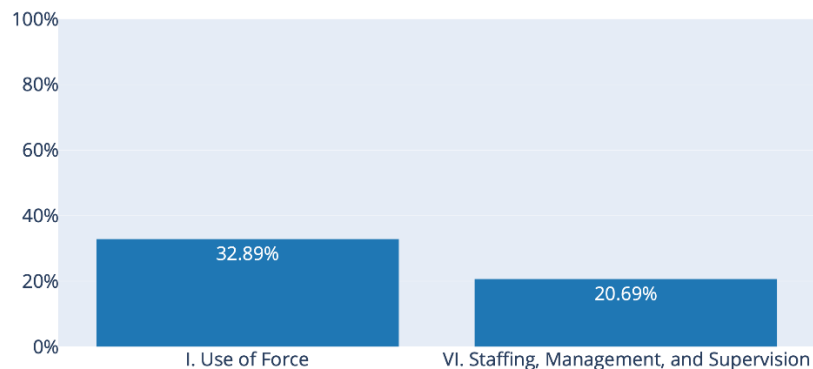




SUMMARY AND ANALYSIS OF THE MONITOR'S TENTH REPORT

For the first time since reform efforts began in 2015, the Albuquerque Police Department (APD) has complied with 100 percent of the changes to policies and written procedures mandated by the Court Approved Settlement Agreement, or CASA. Next, the Department must achieve secondary compliance, which means that effective follow up mechanisms have been taken to ensure APD personnel understand the policies and are capable of implementing them in the field. Finally, the Department must reach operational compliance, which means field personnel either routinely perform tasks as required by the CASA or that when they fail, supervisory personnel note and correct behavior that is not compliant. Operational compliance increased from 63 to 64 percent since the last Monitor's Report in May 2019.

While APD and the City should be lauded for continued progress, two of the most critical areas lag behind the rest: Use of Force and Supervision. The chart below demonstrates just how far APD must go to achieve operational compliance in these areas that lie at the heart of the reforms.



Failure to Discipline: A Serious and Potentially Fatal Shortcoming

IMR10 raises serious concerns about the failure of supervisory personnel to timely and effectively discipline officers. The Monitor repeatedly describes an “aversion to discipline” whereby supervisors take disciplinary matters into their own hands in order to protect officers. The Monitor carefully details what he calls a “pattern and practice” of supervisory personnel being unwilling to identify and call out violations of established use of force training and policies. In the Monitor’s words, this includes:

- Supervisors engaging in “patterns of unreasonable delays” when investigating use of force until “discipline can no longer be applied due to union contract restrictions (p. 284)
- Supervisory discretion that has “effectively tied the hands of Internal Affairs and the Chief of Police in exercising their role in the disciplinary process in APD” (p. 49)
- “Weak, inadequate, improper, deliberately imprecise or policy-prohibited supervisory oversight” that is “APD’s most critical use of force-related issue” (p. 29)
- A culture where supervisors take “disciplinary matters into their own hands” thereby “allowing them to protect officers with lengthy lists of previous policy violations” (p. 48)

The Monitor is unambiguous in what must happen to address this fatal shortcoming: “The executive functions at APD must reclaim fact-finding, issue identification, and resolution from those who have usurped it: field sergeants, lieutenants, and commanders. We see this as the number one critical issue to be resolved by APD if it is ever to achieve operational compliance for this task” (p. 49).



What's Working Well

- *Mental Health Response Planning and Crisis Intervention* - "APD has met, and in many cases far exceeded, many of the requirements of the CASA related to mental health response planning, crisis intervention, and service delivery" (p.143)
- *Enhanced Crisis Intervention Team officers (ECIT)* - "APD's model indicates that currently 45 percent of Field Services officers who are ECIT trained, respond to 68 percent of calls for service that have a behavioral health component" (p.154)
- *Special Operations Division (K9, SWAT, and Bomb squads)* - SOD's culture is "one of continuous growth and quality improvement" (p.118)
- *COAST/Crisis Intervention Unit (CIU)* - APD's COAST and CIU teams routinely follow up with critical elements of the population, have "robust relationships with service providers," and conduct some work that is "quite simply, excellent" (p.161-162)

Worth Keeping an Eye On

- *Internal Affairs Force Division (IAFD)* - As APD transitions to the new three tiered use of force system, it will move all but lower level initial force investigations to IAFD. In IMR10, the Monitor repeatedly praises IAFD for the quality of its work, but cautions that APD leadership must ensure IAFD receives adequate staffing, training and resources to properly review and investigate new use of force policy violations (p. 70)
- *Civilian Police Oversight Agency (CPOA)* - Earlier this year, City Council passed a revised Oversight Ordinance that removed the requirement that the CPOA receive funding equal to ½ of 1% of APD's budget. The Monitor points out that there are indications that the CPOA may be understaffed and suggests that CPOA budget and staffing will be an area of focus for the Monitoring Team moving forward (p. 268)
- *Force Review Board (FRB)* - The FRB is responsible for reviewing tactical activations, serious uses of force, and a 10% sample of all other uses of force. The FRB has not met since November of 2017 but a reconstituted Board has formed, an approved FRB policy is in place, and new members received training in July 2019. The new FRB will incorporate IAFD's experience reviewing the prior backlog of use of force cases, but the Monitor cautions that like any area of APD with CASA responsibilities, APD would be wise to commit more assets to this initiative (p.86)
- *Crisis Intervention Unit (CIU) data* - "APD has not completed meaningful updates to its 'CIU Data Book' since their data scientist left the agency in March 2019...Updated data have not been presented to the MHRAC, or to APD leadership, since...the unit's data scientist's departure" (p.158)

Conclusion

APD has made great strides towards reform and should be commended for putting into place strong policies and procedures that will guide the Department moving forward. However, whether these policies will be effectively implemented is uncertain because of the reluctance of supervisory personnel to appropriately discipline officers who violate them. As the Monitor points out, the best law enforcement training and policies "cannot overcome a culture where officers are not legitimately held accountable." APD Forward supports the Monitor's admonition to address this potential "fatal shortcoming" immediately and aggressively.