Operational:	Not Yet Due

4.7.222 Compliance with Paragraph 255:¹⁰ Congruence of Mission Statement

Paragraph 255 stipulates:

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

Methodology

Members of the monitoring team reviewed APD's revised and posted mission statement and accompanying narrative that elaborates on principles articulated in the mission statement. Supporting policy work, is needed.

Results

The revised APD mission statement was posted prior to the end of the second reporting period. The revised mission of the APD references " working in partnership with the community ... to maintain order, reduce crime, and the fear of crime through education, prevention, and enforcement." In an accompanying narrative, APD elaborates on this partnership and states that it "seeks to expose the root causes of crime and disorder and to eradicate such conditions through aggressive enforcement of laws, ordinances and City policies through positive community elaboration." The accompanying "Vision Statement" adds the following: "The Albuquerque Police Department envisions a safe and secure community where the rights, history, and culture of each citizen are valued and respected. We will achieve this vision by proactively collaborating with the community to identify and solve public safety problems and improve the quality of life in Albuquerque." These revisions address the

¹⁰ Paragraph 254 was not evaluated as it is considered a policy statement, not a definable objective. Key elements of 254 are operationalized in paragraphs 255-270, outlined below.

requirement of having a mission statement reflecting a commitment to community oriented policing. Integration of community and problem solving principles into APD's management systems, policies, procedures, recruitment, training, personnel evaluations, resource deployment systems, tactics, and accountability systems is currently ongoing and more directly addressed in other paragraphs of the CASA.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.223 Compliance with Paragraph 256: APD Response to Staffing Plan

Paragraph 256 states:

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.

Methodology

On-site interviews were conducted with APD communications and community outreach staff on August 20, 2015, and November 4, 5, 2015. Members of the monitoring team were present to observe the staffing analysis briefing of APD executive staff by the staffing study's author, Dr. Alexander Weiss. Further, monitoring team members made follow up telephone conference calls regarding staffing on December 17, 2015 and January 8, 2016.

Results

A staffing analysis was completed by an outside consultant during this reporting period and released on December 14, 2015. The staffing analysis calls for community policing teams in each area command to focus on supporting community- and problem-oriented policing. APD has generally agreed to develop a plan entitled "Police and Community Together (PACT)" which decentralizes some police functions and would add officers to area commands based on actual workloads. APD is currently developing internal mechanisms to guide further development and implementation of the plan. No timeline has been finalized for plan implementation.

Primary: **In Compliance**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.224 Compliance with Paragraph 257: Geographic Familiarity of Officers

Paragraph 257 stipulates:

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.

Methodology

Members of the monitoring team conducted interviews with APD communications and outreach staff on, August 17, 2015 and November 5, 2015. They also reviewed APD issued Special Order 15-13, and attended at problem oriented policing session on June 22, 2015. Monitoring staff reviewed agendas for Problem-Oriented-Policing (POP) sessions during this reporting period. Monitoring staff also reviewed APD documentation on distribution of "new bid packets" to APD officers, and conducted telephone interviews with Communications and outreach staff on January 8, 2015.

Results

APD issued Field Services Bureau Order 15-13 on May 6, 2015 to comply with paragraph 257 of the settlement agreement. The order requires the distribution and completion of a "New Bid" packet to assist sworn personnel in "identifying the geographical areas they serve, identifying community leaders, engage in problem solving practices, and work proactively with other city departments to address these quality of life issues." Sworn personnel are provided a signature page that they then sign, acknowledging receipt of the packet. The signature page will be retained for auditing purposes for a minimum of three years. APD has provided documentation including signed signature pages of officers who have been provided with the packets. Distribution of packets to APD personnel is an ongoing activity.

There were POP initiatives underway during the reporting period where sworn personnel working with other city agencies and community members collaboratively addressed quality of life issues in Albuquerque's neighborhoods. APD is expanding officer participation in such projects; however, during the reporting period, POP initiatives did not involve the preponderance of APD officers. Documentation was provided to the monitoring team for participating officers on their community contacts during reporting period.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.225 Compliance with Paragraph 258: Officer Outreach Training

Paragraph 258 stipulates:

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 partner ships, 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", which promotes a collaborative, systematic process to address issues of the community. Safety, and the quality of life;**
- e) **Conflict resolution and verbal de-escalation of conflict and;**
- f) **Cultural awareness and sensitivity training.**

These topics should be included in APD annual in-service training.

Methodology

APD is currently developing a curriculum that addresses the community policing training requirement in the CASA. A proposed training curriculum was delivered to the monitoring team for an initial review during the current reporting period. An initial review of proposed curriculum materials revealed that elements of the content requirements asked for in the CASA were not adequately addressed. Items apparently omitted included: cultural awareness and sensitivity, and establishing maintaining effective community partnerships. Additionally, the monitoring team suggests that APD should use a broader selection of source documentation to develop training curriculum content (a detailed analysis of proposed curriculum content has been provided to APD, as part of the monitoring team's routine technical assistance (TA) processes).

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.226 Compliance with Paragraph 259: Measuring Officer Outreach

Paragraph 259 stipulates:

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.

Methodology

On-site interviews were conducted with communications and outreach staff on August 20, 2015, and November 4 and 5 2015. Reviews of meeting agendas and attendees list for meetings with mental health and other advocacy groups were also assessed. The monitoring team also reviewed other collaborative meeting agendas and minutes, and reviewed APD memoranda relating to their progress in implementing paragraph 259.

