

**Progress and Status Summary of the USDOJ Settlement Agreement Entered
into by the United States of America and the City of Albuquerque
Regarding the Albuquerque Police Department
Tenth Report
February 1, 2019 – July 31, 2019**

Prepared by the Albuquerque Police Department Accountability and
Oversight Division

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I. Introduction

The Albuquerque Police Department (APD) and the City of Albuquerque (City) continue to work with the Department of Justice (DOJ) and the Independent Monitor (IM) to improve the overall functioning of the Department. In addition, APD has continued the work toward meeting the requirements of the Court Approved Settlement Agreement (CASA). Documents related to APD's Settlement Agreement can be located at

<http://www.cabq.gov/police/documents-related-to-apds-settlement-agreement>.

This report covers the administration's key steps taken to strengthen APD's transformation effort. The report is organized to correspond with the ten (10) sections in the CASA. APD has continued the transformation effort guided by feedback from the IM, the City, the DOJ and the Independent Monitor Reports (IMR).

Key Steps Taken by the Administration

The City and the Albuquerque Police Department continue to focus on the CASA and the long-term sustainability for Department-wide improvement. The Compliance Bureau continues to evaluate needs and reorganize personnel to maximize the efficiency of its resources. APD renamed the Compliance Division to the Accountability and Oversight Division (AOD) and Policy and Procedure Division personnel have been reassigned to AOD. Additionally, AOD's Performance Metrics Unit began monthly audits to measure and evaluate the Albuquerque Police Department's compliance rates with CASA and APD policy requirements.

The Internal Affairs Force Division (IAFD) completed 95.1% of the use of force backlog cases. The data from these extensive case reviews have been and will continue to be used in guiding future use of force policy and training. Backlog use of force cases are

expected to be 100% complete by October 2019.

In May 2019, APD began to train on the use of force policy suite. The use of force policy suite is comprised of six policies directly related to force; from definitions to supervisory responsibilities, which include reviews and investigations of use of force incidents. The Training Academy, in collaboration with the Internal Affairs Force Division (IAFD), is conducting training on these policies in a four (4) tier approach while using a facilitated learning platform. Tier I included the dissemination, reading and testing on the policy content. Tier II through IV will be developed and based on the previous tier's information, feedback, and lessons learned. This training approach is a major step forward for APD, use of force continues to be a priority for APD, and as such the use of force training will be discussed in detail in this report.

There were seven gap training topics identified by the IM that needed to be trained to APD personnel. All seven training gaps have been delivered during this reporting period and all completed with over a 95% compliance rate.

APD created the Community Outreach Division and has focused on community engagement and outreach efforts. The Department has improved the tracking and reporting of community engagement and officer attendance and participation at community events.

Compliance Levels and the CASA's Measurable Paragraphs

There are two hundred seventy-six (276) paragraphs within the CASA with measurable requirements. As of the release of IMR 9, APD's overall compliance rates for this reporting period are as follows:

- Primary (policy) compliance – 99.6%;
- Secondary (training) compliance – 79%; and
- Operational compliance – 63%.

Changes in compliance rates between IMR 8 to IMR 9 are as follows:

- Primary (policy) compliance rates had no change over the last Monitor's report;
- Secondary (training) compliance rates are up by 3.6%; and
- Operational compliance rates are up by 3.8%.

Shown below are APD's compliance rates, from IMR-9, over time between the reporting period covering IMR-1 through IMR-9 (no IMR-7). The next IMR will be filed with the court in November 2019.



As defined in IMR-1, compliance measurements in APD's monitoring process consists of three parts: primary, secondary, and operational:

- *Primary compliance is the “policy” part of compliance. To attain primary compliance, APD must have in place operational policies and procedures designed to guide Officers, supervisors and managers in the performance of the tasks outlined in the CASA. As a matter of course, the policies must be reflective of the requirements of the CASA; must comply with national standards for effective policing policy; and must demonstrate trainable and evaluable policy components.*
- *Secondary compliance can be attained by implementing supervisory, managerial and executive practices designed to (and effective in) implementing the policy as written, e.g., Sergeants routinely enforce the policies among field personnel and are held accountable by managerial and executive levels of the Department for doing so. By definition, there should be operational artifacts (reports, disciplinary records, remands to retraining, follow-up, and even revisions to policies if necessary, indicating that the policies developed in the first stage of compliance are known to, followed by, and important to supervisory and managerial levels of the agency).*
- *Operational compliance is attained at the point that the adherence to policies is apparent in the day-to-day operation of the agency e.g., line personnel are routinely held accountable for compliance, not by the monitoring staff, but by their Sergeants, and Sergeants are routinely held accountable for compliance by their Lieutenants and command staff. In other words, APD ‘owns’ and enforces*

its own policies” (IMR-1, pg. 13).

Progress Report Organization

This report addresses progress made during the reporting period, February 1, 2019, through July 31, 2019, and APD’s responses to the IM recommendations. The progress report will correspond to the CASA, which is divided into ten (10) sections. This progress report includes information about all ten sections and associated subsections including any changes during the reporting period. The individual CASA paragraphs, including the corresponding CASA paragraph number, are listed after each section or subsection of the report followed by the recommendations and APD’s response to the recommendations. There are sections within the CASA that are in operational compliance; therefore, there are no recommendations for the respective paragraphs. However, the paragraphs are still listed for continuity throughout the report. Several paragraphs overlap, flow into one another and have the same requirements within them. APD has addressed these paragraphs in one section, as needed for easier reading. The ten CASA sections are:

1. Use of Force: Internal Controls and Accountability;
2. Specialized Units;
3. Crisis Intervention;
4. Policies and Training Generally;
5. Misconduct, Complaint Intake and Adjudication;
6. Staffing, Management, and Supervision;
7. Recruitment, Selection, and Promotions;
8. Officers Assistance and Support; and
9. Community Engagement and Oversight
10. Assessing Compliance

II. APD’s Progress on the CASA’s Measurable Paragraphs

The remainder of this report provides detailed information about the progress APD has made in measurable paragraphs in the ten CASA sections during the reporting period of February 1, 2019, through July 31, 2019. This will include progress made, plans to correct

any problems and responses to IMR recommendations. The reader should be aware all recommendations listed throughout this progress report are from IMR-9 and each recommendation has a corresponding recommendation number. IMR-9 may be located at <http://documents.cabq.gov/police/reports/department-of-justice/independent-monitors-ninth-report-may-2019.pdf>.

CASA Section 1: Use of Force: Internal Controls and Accountability (Paragraphs 14-89)

The Use of Force section of the CASA has nine subsections:

- A) Use of Force Principles;
- B) Use of Firearms;
- C) Electronic Control Weapons;
- D) Crowd Control;
- E) Use of Force Reporting;
- F) Force Investigations;
- G) Force Review Board;
- H) Multi-Agency Task Force; and
- I) Use of Force Training.

A). Use of Force Principles (Paragraphs 14-17)

14. Use of force by APD officers, regardless of the type of force, tactics, or weapon used, shall abide by the following requirements:
 - a) officers shall use advisements, warnings, and verbal persuasion, when possible, before resorting to force;
 - b) force shall be de-escalated immediately as resistance decreases;
 - c) officers shall allow individuals time to submit to arrest before force is used whenever possible;
 - d) APD shall explicitly prohibit neck holds, except where lethal force is authorized;

- e) APD shall explicitly prohibit using leg sweeps, arm-bar takedowns, or prone restraints, except as objectively reasonable to prevent imminent bodily harm to the officer or another person or persons; to overcome active resistance; or as objectively reasonable where physical removal is necessary to overcome passive resistance and handcuff the subject;
 - f) APD shall explicitly prohibit using force against persons in handcuffs, except as objectively reasonable to prevent imminent bodily harm to the officer or another person or persons; to overcome active resistance; or as objectively reasonable where physical removal is necessary to overcome passive resistance;
 - g) officers shall not use force to attempt to effect compliance with a command that is unlawful;
 - h) pointing a firearm at a person shall be reported as a Level 1 Use of Force, and shall be done only as objectively reasonable to accomplish a lawful police objective; and
 - i) immediately following a use of force, officers, and, upon arrival, a supervisor, shall inspect and observe subjects of force for injury or complaints of pain resulting from the use of force and immediately obtain any necessary medical care. This may require an officer to provide emergency first aid until professional medical care providers arrive on scene.
15. APD shall develop and implement an overarching agency-wide use of force policy that complies with applicable law and comports with best practices. The use of force policy shall include all force techniques, technologies, and weapons, both lethal and less lethal, that are available to APD officers, including authorized weapons, and weapons that are made available only to specialized units. The use of force policy shall clearly define and describe each force option and the factors officers should consider in determining which use of such force is appropriate. The use of force policy will incorporate the use of force principles and factors articulated above and shall specify that the use of unreasonable force will subject officers to discipline, possible criminal prosecution, and/or civil liability.
16. In addition to the overarching use of force policy, APD agrees to develop and implement protocols for each weapon, tactic, or use of force authorized by APD, including procedures for each of the types of force addressed below. The specific use of force protocols shall be consistent with the use of force principles in Paragraph 14 and the overarching use of force policy.
17. Officers shall carry only those weapons that have been authorized by the Department. Modifications or additions to weapons shall only be performed by the Department's Armorer as approved by the Chief. APD use of force policies shall include training and certification requirements that each officer must meet before being permitted to carry and use authorized weapons.

APD's Summary: A.) Use of Force Principles (Paragraphs 14-17)

During this reporting period, IAFD, the Training Academy, the Independent Monitor and team, and the Department of Justice developed the training curricula relating to APD SOP 2-56 Use of Force Reporting by Department Personnel and APD SOP 2-57 Use of Force Review and Investigation by Department Personnel. IAFD personnel attended the Los Angeles Police Department's (LAPD) Academy Instructor Certification Course (AICC) in July 2019 along with members of the APD Training Academy. The AICC training was beneficial in helping to develop the use of force training. Many of the facilitative instructional strategies taught will be incorporated in the curriculum for APD SOP 2-56 and APD SOP 2-57.

There were no recommendations for this section.

B.) Use of Firearms (Paragraphs 18-23)

18. Officers shall carry or use only agency-approved firearms and ammunition while on duty.
19. APD issued Special Order 14-32 requiring all officers to carry a Department-issued handgun while on duty. APD shall revise its force policies and protocols to reflect this requirement and shall implement a plan that provides: (a) a timetable for implementation; (b) sufficient training courses to allow officers to gain proficiency and meet qualification requirements within a specified period; and (c) protocols to track and control the inventory and issuance of handguns.
20. Officers shall be required to successfully qualify with each firearm that they are authorized to use or carry on-duty at least once each year. Officers who fail to qualify on their primary weapon system shall complete immediate remedial training. Those officers who still fail to qualify after remedial training shall immediately relinquish APD-issued firearms on which they failed to qualify. Those officers who still fail to qualify within a reasonable time shall immediately be placed in an administrative assignment and will be subject to administrative and/or disciplinary action, up to and including termination of employment.
21. APD training shall continue to require and instruct proper techniques for unholstering, drawing, or exhibiting a firearm.
22. APD shall adopt a policy that prohibits officers from discharging a firearm from a moving vehicle or at a moving vehicle, including shooting to disable a moving vehicle, unless an occupant of the vehicle is using lethal force, other than the vehicle itself, against the officer or another person, and such action is necessary for self-defense, defense of other officers,

or to protect another person. Officers shall not intentionally place themselves in the path of, or reach inside, a moving vehicle.

23. APD shall track all critical firearm discharges. APD shall include all critical firearm discharges and discharges at animals in its Early Intervention System and document such discharges in its use of force annual report.

APD's Summary: B.) Use of Firearms (Paragraphs 18-23)

During this reporting period, APD revised SOP 2-3 Firearms and Ammunition

Authorization to clearly define the difference between a weapon modification and a weapon accessory. The policy revisions will be trained during the 2019 Biennium Firearms Training.

Recommendations for Paragraphs 17-19:

- 4.7.4-6a APD should evaluate modalities for developing formal audit/review/reporting policy for “carry and use” assessments and inspections regarding modified or altered weapons outlined in these paragraphs, including known “successful” similar programs in other police agencies, using modalities established for Completed Staff Work.
- 4.7.4-6b APD should provide specific training for supervisors in the following areas identifying “weapons modifications”.
- 4.7.4-6c Training supervisors in monthly inspection requirements (all weapons/ammunition inspections training) should be a formal Training Academy function.
- 4.7.4-6d APD should complete additional work to coordinate the Firearms data with City IT, Property and the Training Academy.
- 4.7.4-6e Given recent noted intentional failures at the supervisory level related to weapons inspections by field sergeants, conduct an assessment check of all service areas across randomly selected shifts to assess the degree to which visual inspections of officer-carried duty weapons, and report findings in an official PINS (Problems, Issues, Needs, Solutions) document.
- 4.7.4-6f: If necessary, re-train sergeants, lieutenants, and commanders of squads, units, and area commands that score < .95 on the inspections protocols noted in “e” above.

Response:

- APD SOP 2-3 Firearms and Ammunition Authorization is in the final stage of the policy development process with revisions to include clarification as to what constitutes a modification versus an accessory to a weapon. APD has also audited Department firearms both issued and those in the custodian of the Property Unit. APD is focusing on ensuring weapons are properly accounted for within the inventory program.
- The APD Training Academy staff is developing a firearm modification and authorized ammunition training plan, which will be delivered to all sworn personnel during the 2019 Biennium Firearms Training.
- APD has initiated a pilot program with a revised Inspection Form. This will improve tracking of firearms and inspections by supervisors.
- APD has merged firearms data from the inventory program and the training program to more accurately track firearms scores and overall data related to firearms.

Recommendation for Paragraph 23:

- 4.7.10a: Continue the work currently being done to bring annual reports into the required cycle, including the report for 2018.

Response:

- APD published the 2016/2017 Annual Use of Force Report in March 2019. Given substantive feedback from the DOJ, the IMT and the community, APD is revising the format for the 2018 Annual Use of Force Report, which will include more analysis of information learned from the data.

C.) Electronic Control Weapons (Paragraphs 24-38)

24. ECWs shall not be used solely as a compliance technique or to overcome passive resistance. Officers may use ECWs only when such force is necessary to protect the officer, the subject, or another person from physical harm and after considering less intrusive means based on the threat or resistance encountered. Officers are authorized to use ECWs to control an actively resistant person when attempts to subdue the person by other tactics have been, or will likely be, ineffective and there is a reasonable expectation that it will be unsafe for officers to approach the person within contact range.
25. Unless doing so would place any person at risk, officers shall issue a verbal warning to the subject that the ECW will be used prior to discharging an ECW on the subject. Where feasible, the officer will defer ECW application for a reasonable time to allow the subject to comply with the warning.
26. ECWs will not be used where such deployment poses a substantial risk of serious physical injury or death from situational hazards, except where lethal force would be permitted. Situational hazards include falling from an elevated position, drowning, losing control of a moving motor vehicle or bicycle, or the known presence of an explosive or flammable material or substance.
27. Continuous cycling of ECWs is permitted only under exceptional circumstances where it is necessary to handcuff a subject under power. Officers shall be trained to attempt hands-on control tactics during ECW applications, including handcuffing the subject during ECW application (i.e., handcuffing under power). After one standard ECW cycle (5 seconds), the officer shall reevaluate the situation to determine if subsequent cycles are necessary. Officers shall consider that exposure to the ECW for longer than 15 seconds (whether due to multiple applications or continuous cycling) may increase the risk of death or serious injury. Officers shall also weigh the risks of subsequent or continuous cycles against other force options. Officers shall independently justify each cycle or continuous cycle of five seconds against the subject in Use of Force Reports.
28. ECWs shall not be used solely in drive-stun mode as a pain compliance technique. ECWs may be used in drive-stun mode only to supplement the probe mode to complete the incapacitation circuit, or as a countermeasure to gain separation between officers and the subject, so that officers can consider another force option.
29. Officers shall determine the reasonableness of ECW use based upon all circumstances, including the subject's age, size, physical condition, and the feasibility of lesser force options. ECWs should generally not be used against visibly pregnant women, elderly persons, young children, or visibly frail persons. In some cases, other control techniques may be more appropriate as determined by the subject's threat level to themselves or others. Officers shall be trained on the increased risks that ECWs may present to the above-listed vulnerable populations.
30. Officers shall not intentionally target a subject's head, neck, or genitalia, except where lethal force would be permitted, or where the officer has reasonable cause to believe there is an imminent risk of serious physical injury.

31. ECWs shall not be used on handcuffed subjects, unless doing so is necessary to prevent them from causing serious physical injury to themselves or others, and if lesser attempts of control have been ineffective.
32. Officers shall keep ECWs in a weak-side holster to reduce the chances of accidentally drawing and/or firing a firearm.
33. Officers shall receive annual ECW certifications, which should consist of physical competency; weapon retention; APD policy, including any policy changes; technology changes; and scenario- and judgment-based training.
34. Officers shall be trained in and follow protocols developed by APD, in conjunction with medical professionals, on their responsibilities following ECW use, including:
 - a) removing ECW probes, including the requirements described in Paragraph 35;
 - b) understanding risks of positional asphyxia, and training officers to use restraint techniques that do not impair the subject's respiration following an ECW application;
 - c) monitoring all subjects of force who have received an ECW application while in police custody; and
 - d) informing medical personnel of all subjects who: have been subjected to ECW applications, including prolonged applications (more than 15 seconds); are under the influence of drugs and/or exhibiting symptoms associated with excited delirium; or were kept in prone restraints after ECW use.
35. The City shall ensure that all subjects who have been exposed to ECW application shall receive a medical evaluation by emergency medical responders in the field or at a medical facility. Absent exigent circumstances, probes will only be removed from a subject's skin by medical personnel.
36. Officers shall immediately notify their supervisor and the communications command center of all ECW discharges (except for training discharges).
37. APD agrees to develop and implement integrity safeguards on the use of ECWs to ensure compliance with APD policy. APD agrees to implement a protocol for quarterly downloads and audits of all ECWs. APD agrees to conduct random and directed audits of ECW deployment data. The audits should compare the downloaded data to the officer's Use of Force Reports. Discrepancies within the audit should be addressed and appropriately investigated.
38. APD agrees to include the number of ECWs in operation and assigned to officers, and the number of ECW uses, as elements of the Early Intervention System. Analysis of this data shall include a determination of whether ECWs result in an increase in the use of force, and

whether officer and subject injuries are affected by the rate of ECW use. Probe deployments, except those described in Paragraph 30, shall not be considered injuries. APD shall track all ECW laser painting and arcing and their effects on compliance rates as part of its data collection and analysis. ECW data analysis shall be included in APD's use of force annual report.

