



Summary and Analysis of the Monitor's 11th report

Since the release of the Monitor's 10th report, the Albuquerque Police Department (APD) has made significant progress in its efforts to comply with Court Approved Settlement Agreement (CASA). The monitor measures compliance in three levels – primary, secondary and operational. APD is still in 100 percent primary compliance with the CASA, which means the Department has adopted all of the use of force and other policy changes mandated by the CASA. The Department also made significant gains when it comes to secondary compliance. This compliance level indicates APD has established training mechanisms to ensure personnel understand the new policies and are capable of implementing them while carrying out their day-to-day duties.

However, the Department has a long way to go before achieving operational compliance. What remains is attaining mastery of the supervisory and operational management processes at the street level. While policy, training, and administration are certainly on the critical path for the APD reform project, the proof of process is observing, in practice, routine success at the operational and street level. Until those two processes are moved into operational compliance, there remains much to be done. P.3 This level of compliance is the most crucial of the three levels because it gauges whether APD personnel are actually complying with the CASA out in the field, and, if they aren't, whether or not they're held accountable by their supervisors. APD's operational compliance increased from 64 to 66 percent between the monitor's 10th report and this new report. The Department's inability to make significant progress toward achieving operational compliance seems to be a direct result of what the monitor refers to as "the counter-CASA effect."

Missed Opportunities for Corrective Action

As in past reports, the 11th report highlights several troubling instances where supervisors engaged in "patterns of unreasonable delays," often described as "the counter-CASA effect," when investigating use of force and other policy violations. What is different during this reporting period is that the Independent Monitoring Team uncovered evidence that the "patterns of unreasonable delays" weren't limited to line supervisors but were also occurring at the command level.

The, now former, Internal Affairs Professional Standards Division commander allowed 28 cases initiated against supervisors to lapse. This lapse conveniently took the investigations beyond the deadline defined by the Albuquerque Police Officers Association's (APOA) Collective Bargaining Agreement for the imposition of discipline. Although leadership removed the commander in question from his post, the Monitor points out that Department officials did nothing to investigate the 28 missed deadlines. Here are some illuminating quotes directly from the Monitor's 11th report:

“The monitoring team points out potential misconduct and APD reacts as though that misconduct is ‘water under the bridge.’ This is a proven path to failure of the reform effort.” (p. 77)

“Having a meaningful IA system where corrective actions and consequences for misconduct or performance deficiencies continue to elude APD.” (p. 77)

“When combined with established use of force investigation and chain of command timelines, and delays that occur during those touch points, it is clear APD has an IA system likely incapable of correcting itself.” (p.78)

“The monitor believes 24 cases on track for disciplinary action missed their deadline. The monitor believes this missed deadline was deliberate.” (p.78)

The Monitor points out that “such deliberately indifferent responses to potentially intentional attempts to neuter the CASA must be identified assiduously, and must be met with certain, timely and forceful responses by APD’s command structure.” He and his team also recognized that having a robust IA system that shows APD’s ability to police itself is an essential part of any effort at sustaining long-term reforms.

What’s Working Well

- *Accountability and Oversight Division’s Performance Metrics Unit* — “We believe PMU is the most positive resource APD has for moving forward with their Operational Compliance efforts across the organization.” (p. 43)
- *Use of Force Training* — For the first time APD has reached secondary compliance with paragraphs 86 to 88 relating to use-of-force training. (p.101)
- *Cultural Shift Among Personnel* — Despite push back from personnel that engage in counter-CASA activities, “critical tasks necessary for compliance” are becoming more acceptable to some APD supervisors and managers. (p. 301)
- *Crisis Intervention Unit (CIU) data* – APD has gotten back on track and brought the CIU data book up to date. (p. 147)

Worth Keeping an Eye On

- *Use of Force* — The lack of timeliness of use-of-force investigations at both the supervisory and internal affairs is a common theme of the 11th report.
- *Properly Staff CASA-Related Units*— Units, such as AOD Performance Metric Unit and Internal Affairs Professional Standards and Force Divisions, that are responsible for CASA related paragraphs need to be properly staffed. (p.57) While APD has been responsive to staffing issue in this department , they haven't in other critical areas.
- *Failure to Discipline* — APD continues to fail at fairly and consistently implementing disciplinary measures for policy violations in accordance with the Disciplinary Action Packet. The Action Packet informs APD leaders what disciplinary action should be taken for certain policy violations. (p.218)

- *Counter-CASA* — Personnel openly engaging in counter-CASA activities are starting to face “pressure” to get in line with the reform process. Unfortunately, that pressure is “neither uniform or consistent.” (p.3)
- *Use of Force Annual Report* — “After the close of the eleventh reporting period, APD has not yet produced the Annual Use of Report for 2018. Until reports, including the sections dealing with critical firearms discharges, are complete accurately and in a timely manner, APD will remain out of compliance for Paragraph 23...” (p.22)

Conclusion

The city of Albuquerque and the Albuquerque Police Department continues to make progress toward reforms and deserve credit for this. Unfortunately, without much-needed culture change among members of the supervisory and command staff, those policies will have insignificant impact on correcting the issues that led to the need for the CASA in the first place. This includes ensuring APD officials hold officers accountable for misconduct. As the Monitor points out several times in the 11th report, “APD's ability to police itself, is the center piece of its organizational reform efforts.”