Results

The ABQ Collaborative on Police-Community Relations, launched by the City's Office of Diversity and Human Rights (ODHR), identified 25 stakeholder groups and conducted facilitated discussions in order to provide opportunities for input on improving police community partnerships. As a result of these meetings, APD will develop a proposed plan for ongoing outreach and partnerships with community stakeholders. Once the proposed plan is finalized, a monitoring team of community stakeholders will be set up to track progress on implementation. APD is also working to establish a community calendar that will capture community outreach events and data pertaining to attendance, topics discussed, recommendations made and stakeholders identified. As of the end of this reporting period, that calendar has not been published. Additionally, plans call for all actionable recommendations from the ODHR process to be forwarded to Community Policing Councils for further consideration. Tracking data from the community calendars will also be cross-referenced with the area command tracking sheets and the Monthly Report Tracking Sheets used to track individual officer requirements for attendance and participation in community meetings. These mechanisms to measure officer outreach to a broad section of community members were under development during the second reporting period, and no formal work product that resulted from these proposed processes were produced by APD.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.227 Compliance with Paragraph 260: PIO Programs in Area Commands

Paragraph 26 stipulates:

APD shall develop a Community Outreach and Public Information program in each area command.

Methodology

Members of the monitoring team conducted on-site interviews with community outreach and public information staff on August 20, 2015, and November 4-5 2015. Team members also conducted on-going reviews of APD's website; and conducted telephone interviews with public information staff on December 10, 2015 and January 8, 2016, to assess status of activities related to this paragraph.

Results

During the reporting period, APD has continued its work on enhancing websites for each of the six command areas. These sites include crime information, crime prevention materials, photographs of commanders and officers that work in that area command, schedule of upcoming events, other news items, how to report crimes, and how to file complaints or recommendations for officer commendations. APD has also established social media outreach that includes Facebook, Twitter, and netdoor.com. APD reports that the Twitter account now reports up to 26,000 followers during the second reporting period with about 20,000 impressions each day. APD has established the "coffee with a cop" program in each command area as well. As this project progresses, the monitoring team would expect APD to move from "bulk" number assessments to more tangible processes, such as the number of police issues identified by the community, the number of those addressed and resolved by the department, and the types of issues resolved and/or not resolved by APD. The monitoring team considers inclusion of tangible community feedback an important aspect of community outreach.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.228 Compliance with Paragraph 261: Community Outreach in Area Commands

Paragraph 261 stipulates:

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.

Methodology

Members of the monitoring team conducted on-site interviews with APD communications and community outreach staff on August 20, 2015 and November 4-5 2015. Follow-up telephone interviews with communications and outreach staff were conducted on December 17, 2015 and January 8, 2016.

Results

APD has scheduled working meetings during the month of February, 2016 in each of the six area commands to coincide with the regularly scheduled CPC meetings. APD reports that beginning in January 2016, a broad outreach effort to community members will be initiated. Further work in this area is planned, using a range of media tools and outlets to publicize these meetings. APD indicates that meetings will include APD senior officials and the compliance monitors. These meetings will review CASA requirements, note progress made in attaining compliance, and addresses any related community concerns. No output reflecting other than planning activities in response to this requirement were available from APD this reporting period. These will be re-visited during the third reporting period.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.229 Compliance with Paragraph 262: Community Outreach Meetings

Paragraph 262 stipulates:

The Community Outreach and Public Information meeting shall, with appropriate safeguards to protect sensitive information, include summaries, of all audits and reports pursuant to this Agreement and any policy changes and other significant action taken as a result of this Agreement. The meeting s shall include public information on an individual's right and responsibilities during a police encounter.

Methodology

Onsite interviews with APD communications and community outreach staff were conducted on August 20, 2015 and November 4-5 2015. Follow up telephone interviews were conducted by members of the monitoring team on December 17, 2015 and January 8, 2016. The monitoring team also continued on-going reviews of APD website for meeting information and other activities representing outreach.

Results

APD has indicated that they are in the process of developing written guidance on safeguards to protect sensitive information and finalizing information on an individual's right and responsibilities during a police encounter in preparation for these meetings. APD also indicates that agenda for these meetings will also include directions on how the public can access public records, and information on an individual's right and responsibilities during a police encounter. To date, APD has not conducted any actual meetings in response to this paragraph.

Primary: **Not Yet Due**

Secondary: **Not Yet Due**

Operational: **Not Yet Due**

4.7.230 Compliance with Paragraph 263: APD Attendance at Community Meetings

Paragraph 263 stipulates:

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.

Methodology

Members of the monitoring team conducted on-site interviews with APD communications and community outreach staff on August 20, 2015, and November 4, 5 2015. The team also reviewed SOP 3-02-01, related to this requirement, and reviewed APD postings on implementation of paragraph 263 of the CASA.

Results

APD drafted SOP 3-02-1 that establishes both the requirement and the tracking mechanisms needed to implement this requirement. The SOP requires all area commanders to ensure their sworn, uniformed personnel attend community meetings in uniform and document time and attendance of meeting, duration of meeting, and issues concerns and or any positive input provided by community members. This information is to be documented on the Officers' Monthly Report and tracked through excel spreadsheets kept by each area commander. In addition, this information will be crosschecked with data collected from reports resulting from use of community calendars. The compilation of this data will also appear in kept in other appropriate data bases and compiled as part of APDs annual report that will provide data on the number of contacts, content and quality of those contacts, stakeholders identified and collaborative opportunities achieved. With the exception of

publication of the SOP, all of these activities are “planned.” No data from the field were available to the monitoring team as of the date of this report.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.231 Compliance with Paragraph 264: Crime Statistics Dissemination

Paragraph 264 stipulates:

APD shall continue to maintain and publicly disseminate accurate and updated crime statistics on a monthly basis.