Recommendations for Paragraph 24-25, 27, 29, 32 and 38:

- 4.7.23a: Given the small sample size in the monitor's evaluation, APD should conduct an internal review of compliance for paragraphs 24, 25, 27, 29, 32, and 38 using a broader sample size.
- 4.7.23b: Error rates should be reported for each paragraph (24, 25, 27, 29, 32, and 38), listing the number of events sampled and the number of errors identified, by area command, shift, and supervisor.
- 4.7.23c: For each area command, shift and supervisor identified with multiple errors, develop a remediation command that addresses the officer, the officer's supervisor, and the shift command structure.
- 4.7.23d: Ensure that the errors identified in the internal review are analyzed and categorized by policy segment, supervisor, lieutenant, and area command.
- 4.7.23e: Require specific and meaningful "intervention," based on errors attributable to sergeants, lieutenants, and area command.
- 4.7.23f: After six months, re-visit the respective area commands and sample a second set of OBRD reviews to determine if compliance levels have improved.
- 4.7.23g: If compliance levels have not improved consider appropriate discipline for the responsible sergeants, lieutenants, and area commander.
- 4.7.23h: Repeat steps 1-6 until error rates are less than five percent.
- 4.7.23i: The internal review should focus on areas of non-compliance noted by the monitor.

Response:

- In February 2019, the Accountability and Oversight Division's Performance Metrics Unit (PMU) began a pilot project in the Northwest and Foothills Area Commands. This pilot included monthly quantitative analysis of specific ECW-related measurements. Three examples of these types of measurements are: 1) if officers are carrying the ECW on their

weak side holster, 2) ensuring officers requested a medical evaluation by medical responders after using force with an ECW, or 3) ensuring officers did not use an ECW on a handcuffed individual. PMU checks the corresponding equipment line inspection forms, the narrative reports for the use of force and the Computer-Aided Dispatch (CAD) system to verify if officers followed policy. The CAD system provides calls for service information such as if and when medical personnel are requested. PMU conducted inspections based on a sample of officers from each Area Command. The purpose of the inspections are to assess compliance with ECW related policies. These monthly evaluations and audits continue to be progressively rolled out. As of July 31, 2019, monthly evaluations and audits are conducted in four of the six Area Commands.

- The monthly evaluations and audits include ECW-related paragraphs 26, 27, 30, 31, and 35-37. The objective is to report the areas in need of improvement in order to reach 95% compliance for the respective CASA paragraph and track trend data to ensure the Department maintains compliance. An example of the trend data collected to date can be located in Appendix A.

Recommendations for Paragraph 38:

- 4.7.25a: APD should commission a “working group” from City data processing, APD Internal Affairs, APD Compliance Bureau and other related stakeholders who use, or would use, the EIRS system. This working group should be tasked with identifying: 1.) Current goals and objectives of the EIRS system design; 2.) Current absolute needs from the EIRS system related to “must have” components; 3.) Realistic “future needs” identified by adding to the “must haves” all CASA-required capacities; and 4.) a general description of probable needs over the next 5 years. This may require contracting with a systems- design firm or other outside resource.
- 4.7.25b: Given the results of the process outlined in 4.7.2a, develop or purchase or develop a system that will be capable of meeting specified goals and objectives, and capable of meeting projected 5-year goals and objectives.
- 4.7.25c: “Build” or purchase a system that will meet identified “must have” needs and is expandable to meet identified future “must have” needs.

- 4.7.25d: APD should obtain outside input from Seattle PD, New Orleans PD, and Cleveland PD regarding their actions in response to similar language in their consent decrees
- 4.7.25e: APD should consult with, and document recommendations from the City's data management division regarding whether the current system is salvageable, and if not, should consider moving to systems in use in other agencies currently undergoing DOJ-related reform processes that offer better chances for success than the current EIRS.
- 4.7.25f: APD should monitor the staffing levels in PMU and leverage their efforts to benefit all areas of the CASA.

Response:

- The Early Intervention and Recognition System (EIRS) is undergoing a major revision, the foundation of which is developing a data-driven process for monitoring officer performance.
- The current Early Intervention and Recognition System policy has been revised under APD SOP 3-33 Performance Evaluation and Management System (PEMS). SOP 3-33 is in the final stage of the policy development process.
- APD submitted a Request for Proposal for a Comprehensive Data Management System (CDMS) during this reporting period. One of the proposed components of the CDMS is an Early Intervention System to monitor officer performance, analyze data and supporting employees to ensure a professional work environment promoting constitutional policing, community trust and career development. The City is awaiting vendor selection based on Request for Proposal responses.

D.) Crowd Control and Incident Management (Paragraphs 39-40)

39. APD shall maintain crowd control and incident management policies that comply with applicable law and best practices. At a minimum, the incident management policies shall:
- a) define APD's mission during mass demonstrations, civil disturbances, or other crowded situations;

- b) encourage the peaceful and lawful gathering of individuals and include strategies for crowd containment, crowd redirecting, and planned responses;
 - c) require the use of crowd control techniques that safeguard the fundamental rights of individuals who gather or speak out legally; and
 - d) continue to prohibit the use of canines for crowd control.
40. APD shall require an after-action review of law enforcement activities following each response to mass demonstrations, civil disturbances, or other crowded situations to ensure compliance with applicable laws, best practices, and APD policies and procedures.

APD's Summary: D.) Crowd Control and Incident Management (Paragraphs 39-40)

During this reporting period, APD focused on developing and completing Crowd Control Gap Training as well as revising APD SOP 2-29 Emergency Response Team (ERT). APD SOP 2-29 is in the final stage of the policy development process. Crowd Control Gap Training was completed in July 2019 with a 95% compliance rate.

Recommendations for Paragraphs 39-40:

- 4.7.26a: Execute, evaluate, and if necessary, field test (via mock events) APD's new crowd control policies and training to ensure they meet articulated goals and objectives.
- 4.7.26b: Develop and deliver a meaningful training program to its ERT and Field Services members that is centered on crowd control policies. That training should include scenarios, practical exercises, and lessons learned from previous APD responses to events. Training must meet the instructional objectives documented within APD lesson plans.
- 4.7.27a: Develop and deliver a meaningful training program to ERT and Field Services members that is centered on crowd control policies. That training should include scenarios, practical exercises, and lessons learned from previous APD responses to events. Training must meet the instructional objectives documented within APD lesson plans.
- 4.7.27b: Ensure that APD's after-action reports follow a standard structure and include mechanisms for communicating needed revisions to policy and training within the agency. We encourage APD's ERT Commanders to review past reports for monitor's comments regarding AARs and to incorporate AAR procedures and forms (previously agreed upon) into SOPs.

- 47.7.27c: Any recommendations made from after-action reporting should follow a logical and repetitive cycle wherein APD can demonstrate it adequately “closes the loop” on lessons learned, e.g., recommendation, implemented practice addressing recommendations, evaluation of results of changes implemented, etc.

Response:

- Upon approval of APD SOP 2-29, APD will develop and conduct an 8-hour training.
- APD has adopted an After-Action Report that follows a standard structure and includes mechanisms for communicating needed revisions to policy and training within the Department.
- Recommendations made from After-Action Reports are sent to the ERT Commander to correct noted deficiencies and address lessons learned.

E.) Use of Force Reporting (Paragraphs 41-45); F) Force Investigations (Paragraphs 46-77); G) Force Review Board (Paragraphs 78-80)

41. Uses of force will be divided into three levels for reporting, investigating, and reviewing purposes. APD shall develop and implement a use of force reporting policy and Use of Force Report Form that comply with applicable law and comport with best practices. The use of force reporting policy will require officers to immediately notify their immediate, on-duty supervisor within their chain of command following any use of force, prisoner injury, or allegation of any use of force. Personnel who have knowledge of a use of force by another officer will immediately report the incident to an on-duty supervisor. This reporting requirement also applies to off-duty officers engaged in enforcement action.
42. The use of force reporting policy shall require all officers to provide a written or recorded use of force narrative of the facts leading to the use of force to the supervisor conducting the review or the APD officer conducting the investigation. The written or recorded narrative will include: (a) a detailed account of the incident from the officer’s perspective; (b) the reason for the initial police presence; (c) a specific description of the acts that led to the use of force, including the subject’s behavior; (d) the level of resistance encountered; and (e) a description of each type of force used and justification for each use of force. Officers shall not merely use boilerplate or conclusory language but must include specific facts and circumstances that led to the use of force.
43. Failure to report a use of force or prisoner injury by an APD officer shall subject officers to disciplinary action.
44. APD policy shall require officers to request medical services immediately when an individual is injured or complains of injury following a use of force. The policy shall also

require officers who transport a civilian to a medical facility for treatment to take the safest and most direct route to the medical facility. The policy shall further require that officers notify the communications command center of the starting and ending mileage on the transporting vehicle.

45. APD shall require officers to activate on-body recording systems and record all use of force encounters. Consistent with Paragraph 228 below, officers who do not record use of force encounters shall be subject to discipline, up to and including termination.
46. The three levels of use of force will have different kinds of departmental review. All uses of force by APD shall be subject to supervisory review, and Level 2 and Level 3 uses of force are subject to force investigations as set forth below. All force reviews and investigations shall comply with applicable law and comport with best practices. All force reviews and investigations shall determine whether each involved officer's conduct was legally justified and complied with APD policy.
47. The quality of supervisory force reviews shall be taken into account in the performance evaluations of the officers performing such reviews.
48. APD agrees to develop and implement force classification procedures that include at least three categories of types of force that will determine the force review or investigation required. The categories or types of force shall be based on the level of force used and the risk of injury or actual injury from the use of force. The goal is to promote greater efficiency and reduce burdens on first-line supervisors, while optimizing critical investigative resources on higher-risk uses of force. The levels of force are defined as follow:
 - a. Level 1 is force that is likely to cause only transitory pain, disorientation, or discomfort during its application as a means of gaining compliance. This includes techniques which are not reasonably expected to cause injury, do not result in actual injury, and are not likely to result in a complaint of injury (i.e., pain compliance techniques and resisted handcuffing). Pointing a firearm, beanbag shotgun, or 40 millimeter launcher at a subject, or using an ECW to "paint" a subject with the laser sight, as a show of force are reportable as Level 1 force. Level 1 force does not include interaction meant to guide, assist, or control a subject who is offering minimal resistance.
 - b. Level 2 is force that causes injury, could reasonably be expected to cause injury, or results in a complaint of injury. Level 2 force includes use of an ECW, including where an ECW is fired at a subject but misses; use of a beanbag shotgun or 40 millimeter launcher, including where it is fired at a subject but misses; OC Spray application; empty hand techniques (i.e., strikes, kicks, takedowns, distraction techniques, or leg sweeps); and strikes with impact weapons, except strikes to the head, neck, or throat, which would be considered a Level 3 use of force.
 - c. Level 3 is force that results in, or could reasonably result in, serious physical injury, hospitalization, or death. Level 3 force includes all lethal force; critical firearms discharges; all head, neck, and throat strikes with an object; neck holds; canine bites;

three or more uses of an ECW on an individual during a single interaction regardless of mode or duration or an ECW application for longer than 15 seconds, whether continuous or consecutive; four or more strikes with a baton; any strike, blow, kick, ECW application, or similar use of force against a handcuffed subject; and uses of force resulting in a loss of consciousness. As set forth in Paragraphs 81-85 below, APD shall continue to participate in the Multi-Agency Task Force, pursuant to its Memorandum of Understanding, in order to conduct criminal investigations of at least the following types of force or incidents: (a) officer-involved shootings; (b) serious uses of force as defined by the Memorandum of Understanding; (c) in-custody deaths; and (d) other incidents resulting in death at the discretion of the Chief.

49. Under the force classification procedures, officers who use Level 1 force shall report the force to their supervisor as required by Paragraph 42; Level 1 uses of force that do not indicate apparent criminal conduct by an officer will be reviewed by the chain of command of the officer using force. Level 2 and 3 uses of force shall be investigated by the Internal Affairs Division, as described below. When a use of force or other incident is under criminal investigation by the Multi-Agency Task Force, APD's Internal Affairs Division will conduct the administrative investigation. Pursuant to its Memorandum of Understanding, the Multi-Agency Task Force shall periodically share information and coordinate with the Internal Affairs Division, as appropriate and in accordance with applicable laws, to ensure timely and thorough administrative investigations of uses of force.
50. The supervisor of an officer using force shall respond to the scene of all Level 1, 2, and 3 uses of force to ensure that the use of force is classified according to APD's force classification procedures. For Level 2 and Level 3 uses of force, the supervisor shall ensure that the Force Investigation Section of the Internal Affairs Division is immediately notified and dispatched to the scene of the incident to initiate the force investigation.
51. A supervisor who was involved in a reportable use of force, including by participating in or ordering the force being reviewed, shall not review the incident or Use of Force Reports for approval.
52. For all supervisory reviews of Level 1 uses of force, the supervisor shall:
 - a) respond to the scene and immediately identify the officer(s) involved in Level 1 use of force;
 - b) review the involved officer's lapel video, determining whether the incident involves a Level 1 use of force;
 - c) review the lapel video of other officers on-scene where uncertainty remains about whether the incident rises to a Level 2 or Level 3 use of force;
 - d) examine personnel and the subject for injuries and request medical attention where appropriate.;

- e) contact the Internal Affairs Division to conduct a Level 2 or Level 3 use of force investigation if lapel video does not affirm a Level 1 use of force;
 - f) gather any evidence located at the scene of the Level 1 use of force;
 - g) capture photographs of the officer(s) and subject involved in the Level 1 use of force;
 - h) require the submission of a Use of Force Report from the involved officer by the end of shift; and
 - i) conduct any other fact-gathering activities while on-scene, as necessary, to reach reliable conclusions regarding the officer's use of Level 1 force.
53. Each supervisor shall complete and document a supervisory force review of a Level 1 Use of Force within 72 hours of the use of force. Any extension of this 72-hour deadline must be authorized by a Commander. This review shall include:
- a) all written or recorded use of force narratives or statements provided by personnel or others;
 - b) documentation of all evidence that was gathered, including names, phone numbers, and addresses of witnesses to the incident. In situations in which there are no known witnesses, the report shall specifically state this fact. In situations in which witnesses were present but circumstances prevented the author of the report from determining the identification, phone number, or address of the witnesses, the report shall state the reasons why. The report should also include all available identifying information for anyone who refuses to provide a statement;
 - c) the names of all other APD employees witnessing the use of force;
 - d) the supervisor's narrative evaluating the use of force, based on the supervisor's analysis of the evidence gathered, including a determination of whether the officer's actions complied with APD policy and state and federal law; and an assessment of the incident for tactical and training implications, including whether the use of force could have been avoided through the use of de-escalation techniques and
 - e) documentation that additional issues of concern not related to the use of force incident have been identified and addressed by separate memorandum.
54. Upon completion of the review, the reviewing supervisor shall forward the review through his or her chain of command to the Commander, who shall review the entry to ensure that it is complete and that the findings are supported using the preponderance of the evidence standard. The Commander shall order additional review when it appears that there is additional relevant evidence that may assist in resolving inconsistencies or improving the reliability or credibility of the findings. These reviews shall be completed electronically and tracked in an automated database within the Internal Affairs Division.
55. Where the findings of the supervisory review are not supported by a preponderance of the evidence, the supervisor's Commander shall document the reasons for this determination

and shall include this documentation as an addendum to the original review. The supervisor's superior shall take appropriate action to address the inadequately supported determination and any deficiencies that led to it. Commanders shall be responsible for the accuracy and completeness of the Level 1 force reviews prepared by supervisors under their command.

56. Where a supervisor repeatedly conducts deficient supervisory force reviews, the supervisor shall receive the appropriate corrective and/or disciplinary action, including training, demotion, and/or removal from a supervisory position in accordance with performance evaluation procedures and consistent with any existing collective bargaining agreements, personnel rules, Labor Management Relations Ordinance, Merit System Ordinance, regulations, or administrative rules. Whenever a supervisor or Commander finds evidence of a use of force indicating apparent criminal conduct by an officer, the supervisor or Commander shall suspend the supervisory force review immediately and notify the Internal Affairs Division and the Chief. The Force Investigation Section of the Internal Affairs Division shall immediately initiate the administrative and criminal investigation.
57. When the Commander finds that the supervisory force review is complete and the findings are supported by the evidence, the file shall be forwarded to the Performance Review Unit of the Compliance Bureau. The Performance Review Unit shall review the supervisory force review to ensure that it is complete and that the findings are supported by the evidence. The Performance Review Unit shall ensure that the file is forwarded to the Internal Affairs Division for recordkeeping. Where the Performance Review Unit of the Compliance Bureau determines that a supervisory force review, which has been completed by the supervisor and reviewed by the chain of command, is deficient, the Performance Review Unit shall forward the review to the supervisor for correction. Any performance deficiencies in the investigation or review will be noted in the affected Commander's performance records.
58. At the discretion of the Chief, a supervisory force review may be assigned or re-assigned to another supervisor, whether within or outside of the Command in which the incident occurred, or may be returned to the original supervisor for further review or analysis. This assignment or re-assignment shall be explained in writing.
59. Where, after a supervisory force review, a use of force is found to violate policy, the Chief shall direct and ensure appropriate discipline and/or corrective action. Where the use of force indicates policy, training, tactical, or equipment concerns, the Chief shall also ensure that necessary training is delivered and that policy, tactical, or equipment concerns are resolved.

