



Summary and Analysis of the Independent Monitor's Thirteenth Report

The City of Albuquerque and the Albuquerque Police Department (APD) lost significant ground in its effort to comply with the Court Ordered Settlement Agreement (CASA). During the period representing the Independent Monitor's 13th report (IMR-13), covering August 2020 through January 2021, the department suffered its worst setback in compliance since the monitoring process began in 2015. The poor assessment comes a few months after the administration appointed a new police chief and a superintendent of police reform and a few weeks after the launch of the Albuquerque Police Officer's Association's (APOA) "Crime Matters More" campaign. The campaign aimed at attracting supporters who opposed the reform represents a palpable manifestation of the "counter-CASA," affect/effect that has and continues to sabotage the reform process.

Moving in the Wrong Direction

The Monitor attributes the nearly double-digit CASA compliance declines to systemic shortfalls that includes both the department's failures to meet its training obligations and to APD's leadership lack of will to hold officers accountable for policy violations. What is equally troubling is that the compliance loss spread to sections of the CASA, like Community Engagement and Oversight, that have maintained compliance since the monitoring process began six years ago. While Primary Compliance held steady at 100 percent, Secondary Compliance dropped from 91 to 82 percent, and Operational Compliance from 64 to 59 percent¹. This is the second-consecutive reporting period the department saw its compliance levels decline. Between IMR-12 and IMR-13, the department suffered a respective 12- and five-percent decline in Secondary and Operational compliance. The loss of ground will more than likely result in an extension of the external monitoring process that usually takes an average of eight years to complete.

Improvements and Success

Despite the setbacks, there were some areas in IMR-13 that the Monitor believes improved by following the monitoring team's recommendations. The Monitoring team concluded that his team's recommendations played a key role in the Recruitment and Officer Assistance and Support sections maintaining compliance. They believe those recommendations will eventually lead to the department hiring a "healthier cadre of street officers (p. 4)." The team also noted positive improvements in the Internal Affairs Professional Standards Unit and the Force Review Board. Specifically, the team praised the unit for meeting investigation deadlines and the Review Board for the improvements in case evaluations. It must be noted that team also gave high praise to the Performance Metric Unit staff and believes the unit will prove instrumental in the overall reform process.

¹ Primary Compliance means that the department has put in place policies to address the issues covered by the CASA. Secondary Compliance measures the degree to which trainings implement those policies. Operational Compliance is attained when the department demonstrates routine adherence to the policies and can properly identify issues and take the appropriate corrective action.

Critical Issues

Training

The problems with APD maintaining an adequate training schedule carried over from IMR-12. During this current reporting period APD officials struggled to meet its training requirements. Specifically, the Department failed to provide officers with the Tier-4 Reality-Based Training (RBT) and the annual use of force training. According to the monitoring team, conducting the Tier 4 training is essential because it allows APD officials to collect data that could help them determine the effectiveness of the Tier 1 through 3 training. The Department's inability to provide this training will have a negative impact on other sections of the CASA, especially those that govern reporting, de-escalating and investigating use of force incidents.

Identifying Use of Force

Like previous Independent Monitoring Reports, the team raised serious concerns regarding supervisor's and commander's failure to control how and when officers use force. The monitoring team continues to call department officials out for the lack of "appetite for taking serious approaches to control excessive or unwarranted uses of force," or other policy violations (p.2). Throughout the report, the Monitor carefully details instances where APD failed to "call the ball," or "see" blatant policy violations (p.2). Some of the most egregious examples include:

1. A 65-year-old woman in suffering mental illness who had allegedly threatened her boyfriend with a knife was simultaneously tased and shot with a bean bag (layered response) after a lengthy standoff despite not representing a threat. The Force Review Board flagged the out-of-policy use of force after the Internal Affairs Force Division personnel failed to flag policy violations when they presented the case to the Board for review. The Monitor noted, "APD supervisors and command personnel need to continually reassess the way officers interact with people experiencing mental or emotional crises" (p.670).
 - APD officers attempted to stop a truck for failing to display the license plate. The driver of the truck refused to stop. A helicopter patrol joined the pursuit, which lasted about 20 minutes, through five commands. The car chase ended when a lieutenant, followed by six patrol cars, continued the chase down the wrong way of an exit ramp to perform a pit maneuver² (P. 62-63). APD officials failed to recognize the pit maneuver² as a use of force incident. Department leadership also failed to report and investigate the dangerous behavior of the Lieutenant and officers that put both the officers and the public in danger (p. 63).
 - Supervisors flagged out-of-force policy incident as "indicative of a growing trend in which officers utilize the Assault on a Peace Officer charge to bolster the justification for the use of force. (93)"

Investigating and Disciplining Officer for Use of Force

While IAPS personnel have made great improvements when it comes to the completing investigations in a timely manner, IAFD investigators pretty much stopped investigating cases this reporting period. This stoppage will have a severe impact on department official's ability to issue corrective actions or other forms of remedial discipline. As the monitor noted in previous IMR's, delaying investigation until discipline is "time-barred" by the collective bargaining agreement is an example of the counter-CASA that has and continues to threatened the reform process. The monitor opines the "malfeasance has occurred due to APD's practice of command personnel being members of the bargaining unit and thus having splintered allegiances" (p.89). This was most evident when several members of the Force Review Board refused to refer a case to Internal Affairs after voting the case involved several out of policy for events and an illegal entry to a home (p. 118)

² The PIT maneuver (pursuit intervention technique) is a pursuit tactic by which a pursuing car can force a fleeing car to turn sideways abruptly causing the driver to lose control and stop.