Methodology

Members of the monitoring team conducted on-site interviews with APD communications and community outreach staff August 20, 2015 and November 4, 5 2015. The monitoring team also engaged in on-going review of the APD website.

Results

Monitoring team reviews indicate that APD currently provides crime information on the City/APD website, and reportedly at monthly community meetings, through press releases, and in each area command. The information also maps locations of crimes in near time, and is, in the monitoring team’s opinion, an excellent display of up-to-date information on the web. No results of supervisory review and assessment of these processes are currently available. The monitoring team will continue to assess secondary and operational issues.

Primary: **In Compliance**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.232 Compliance with Paragraph 265: Posting Monitor’s Reports

Paragraph 265 stipulates:

APD audits and reports related to the implementation of this Agreement shall be posted on the City or APD website with reasonable exceptions for materials that are legally exempt or protected from disclosure.

Methodology

Members of the monitoring team conducted on-site interviews with APD communications and community outreach staff on August 20, 2015, and November 4-5 2015. Follow up telephone interviews with APD staff were conducted on December 17, 2015 and January 8, 2016. The monitoring team also engaged in ongoing review of APD website.

Status

APD posted the CASA on their website and the monitoring report from the first reporting period. APD is developing guidelines for determining any reasonable exceptions to posting audits and reports relating to the CASA. The monitoring team will continue to assess secondary and operational issues.

Primary: **In Compliance**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.233 Compliance with Paragraph 266: CPCs in Each Area Command

Paragraph 266 stipulates:

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.

Methodology

Members of the monitoring team conducted on-site interviews with APD communications and community outreach staff on August 20, 2015, and November 4-5 2015. Follow up telephone interviews with APD staff were conducted on December 17, 2015 and January 8, 2016. The monitoring team also reviewed communications and other artifacts related to this paragraph, and attended CPC meetings and interviewed participants in CPC meetings held by APD.

Results

Community policing Councils have been established in each of the six Area commands since November, 2014. During the reporting period the each of the six Councils met once a month. It was reported by APD that the establishment of the Councils was widely communicated and that volunteer members were solicited from throughout the community. Some community members have disputed this. Attendance and participation in CPCs have not met the goals of APD by their own admission. Attendance is uneven across the six command areas. Actual documentation of attendance and background

information on participants is not available although efforts are now underway to try to collect that information. It could not be determined if CPCs during the reporting period were consistently facilitating regular communication and cooperation between APD and community leaders at the local level. APD staff has asked for technical assistance in enhancing community outreach, and improving CPC operations.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.234 Compliance with Paragraph 267: Selection of Members of the CPCs

Paragraph 267 stipulates:

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 Citizen Police Academy.

Methodology

Members of the monitoring team conducted on-site interviews with APD communications and community outreach staff on August 20, 2015 and November 4-5, 2015. The monitoring team staff also participated in a CPC meeting on November 4, 2015. Follow up telephone interviews were conducted, and the monitoring team conducted a review of meeting agendas, and minutes from Council meetings where available during reporting period.

Results

Applications for Council membership were posted on line. Only those persons with criminal histories were eliminated from consideration for membership. Initially ABQ city employees and representatives from select stakeholder groups interviewed prospective members. Currently, the APD Communications and Community Outreach Coordinator conducts all interviews. APD emphasized identifying and selecting members with people skills. Each member is required to do a ride along, and as stipulated in the CASA, and must complete the Police Citizen Academy (PCA). The 12-week requirement for PCA is posing a hardship for many members to complete and APD is considering a modified schedule to accommodate members.

APD acknowledges a need to gather more background information on members and prospective members to help ensure and promote a cross-sectional representation of voting members and participants. The CASA also requires that the selection mechanism be developed in conjunction with community members, and APD acknowledges a need to address this requirement. APD has articulated a plan to have membership decisions including criteria pushed down to the CPCs. APD is open to expanding membership, to conducting additional outreach to ensure a greater cross section of community representation. At the end of this reporting period, each command area is still limited to only six voting members and there is no documentation that current members represent a cross section of community members from each CPC as required in the CASA. APD has acknowledged the need for CPCs to consider expanding the number of voting members to help ensure the cross section of representation.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.235 Compliance with Paragraph 268: Resourcing the CPCs

Paragraph 268 stipulates:

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 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.

Methodology

Members of the monitoring team conducted on-site interviews with APD communications and community outreach staff August 20, 2015, and November 4-5, 2015. Team members also Participated in the CPC meeting on November 4, 2015. Follow up telephone interviews were conducted on December 17, 2015 and January 8, 11 2016. Team members also reviewed CPC minutes where available, for reporting period. They also reviewed APD posted information entitled "Community Policing Council Recommendation Process."