APD's Summary: E.) Use of Force Reporting (Paragraphs 41-45); F) Force Investigations (Paragraphs 46-77); G.) Force Review Board (Paragraphs 78-80)

APD is in the process of training the approved use of force policy suite. The use of force training is described in further detail below in Section I: Use of Force Training. In July 2019,

the Force Review Board (FRB) members received 16 hours of training in an effort to reconvene the FRB in August 2019.

Recommendations for Paragraph 41-57 and 59:

- 4.7.28 - 44a: For the Area Command in question, develop documented and evaluated training regarding use of force, use of force reporting policy, supervision, and remediation of poor performance.
- 4.7.28 - 44b: For the Area Command in question ensure that the training developed conforms to the CASA, national standards and the extensive and intensive advice provided to APD (both in writing and in person) by the monitoring team.
- 4.7.28 - 44c: For the Area Command in question, monitor the delivery of the approved training processes intensively. We have noted, in the past, that some SMEs at APD have a tendency to “leave the script” and support training processes that are not reflective to the intent, spirit, and fabric of the training practices developed by Academy leadership, APD leadership, and the monitoring team.
- 4.7.28 - 44d: Ensure that testing covers the critical deficiencies noted in in-field performance, especially relating to supervision and management of use-of-force practices in the field.
- 4.7.28 - 44e: Ensure that this training conforms to monitor-approved training plans.
- 4.7.28 - 44f: Ensure that testing protocols are designed to measure learning on critical points of the training process and are reasonably designed to identify weakness in the training design.
- 4.7.28 - 44g: Plan for mid-course corrections after each session of use of force training is delivered, using a test-for-learning processes that provide notice to the Academy if training is not as effective as anticipated.
- 4.7.28 - 44h: Implement mid-course corrections between classes, and if the learning failures are significant and on the critical path for effective use of force practices in the field, remediate via retraining process, such as video segments, written updates, etc.
- 4.7.28 - 44i: Conduct follow-up assessments concerning the efficacy of the training as supervisors begin implementing training received when they return to the field.
- 4.7.28 - 44j: Where those follow-up assessments identify supervisors who are not following policy and training, develop immediate intervention practices to document failed supervisory processes, mentor sergeants, lieutenants and commanders who fail to follow practice, and follow-up to ensure intervention has been successful.

Response:

- IAFD, in collaboration with the APD Training Academy, developed training on the new use of force policy suite (APD SOP 2-52 through APD SOP 2-57).
- In February 2019, IAFD supervisors trained all APD lieutenants on the backlog method of use of force in an effort to improve and provide consistency in case reviews.
- IAFD personnel trained six newly promoted sergeants during this reporting period.
- IAFD provides the APD Training Academy quarterly reports based on trend data identified during use of force case investigations and reviews. The most recent quarterly report was provided in July 2019, which contained 100% of the results from the use of force backlog.
- In June 2019, APD hired a Program Data Analyst II. The Program Data Analyst II is in the process of analyzing use of force data. The completed analysis will be used to guide future use of force training based on identified failures and deficiencies.
- During this reporting period, APD completed 95.1% of the use of force backlog cases. The anticipated completion for 100% of the use of force backlog cases is October 2019.

Recommendations for Paragraph 58:

- 4.7.45a: Develop an early intervention system that triggers alerts when clusters of poorly investigated use of force incidents arise, and address these issues early with Area Command staff, requiring Commanders affected to develop and implement written “Intervention Plans” designed to identify the causes of failure and remediate those causes systematically.
- 4.7.45b: Routinely monitor the intervention process for integrity to the proffered plans.

Response:

- The Internal Affairs Professional Standards (IAPS) Division has a team dedicated to the Early Intervention System referred to as the Performance Evaluation Management

System (PEMS). APD SOP 3-33 PEMS policy is in the final stage of the policy development process.

- APD is in the test phase of the PEMS to ensure the appropriate threshold assessments are identified and evaluation criteria is accurate and standardized.
60. The Force Investigation Section of the Internal Affairs Division shall respond to the scene and conduct investigations of Level 2 and Level 3 uses of force, uses of force indicating apparent criminal conduct by an officer, uses of force by APD personnel of a rank higher than sergeant, or uses of force reassigned to the Internal Affairs Division by the Chief. In cases where an investigator in the Force Investigation Section initiates a Level 2 or Level 3 use of force investigation and identifies indications of apparent criminal conduct, the Section shall refer the use of force to an investigator in the Section, with no involvement in the initial administrative investigation into the Level 2 or 3 use of force, to conduct a criminal investigation. The criminal investigation shall remain separate from and independent of any administrative investigation. In instances where the Multi-Agency Task Force is conducting the criminal investigation of a use of force, the Internal Affairs Division shall conduct the administrative investigation.

Recommendation for Paragraph 60:

- 4.7.47a: APD should continue its current planning processes related to reconstituting an effective FRB process. We have reviewed work completed to date by the department regarding the reconstituted FRB, and find it methodical, based on lessons learned from other agencies working through consent decrees, and focused on past comments by the monitoring team related to FRB processes.

Response:

- APD has restructured and revised the Force Review Board process. A detailed response to the recommendation for Paragraph 60 will be discussed below under Paragraph 78 (Force Review Board).
61. The Force Investigation Section of the Internal Affairs Division will be responsible for conducting both criminal and administrative investigations, except as stated in Paragraph 60. The Force Investigation Section of the Internal Affairs Division shall include sufficient personnel who are specially trained in both criminal and administrative investigations.
62. Within six months from the Operational Date, APD shall revise the Internal Affairs Division manual to include the following:
- a) definitions of all relevant terms;

- b) procedures on report writing;
 - c) procedures for collecting and processing evidence;
 - d) procedures to ensure appropriate separation of criminal and administrative investigations in the event of compelled subject officer statements;
 - e) procedures for consulting with the District Attorney's Office or the USAO, as appropriate, including ensuring that administrative investigations are not unnecessarily delayed while a criminal investigation is pending;
 - f) scene management procedures; and
 - g) management procedures.
63. Within 39 months from the Operational Date, APD shall ensure that there are sufficient trained personnel assigned to the Internal Affairs Division and Force Investigation Section to fulfill the requirements of this Agreement. APD shall ensure that all Level 2 and Level 3 uses of force are investigated fully and fairly by individuals with appropriate expertise, independence, and investigative skills so that uses of force that are contrary to law or policy are identified and appropriately resolved; that policy, training, equipment, or tactical deficiencies related to the use of force are identified and corrected; and that investigations of sufficient quality are conducted so that officers can be held accountable, if necessary. At the discretion of the Chief, APD may hire and retain personnel, or reassign current APD employees, with sufficient expertise and skills to the Internal Affairs Division or Force Investigation Section
64. Before performing force investigations, Force Investigation Section personnel shall receive force investigation training that includes, at a minimum, the following areas: force investigation procedures; call-out and investigative protocols; proper roles of on-scene counterparts such as crime scene technicians, the Office of the Medical Investigator, District Attorney staff, the Multi-Agency Task Force, City Attorney staff, and Civilian Police Oversight Agency staff; and investigative equipment and techniques. Force Investigation Section personnel shall also receive force investigation annual in-service training.
65. Where appropriate to ensure the fact and appearance of impartiality and with the authorization of the Chief, APD may refer a use of force indicating apparent criminal conduct by an officer to the Multi-Agency Task Force for criminal investigation.
66. To ensure that criminal and administrative investigations remain separate, APD's Violent Crimes Section may support the Force Investigation Section of the Internal Affairs Division or the Multi-Agency Task Force in the investigation of any Level 2 or Level 3 use of force, as defined by this Agreement, including critical firearm discharges, in-custody deaths, or police-initiated actions in which a death or serious physical injury occurs.
67. The Chief shall notify and consult with the District Attorney's Office, the Federal Bureau of Investigation, and/or the USAO, as appropriate, regarding any use of force indicating

apparent criminal conduct by an officer or evidence of criminal conduct by an officer discovered during a misconduct investigation.

68. If APD initiates a criminal investigation, or where APD requests a criminal prosecution, the Force Investigation Section will delay any compelled interview of the target officer(s) pending consultation with the District Attorney's Office or the USAO, consistent with Paragraph 186. No other part of the administrative investigation shall be held in abeyance unless specifically authorized by the Chief in consultation with the agency conducting the criminal investigation.
69. In conducting its investigations of Level 2 or Level 3 uses of force, as defined in this Agreement, the Force Investigation Section shall:
 - a) respond to the scene and consult with the on-scene supervisor to ensure that all personnel and subject(s) of use of force have been examined for injuries, that the use of force has been classified according to APD's classification procedures, that subject(s) have been interviewed for complaints of pain after advising the subject(s) of his or her rights, and that all officers and/or subject(s) have received medical attention, if applicable;
 - b) ensure that all evidence to establish material facts related to the use of force, including but not limited to audio and video recordings, photographs, and other documentation of injuries or the absence of injuries is collected;
 - c) ensure that a canvass for, and interview of, witnesses is conducted. In addition, witnesses should be encouraged to provide and sign a written statement in their own words;
 - d) ensure, consistent with applicable law, that all officers witnessing a Level 2 or Level 3 use of force by another officer provide a use of force narrative of the facts leading to the use of force;
 - e) provide a written admonishment to involved and witness officer(s) to the use of force that they are not to speak about the force incident with anyone until they are interviewed by the investigator of the Force Investigation Section;
 - f) conduct only one-on-one interviews with involved and witness officers;
 - g) review all Use of Force Reports to ensure that these statements include the information required by this Agreement and APD policy;
 - h) ensure that all Use of Force Reports identify all officers who were involved in the incident, witnessed the incident, or were on the scene when it occurred;
 - i) conduct investigations in a rigorous manner designed to determine the facts and, when conducting interviews, avoid asking leading questions and never ask officers or other witnesses any questions that may suggest legal justifications for the officers' conduct;
 - j) record all interviews;

- k) consider all relevant evidence, including circumstantial, direct, and physical evidence, as appropriate, and make credibility determinations, if feasible;
 - l) make all reasonable efforts to resolve material inconsistencies between the officer, subject, and witness statements, as well as inconsistencies between the level of force described by the officer and any injuries to personnel or subjects; and
 - m) train all Internal Affairs Division force investigators on the factors to consider when evaluating credibility, incorporating credibility instructions provided to jurors.
70. The Force Investigation Section shall complete an initial Use of Force Data Report through the chain of command to the Chief as soon as possible, but in no circumstances later than 24 hours after learning of the use of force.

Recommendation for Paragraphs 61-70:

- 4.7.48a: Continue to monitor internally the progress of the Internal Affairs in conducting effective intake, assessment, assignment, investigation, and resolution processes for criminal and civil investigations in order to ensure that staffing levels are appropriate and processes are effective in producing acceptable results.
- 4.7.49a: Continue work on revision and update of the IAB manuals, ensuring they comply with the CASA and best practices in the field.
- 4.7.50a: Identify the department's expected milestone date for staffing at IAB based on data related to incoming cases, average time for case completion, and calculations of the number of staff needed to effectively investigate incoming cases within established expected parameters.
- 4.7.56a: Conduct detailed failure analyses for all IAB investigations deemed improperly completed.
- 4.7.56b: Using these failure analyses, routinely modify training, procedures, practice and supervision/oversight until IAB findings are greater than 94 percent complete and adequate on each of the elements addressed in paragraph 69.
- 4.7.57a: Conduct a data analysis of use of force Data reports to determine why they take longer than 24 hours to process and develop recommendations to relieve the major bottlenecks affecting this process.
- 4.7.57b: Ensure that any ECW errors noted based on the monitor's recommendations in response to identified issues with ECW usage are used to make changes to use of force data analyses moving forward.

Response:

- IAFD began measuring results in June and July 2019 based on current staffing levels in

order to assess the timeliness and quality of use of force investigations.

- APD continuously monitors the caseload of the IAFD detectives and makes adjustments where necessary to ensure efficiency and effectiveness with assigned cases. APD will continue to evaluate staffing levels to maximize resources for timely and quality use of force investigations.
 - A new policy, APD SOP 1-61 Internal Affairs Force Division, has been drafted for the Division and is scheduled to be presented to the Policy and Procedures Review Board (PPRB) in September 2019. Upon approval of the policy, a 40-hour training will be developed for IAFD personnel.
 - The IAFD Lieutenant reviews current use of force investigations and captures the analysis on IAFD's Lieutenant Compliance Form. The form includes and demonstrates the 24-hour compliance expectation.
 - The newly hired Program Data Analyst II will be reviewing and identifying errors in ECW usage.
71. The Force Investigation Section shall complete Level 2 or Level 3 administrative investigations within three months after learning of the use of force. Any request for an extension to this time limit must be approved by the commanding officer of the Force Investigation Section through consultation with the Chief or by the Chief. At the conclusion of each use of force investigation, the Force Investigation Section shall prepare an investigation report. The report shall include:
- a) a narrative description of the incident, including a precise description of the evidence that either justifies or fails to justify the officer's conduct based on the Force Investigation Section's independent review of the facts and circumstances of the incident;
 - b) documentation of all evidence that was gathered, including names, phone numbers, addresses of witnesses to the incident, and all underlying Use of Force Data Reports. In situations in which there are no known witnesses, the report shall specifically state this fact. In situations in which witnesses were present but circumstances prevented the author of the report from determining the identification, phone number, or address of those witnesses, the report shall state the reasons why. The report should also include all available identifying information for anyone who refuses to provide a statement;

- c) the names of all other APD officers or employees witnessing the use of force;
 - d) the Force Investigation Section's narrative evaluating the use of force, based on the evidence gathered, including a determination of whether the officer's actions complied with APD policy and state and federal law; and an assessment of the incident for tactical and training implications, including whether the use of force could have been avoided through the use of de-escalation techniques or lesser force options;
 - e) if a weapon was used by an officer, documentation that the officer's certification and training for the weapon were current at the time of the incident; and
 - f) the complete disciplinary history of the target officers involved in the use of force.
72. Upon completion of the Force Investigation Section investigation report, the Force Investigation Section investigator shall forward the report through his or her chain of command to the commanding officer of the Internal Affairs Division. The Internal Affairs Division commanding officer shall review the report to ensure that it is complete and that, for administrative investigations, the findings are supported using the preponderance of the evidence standard. The Internal Affairs Division commanding officer shall order additional investigation when it appears that there is additional relevant evidence that may assist in resolving inconsistencies or improve the reliability or credibility of the findings.
73. For administrative investigations, where the findings of the Force Investigation Section investigation are not supported by a preponderance of the evidence, the Internal Affairs Division commanding officer shall document the reasons for this determination and shall include this documentation as an addendum to the original investigation report. The commanding officer of the Internal Affairs Division shall take appropriate action to address any inadequately supported determination and any investigative deficiencies that led to it. The Internal Affairs Division commanding officer shall be responsible for the accuracy and completeness of investigation reports prepared by the Internal Affairs Division.
74. Where a member of the Force Investigation Section repeatedly conducts deficient force investigations, the member shall receive the appropriate corrective and/or disciplinary action, including training or removal from the Force Investigation Section in accordance with performance evaluation procedures and consistent with any existing collective bargaining agreements, personnel rules, Labor Management Relations Ordinance, Merit System Ordinance, regulations, or administrative rules.

Recommendations for Paragraphs 71-74:

- 4.7.58a: Conduct a review of a sample of cases completed by IAB in the past 3-6 months that failed to meet established timelines by reviewing the key failure points causing delay. The review should:
 - a. Identify key causes of failure;
 - b. Identify where in the IAB process related to Paragraph 71 the failure points were;
 - c. The cause of the failures; and

d. Recommend actions to remedy the top five causes of failure to meet the established timelines.

- 4.7.58b: Implement recommended actions and conduct a follow-up assessment to determine what impact, if any, the implemented actions had on failures to meet established timelines.
- 4.7.58c: Determine if these processes need to be revised, expanded, or refocused given our comments re ECW usage failures in the field contained in paragraphs 24-36, 41-59, and 60-77.
- 4.7.58d: Repeat until 95% of cases completed meet established requirements for quality of IA investigations.
- 4.7.59a: Conduct a review of a sample of cases completed by IAB in the past 3-6 months that failed to meet established timelines by reviewing the key failure points causing delay. The review should:
 - a. Identify key causes of failure;
 - b. Identify where in the IAB process related to Paragraph 72 the failure points were;
 - c. Identify the cause of the failures;
 - d. Recommend actions to remedy the top five causes of failure to meet the established timelines;
 - e. Reevaluate performance and repeat the process, with a focus on supervisors who routinely fail to meet established timelines; and
 - e. Repeat as necessary until the failure rate is below five percent.
- 4.7.60a: Conduct a review of a sample of cases completed by IAB in the past 3-6 months that failed to meet established quality requirements regarding preponderance of the evidence by reviewing the key failure points causing insufficient investigations relative to preponderance of the evidence. The review should:
 - a. Identify key causes of failure to meet preponderance of the evidentiary standards for IA investigations;
 - b. Recommend actions to remedy the top five causes of failure to meet the established requirements related to preponderance of the evidence.
- 4.7.60b: Implement recommended actions and conduct continual follow-up assessment to determine what impact, if any, the implemented actions had on the unit's ability to meet established preponderance of evidentiary standards.
- 4.7.60c: Repeat until 95% of cases completed meet established requirements regarding evidentiary standards.