Results

The City has allocated meeting space, and provides a contracted facilitator to support each CPC. The contracted facilitator ensures that each meeting is conducted in an orderly fashion and that meeting objectives are attained. The City also provides some administrative support including copies of agendas, attendance sheets etc. The City has also created websites for each CPC. The CPCs have not developed to a point where they demonstrate evidence of formulating a comprehensive community policing approach that collaboratively identifies and implements strategies to address crime and safety issues. CPCs in general could benefit from additional assistance in their management and operations, community outreach, and communication strategies to both capture and disseminate information from community members and the public at large. APD has developed a more formalized process that primarily focuses on the internal review of the recommendations. The process requires a written response to the chairperson of the CPC submitting the recommendation from APD. Both the recommendation and the APD response are then posted on the APD CPC website. At this point, however, this guidance tends to fail to assist the CPCs in developing their own internal processes in considering and arriving at recommendations and or resolutions to articulated issues within a given CPC's area. Work remains to be done on this paragraph.

Primary: **Not Yet Due**

Secondary: **Not Yet Due**

Operational: **Not Yet Due**

4.7.236 Compliance with Paragraph 269: APD-CPC Relationships

Paragraph 267 stipulates:

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;
- d) Advising the chief on recruiting a diversified work force
- e) Advising the Chief on ways to collect and publicly disseminate data and information including information about APDs compliance with this Agreement, in a transparent and public –friendly format to the greatest extent allowable by law.

Methodology: Members of the monitoring team conducted on-site interviews with APD communications and community outreach staff on August 20, 2015 and November 4-5 2015. Team members also reviewed CPC minutes during the second reporting period, where they were available. The monitoring team reviewed proposed recommendations from each CPC during the second

reporting period. Telephone interviews with APD Communications staff and outreach staff were conducted on January 8-11, 2015.

Status: During the reporting period CPCs began to generate some recommendations for consideration by APD. These recommendations included the following:

- 1) Development of a system to coordinate mental health resources to include hospitals, charities, and other mental health resources, and to include knowledgeable and experienced APD representatives from the very beginning and through-out the process the planning process.
- 2) Appropriate continuing advertising of alarm system registration requirements should be directed to allow more new owners installing their own systems to understand and comply with the ordinance.
- 3) That APD appoint an agency or individual to monitor active news stories that involve officers in a positive manner. Once identified the officer would be contacted for their approval and input to prepare the timely news release.
- 4) That the Albuquerque City Council, the Mayor's office and APD petition the state legislature to exempt the City from the upcoming changes to PERA regulations regarding undermanned public safety departments.

There were no specific recommendations regarding law enforcement priorities and related community policing strategies, specific APD policing tactics, or how to recruit a more diversified work force as called for in the CASA. The nature of recommendations thus far may reflect a need for CPCs to have greater exposure to APD practices and best practices from other jurisdictions. Training of CPC leadership on their mission and role, and more diverse membership and participation is indicated.

Results

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.237 Compliance with Paragraph 270: CPC Annual Reports

Paragraph 270 stipulates:

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

Methodology

The monitoring team conducted interviews with APD communications and outreach staff on August 20, 2015.

Results

Personnel interviewed were cognizant of the established timeline, and appear committed to meeting the deadlines as established. Auditable work has yet to be produced.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.238 Compliance with Paragraph 271: CPOA Implementation

Paragraph 271 stipulates:

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.

Methodology

Members of the monitoring team reviewed APD's revised and posted mission statement and accompanying narrative that elaborates on principles articulated in the mission statement.

Results

The revised APD mission statement was posted prior to the end of the second reporting period. The revised mission of the APD references "working in partnership with the community ... to maintain order, reduce crime, and the fear of crime through education, prevention, and enforcement." In an accompanying narrative, APD elaborates on this partnership and states that it "seeks to expose the root causes of crime and disorder and to eradicate such conditions through aggressive enforcement of laws, ordinances and City policies through positive community elaboration." The accompanying "Vision Statement" adds the following: "The Albuquerque Police Department envisions a safe and secure community where the rights, history, and culture of each citizen are valued and respected. We will achieve this vision by proactively collaborating with the community to identify and solve public safety problems and improve the quality of life in Albuquerque." These revisions address the requirement of having a mission statement reflecting a commitment to community oriented policing. Integration of community and problem solving

principles into APD's management systems, policies, procedures , recruitment, training , personnel evaluations, resource deployment systems, tactics, and accountability systems is currently ongoing and more directly addressed in other paragraphs of the CASA

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.239 Assessing Compliance with Paragraph 272: Independence and Accountability of CPOA

Paragraph 272 stipulates:

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.

Methodology

Members of the monitoring team had several meetings during the site visit with members of the CPOA and visited the CPOA office, reviewed CPOA literature and documents related to the Internal Affairs process, and reviewed a random selection of 17 Civilian Police Oversight Agency investigations that were completed during this monitoring period.

A review of the applicable Ordinance and observations by the monitoring team demonstrates that the CPOA remains accountable to, but independent from, the Mayor, the City Attorney's Office, the City Council, and APD.

Results

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.240 Assessing Compliance with Paragraph 273: Requirements for Service of CPOA Members

Paragraph 273 stipulates:

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.

Methodology

Members of the monitoring team had several meetings during the site visit with members of the CPOA and visited the CPOA office, reviewed CPOA literature and documents related to the Internal Affairs process, and reviewed a random selection of 17 Civilian Police Oversight Agency investigations that were completed during this monitoring period.

Results

The Ordinance sets forth the requirements of this paragraph for members of the Police Oversight Board. The same requirements are not set forth for members of the CPOA. Members of the monitoring team during this site visit have seen no other policies, rules and/or procedures of the CPOA setting forth the requirements of this paragraph other than the Ordinance.

The monitoring team was unable to review during this site visit the background of individuals appointed to serve on the agency.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.241 Assessing Compliance with Paragraph 274: CPOA Pre-Service Training

Paragraph 274 stipulates:

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.**

Methodology

Members of the monitoring team had several meetings during the site visit with members of the CPOA and visited the CPOA office, reviewed CPOA literature and documents related to the Internal Affairs process, and reviewed a random selection of 17 Civilian Police Oversight Agency investigations that were

completed during this monitoring period. The monitoring team has also reviewed PowerPoint presentations, proposed by legal counsel to the CPOA, of civil rights and Fourth Amendment training and the CASA.

Results

The Ordinance sets forth some of the training (use of force, civil rights training including Fourth Amendment training) requirements of this paragraph for members of the Oversight Board. The same requirements are not set forth for members of the CPOA.

The monitoring team has seen no other policies, rules and/or procedures of the CPOA this site visit that set forth the requirements of this paragraph. The monitoring team was unable to review during this site visit training records demonstrating compliance with this paragraph.

The City is still within the extension of time to perform such training. The monitoring team finds the proposed Civil Rights, Fourth Amendment and CASA training is professional and appropriately addresses the subject matter required by the CASA.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.242 Assessing Compliance with Paragraph 275: CPOA Annual Training

Paragraph 275 stipulates:

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.

Methodology

Members of the monitoring team had several meetings during the site visit with members of the CPOA and visited the CPOA office, reviewed CPOA literature and documents related to the Internal Affairs process, and reviewed a random selection of 17 CPOA investigations that were completed during this monitoring period. The monitoring team has also reviewed PowerPoint presentations, proposed by legal counsel to the CPOA, describing civil rights and Fourth Amendment training and the CASA.

Results

The CPOA Ordinance fails to address training of Agency members. The monitoring team has seen no other policies, rules and/or procedures of the CPOA this site visit that set forth the requirements of this paragraph. The monitoring team was unable to review, during the first site visit, training records demonstrating compliance with this paragraph, although plans were obviously being developed to provide training at a future date.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.243 Assessing Compliance with Paragraph 276: CPOA Ride-Alongs

Paragraph 276 stipulates:

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

Methodology

Members of the monitoring team had several meetings during the site visit with members of the 17 CPOA and visited the CPOA office, reviewed CPOA literature and documents related to the Internal Affairs process, and reviewed a 17 of Civilian Police Oversight Agency investigations that were completed during this monitoring period.

Results

The Ordinance forming and empowering the CPOA sets forth the requirements of this paragraph for members of the Oversight Board. The same requirements are not set forth for members of the Agency. The monitoring team has seen no other policies, rules and/or procedures of the CPOA this site visit that set forth the requirements of this paragraph.

The monitoring team was unable to review training records demonstrating compliance with this paragraph during the June site visit. This will be completed if the data are available during the next team site visit in March, 2016.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.244 Assessing Compliance with Paragraph 277: CPOA Authority and Resources to Make Recommendations

Paragraph 277 stipulates:

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.

Methodology

Members of the monitoring team had several meetings during the site visit with members of the CPOA and visited the CPOA office, reviewed CPOA literature and documents related to the Internal Affairs process, and reviewed a random selection of 17 Civilian Police Oversight Agency investigations that were completed during this monitoring period.

Results

The Ordinance empowering the CPOA requires that the agency employ "such staff as necessary to carry out its functions . . . subject to budget sufficiency ..." The monitoring team was not able to review any other policies, rules and/or procedures of the CPOA that set forth the requirements of this paragraph at that time. Members of the monitoring team visited the CPOA offices and assessed the sufficiency of office space, equipment, and other facilities. The office was appropriately housed in a facility separate from the City of Albuquerque/Bernalillo Government Center, the APD and APD substations.

The office appeared to contain adequate, albeit less than ideal, space for conducting business. The monitoring team reviewed a Table of Organization for the Agency. All positions except one (Community Outreach) was filled during the time of the site visit.

Despite what appear to be sufficient resources, the monitoring team is concerned about the time some CPOA investigations take to be completed. A review of staffing and/or individual performance per investigator may be needed in order to improve the timeliness of completing investigations. **The monitoring team is also concerned about the inability of having POB recommendations to the Chief completed in accordance with the time requirements of imposing discipline.**

Primary: **In Compliance**
Secondary: **In Compliance**
Operational: **Not Yet Due**

4.7.245 Assessing Compliance with Paragraph 278: CPOA Budget and Authority

Paragraph 278 stipulates:

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.

Methodology

Members of the monitoring team had several meetings during the site visit with members of the CPOA, visited the CPOA office, reviewed CPOA literature and documents related to the Internal Affairs process, and reviewed a random selection of 17 Agency investigations that were completed during this monitoring period.

Results

The Ordinance empowering the CPOA sets forth the requirements of this paragraph. Independent legal counsel has been hired for the CPOA, and observations of the CPOA and interviews of the CPOA Director and staff demonstrates full compliance with this paragraph.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.246 Assessing Compliance with Paragraph 279: Full-Time CPOA Investigative Staff

Paragraph 279 stipulates:

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.

Methodology

Members of the monitoring team had several meetings during the site visit with members of the CPOA and visited the CPOA office, reviewed CPOA literature and documents related to the Internal Affairs process, and reviewed a random selection of 17 Civilian Police Oversight Agency investigations that were completed during this monitoring period.