Response:

- IAFD standardized the analysis of use of force investigations, which has decreased investigative timelines significantly. This standardization is evident in forms completed at Detective, Sergeant, Lieutenant, and Commander levels.
- IAFD is distributing a weekly use of force case status report to APD Executive Staff.
- IAFD investigates and reviews 100% of serious use of force cases. The IAFD Commander ensures that the findings are based on the preponderance of evidence and orders additional investigation, when needed. During this reporting period, there were 57 serious use of force case investigations and all of the cases were completed within timelines.
- In order to increase the rate of cases completed during timelines, APD standardized forms and improved the process ensuring officers can more efficiently and reliably make a determination based on the preponderance of evidence.
- IAFD identified the need for retraining based on the disparity between high performing detectives as compared to those who needed improvement. Detectives have been retrained in order to improve investigative processes. All IAFD detectives are trained in the backlog use of force process.
- IAFD has tracked feedback by supervisors to investigators to improve upon their investigations as an accountability measure.
- The FRB process is the oversight entity to determine if IAFD investigations met the preponderance of evidence standard.
- IAFD has developed a tracking process to oversee and manage assigned cases and their respective timelines.

75. When the commanding officer of the Internal Affairs Division determines that the force investigation is complete and the findings are supported by the evidence, the investigation report file shall be forwarded to the Force Review Board with copy to the Chief.
76. At the discretion of the Chief, a force investigation may be assigned or re-assigned for investigation to the Multi-Agency Task Force or the Federal Bureau of Investigations, or may be returned to the Force Investigation Section for further investigation or analysis. This assignment or re-assignment shall be confirmed in writing.
77. Where, after an administrative force investigation, a use of force is found to violate policy, the Chief shall direct and ensure appropriate discipline and/or corrective action. Where a force investigation indicates apparent criminal conduct by an officer, the Chief shall ensure that the Internal Affairs Division or the Multi-Agency Task Force consults with the District Attorney's Office or the USAO, as appropriate. The Chief need not delay the imposition of discipline until the outcome of the criminal investigation. In use of force investigations, where the incident indicates policy, training, tactical, or equipment concerns, the Chief shall ensure that necessary training is delivered and that policy, tactical, or equipment concerns are resolved.
78. APD shall develop and implement a Force Review Board to review Level 2 and Level 3 uses of force. The Force Review Board shall be comprised of at least the following members: Deputy Chief of the Administrative Support Bureau, Deputy Chief of the Field Services Bureau, the Deputy Chief of the Investigative Bureau, a Field Services Commander, the Academy Division Commander, and the Legal Advisor. The Force Review Board shall conduct timely, comprehensive, and reliable reviews of Level 2 and Level 3 use of force investigations. The Force Review Board shall:
 - a) review each use of force investigation completed by the Force Investigation Section within 30 days of receiving the investigation report to ensure that it is complete and, for administrative investigations, that the findings are supported by a preponderance of the evidence;
 - b) hear the case presentation from the lead investigator and discuss the case as necessary with the investigator to gain a full understanding of the facts of the incident. The officer(s) who used the force subject to investigation, or who are otherwise the subject(s) of the Internal Affairs Division investigation, shall not be present;
 - c) order additional investigation when it appears that there is additional relevant evidence that may assist in resolving inconsistencies or improve the reliability or credibility of the force investigation findings. For administrative investigations, where the findings are not supported by a preponderance of the evidence, the Force Review Board shall document the reasons for this determination, which shall be included as an addendum to the original force investigation, including the specific evidence or analysis supporting their conclusions;
 - d) determine whether the use of force violated APD policy. If the use of force violated APD policy, the Force Review Board shall refer it to the Chief for appropriate disciplinary and/or corrective action;

- e) determine whether the incident raises policy, training, equipment, or tactical concerns, and refer such incidents to the appropriate unit within APD to ensure the concerns are resolved;
- f) document its findings and recommendations in a Force Review Board Report within 45 days of receiving the completed use of force investigation and within 15 days of the Force Review Board case presentation; and
- g) review and analyze use of force data, on at least a quarterly basis, to determine significant trends and to identify and correct deficiencies revealed by this analysis.

Recommendations for Paragraphs 75 and 78

- 4.7.62a: Conduct a review of a sample of cases completed by IAB in the past 3-6 months that failed to meet the requirement to forward the case to the FRB by reviewing the key failure points causing incomplete cases to be forwarded to the FRB. The review should:
 - a. Identify key causes of failure;
 - b. Identify where in the IAB process related to Paragraph 75 the failure points were; and
 - d. Recommend actions to remedy the top five causes of failure to meet the established protocols, e.g., training, supervision, staffing, etc.
- 4.7.62b: Implement recommended actions and conduct a follow-up assessment to determine what impact, if any, the implemented actions had on failures to meet established evidentiary and quality standards.
- 4.7.62c: Repeat until 95% of cases completed meet established evidentiary and quality standards.
- 4.7.65a: Implement the planned re-constitution of FRB, and, once adequate “product” is produced under pending FRB revisions, implement a process- and outcome-evaluation of the new FRB processes.

Response:

- The FRB training was conducted July 30 - 31, 2019. Executive staff, pertinent APD civilian staff, and the CPOA Executive Director attended the FRB training. The training consisted of:
 - A basic introduction to the FRB that defined the function and purpose of the FRB, the expectations and responsibilities of FRB members, voting procedures, and the referral

- process (ensuring deficiencies and concerns identified by the FRB are documented, closely tracked, and remediated);
- FRB members received instruction on how to review and evaluate tactical activations;
 - FRB members were taught how to review and evaluate use of force investigations using the methodology developed by IAFD; and
 - Both days of the training concluded with a “mock” FRB meeting. This allowed FRB members to apply what was learned through lecture in a hands-on application.
- The FRB will reconvene on August 8, 2019, reviewing tactical activations.
 - APD SOP 2-58 Force Review Board is in the final stage of the policy development process.
79. At least annually, APD shall publish a Use of Force Annual Report. At a minimum, the following information should be included in the Annual Use of Force Report:
- a) number of calls for service;
 - b) number of officer-initiated actions;
 - c) number of aggregate uses of force, and uses of force by Level;
 - d) number of arrests;
 - e) number of custodial arrests that involved use of force;
 - f) number of SWAT deployments by type of call out;
 - g) number of incidents involving officers shooting at or from moving vehicles;
 - h) number of individuals armed with weapons;
 - i) number of individuals unarmed;
 - j) number of individuals injured during arrest, including APD and other law enforcement personnel;
 - k) number of individuals requiring hospitalization, including APD and other law enforcement personnel;
 - l) demographic category; and
 - m) geographic data, including street, location, or Area Command.

Recommendation for Paragraph 79:

- 4.7.66a: APD should monitor use of force, serious use of force and show of force reporting discrepancies found as the IA Force Division reviews the backlog of cases. Reporting errors must be reconciled to ensure that statistics published in the Annual Use of Force Reports are accurate.
- 4.7.66b: Ensure that data regarding uses of force are accurate, and where trends are identified, solutions to issues are crafted.

Response:

- As IAFD detectives found discrepancies in the backlog, IAFD administrative assistants corrected the discrepancies to allow the data analyst to pull and analyze accurate data.
 - IAFD provides the APD Training Academy quarterly reports based on trend data identified during use of force case investigations and reviews. The most recent quarterly report was provided to the APD Training Academy in July 2019, which contained 100% of the results from the use of force backlog.
80. APD shall be responsible for maintaining a reliable and accurate tracking system on all officers' use of force; all force reviews carried out by supervisors; all force investigations carried out by the Force Investigation Section, Internal Affairs Division, or Multi-Agency Task Force; and all force reviews conducted by the Performance Review Unit of the Compliance

Recommendation for Paragraph 80:

- 4.7.72.1a: APD should monitor use of force, serious use of force and show of force reporting discrepancies found as the IA Force Division reviews the backlog of cases. Reporting errors must be reconciled to ensure that statistics published in APD's Annual Use of Force Reports are accurate.

Response:

- The 2016/2017 Annual Use of Force Report was published in March 2019. APD received substantive feedback from the DOJ, IMT and the community. APD is revising its format in preparing and finalizing the 2018 Annual Use of Force Report,

which will include more analysis of information learned from the data.

H.) Multi-Agency Task Force (Paragraphs 81-85)

81. APD shall continue to participate in the Multi-Agency Task Force for as long as the Memorandum of Understanding continues to exist. APD agrees to confer with participating jurisdictions to ensure that inter-governmental agreements that govern the Multi-Agency Task Force are current and effective. APD shall ensure that the inter-governmental agreements are consistent with this Agreement.
82. APD agrees to consult with participating jurisdictions to establish investigative protocols for the Multi-Agency Task Force. The protocols shall clearly define the purpose of the Multi-Agency Task Force; describe the roles and responsibilities of participating agencies, including the role of the lead investigative agency; and provide for ongoing coordination among participating agencies and consultation with pertinent prosecuting authorities.
83. APD agrees to consult and coordinate with the Multi-Agency Task Force on the release of evidence, including video recordings of uses of force, and dissemination of information to preserve the integrity of active criminal investigations involving APD personnel.
84. APD agrees to participate in all briefings of incidents involving APD personnel that are investigated by the Multi-Agency Task Force.
85. If the Memorandum of Understanding governing the Multi-Agency Task Force expires or otherwise terminates, or APD withdraws from the Multi-Agency Task Force, APD shall perform all investigations that would have otherwise been conducted pursuant to the Memorandum of Understanding. This Agreement does not prevent APD from entering into other investigative Memoranda of Understanding with other law enforcement agencies to conduct criminal investigation of officer-involved shootings, serious uses of force, and in-custody deaths.

APD's Summary: H.) Multi-Agency Task Force (Paragraphs 81-85)

The Multi-Agency Task Force (MATF) continues to investigate Officer-Involved Shootings (OIS), in-custody deaths and criminal allegation cases submitted by IAPS and IAFD. During this reporting period, the MATF Coordinator held a training session focused on on-scene investigative sequence for MATF call outs as well as updating the Memorandum of Agreement (MOA) with partner agencies. The draft updated MOA is being reviewed by partner agencies. The MATF remains in operational compliance.

There were no recommendations for this section.

I.) Use of Force Training (Paragraphs 86-89)

86. Within 36 months of the Operational Date, APD will review all use of force policies and training to ensure they incorporate, and are consistent with, the Constitution and provisions of this Agreement. APD shall also provide all APD officers with 40 hours of use of force training within 12 months of the Operational Date, and 24 hours of use of force training on at least an annual basis thereafter, including, as necessary, training on developments in applicable law and APD policy.
87. APD's use of force training for all officers shall be based upon constitutional principles and APD policy and shall include the following topics:
- a) search and seizure law, including the Fourth Amendment and related law;
 - b) APD's use of force policy, use of force reporting requirements, and the importance of properly documenting use of force incidents;
 - c) use of force decision-making, based upon constitutional principles and APD policy, including interactions with individuals who are intoxicated, or who have a mental, intellectual, or physical disability;
 - d) use of de-escalation strategies;
 - e) scenario-based training and interactive exercises that demonstrate use of force decision-making and de-escalation strategies;
 - f) deployment and use of all weapons or technologies, including firearms, ECWs, and on-body recording systems;
 - g) crowd control; and
 - h) initiating and disengaging foot pursuits.
88. Supervisors of all ranks, including those assigned to the Internal Affairs Division, as part of their initial and annual in-service supervisory training, shall receive additional training that includes:
- a) conducting use of force reviews or investigations, including evaluating officer, subject, and witness credibility;
 - b) strategies for effectively directing officers to minimize uses of force and to intervene effectively to prevent or stop unreasonable force;
 - c) incident management; and
 - d) supporting officers who report unreasonable or unreported force, or who are retaliated against for using only reasonable force or attempting to prevent unreasonable force.

89. Included in the use of force training set out above, APD shall deliver firearms training that comports with constitutional principles and APD policy to all officers within 12 months of the Operational Date and at least yearly thereafter. APD firearms training shall:
- a) require officers to complete and satisfactorily pass firearms training and qualify for regulation and other service firearms, as necessary, on an annual basis;
 - b) require recruits, officers in probationary periods, and officers who return from unarmed status to complete and satisfactorily pass firearm training and qualify for regulation and other service firearms before such personnel are permitted to carry and use firearms;
 - c) incorporate professional low-light training, stress training (e.g., training in using a firearm after undergoing physical exertion), and proper use of force decision-making training, including continuous threat assessment techniques, in the annual in-service training program; and
 - d) ensure that firearm instructors critically observe students and provide corrective instruction regarding deficient firearm techniques and failure to utilize safe gun handling procedures at all times.

APD's Summary: I.) Use of Force Training (Paragraphs 86-89)

The use of force training plan has made significant strides during this reporting period. The use of force training plan utilizes a new 4-tier delivery progression. Tier I involved a comprehensive review of the newly drafted use of force policy suite designed to assist officers in understanding and applying the policy in their everyday duties. Tier I is an online learning format. Officers watched an introductory video from the Chief of Police. Each of the separate use of force policies is its own class. There is a video to help class participants identify key components of the policy section. The participants were tested on each of the policies. Tier I was delivered in May/June 2019 with 97% compliance of all active sworn personnel. The Training Academy is working with command staff to ensure 100% compliance.

Tier II of use of force training is in final development. Personnel from the Training Academy and IAFD attended AICC instructor development training provided by the LAPD. Since that training, APD modified the Tier II lesson plan based off the lessons learned. The trainers have completed a "dry run" of the Tier II training with the Training Academy and

IAFD staff to evaluate the activities and run time. Tier II training has a projected start date in August 2019.

Tier III is supervisor training on use of force reporting and documenting requirements. This training is under development with a proposed timeline for delivery to all supervisors by the end of 2019.

Tier IV will serve to reinforce and properly identify transformational learning on the new use of force policy suite. The training involves practical defensive tactics and Reality-Based Training (RBT) scenarios. The officers must document the force used from the scenario to demonstrate they are able to properly document the type of force used and demonstrate, or explain their reporting responsibilities. This training has a projected delivery date of the first quarter of 2020.

Recommendation for Paragraph 87:

- 4.7.74a: Continue with the planned use of Force training and ensure detailed evaluation of training items that were deemed successful, and items that are identified as needing additional training.

Response:

- Tier I training was posted and trained through PowerDMS in May 2019.
 - There were 66 individuals that received remedial training for Tier I in June 2019.
- In June 2019, Tier I training was completed with a compliance rate of 97%.
- Tiers II and III training are anticipated to be completed in December 2019; and
- Tier IV is scheduled to be complete in the first quarter of 2020.

Recommendations for Paragraphs 86-88:

- 4.7.75a: The Strategic Training Plan and draft policies presented to the monitoring team should be finalized and submitted to the Monitor for review as soon as practicable.
- 4.7.75b: The Academy staff should be properly augmented to support the

staffing shortages.

- 4.7.75c: All lingering training gaps should be remediated as soon as possible, in particular de minimis force.
- 4.7.75d: APD Academy Staff seek out and attend training courses focused on the proper development of training curriculum and how to connect that curriculum to the measurement of performance outcomes. Proper test question construction should be emphasized.
- 4.7.75e: Recommendation: APD personnel assigned to non-academy commands who carry significant training requirements should receive training commensurate with the Academy staff. This will ensure continuity in curriculum development across the organization.
- 4.7.75f: Recommendation: Training Committee meetings should include recommendations submitted, mapped to, and documented in specific training programs. Topics they identify should be tracked until they are included in a particular program.

Response:

- The Training Academy updated the training plan following the final approval of the use of force policy suite and recent training received by Academy and IAFD training staff. The Training Academy provided the updated training plan to the Independent Monitor.
- Two instructors and one sergeant were added to the Advanced Training Section. The Academy has also increased staffing in the Comprehensive Training Unit (CTU) by one position, bringing the Unit staffing to one supervisor and three curriculum writers. The CTU also employs three additional temporary personnel.
- The Training Academy developed and delivered all remaining gap training during this reporting period.
 - APD removed De Minimis from policy and completed the training with above 95% compliance in July 2019.
 - APD completed Crowd Control gap training with above 95% compliance in July

2019.

- APD completed Un-resisted Handcuffing gap training with above 95% compliance in February 2019.
- APD completed Case Law gap training with above 95% compliance in February 2019.
- APD completed Distraction Technique gap training with above 95% compliance in February 2019.
- APD completed Neck Hold gap training with above 95% compliance in February 2019.
- APD completed Show of Force gap training with above 95% compliance in February 2019.
- During this reporting period, the APD Training Academy hosted an instructor development course taught by the LAPD. The course focused on facilitated learning and provided valuable training techniques, which will be incorporated into the upcoming use of force policy suite training.
- APD Training Academy instructors and IAFD personnel received the AICC training which will help to improve the continuity of curriculum development throughout the Department.
- Two Training Academy instructors attended Use of Force Instructor and Non-Lethal Training Ammunition Instructor courses at the Federal Law Enforcement Training Center.
- The CTU identified training courses for business writing, grammar and proofreading. CTU staff will complete the courses during the next reporting period.

- The Training Academy is conducting an in-depth analysis of all feedback received from the IMT and lessons learned from the instructor courses attended. The Training Academy is using this information to develop two separate trainings, one for curriculum development and the other for instructor development beyond what the New Mexico Department of Public Safety (NMDPS) requires for instructor certification.
- The Training Academy developed the Training Committee Handbook following the approval of APD SOP 3-34 Training Committee published in March 2019.

CASA Section 2. Specialized Units (Paragraphs 90-109)

90. To maintain high-level, quality service; to ensure officer safety and accountability; and to promote constitutional, effective policing, APD shall operate and manage its specialized units in a manner that increases the likelihood of safely resolving critical incidents and high-risk situations, prioritizes saving lives in accordance with the totality of the circumstances, provides for effective command-level accountability, and ensures force is used in strict compliance with applicable law, best practices, and this Agreement. To achieve these outcomes, APD shall implement the requirements set out below.

APD's Summary: Section 2. Specialized Units (Paragraphs 90-109)

Specialized units include both tactical and investigative units. For the following paragraphs, the Special Operations Division (SOD) Commander is responsible for tactical-related paragraphs and the Special Investigations Division (SID) Commander is responsible for the investigative-related paragraphs described below.

A.) Special Operations Division (Paragraphs 90-105)

91. APD's specialized tactical units shall be comprised of law enforcement officers who are selected, trained, and equipped to respond as a coordinated team to resolve critical incidents that exceed the capabilities of first responders or investigative units. The specialized tactical units shall consist of SWAT, Canine, and Bomb Squad/EOD.
92. APD shall ensure that specialized tactical units are sufficiently trained to complete the following basic operational functions: Command and Control; Containment; and Entry, Apprehension, and Rescue.
93. Each specialized tactical unit shall have clearly defined missions and duties. Each specialized tactical 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.

94. APD policies and procedures on specialized tactical units shall include the following topics:
 - a) team organization and function, including command relationships with the incident commander, Field Services Bureau, other specialized investigative units, Crisis Negotiation Team, Crisis Intervention Unit, crisis intervention certified responders, and any other joint or support elements to ensure clear lines of responsibility;
 - b) coordinating and implementing tactical operations in emergency life-threatening situations, including situations where an officer's view may be obstructed;
 - c) personnel selection and retention criteria and mandated physical and tactical competency of team members, team leaders, and unit commanders;
 - d) training requirements with minimum time periods to develop and maintain critical skills to include new member initial training, monthly training, special assignment training, and annual training;
 - e) equipment appropriation, maintenance, care, and inventory;
 - f) activation and deployment protocols, including when to notify and request additional services;
 - g) conducting threat assessments to determine the appropriate responses and necessary resources;
 - h) command and control issues, including a clearly defined command structure; and
 - i) documented after-action reviews and reports.
95. The policies and standard operating procedures of specialized tactical units shall be reviewed at least annually and revisions shall be based, at a minimum, on legal developments, training updates, operational evaluations examining actual practice from after-action reviews, and reviews by the Force Review Board or other advisory or oversight entities established by this Agreement.
96. In addition to Use of Force Reports, APD shall require specialized tactical units to document their activities in detail, including written operational plans and after-action reports created after call-outs and deployments to critical situations. After-action reports shall address any areas of concern related to policy, training, equipment, or tactics.
97. APD shall require specialized tactical units to conduct mission briefings before an operation, unless exigent circumstances require an immediate deployment. APD shall also ensure that specialized tactical team members designate personnel to develop and implement operational and tactical plans before and during tactical operations. All specialized tactical team members should have an understanding of operational planning.

98. All specialized tactical units shall wear uniforms that clearly identify them as law enforcement officers.
99. 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.
100. 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.
101. 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.
102. APD shall continue to require the Canine Unit to complete thorough post-deployment reviews of all canine deployments.
103. 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.
104. 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.
105. 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.

APD's Summary: A.) Specialized Operations Division (Paragraphs 90-105)

The SOD received quality feedback, perspective, and technical assistance from the IMT at the last site visit in May 2019. In IMR-9, the IMT reviewed three (3) use of force investigations involving the use of chemical munitions and Noise Flash Diversionary Devices (NFDD).

Feedback was provided with the results of the case reviews. When SOD issued Department Special Order (SO) 18-51 which outlined chemical munitions and NFDD as uses of force, the SO outlined a process in how the munitions would be investigated mirroring the amended CASA's Level 1 proposed use of force process.

SOD met with the IAFD and collaborated with IAFD in drafting specific job aides for a first line supervisor investigation and chain of command reviews. This collaboration helped SOD implement a process ensuring chemical munition and NFDD uses of force are investigated and reviewed.

SOD focused on the quality and detail in use of force reports and After-Action Reviews (AAR). A thorough review from supervisors is being conducted to ensure boilerplate language is not used. Supervisors have focused their attention on not only identifying boilerplate and canned language, but also identifying inconsistencies between reports and/or interviews, and resolving these inconsistencies in the reports, which in turn carry over to the AAR.

Taking into consideration the results of PMU audits on SOD's policies and processes, APD will classify most chemical munitions and NFDD as uses of force and will investigate and review them as a Level 2 use of force, when the new use of force policies are implemented. SOD met with IAFD and the Training Academy, and is developing a curriculum and will train IAFD personnel on reviewing the deployment of chemical munitions and NFDD as a use of force.

Recognizing tactical officers assist with calls for service, SOD has implemented processes to ensure the Division is complying with Department standards in regards to supervisor span of control. A Division line up was developed which assists supervisors ensuring there is an appropriate supervisor to officer ratio when assisting with calls for service.

SOD assisted with the development of SOP 2-20 Hostage Situations, Barricaded Individuals and Tactical Threat Assessments. APD SOP 2-20 is in the final stage of the policy development process. The SOD SOP's 6-7 Explosive Ordnance Disposal Unit, 6-8 Specialized Tactical Units, and 6-9 K-9 Unit have been revised and are in the final stage of the policy development process.

There were no recommendations for this section.

B.) Special Investigations Division (Paragraphs 106-109)

106. 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.
107. 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.
108. Within three months of the Operational 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.
109. 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.

APD's Summary: B.) Special Investigations Division (Paragraphs 106-109)

All SID paragraphs remain in operational compliance. As new personnel transfer into the Division, each one will attend a new detective orientation and receive a unit specific handbook. The orientation provides new detectives with the overarching mission and duties of the SID.

Each transfer is evaluated against specific and predetermined performance criteria.

In IMR-9, the Independent Monitor expressed concern with the quality of operational plans (IMR-9, pg. 136). During this reporting period, APD revised the format and approval process for operational plans to ensure quality concerns were addressed. This revision included the addition of a checklist with required fields to be completed. In addition, each operational plan has to be approved by a sergeant and a lieutenant. This operational plan format is used by all APD Divisions. During this reporting period, there were not any deficient operational plans identified and the quality of the information has been improved.

There were no recommendations for this section.

CASA Section 3: Crisis Intervention (Paragraphs 110-137)

APD's Summary: Section 3. Crisis Intervention (Paragraphs 110-137)

The Crisis Intervention Section (CIS) continues to collaborate with the Mental Health Response Advisory Committee (MHRAC) to improve APD's ability to assist individuals in crisis. CIS focused on developing an Enhanced Crisis Intervention Team (eCIT) workload and deployment plan in addition to further improve APD's crisis response policies.

A.) Mental Health Response Advisory Committee (Paragraphs 110-117)

110. 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.

Recommendation for Paragraph 110:

- Recommendation 4.7.97a: Update clearly articulated policy for APD's mobile crisis

teams, consistent with the policies in Table above, and provide training on that policy for APD's Mobile Crisis Teams.

Response:

- APD SOP 2-19 Response to Behavioral Health Issues was published in April 2019 and includes a description of APD's Mobile Crisis Teams (MCT) and their roles and responsibilities.
 - Training on the updated APD SOP 2-19 will begin in September 2019. The lesson plan for training on APD SOP 2-19 was provided to and approved by MHRAC in July 2019.
111. 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.
 112. 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.
 113. 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.
 114. 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.

Recommendation for Paragraph 114:

- 4.7.101a: Continue to provide training to, at minimum, CIU staff and certified CIT

responders on this MOU.

Response:

- The Independent Monitor noted that fewer than 95% of all certified CIT responders have received training updates regarding APD's MOU with the University of New Mexico Hospital (UNMH). Information on APD's MOU with the UNMH continues to be taught during the basic CIT class. All new officers receive this class after completing On-the-Job-Training (OJT). Basic CIT classes were taught in March and July 2019.
- All other officers will be trained beginning in September 2019. The lesson plan for this training was provided to and approved by MHRAC.

115. Within nine months of the Operational Date, 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.

Recommendation for Paragraph 115:

- 4.7.102a: Submit required documentation to MHRAC as well as documentation from MHRAC noting review and approval.

Response:

- In IMR-9, the Independent Monitor states that, "APD provides all behavioral health training curricula to the MHRAC for review, but the feedback processes between the MHRAC and APD remain unclear and not routinized" (IMR-9, pg. 145).
 - In May 2019, the Crisis Intervention Section, in collaboration with MHRAC, developed a process map which formalizes the MHRAC commentary timeframes for APD policies.
- The training sub-committee of MHRAC continues to meet and approve all APD

behavioral health-related training. This feedback is documented in meeting minutes and emails between members and APD. This information is provided to the Independent Monitor.

116. 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.
117. 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.

B.) Behavioral Health Training (Paragraphs 118-122) and C) Crisis Intervention Certified Responders and Crisis Intervention Unit (Paragraphs 123-131)

118. APD has undertaken an aggressive program to provide behavioral health training to its officers. This Agreement is designed to support and leverage that commitment.
119. 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 July 15, 2016.
120. 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.
121. APD shall ensure that new telecommunicators 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 telecommunicators 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.
122. APD shall provide two hours of in-service training to all existing officers and telecommunicators on behavioral health-related topics biannually.

123. 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.

Recommendation for Paragraph 123:

- 4.7.110a: Develop and execute a data-driven, methodologically appropriate workload and manpower planning and analysis protocol that ensures that reliable “staffing levels” for ECIT officers are calculated, reported, set as staffing goals, and attained.

Response:

- An eCIT workload analysis has been completed which included a review of the number of behavioral health calls between May 2018 to May 2019 compared to the number of eCIT officers available to APD during that timeframe. The analysis may be located in Appendix C.
124. 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 Operational 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.
125. 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.
126. 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.
127. Within 18 months of the Operational 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.

128. APD will ensure that crisis intervention certified responders or CIU will 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.
129. 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).
130. 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.
131. 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.

Recommendation for Paragraph 131:

- 4.7.118a: Work with advisory committee to ensure the protocols are updated and congruent with related policy and protocols.

Response:

- APD met with the MHRAC training sub-committee in order to refine APD SOP 2-20 Hostage Situations, Barricaded Individuals and Tactical Threat Assessments. The policy is in the final stage of the policy development process.

D.) Crisis Prevention (Paragraphs 132-137)

132. 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 enforcement encounters and to proactively work to connect these individuals with mental health service providers.
133. 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.
134. 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.
135. 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.
136. 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.
137. 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 case loads;
 - b) number of individuals receiving crisis prevention services;
 - c) 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).

APD's Summary: D.) Crisis Prevention (Paragraphs 132-137)

Crisis Prevention paragraphs remain in operational compliance. APD CIS continues to collaborate with multiple entities including the National Alliance on Mental Illness (NAMI), MHRAC, Adult Protective Services, UNMH, the Forensic Intervention Consortium, the City's Department of Family and Community Services (DFCS), the Criminal Justice Coordinating Council of Bernalillo County, and many other partners to improve response and support to individuals in crisis and experiencing homelessness. Crisis Outreach and Support Team (COAST) and CIU detectives make a concerted effort to routinely follow up with individuals referred by APD personnel who could benefit from COAST and CIU services.

APD recognizes the importance of providing adequate resources in areas related to behavioral health. APD has maintained the recommended staffing level of 12 CIU detectives. APD has further expanded its capabilities in responding to those in crisis by employing a Psychiatrist, two Clinicians, one lieutenant, two sergeants, five COAST members, and four MCT officers. The additional staffing illustrates APD's commitment to supporting behavioral health initiatives.

There were no recommendations for this section.

CASA Section 4: Policies and Training Generally (Paragraphs 138-161)

A.) Policy Development, Review and Implementation (Paragraphs 138-148)

138. To maintain high-level, quality service; to ensure officer safety and accountability; and to promote constitutional, effective policing, APD's policies and procedures shall reflect and express the Department's core values and priorities and shall provide clear direction to ensure that officers and civilian employees deliver effective and constitutional policing services. APD shall ensure that officers and civilian employees are trained to understand and carry out consistently and competently the duties and responsibilities specified in APD policies and procedures. To achieve these outcomes, APD agrees to implement the requirements below.
139. APD shall review, develop, and implement policies and procedures that fully implement the terms of this Agreement, comply with applicable law, and comport with best practices. APD policies and procedures shall use terms that are defined clearly, shall be written plainly, and shall be organized logically.
140. APD policies and procedures shall be indexed and maintained in an organized manner using a uniform numbering system for ease of reference. APD policies and procedures shall be accessible to all APD officers and civilian employees at all times in hard copy or electronic format.
141. Within three months of the Operational Date, APD shall provide officers from varying ranks and units with a meaningful opportunity to review and comment on new or existing policies and procedures.
142. Within three months of the Operational Date, APD shall ensure that the Policy and Procedures Review Board is functional and its members are notified of the Board's duties and responsibilities. The Policy and Procedures Review Board shall include a representative of the Technology Services Division in addition to members currently required under Administrative Order 3-65-2 (2014).
143. Within nine months of the Operational Date, the Policy and Procedures Review Board shall review, develop, and revise policies and procedures that are necessary to implement this Agreement. The Policy and Procedures Review Board shall submit its formal recommendations to the Chief through the Planning and Policy Division.
144. Unless otherwise noted, all new and revised policies and procedures that are necessary to implement this Agreement shall be approved and issued within one year of the Operational Date. APD shall continue to post approved policies, procedures, and administrative orders on the City website to ensure public accessibility. There shall be reasonable exceptions for policies, procedures, and administrative orders that are law enforcement sensitive, such as procedures on undercover officers or operations.
145. The Policy and Procedures Review Board shall review each policy or procedure six months after it is implemented and annually thereafter, to ensure that the policy or procedure provides effective direction to APD personnel and remains consistent with this Agreement, best practices, and current law. The Policy and Procedures Review Board shall review and

revise policies and procedures as necessary upon notice of a significant policy deficiency during audits or reviews.

146. APD shall apply policies uniformly and hold officers accountable for complying with APD policy and procedure.
147. APD shall submit all policies, procedures, manuals, and other administrative orders or directives related to this Agreement to the Monitor and DOJ for review and comment before publication and implementation. If the Monitor or DOJ objects to the proposed new or revised policy, procedure, manual, or other administrative order or directive, because it does not incorporate the requirements of this Agreement or is inconsistent with this Agreement or the law, the Monitor or DOJ shall note this objection in writing to all parties within 15 business days of the receipt of the policy, procedure, manual, or directive from APD. If neither the Monitor nor DOJ objects to the new or revised policy, procedure, manual, or directive, APD agrees to implement it within one month of it being provided to DOJ and the Monitor.
148. APD shall have 15 days to resolve any objections to new or revised policies, procedures, manuals, or directives implementing the specified provisions. If, after this 15-day period has run, the DOJ maintains its objection, then the Monitor shall have an additional 15 days to resolve the objection. If either party disagrees with the Monitor's resolution of the objection, either party may ask the Court to resolve the matter. The Monitor shall determine whether in some instances an additional amount of time is necessary to ensure full and proper review of policies. Factors to consider in making this determination include: 1) complexity of the policy; 2) extent of disagreement regarding the policy; 3) number of policies provided simultaneously; and 4) extraordinary circumstances delaying review by DOJ or the Monitor. In determining whether these factors warrant additional time for review, the Monitor shall fully consider the importance of prompt implementation of policies and shall allow additional time for policy review only where it is clear that additional time is necessary to ensure a full and proper review. Any extension to the above timelines by the Monitor shall also toll APD's deadline for policy completion.

APD's Summary: A.) Policy Development, Review and Implementation (Paragraphs 138-148)

The Policy and Procedure Section reports to the Accountability and Oversight Division Commander. APD hired a new manager for the Policy and Procedures Section during this reporting period. The Section continues to streamline the policy development process and is responsible for creating, reviewing, amending, and tracking current, archived, and new policies and special orders.

There were no recommendations for this section.

B.) Training on Revised Policies, Procedures and Practices (Paragraphs 149-154)

149. Within two months of the Operational 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.
150. 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.
151. Unless otherwise noted, the training required under this Agreement shall be delivered within 18 months of the Operational Date, and annually thereafter. Within six months of the Operational Date, APD shall set out a schedule for delivering all training required by this Agreement.
152. 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.
153. 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.
154. 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.

APD's Summary: B.) Training on Revised Policies, Procedures and Practices (Paragraphs 149-154)

The APD Training Academy continues to develop and deliver training as required under the terms of the CASA. The Training Academy delivered training to officers upon removing De Minimis language from policy. This training exceeded 95% compliance in July 2019. The Training Academy delivered training to the 121st Cadet Class and the 22nd Lateral Class during

the reporting period. APD assesses all lateral hires to ensure they are certified law enforcement officers and ensures all lateral hires receive training as required by the CASA.