Results

The Ordinance establishing the CPOA sets forth the requirements of this paragraph. Funding is required to be, at a minimum, ½% of APD's annual operation budget and based on observation of the CPOA and interviews of the CPOA Director and staff, this budget appears to be adequate as of the first site visit. Observation of the CPOA, interviews of the CPOA Director and staff, and review of completed CPOA investigations indicate primary compliance with this paragraph.

Primary: In Compliance
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.247 Assessing Compliance with Paragraph 280: Receipt and Review of Complaints by CPOA

Paragraph 280 stipulates:

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.

Methodology

The existing CPOA Ordinance sets forth the requirements as stipulated in this paragraph. A review of randomly selected CPOA investigations by the monitoring team during this site visit indicated Executive Director compliance with the tasks of this paragraph. A review of Annual CPOA Reports on the CPOA website reveals that CPOA findings are made available to the public.

Results

Primary: In Compliance
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.248 Assessing Compliance with Paragraph 281: Prompt and Expeditious Investigation of Complaints

Paragraph 281 stipulates:

Investigation of all civilian complaints shall begin as soon as possible after assignment to an investigator and shall proceed as expeditiously as possible.

Methodology

Members of the monitoring team had several meetings during the site visit with members of the CPOA and visited the CPOA office, reviewed CPOA literature and documents related to the Internal Affairs process, and reviewed a random selection of 17 Civilian Police Oversight Agency investigations that were completed during this monitoring period.

Results

The Ordinance sets forth the requirements of this paragraph in an acceptable manner. A review of randomly selected CPOA investigations by the monitoring team during this site visit indicated Executive Director compliance with the tasks of this paragraph.

A review of randomly selected CPOA investigations by the monitoring team during this site visit revealed two cases that took an inordinate amount of time to be completed without any discernible reason for the delay. A review of randomly selected CPOA investigations by the monitoring team during this site visit revealed two instances where discipline was not imposed due to delay in findings.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.249 Assessing Compliance with Paragraph 282: CPOA Access to Files

Paragraph 282 stipulates:

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.**

Methodology

Members of the monitoring team had several meetings during the site visit with members of the CPOA and visited the CPOA office, reviewed CPOA literature and documents related to the Internal Affairs process, and reviewed a random selection of 17 Civilian Police Oversight Agency investigations that were completed during this monitoring period.

Results

The Ordinance provides that the CPOA Director "shall have access to any Police Department information or documents that are relevant to a civilian's complaint, or to an issue which is ongoing at the CPOA." This language is broad enough to encompass subparagraphs a through f of this paragraph. Based on observation and interviews it appears that the IAB and CPOA work cooperatively. During extensive interviews, there were no complaints lodged with the monitoring team of the CPOA not having access to needed information, and completed investigations certainly indicate the CPOA has had needed and stipulated access.

Primary: In Compliance
Secondary: In Compliance
Operational: In Compliance

4.7.250 Assessing Compliance with Paragraph 283: Access to Premises by CPOA

Paragraph 283 stipulates:

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.

Methodology

Members of the monitoring team have seen no regulations, procedures or orders pertaining to the CPOA's authority to subpoena documents and witnesses. Although the Ordinance provides that the CPOA Director shall have access to any Police Department information or documents that are relevant to a civilian's complaint or to an issue that is ongoing at the CPOA, it is silent on subpoena power or the authority to compel the presence of witnesses.

Results

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.251 Assessing Compliance with Paragraph 284: Ensuring Confidentiality of Investigative Files

Paragraph 284 stipulates:

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.

Methodology

Policy mandating compliance with this paragraph is contained in AO 2-05, currently under review. It is expected that upon revision and formal adoption of AO 2-05, the APD will be in primary compliance of this task.

The Ordinance requires the Police Oversight Board to review confidential and *Garrity* material only in closed sessions and to maintain confidentiality of such materials. Members of the monitoring team have seen no other protocols developed to comply with this paragraph. A review of randomly selected IAB and CPOA investigations by the monitoring team during this site visit did not reveal any instances of non-compliance with the confidentiality requirements. The monitoring team noted no instance of a breach of the confidentiality requirements.

Results

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.252 Assessing Compliance with Paragraph 285: Authority to Recommend Discipline

Paragraph 285 stipulates:

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.

Methodology

Members of the monitoring team had several meetings during the site visit with members of the CPOA and visited the CPOA office, reviewed CPOA literature and documents related to the Internal Affairs process, and reviewed a random

selection of 17 Civilian Police Oversight Agency investigations that were completed during this monitoring period.

Results

The empowering ordinance sets forth the policy required by this paragraph, empowering the Director to make recommendations regarding disciplinary action directly to the Chief before submitting it to the POB in order to ensure the timeliness required by the Collective Bargaining Agreement (CBA). These recommendations are required to be approved by the POB. Ideally the Chief should also have the benefit of approved recommendations of the POB. The monitoring team is concerned that there is not yet in place a system that allows for POB recommendations within the time guidelines required by the CBA.

A review of randomly selected CPOA investigations by the monitoring team during this site did not reveal any instances of the Chief not following the disciplinary recommendation of the POB or failing to respond in writing within thirty (30) days articulating why the recommended discipline was not imposed.

Primary: **Not Yet Due**

Secondary: **Not Yet Due**

Operational: **Not Yet Due**

4.7.253 Assessing Compliance with Paragraph 286: Documenting Executive Director's Findings

Paragraph 286 stipulates:

Findings of the Executive Director shall be documented by APD's Internal Affairs Bureau for tracking and analysis.