There were no recommendations for this section.

C.) Field Training Officers Program (Paragraphs 155-161)

155. 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.
156. 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.
157. APD shall revise the qualifications for Field Training Officers to require three 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.
158. 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.
159. Recruits in the field training program shall be trained in multiple Area Commands and shifts and with several Field Training Officers.
160. 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.
161. 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.

APD's Summary: C.) Field Training Officers Program (Paragraphs 155-161)

In February 2019, APD experienced the circumstance of the number of Recruit Officers exceeding the number of Field Training Officers (FTO). While this speaks to the success that the Recruiting Unit and Backgrounds Unit had with recruiting and hiring qualified applicants to APD, it created a problem for the Field Training and Evaluation Program (FTEP). The FTEP conducted selection boards for FTO openings in May 2019. Five (5) officers passed the selection process and became FTOs. APD is planning two more FTO selection boards by the end of 2019.

In July 2019, APD approved and posted an opening for a lieutenant dedicated to the FTEP. This will allow the FTEP to use the officer assigned to the Program for recruiting more FTOs. The officer will attend patrol briefings and other functions to recruit qualified officers to become an FTO.

Recommendations for Paragraph 161:

- 4.7.147a: APD should conduct relevant “completed staff work” to clearly and specifically identify the number of FTO needed to support the workload for the new staffing numbers anticipated by APD in the next three years. That staff work should identify:
- 4.7.147b: Projected “new hires” needed to meet the additional authorized increases in staffing levels anticipated by APD in the next five years;
- 4.7.147c: The resulting number of certified FTOs needed to meet the projected increases in staffing levels;
- 4.7.147d: The anticipated numbers of “losses” in certified FTOs (due to retirements, promotions, transfers, etc.);
- 4.7.147e: The total number of new FTOs needed to meet resulting staffing levels;
- 4.7.147f: The resulting training adjustments that will need to be made to train new FTOs over the coming year.

Response:

- APD is working on a “Completed Staff Work” which is nearing completion. APD is reaching out to other departments, similar in size, to confirm best practices as it relates to the ratio of FTOs needed per recruit officer.

CASA Section 5: Misconduct Complaint Intake, Investigation and Adjudication (Paragraphs 162-202)

A) Reporting Misconduct (Paragraph 163); B) Public Information on Civilian Complaints (Paragraphs 164-168); C) Complaint Intake, Classification, and Tracking (Paragraphs 169-182); D) Investigations of Complaints (Paragraphs 183-194); E) Preventing Retaliation (Paragraphs 195-197); F) Staffing and Training Requirements (Paragraphs 198-200); G) Discipline Process and Transparency (Paragraphs 201-202)

162. 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. To achieve these outcomes, APD and the Civilian Police Oversight Agency shall implement the requirements below.
163. 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 Division 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 Division. Failure to report or document alleged misconduct or criminal behavior shall be grounds for discipline, up to and including termination of employment.
164. Within six months of the Operational 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. The requirements below shall be incorporated into this program.
165. 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.

166. 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.
167. 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.
168. Complaint forms and related informational materials shall be made available and posted in English and Spanish.
169. Within six months of the Operational Date, APD shall train all personnel in handling civilian complaint intake.
170. 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.
171. 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.
172. 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.
173. 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 Division by the end of the shift following the shift in which it was received.

174. 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.
175. 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.
176. Within six months of the Operational Date, the Internal Affairs Division, 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 Division 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.
177. The Internal Affairs Division'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.
178. 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 Division. All information should be referred to the Internal Affairs Division by the end of the shift following the shift in which the misconduct complaint was received, absent exceptional circumstances.
179. Within three business days of the receipt of a misconduct complaint from a civilian, the Internal Affairs Division shall refer the complaint to the Civilian Police Oversight Agency.
180. Internal misconduct complaints submitted by APD personnel shall remain with the Internal Affairs Division for review and classification. The Internal Affairs Division shall determine whether the internal complaint will be assigned to a supervisor for investigation or retained by the Internal Affairs Division for investigation. In consultation with the Chief, the commanding officer of the Internal Affairs Division shall also determine whether a civilian or internal complaint will be investigated criminally by the Internal Affairs Division, the Multi-Agency Task Force, and/or referred to the appropriate federal law enforcement agency.

181. APD shall continue to maintain an internal complaint classification protocol that is allegation-based rather than anticipated-outcome-based to guide the Internal Affairs Division in determining where an internal complaint should be assigned.
182. 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.

APD's Summary: A.) Reporting Misconduct (Paragraph 163); B.) Public Information on Civilian Complaints (Paragraphs 164-168); C.) Complaint Intake, Classification, and Tracking (Paragraphs 169-182); D.) Investigations of Complaints (Paragraphs 183-194); E.) Preventing Retaliation (Paragraphs 195-197); F.) Staffing and Training Requirements (Paragraphs 198-200); G.) Discipline Process and Transparency (Paragraphs 201-202)

IAPS is the central intake, case management oversight, and repository for policy violations and/or misconduct complaints to ensure conformance with policy provisions. The Civilian Police Oversight Agency (CPOA) is responsible for complaints originating externally from non-Department personnel. IAPS is responsible for internal complaints made by APD personnel alleging misconduct by another employee.

Recommendation for Paragraph 182:

- 4.7.168a: Ensure the sergeant who conducted a self-investigation has the error formally documented and is directly counseled regarding the nature of his error and the proper way to respond to such fact situations.
- 4.7.168b: Ensure counseling occurs and is documented regarding the self-investigation is documented.
- 4.7.168c: Conduct a thorough review of the offending sergeant's past practice to ensure all similar issues from this sergeant's recent practice (six months) are noted, documented and responded to in an appropriate manner.

Response:

- IAPS conducted a review of the investigation and no policy violation was identified.
 - IAPS is conducting a review of the Sergeant's past use of force cases.
183. 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.

184. 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.
185. APD shall require personnel to cooperate with Internal Affairs Division 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.

Recommendation for Paragraph 183:

- 4.7.169a: Interview all witnesses. If known witnesses are not interviewed, explain, in writing, why they were not interviewed.
- 4.7.169b: Immediately terminate the practice of utilizing ACMs, until APD develops a policy regarding their continued use that is reviewed and approved by the monitor.
- 4.7.169c: The City should appoint a review and approval authority for all APD investigations that are conducted by an independent investigator.

Response:

- IAPS added a section in the Internal Affairs case investigation template to verify all witnesses were interviewed, and if a witness was not interviewed, an explanation is required.
- APD published Special Order 19-25 Internal Affairs Request through BlueTeam eliminating the use of Additional Concern Memos (ACM) in April 2019.

- APD is reviewing the approval authority for all APD investigations conducted by an independent investigator.
186. 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.
 187. Advisements by the Internal Affairs Division 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.
 188. 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 Division 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 Division. The Internal Affairs Division 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 Division shall continue with the administrative investigation of the allegation. Consistent with Paragraph 186, the Internal Affairs Division 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 Division deems such interviews appropriate.
 189. 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.
 190. 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 have been 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.

Recommendation for Paragraph 190:

- 4.7.176: For case number [IMR-9-37] follow up on any contradicting factors or evidence, and ensure these issues are resolved.

Response:

- Investigators are required to resolve contradictions in their investigations, and subsequent reviews by the chain of command ensures investigations are complete and thorough to include the resolution of contradicting factors.

191. All administrative investigations conducted by the Internal Affairs Division 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.

Recommendation for Paragraph 191:

- 4.7.177a: APD should refocus its efforts related to this paragraph by conducting a quantitative analysis of the reasons that cause any case to be delayed past 90 days.
- 4.7.177b: Once causes for these delays are identified, develop recommendations for changes to policy, staffing, procedure or practice that are designed to eliminate such delays.

Response:

- APD is conducting a quantitative and qualitative analysis on IA case timelines. A Problems, Issues, Needs, and Solution (PINS) document will be completed to improve the tracking and oversight of IA case assignments.

192. The 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.
193. 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.
194. 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).
195. 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.
196. Within six months of the Operational Date, and annually thereafter, the Internal Affairs Division 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.

197. Retaliation for reporting misconduct or for cooperating with an investigation of misconduct shall be grounds for discipline, up to and including termination of employment.
198. 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 Division 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.
199. All APD personnel conducting misconduct investigations, whether assigned to the Internal Affairs Division, 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.
200. 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 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.

Recommendations for Paragraphs 199-200:

- 4.7.185-186a: Identify the cadre of area command sergeants who may be assigned misconduct investigation and develop an annual IA training program for them and have them complete same on an annual basis.
- 4.7.185-186b: Do not assign a misconduct investigation to any APD personnel who have not met the annual training requirement.

Response:

- An 8-hour block to train supervisory responsibilities was incorporated into the training curriculum for first line supervisors. One class for acting sergeants and one class for newly promoted sergeants were trained during this reporting period.

- APD is in the process of developing the training curriculum for supervisors who may be assigned misconduct investigations.

201. 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.

202. 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.

Recommendations for Paragraphs 201-202:

- 4.7.187a: Ensure that all disciplinary decisions address the presumptive range of the disciplinary matrix, unless written reasons for departure from the matrix recommendations accompany the decision.
- 4.7.187b: Ensure that adequate explanation is given for the selection of a classification level where there is more than one level of classification associated with a regulation for which a sustained finding is made.
- 4.7.188a Ensure that all disciplinary decisions either conform to the recommended ranges included in APD's disciplinary matrix or that they are accompanied by written explanations for the departure from the recommendations of the disciplinary matrix.
- 4.7.188b Ensure that all disciplinary decisions related to actions (or inactions) that are reasonably on the "critical path" regarding compliance with the CASA show a keen resolve to foster behaviors required by the CASA.
- 4.7.188c Ensure that all disciplinary packets are complete and self-explanatory, including documentation that all steps in the investigation and disciplinary processes were completed as required by policy.

- 4.7.188d Ensure that deviations from the presumptive range of discipline are addressed, explained and reasonable.
- 4.7.188e Ensure that all investigations selected for monitor review, in which discipline is imposed, contain the primary source data, if it was included in the regular course of business data available to command personnel.

Response:

- Internal Affairs Divisions operate within the confines of policy and the chart of sanctions.
- With the development of the IA request, through Special Order 19-25 and assigning a Deputy Commander to IAPS, the oversight of administrative investigations has improved. Each IA request, regardless of case assignment, returns to IAPS for review. IAPS command staff ensure supervisors are following policy and staying within the chart of sanctions for discipline. When the discipline matrix is not being followed, IAPS requires written justification to ensure mitigating or aggravating reasons are stated.
- The Disciplinary Action Packets (DAP) provides guidance and reasoning for applied discipline on administrative investigations conducted by IAPS and IAFD. The DAP consists of the proposed discipline which must be within the minimum and maximum range in the chart of sanctions.

CASA Section 6: Staffing, Management, and Supervision (Paragraphs 203-231)

A) Staffing (Paragraph 204); B) Duties of Supervisors (Paragraphs 205-208); C) Supervisory Training (Paragraph 209)

203. To maintain high-level, quality service; to ensure officer safety and accountability; and to promote constitutional, effective policing, the City shall ensure that APD has the staffing necessary to implement the terms of this Agreement. APD shall also deploy a sufficient number of first-line supervisors to respond to scenes of uses of force; investigate thoroughly each use of force to identify, correct, and prevent misconduct; and provide close and effective supervision necessary for officers to improve and develop professionally. APD shall revise and implement policies for supervision that set out clear requirements for supervision and comport with best practices.

APD's Summary: A.) Staffing (Paragraph 204); B) Duties of Supervisors (Paragraphs 205-208); C) Supervisory Training (Paragraph 209)

APD continues to make supervision a priority. The Accountability and Oversight Division advertised a lieutenant position that will focus on supervisory roles and responsibilities and work closely with the PMU, Training Academy, and the Policy and Procedure Section to improve supervisory functions department-wide.

APD has revised and expanded the training delivered to first line supervisors. The Training Academy increased the 40-hour course to 80 hours and developed the content based on feedback from prior participants and trainers. The Training Academy trained forty-seven (47) new sergeants and acting sergeants with the new curriculum during this reporting period. The Training Academy has evaluated testing performance and student surveys and has not identified any emerging gaps within the new course.

Recommendations for Paragraph 203:

- 4.7.189a: Review the available literature and process on staffing goals. Where practicable make staffing goals contingent upon desired outcome goals, e.g., average response times; committed hours per officer, by patrol shift; available non-committed time to pursue community-oriented policing goals, etc.
- 4.7.189b: Consult with other police agencies who have incorporated community-oriented policing into their service delivery functions to determine how they collect, track, calculate and analyze staffing needs viz a viz community policing goals.

Response:

- APD continues the process of identifying proper and effective staffing levels. For the upcoming 2019-2020 Field Services bid, APD designed shifts to provide overlap time at shift change. This will allow incoming officers the ability to attend briefings with their direct supervisor and to attend community events. This should create a balance between responding to calls for service and attending community events and engaging in

community outreach.

- APD uses calls for service data along with a community outreach informational form, completed by officers after community meetings or identified community concerns, to collect and report on community policing activities.

204. In order to successfully implement the provisions of this Agreement, APD shall assess the appropriate number of sworn and civilian personnel to perform the different Department functions necessary to fulfill its mission. APD therefore shall conduct a comprehensive staffing assessment and resource study. The study shall be the predicate for determining appropriate staffing and resource levels that are consistent with community-oriented policing principles and support the systematic use of partnerships and problem-solving techniques. The study shall also consider the distribution of officers to patrol functions as opposed to specialized units, as well as the distribution of officers with less than three years of experience across shifts and Area Commands. This staffing assessment and resource study shall be completed within one year of the Operational Date. Within six months of the completion of the staffing assessment and resource study, the Parties shall assess its results and jointly develop a staffing plan to ensure that APD can meet its obligations under this Agreement.

205. First-line supervisors shall investigate officers' use of force as described in Section IV of this Agreement, ensure that officers are working actively to engage the community and increase public trust and safety, review each arrest report, and perform all other duties as assigned and as described in departmental policy.

Recommendation for Paragraph 205:

- 4.7.191: Conduct both quantitative and qualitative reviews of supervisory effectiveness in the conduct of their reviews of officer performance, and ensure officers are appropriately focused on all applicable goals of the agency related to patrol operations.

Response:

- In February 2019, the Accountability and Oversight Division's PMU began a pilot project in the Northwest and Foothills Area Commands. This pilot included quantitative evaluations per APD policies. As of July 31, 2019, PMU evaluates and measures four of the six Area Commands. These evaluations are conducted monthly and include supervisory factors such as ECW, On-Body Recording Devices (OBRD), firearms, and 72-hour extension requests for use of force cases.

- The trend information is available in Appendix A. The trend illustrates the improvement with these new measurements since starting in February 2019. The goal of the initial pilot was to measure baseline compliance rates and develop strong measurement methodology. During the pilot, the PMU identified policy and form deficiencies. As a result, supervisory related policies are being reviewed and revised to clearly outline required duties and eliminate conflicting expectations. For example, APD SOP 2-2 Department Property states line inspections will be completed monthly; whereas, APD SOP 3-30 Inspections Process states formal line inspections will be conducted semi-annually. This contradictory language leads to inconsistent supervision. Additionally, forms were revised to better assist supervisors during equipment inspections and video reviews. These forms are easier to follow, collect the appropriate data, and allow for accurate reporting of information. APD is piloting the Inspection Form in the Foothills Area Command.
- Since the inception of the pilot phase, supervisors have taken an active role in the improvement of supervisory measurements within their assigned area commands. Supervisors are making a concerted effort to improve their monthly audit results by communicating expectations and understanding how policies are being measured. Appendix A is an example of the active participation by supervisors.
- APD's Process Improvement Analysts identified through interviews and research, supervisors had to access multiple forms, documents, and databases to conduct their supervisory responsibilities. For any given month, a supervisor had to go to multiple databases and systems to conduct a monthly inspection and/or review of each officer.

APD created a central location for supervisory-related requirements, making the process easier for supervisors to locate the forms needed. This process will continue to improve as new systems are put into place.

206. All field officers shall be assigned to a primary, clearly identified first-line supervisor and shall also report to any other first-line supervisor within the chain of command. First-line supervisors shall be responsible for closely and consistently supervising all officers under their primary command. Supervisors shall also be responsible for supervising all officers under their chain of command on any shift to which they are assigned to ensure accountability across the Department.
207. First-line supervisors shall ordinarily be assigned as primary supervisor to no more than eight officers. Task complexity will also play a significant role in determining the span of control and whether an increase in the level of supervision is necessary.
208. APD Commanders and lieutenants shall be responsible for close and effective supervision of officers under their command. APD Commanders and lieutenants shall ensure that all officers under their direct command comply with APD policy, federal, state and municipal law, and the requirements of this Agreement.

Recommendations for Paragraph 206:

- 4.7.192a: Using existing documentation processes, e.g., routine supervisory reporting of CASA-related process (such as reviews of use of force reports, reviews of OBRD footage of critical incidents such as uses of force, etc.) identify the most resistant contributors to the Counter- CASA effect at APD and remediate their resistance. The “refusal” of the patrol sergeant mentioned in sections 4.7.4 through 4.7.7, above is a clear example of deliberate resistance.
- 4.7.192b: Once these Counter-CASA elements are identified, engage in counseling, re-training, and, if necessary, discipline or transfer, to remediate or remove those personnel from supervisory positions in areas critical to the CASA.
- 4.7.192c: Maintain carefully documented records of the actions engendered by the Counter-CASA effect, the individuals engaging in those actions, the disciplinary processes implemented, and the results of follow-up evaluations to determine if change has occurred.
- 4.7.192d: Publish quarterly assessments of the nature, scope and significance of the Counter-CASA effect, by Area Command, unit, group or squad, and utilize these data to clarify the scope, nature, and impact of the Counter-CASA effect on APD compliance efforts.

Response:

- The updated Line Inspection Form, which APD is piloting in the Foothills Area Command, explicitly requires the sergeant to certify they have visually inspected the officers and their equipment. The specific language on the Line Inspection Form states: “By filling out this form and submitting, you certify you did a visual inspection of the officer.”
- During the training provided to acting sergeants and newly promoted sergeants, the instructors emphasized the necessity and requirement of conducting visual inspections of officers and their equipment.
- As stated in other sections of this report, PMU is conducting quantitative measurement audits which directly impacts supervision. The purpose of the inspections is to assess compliance with APD policies. Through the pilot process APD has recognized an additional benefit of the PMU’s effort which is assessing supervision requirements.
- The trend data is available in Appendix A. The data includes ECW, OBRD and firearms. All of which are included as part of the monthly line inspections. The data in Appendix A demonstrates the change in results from the inception of the pilot to present audits. The audits conducted by the PMU prompted additional review of the questions on the Line Inspection Form. The Line Inspection Form was revised and updated, resulting in an immediate increase in compliance.

Recommendations for Paragraph 205, 206 and 208:

- 4.7.194a: APD should codify monitor’s comments in paragraphs 205, 206 and 208 over the past three reporting periods and conduct a failure analysis on each supervision issue noted in those reports. These failure points should be analyzed to identify what caused the initial failure and why those initial failures were not “caught and corrected” by lieutenant and commander levels.
- 4.7.194b: For Paragraphs 205, 206 and 208: Based on the results of the analysis for 4.7.194a, above, develop counseling, retraining, or disciplinary processes to reduce or

eliminate deliberate counter-CASA refusals to perform. Take careful notice of “repeat offenders” at the sergeant, lieutenant and commander levels of the organization.

- 4.7.194c: Routinely monitor the supervisory, mid-management, and command level personnel who consistently miss or overlook officer behaviors that violate the requirements of the CASA, and where those supervisory and management errors persist, take necessary remedial action, including retraining, counseling, transfer or discipline, as appropriate.

Response:

- APD’s IAFD completed the use of force backlog reviews to identify trends and patterns of past use of force case reviews that will be included in the organizational-wide use of force training. IAFD collects, tracks, and reports on those trends and patterns on a quarterly basis. In addition, IAFD meets with Training Academy personnel to discuss those trends and how to incorporate into training, if needed.
 - To better track, control and manage potential policy violations, APD published a Special Order 19-25, Internal Affairs Request through BlueTeam, which requires personnel to document each policy violation and refer to the IAPS. This process allows for appropriate control and oversight of policy violations. For example, a policy violation is identified by a sergeant; the sergeant makes a request through one central intake, the investigation is assigned and managed through final disposition.
209. Sergeant training is critical to effective first-line supervision. Every sergeant shall receive 40 hours of mandatory supervisory, management, leadership, and command accountability training before assuming supervisory responsibilities.
210. APD’s sergeant training program shall include the following topics:
- a) techniques for effectively guiding and directing officers and promoting effective and ethical police practices;
 - b) de-escalating conflict;
 - c) evaluating written reports, including those that contain canned language;
 - d) categorizing and reviewing officer uses of force;

- e) understanding supervisory tools such as the Early Intervention System and on-body recording systems;
- f) responding to and investigating allegations of officer misconduct;
- g) evaluating officer performance;
- h) consistent disciplinary sanction and non-punitive corrective action;
- i) monitoring use of force to ensure consistency with policies;
- j) building community partnerships and guiding officers on this requirement; and
- k) legal updates.

211. All sworn supervisors shall also receive a minimum of 32 hours of in-service management training, which may include updates and lessons learned related to the topics covered in the sergeant training and other areas covered by this Agreement.

Recommendations for Paragraph 209-211:

- 4.7.198a: Deliver and evaluate the revised supervisory training blocks to all required APD supervisors.
- 4.7.198b: Develop a response plan for sections of supervisory training that indicate, through poor performance on testing or field implementation, a need for clarification, explanation, or remediation of points “trained” but not understood (as measured by evaluative processes).

Response:

- The Training Academy trained 47 new sergeants and acting sergeants with the new curriculum during this reporting period.
- The Training Academy has evaluated testing performance and student surveys and has not identified any emerging gaps within the new course. The Training Academy will continue to monitor future performance and feedback, as well as the real world performance of supervisors to determine whether additional revisions are necessary.

D.) Early Intervention System (Paragraphs 212-219)

212. 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.

213. 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.
214. 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.
215. 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.
216. 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.
 217. 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.
 218. 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.
 219. 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.

APD's Summary: D.) Early Intervention System (Paragraphs 212-219)

The revised APD SOP 3-33 Performance Evaluation and Management System policy is in the final stage of the policy development process. The Performance Evaluation and Management Unit has completed a six-month test of the proposed system.

Recommendations for Paragraphs 212-219:

- 4.7.205a: Document the curriculum for OBRD training for supervisors, and ensure that that the new PEMS system addresses all required components of paragraph 219 and the

additional requirements of Paragraph 23 (Firearm discharges), Paragraph 38 (ECW data) and Paragraph 105 (Tactical Unit data).

- 4.7.205b: Document learning assessment processes for the training provided for supervisors.
- 4.7.205c: Design and document audit protocols for supervisory review and reporting of OBRD processes.

Response:

- The proposed APD SOP 3-33 includes requirements to ensure the new PEMS addresses all required components of paragraph 215 (Early Intervention) and the additional requirements of Paragraph 23 (Firearm discharges), Paragraph 38 (ECW data) and Paragraph 105 (Tactical Unit data).
- The lesson plan for PEMS is under development utilizing the Training Academy's seven-step process.
- The Test Phase Results and Recommendations report was completed and forwarded through the chain of command in July 2019. The Chief of Police concurred with the recommendations to proceed with development of the PEMS system using a combination of the Pareto Principle (80/20 rule) to develop performance thresholds, as well as mandatory assessment thresholds based on departmental policies. The Chief of Police also concurred that the PEM Unit should proceed with the development of a PEMS Procedure Manual and the training program for supervisors.

E.) On-Body Recording Systems for Documenting Police Activities (Paragraphs 220-231)

220. 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 a case remains in investigation or litigation, until the case is resolved.
221. 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.
222. 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.
223. 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.
224. 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.

225. 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.
226. APD policies shall comply with all existing laws and regulations, including those governing evidence collection and retention, public disclosure of information, and consent.
227. 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.
228. 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.
229. 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).
230. 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.
231. 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.

APD's Summary: E.) On-Body Recording Systems for Documenting Police Activities (Paragraphs 220-231)

APD assigned a new project lead for OBRD in March 2019 due to the retirement of the previous project lead. APD rewrote the OBRD lesson plan for first line supervisors and conducted training in April and July 2019. A complete rewrite of APD SOP 2-8 Use of On-Body Recording Devices is in progress.

Special Order 19-72 Guidelines for the On Body Recording Device (OBRD) Mute

Function was published in July 2019 and will be incorporated in the rewrite of SOP 2-8 On-Body Recording Devices. Prior to Special Order 19-72, there was not any guidance as to when and how to use the mute function. This Special Order clarifies when officers may use the mute function of the OBRD.

Recommendations for Paragraphs 219-231:

- 4.7.206a: Develop and implement a routinized system of inspections and audit of OBRD field processes which will assess methodically the required elements of OBRD use in the field.
- 4.7.206b: Prepare, quarterly, a written assessment of the results of the inspections and audit outcomes, identifying the top five areas of non-compliance with the requirements of OBRD field processes.
- 4.7.206c: Based on the quarterly audits, identify the top three reasons for non-compliance with OBRD policies and procedures, and develop specific, targeted responses to address and remediate each of the top three non-compliance areas.
- 4.7.206d: Repeat steps a-c until field OBRD error rates are below five percent.
- 4.7.207a: Develop, implement, and assess supervisory protocols to ensure violations of applicable policy are identified by supervisors and are addressed and remediated.
- 4.7.207b: Publish quarterly “OBRD Failure” reports identifying the top five reasons for OBRD failure in the field, and identifying the Area Command, shift, and supervisors associated with those failures.
- 4.7.207c: Retrain, counsel or discipline supervisors with repeated failures in noting, assessing, and correcting officers with repeated OBRD operations failures.
- 4.7.207d: Repeat until error rates on OBRD operation fall below five percent.
- 4.7.208a: Reinforce the established clear, concise, and reasonable requirements for supervisory review of in-field activations of OBRDs, requiring field supervisors to review OBRD activations and recordings for compliance to established policy.
- 4.7.208b: Establish a routinized process for command oversight of the OBRD review process, requiring lieutenants to assess, in a methodical way, the OBRD review processes of sergeants under their command, and commanders to assess the OBRD review

performance of lieutenants under their command, to ensure compliance with reasonable assessments of actions in the field.

- 4.5.208c: Establish a routinized administrative review, via Compliance Bureau Personnel, of Area Command OBRD review efficiency, including performance metrics such as overall review rates, error rates, and remediation protocols. This review process should be on-going and assigned to the Performance Metrics Unit.
- 4.7.210a: Ensure that supervisors who fail to note errors in OBRD operation are counseled, or for multiple offenders, retrained and/or disciplined for ineffective OBRD review processes.
- 4.7.210b: If, after counseling or retraining, supervisors continue to miss OBRD activation or usage violations, ensure appropriate discipline is imposed.
- 4.7.210c: Identify the top 20 sergeants who have substandard performance on OBRD activation review and retrain them in the process. Place these individuals “on notice” that their performance on this task will be routinely reviewed, and continued failures will result in discipline.
- 4.7.206-217a: Document all training provided responsive to above paragraphs and provide that documentation to the monitoring team for review.
- 4.7.206-217b: Ensure that training provided responsive to these paragraphs is well documented and has clear goals and measureable objectives.
- 4.7.206-217c: Conduct detailed failure analyses designed to identify the causes of incidents of “failure to record,” and identify the true cause of these failures: equipment, training, supervision, or “other.”
- 4.7.206-217d: Rank order the failure rates, and develop action plans to eliminate the causes of failure, beginning with the most frequent and working to least frequent.
- 4.7.206-217e: Identify a frequency-based list of supervisors who fail to enforce OBRD requirements, and schedule these supervisors for retraining, counseling, or discipline, as appropriate.

Response:

- The PMU is conducting quantitative audits per APD policy. OBRD is a major focal point of these monthly evaluations. The PMU Manager disseminates monthly reports on inspection results to the commanders of the Area Commands inspected. The OBRD

inspection criteria includes: equipment inspections; if supervisors reviewed two videos per officer; if videos were uploaded prior to the end of the subsequent shift; and if officers recorded mandatory recording incidents per policy.

- A written assessment will be completed for the most common areas of non-compliance. The assessment will be completed by reviewing the IAPS report of OBRD violations and the OBRD inspection criteria.
- APD Special Order 19-25 Internal Affairs Request through BlueTeam requires supervisors to report any identified or suspected policy violations to IAPS.
- APD is working on an automated process for video reviews by sergeants. When the process is completed, a percentage of reviewed videos by direct supervisors will be reviewed by lieutenants and commanders.
- APD will identify substandard supervision through PMU's monthly audits, reviews of use of force supervisory investigations and IA requests for policy violations, and determine the appropriate corrective action.
- The reason of failure rates will be identified when Axon provides APD with their findings on returned cameras. Malfunctions to the camera reported by the manufacturer will not be deemed a policy violation.

CASA Section 7: Recruitment, Selection and Promotions (Paragraphs 232-246)

A.) Recruitment Plan (Paragraphs 233-235); B) Hiring Practices (Paragraphs 236-240)

232. 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.

233. 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.
234. 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.
235. 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.
236. 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.
237. 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.
238. 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.
239. APD shall complete thorough, objective, and timely pre-employment investigations of all lateral hires. APD's pre-employment investigations shall include reviewing a lateral hire's history of using lethal and less lethal force, determining whether the lateral hire has been named in a civil or criminal action; assessing the lateral hire's use of force training records and complaint history, and requiring that all lateral hires are provided training and orientation in APD's policies, procedures, and this Agreement.
240. 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 applicants.

APD's Summary: A.) Recruitment Plan (Paragraph 233-235); B.) Hiring Practices (Paragraph 236-240)

The Recruiting Unit is working to ensure recruiting goals are reaching a mature, diverse group of interested candidates to join our Department. In July 2019, the first cadet class to receive their training in partnership with Central New Mexico (CNM) Community college has graduated and are on OJT. APD is continuing regular contact with board members of the National Association of Advancement of Colored People (NAACP) and the Community Policing Councils (CPC) for recruiting suggestions. The Background Unit processed applicants for the January 2019 cadet class with 23 hires and for the May 2019 lateral class with 7 hires. The Background Unit processed applicants for an August cadet class of 63 cadets. Currently, the Background Unit is processing Police Service Aide (PSA) applicants for a September academy that will seat 18 PSA recruits.

There were no recommendations for this section.

C.) Promotions (Paragraphs 241-243); and D) Performance Evaluations (Paragraphs 244-246)

241. APD shall develop and implement fair and consistent promotion practices that comport with best practices and federal anti-discrimination laws. 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. These criteria should account for experience, protection of civil rights, discipline history, and previous performance evaluations.
242. 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.
243. Within six months of the Operational 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.
244. 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.

245. As part of this system, APD shall maintain a formalized system documenting annual performance evaluations of each officer by the officer's direct supervisor. APD shall hold supervisors accountable for submitting timely, accurate, and complete performance evaluations of their subordinates.
246. 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.

APD's Summary: C.) Promotions (Paragraph 241-243); and D.) Performance Evaluations (Paragraph 244-246)

APD promoted seventeen (17) officers to the rank of sergeant, four (4) sergeants to the rank of lieutenant, and two (2) lieutenants to the rank of commander. APD reevaluated and changed the annual performance evaluation period to coincide with the Field Services Bureau bid dates. This will allow supervisors to evaluate their personnel for their assigned periods versus changing supervisors in mid-evaluation period. APD continues to work on improving the performance evaluations process and ensuring evaluations are objective, fair, and consistent.

There were no recommendations for this section.

CASA Section 8: Officers Assistance and Support (Paragraphs 247-253)

247. 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.
248. 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.
249. 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.

- 250. APD shall ensure that any mental health counseling services provided to APD employees remain confidential in accordance with federal law and generally accepted practices in the field of mental health care.
- 251. 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.
- 252. 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.
- 253. 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.

APD's Summary: Section 8. Officers Assistance and Support (Paragraphs 247-253)

Peer Support developed a Behavioral Health Services (BHS) handout that quickly and easily documents all the key services available to APD employees. The handout was developed in collaboration with the City's Health & Wellness Division, the Department's Behavioral Science Section (BSS), and Presbyterian Health Care and is being distributed Department-wide. Working with Peer Support, CIU, and the University of New Mexico, a DOJ grant application was submitted for VALOR to support weekly online Self Care Initiative Online Network (SCION) sessions, which would include a tactical SCION, a general wellness SCION, a mindfulness SCION, and a technical support program for other agencies. The grant application was submitted in May 2019, and the award announcements will be made in October 2019.

APD conducted an annual review of APD SOP 1-20 (formerly 1-11) Behavioral Sciences Section, revisions were made and the draft was submitted to the Mental Health Response Advisory Committee (MHRAC) for review. APD SOP 1-20 is in the final stage of the policy development process.

There were no recommendations for this section.

CASA Section 9: Community Engagement and Oversight (Paragraphs 254-293)

A) Community & Problem-Oriented Policing (Paragraphs 255-259); B) Community Meetings & Public Information (Paragraphs 260-265); & C) Community Policing Councils (Paragraphs 266-270)

254. To maintain high-level, quality service; to ensure officer safety and accountability; and to promote constitutional, effective policing, APD shall promote the sustainability of reforms by supporting strong community participation and creating formal and informal mechanisms that facilitate ongoing and constructive communication between APD and the many communities that make up Albuquerque. APD shall take an active role in generating broad community support and mutual respect with the diverse communities it serves by adopting greater transparency, forming problem-solving and goal-oriented partnerships, and sharing responsibility for positive outcomes and continuous improvement through meaningful civilian oversight. To achieve these objectives, APD shall implement the provisions below.

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

APD's Summary: A.) Community and Problem-Oriented Policing (Paragraphs 255-259); B.) Community meetings and Public Information (Paragraphs 260-265); and C.) Community Policing Councils (Paragraph 266-270)

APD continues to broaden community engagement and community outreach efforts. APD created the Community Outreach Division and assigned two lieutenants to the Division to focus on these efforts. A partial list of community engagement activities, per Area Command, attended by APD personnel during this reporting period is listed in Appendix B.

Recommendations for Paragraph 255:

- 4.7.240a: Conduct a quarterly review of progress made across the department in achieving “culture change” and the integration of community policing principles throughout APD operations, and share findings both internally and with other community stakeholders;

- 4.7.240b: Strengthen ongoing input into police operations from CPCs and other community stakeholders, including further outreach to other community service organizations and advocacy groups;
- 4.7.240c: Work with USAO and other community partners to expand community-based initiatives targeting high risk youth.