Methodology

Policy mandating compliance with this paragraph is contained in AO 2-05, which states that the IAB shall monitor, audit, document and provide statistical analysis of all allegations of misconduct against an employee of the APD. Although this language is broad enough to capture the requirements of this paragraph, the requirements of this paragraph should be set forth more succinctly and clearly.

Members of the monitoring team have seen no regulations or orders setting forth the requirements of this paragraph. AO 2-05 is currently under review. Revisions of AO 2-05 and formal adoption of it will be necessary for primary compliance where policy required by the CASA is contained in AO 2-05. Based upon observation and interview of IAB and CPOA personnel it is clear that IAB captures the findings of the CPOA for tracking and analysis purposes.

Results

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.254 Assessing Compliance with Paragraph 287: Opportunity to Appeal Findings

Paragraph 287 stipulates:

The City shall permit complainants a meaningful opportunity to appeal the Executive Director's findings to the agency.

Methodology

Members of the monitoring team had several meetings during the site visit with members of the CPOA and visited the CPOA office, reviewed CPOA literature and documents related to the Internal Affairs process, and reviewed a random selection of 17 Civilian Police Oversight Agency investigations that were completed during this monitoring period.

Results

The Ordinance contains the policy required by this paragraph, and permits a complainant to request reconsideration in the form of a hearing when dissatisfied with the findings and/or recommendations of the POB (findings of Executive Director to and approved by the POB). The Ordinance also permits an appeal by the complainant to the Chief Administrative Officer of the final disciplinary decision of the Chief of Police. A review by the monitoring team of randomly selected CPOA investigations by the monitoring team did not show any instances of requests for reconsideration or appeals.

Primary: **In Compliance**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.255 Assessing Compliance with Paragraph 288: CPOA Recommendations Regarding APD Policies

Paragraph 288 stipulates:

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.

Methodology

Members of the monitoring team had several meetings during the site visit with members of the CPOA and visited the CPOA office, reviewed CPOA literature and documents related to the Internal Affairs process, and reviewed a 17 of Civilian Police Oversight Agency investigations that were completed during this monitoring period.

Results

A review of recent completed CPOA cases found none that resulted in recommendations to the Chief of Police regarding changes to APD policy and training. None of the completed cases CPOA reviewed by the monitoring team this reporting period appeared to indicate a need for a policy-change recommendation by the CPOA.

Primary: **Not Yet Due**

Secondary: **Not Yet Due**

Operational: **Not Yet Due**

4.7.256 Assessing Compliance with Paragraph 289: Explanation for not Following CPOA Recommendations

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.

Methodology

Members of the monitoring team had several meetings during the site visit with members of the CPOA and visited the CPOA office, reviewed CPOA literature and documents related to the Internal Affairs process, and reviewed a random selection of 17 Civilian Police Oversight Agency investigations that were completed during this monitoring period. None involved recommendations to the APD that raised concerns applicable to this paragraph.

Results

Primary: **Not Yet Due**

Secondary: **Not Yet Due**

Operational: **Not Yet Due**

4.7.257 Assessing Compliance with Paragraph 290: Regular Public Meetings

Paragraph 290 stipulates:

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.

Methodology

Members of the monitoring team had several meetings during the site visit with members of the CPOA and visited the CPOA office, reviewed CPOA literature and documents related to the Internal Affairs process, and reviewed a random selection of 17 Civilian Police Oversight Agency investigations that were completed during this monitoring period.

Results

The Ordinance requires the POB to conduct regularly scheduled public meetings in compliance with the New Mexico Open Meetings Act, and further requires each meeting to have a prepared agenda distributed in advance to the Mayor, City Council, Police Chief, and City Attorney. However the Ordinance does not require the agendas to be made available to the public via the websites of the City, City Council, CPOA or APD.

A review of the CPOA website indicates that time, date and place of meetings are publicized as well as the meeting agenda. The CPOA Annual Report lists when POB meetings and sub-committee meetings were held.

Primary: In Compliance
Secondary: In Compliance
Operational: In Compliance

4.7.258 Assessing Compliance with Paragraph 291: Community Outreach for the CPOA

Paragraph 291 stipulates:

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.

Methodology

Members of the monitoring team had several meetings during the site visit with members of the CPOA and visited the CPOA office, reviewed CPOA literature and documents related to the Internal Affairs process, and reviewed a random selection of 17 Civilian Police Oversight Agency investigations that were completed during this monitoring period.

Results

The Ordinance empowering the CPOA requires the agency to develop and implement a Community Outreach program, and requires the Executive Director of the CPOA to play an active role in the community and in community outreach efforts of the Agency. The CPOA Table of Organization provided during the site monitoring team's site visit showed a vacancy in what appears to be a newly created Community outreach position.

The monitoring team was unable to observe any CPOA Community outreach events during the site visit. Although the monitoring team is unaware of CPOA community outreach efforts during the monitoring period, the CPOA Annual Report lists numerous CPOA Executive Director community outreach efforts in 2014 aimed at explaining the police oversight process to the public. The monitoring team would expect that upon hiring of the Community Outreach specialist in the CPOA and demonstration of continued community outreach efforts during the next monitoring period there would be full compliance with this paragraph.

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.259 Assessing Compliance with Paragraph 292: Semi Annual Reports to Council

Paragraph 292 stipulates:

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.

Methodology

Members of the monitoring team had several meetings during the site visit with members of the CPOA and visited the CPOA office, reviewed CPOA literature and documents related to the Internal Affairs process, and reviewed a random selection of 17 Civilian Police Oversight Agency investigations that were completed during this monitoring period.

The Ordinance requires the semi-annual reports to City Council with the information set forth in this paragraph, except that the Ordinance does not explicitly require a separate analysis of serious force incidents as set forth in this paragraph.

The monitoring team review of the CPOA website revealed a semi-annual and an annual report for 2014 as well as an Officer Involved Shooting Report for 2010-2014. Both the semi-annual and annual reports contain a separate section entitled Officer Involved Shootings. The reports list the findings of the Executive Director and POB of the CPOA, but do not list the dispositions of the Chief.

Results

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

4.7.260 Assessing Compliance with Paragraph 320: Notification of Critical Firearms Discharges, in-Custody Death or Arrest of an Officer

Paragraph 320 stipulates:

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.

Methodology

During the first reporting period, the monitor has noted several critical incidents involving officer-involved shootings that had been reported in the media since implementation of the CASA that had not been followed up by reports—either in writing or by telephone—from the City or APD. Those issues have been resolved as of this report. In the future, the monitor may choose to self-initiate personal responses to shooting scenes so as to observe any officer-involved shooting responses directly and independently. We have yet to note any written policy guidance regarding this issue. While performance currently is acceptable, without written policy guidance, any change in “command and control” at APD or the City (currently notice of such incidents is provided by the Office of the City Attorney) could foreseeably result in a change in performance.

Results

Primary: **Not Yet Due**
Secondary: **Not Yet Due**
Operational: **Not Yet Due**

5.0 SUMMARY

The City's performance on tasks due as of the date of this report is meaningful. The APD and the City are in compliance for all of the five tasks due as of the operational dates for the second monitor's report, IMR-2, dated (June-November, 2015). Compliance areas are all in tasks that reasonably are prefatory, as follows:

Paragraph 141: Providing the opportunity for rank and file officers to review and comment on new or existing policies (this was a **three-month** compliance deadline);

Paragraph 142: Implementation of the Policy and Procedures Review Board (this was a **three-month** compliance deadline);

Paragraph 149: Ensuring that all officers are briefed and presented the terms of the Agreement (this was a policy with a **two-month** compliance deadline); and

Paragraph 151: Developing an itemized training schedule (this was a policy with a **six-month** compliance deadline).

Thus, the City's and APD's compliance ratio for the second reporting period is 100 percent of tasks currently due (the two- and three-month requirements). Six-month and greater requirements are "not yet due."

Overall, current status indicates compliance was achieved in **22¹ of 277 primary tasks**. This constitutes a Primary compliance rate of **8.0 percent**. Current status indicates Secondary compliance was achieved with **9 of 277 secondary tasks**, constituting a secondary compliance rate of **3.0 percent**. Operational compliance was achieved in **8 of 277 operational tasks** constituting an operational compliance rate of **3.0 percent**. While these numbers may appear disconcerting, it is the monitor's experience that **all** early reports are difficult, as they tend to reflect the organization at its initial, or initial near-state status on a multi-year journey. The numbers reflect progress from the status reported in the monitor's first report

⁶ The City fell from 29 paragraphs in primary compliance, to 22 paragraphs based on the following facts: Paragraph 20—was shown in draft IMR 2 as "in compliance" with the comment: "APD needs to reconcile various iterations of Procedural Order 2-22 that exist in different locations and are accessible to APD officers." This obviously was an error in the DRAFT, corrected in the FINAL. Paragraph 21—was revised to "not in compliance" based on Justice's comment regarding SOP 2-52 D1, which had not been approved at the time of completion of the report. Paragraph 81 was revised to "not in compliance" based on Justice's comment about the MOU having the force of policy and not yet being reviewed and approved about DOJ. Paragraph 99 was revised pending finalization of the Force Review Board Policy. Paragraph 107 was revised pending finalization of the Policy 3-01. Paragraph 109 was revised pending finalization of the Policy 3-01.

As the CASA process builds momentum in the coming months the APD needs to carefully consider its priorities, and develop mechanisms to change existing behavior on the street and in the supervisory process.

The monitoring team sees the critical pressure points at this time continuing to be:

- 1. Development of effective POLICY reflective of the United States Constitution and best practices in the field;**
- 2. Creation of strong TRAINING development and delivery of processes based on approved policy;**
- 3. Building effective SUPERVISORY SKILLS and abilities among sergeants and lieutenants;**
- 4. Development of effective and reliable systems of progressive DISCIPLINE, designed to identify critical points of deviation from articulated policy and to remedy behavior that is not consistent with policy;**
- 5. In addition, the APD will eventually need to build a strong SELF-ASSESSMENT and self-reporting ethos among command and management staff;**
- 6. Finally, the Agency has committed itself to a strong COMMUNITY OUTREACH strategy, designed to shed light on internal operational processes, consult with the consumers of APD's tactics, processes, and strategies, and eventually share some degree of decision-making with the communities APD serves.**

Further adding to the already significant pressures on APD is the fact that the City has agreed to take the steps necessary to incubate and nurture effective organizational development and planned change strategies at the APD in an accelerated time frame. In effect, the APD has allowed itself only three more years to complete a process that takes most agencies 7-10 years.

The APD continues to have significant hills to climb regarding assessing needs for training, developing clear, concise, understandable policy guidance and overseeing one of the most complex organizational development and planned change process ever undertaken by American managers.