Response:

- APD developed a culture survey completed anonymously by sworn personnel. APD continues to post the survey quarterly and track the results. During the next reporting period APD will assess how to address the concerns identified from the results of the survey.
- The APD Community Outreach Division has continued to obtain input from CPCs and community groups. Further outreach includes hosting monthly “Community Classroom” forums, discussing relevant topics affecting the community and department.
- APD has collaborated with the faith-based community, initiating bi-monthly meetings, to discuss and solve pressing issues in the community.
- APD implemented a “Youth Engagement and Education” Unit. There were five camps during the summer for youth ages 9-14. APD also hosted a Junior Police Academy with a mission to engage youth for a better understanding of APD and develop life skills and direction.
- APD began a Youth Suicide Prevention Outreach team. This team is comprised of APD officers, Albuquerque Fire and Rescue (AFR) personnel, Albuquerque Public School (APS) personnel, and Department of Family and Community Services (DFCS) personnel. The mission of this team is to be engaged and involved in schools through developing relationships, along with training and educating students on suicide prevention. Eldorado High School is the pilot school participating in this mission.

- APD continues with The Book & Badge Youth Mentorship Program at EG Ross Elementary. The Book & Badge Youth Mentorship Program was designed to keep a specific law enforcement officer routinely involved in the lives of elementary students.
- APD began working in a collaborative effort with seven (7) other police departments with the Bill Daniels Fund on an ethics initiative for police. The seven departments explored how ethical principles relate to law enforcement. Havey Productions worked with the agencies to conduct interviews and develop a series of eight (8) videos featuring officers and other staff from the participating departments discussing each one of the Daniels Fund Ethics Initiative Principles: Fairness, Accountability, Trust, Transparency, Respect, Integrity, Viability, and Rule of Law. Chief Michael Geier has seen each video and supports this program in APD. Some potential impact measures include a revitalization for officers, shared partnership with the community, shared vocabulary about ethics with the police community, increased awareness, increased buy-in for ethical behaviors, and improvement in recruitment strategies.

256. 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.

Recommendations for Paragraph 256:

- 4.7.241a: Continue to make new staffing allocation and deployment plan a priority, and take the necessary steps to gain important input and support from settlement partners and community stakeholders including CPCs;
- 4.7.241b: Ensure the staffing plan has clearly articulated and defined goals, objectives and outcome measures.

Response:

- APD created an action plan for staffing of Problem Response Teams (PRT). The PRT policy has been developed and scheduled to be heard by the Policy and Procedure Review Board in September 2019.

257. 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.

Recommendations for Paragraph 257:

- 4.7.242a: Update specific procedures for establishing and maintaining Problem-Oriented Policing (POP) projects in each of the six-command area including a standard reporting template identifying participants and tracking POP activities and outcomes;
- 4.7.242b: Update regularly information provided in bid packages to officers.
- 4.7.242c: Develop and utilize assessment methods to determine if bid packet information is increasing officer familiarity with neighborhoods served.

Response:

- The Department implemented a coordinated Problem-Oriented Policing (POP) project for all Area Command lieutenants. Lieutenants coordinated together to develop effective POP projects citywide and created a standardized POP project form for all Area Commands to complete and track monthly. The form is a standard reporting template for describing and tracking all POP activities and outcomes in each Area Command.
 - APD reviewed and improved the bid packet process to ensure standardization and effective tracking. APD created surveys to evaluate officer familiarity with neighborhoods served.
258. Within 12 months of the Operational 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 partnerships 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” (Scanning, Analysis, Response, Assessment), which promotes a collaborative, systematic process to address issues of the community, safety, and quality of life;
- e) conflict resolution and verbal de-escalation of conflict; and
- f) cultural awareness and sensitivity training.

These topics shall also be included in APD’s annual in-service training.

Recommendations for Paragraph 258:

- 4.7.243a: Seek external technical assistance in the COPs curriculum development process using subject matter expert as peer reviewers for COP curriculum.

Response:

- APD received training materials from the Bureau of Justice Assistance and the Las Vegas Metropolitan Police Department for relevant portions of POP/Community Oriented Policing (COP) curriculum.

- 259. Within six months of the Operational 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.
- 260. APD shall develop a Community Outreach and Public Information program in each Area Command.
- 261. 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.
- 262. The Community Outreach and Public Information meetings shall, with appropriate safeguards to protect sensitive information, include summaries of all audits and reports

completed pursuant to this Agreement and any policy changes made and other significant action taken as a result of this Agreement. The meetings shall also include public education on an individual's rights and responsibilities during a police encounter.

263. 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.

Recommendations for Paragraphs 259 and 263:

- 4.7.244a: Complete development of the automated communications event calendaring system and integrate it with the larger TRaCS effort to capture all non-law enforcement contacts and any meaningful outcomes; and
- 4.7.244b Identify community service organizations and advocacy groups that serve and represent high- risk populations, and better document current partnerships and new partnerships.
- 4.7.248a: Seek assistance to complete the tracking data base (TraCS) and develop standard reporting formats for command staff and an ability to query the data-base for special reports and information requests.

Response:

- In April 2019, APD began standardizing, improving, and simplifying non-enforcement contact data tracking and reporting. The revised Traffic and Criminal Software (TRaCS) form includes a portion which will document department follow-up and accountability for projects or community needs. The form auto-populates certain fields to assist officers and eliminate data entry error. TRaCS is the software platform being used to track community engagement data. APD is working on developing an online format for standardized query of data for reports and information requests.
- The Community Outreach Division and PRT increased outreach to community organizations/advocacy groups, such as the refugee community, post-homicide outreach, and youth outreach. In February 2019, all APD partnerships or MOUs were documented and updated monthly.

Recommendations for Paragraph 260:

- 4.7.245 Continue to improve Area Command public information strategies and programing including using technical assistance to update those strategies incorporating significantly more use of various social media tools to reach a broader audience of area command residents.

Response:

- At least once per month, APD posts community events and crime statistics on the City website and through social media outlets such as Nextdoor, Twitter and Facebook. APD created Facebook groups for each Area Command to post outreach specific to each area.
264. APD shall continue to maintain and publicly disseminate accurate and updated crime statistics on a monthly basis.
265. APD audits and reports related to the implementation of this Agreement shall be posted on the City or APD's website, with reasonable exceptions for materials that are legally exempt or protected from disclosure.
266. 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.
267. 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 Citizens Police Academy.
268. 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 share 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.
269. 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 to APD;
- d) advising the Chief on recruiting a qualified, diverse workforce; and
- e) advising the Chief on ways to collect and publicly disseminate data and information, including information about APD's compliance with this Agreement, in a transparent and public-friendly format to the greatest extent allowable by law.

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

Recommendation for Paragraph 267:

- Use social media and other available tools and develop a specific outreach strategy for each area command CPC for both voting members and non-voting participants and include specific ways to meet the CASA's diversity requirements.

Response:

- The Community Outreach Division created a strategy for outreach, social media, and partnership opportunities for each CPC, including a diversity metric to determine the demographic composition for each CPC.

D) Civilian Police Oversight Agency (CPOA) (Paragraphs 271-292)

271. 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.

272. 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.

273. 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.

274. 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.
275. 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.
276. The City shall require those appointed to the agency to perform at least two ride-alongs with APD officers every six months.
277. 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.
278. 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.
279. 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.
280. 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.

281. Investigation of all civilian complaints shall begin as soon as possible after assignment to an investigator and shall proceed as expeditiously as possible.
282. 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.
283. 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.
284. 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.
285. 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.
286. The findings of the Executive Director shall be documented by APD's Internal Affairs Division for tracking and analysis.
287. The City shall permit complainants a meaningful opportunity to appeal the Executive Director's findings to the agency.

288. 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.
289. 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.
290. 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.
291. 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.
292. 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.

APD's Summary: D.) Civilian Police Oversight Agency (CPOA) (Paragraphs 271-292)

The CPOA is a separate and independent entity from APD with a specific focus on civilian complaints on police personnel, reports of serious uses of force and OIS.

Recommendations for Paragraphs 271 and 281:

- 4.7.256a POB vacancies must be promptly filled. The City should consider carefully POB/CPOA input regarding the qualifications of applicants for vacant POB positions.
- 4.7.266a: Develop an internal tacking system or other process that ensures all complaints are either assigned for investigation, referred to mediation, or administratively closed within 7 working days of receipt of complaint.
- 4.7.266b: Ensure that tardy assignments of investigations and tardy investigations are noted and discussed with the involved CPOA personnel.
- 4.7.266c: CPOA should consider hiring a Case Coordinator to further ensure the timely logging of receipt, the review, and the assignment of complaints.

Response:

- The CPOA continues to work to meet the requirements of the CASA including proper staffing levels and case assignments.

CASA Section 10: Assessing Compliance (Paragraph 320)

320. 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.

APD's Summary: Section 10. Assessing Compliance (Paragraph 320)

Paragraph 320 stipulates that the Independent Monitor may conduct on-site visits and assessments without prior notice to the City and that the Independent Monitor shall have access to all necessary individuals, facilities, and documents needed to assess compliance with the CASA. Furthermore, this paragraph states that APD will notify the Independent Monitor of any critical firearms discharge, in-custody death, or arrest of any officers. Paragraph 320 is in operational compliance.

III.) Conclusion

The key steps taken by the Department demonstrate the commitment to gain compliance and the significant progress accomplished through the guidance provided by the Independent Monitor and team, and the Department of Justice. The transformation effort of APD is focused on constitutional policing, the Court-Approved Settlement Agreement and long-term sustainability as well as the steps needed to maximize efficiency. The feedback and guidance from the Independent Monitor and team, the City and the DOJ, has allowed the Department to focus on identifying concerns and implementing improvements or corrections. Among the accomplishments achieved by Department personnel are the delivery of the Tier I use of force training with a 95% compliance rate; 95.1% completion on the backlog use of force cases; delivery of all identified gap training which exceeded the 95% compliance rate; implementation of the audit methodology to self-assess compliance with CASA policies; the creation of the Community Outreach Division, and the ethics initiative with the Bill Daniels Fund. These significant steps forward illustrate progress achieved through a good faith commitment and teamwork to become a data-driven police organization providing high quality police services and promoting constitutional policing.

IV.) Appendix

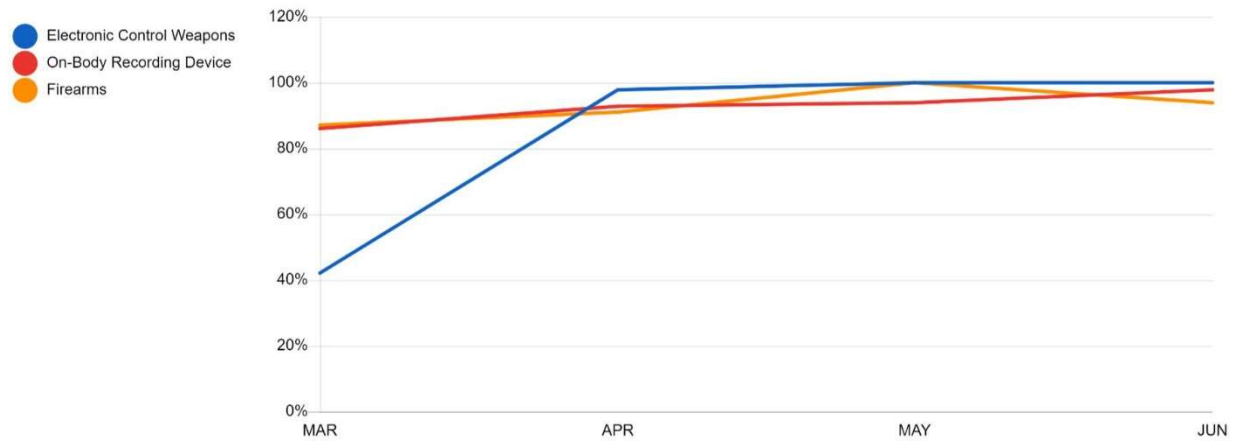
Appendix A: Pilot Trend Data

Appendix B: Community engagement activities per Area Command

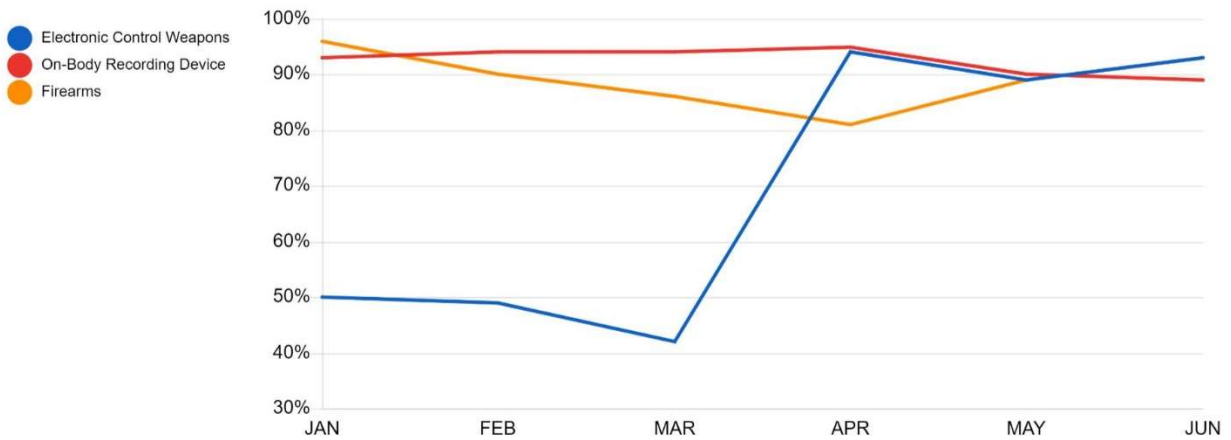
Appendix C: eCIT Workload Analysis

Appendix A

Northeast Area Command

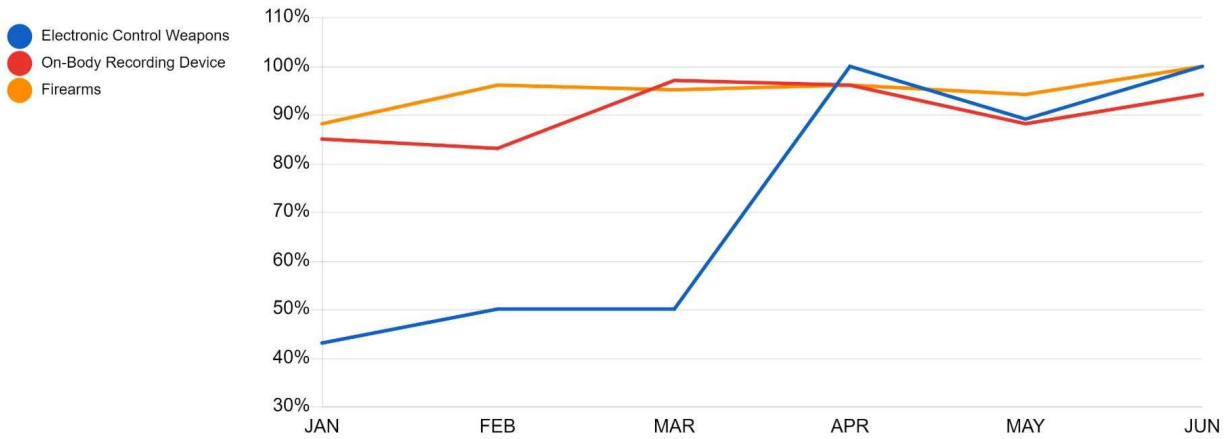


Foothills Area Command

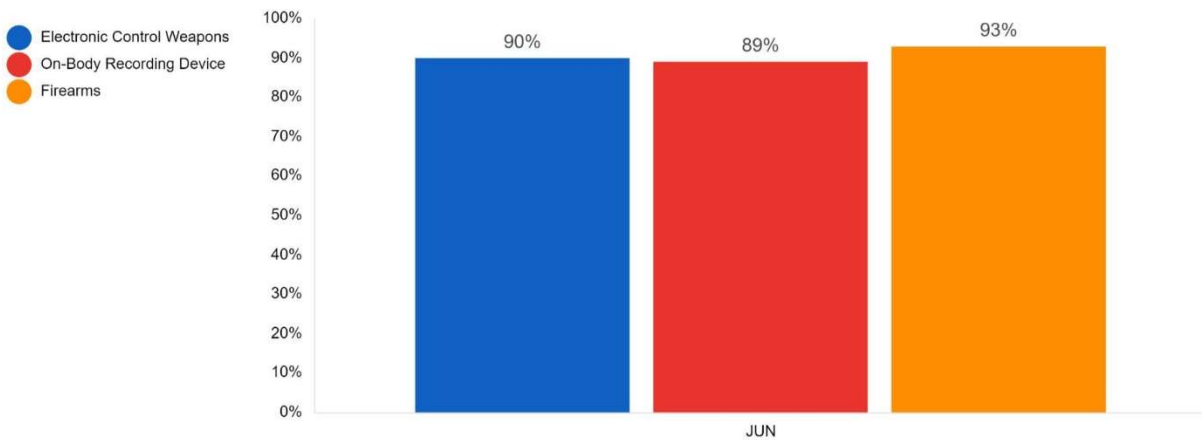


Appendix A

Northwest Area Command



Valley Area Command



Appendix B

The following is a partial list of community engagement activities, per Area Command, attended by APD during this reporting period:

Foothills Area Command

- Coffee with a Cop
- Community Policing Council Meetings
- Cars and Coffee with a Cop
- Senior Friendship Coffee
- Little League Opening Day
- Homework Diner
- Summer Lunch Program

Northeast Area Command

- Coffee with a Cop
- Community Policing Council Meetings
- Community Lockdown Drill/ Shooting Response protocol
- Safety Social
- Jewish Community Center
- Cub-Scout Tour
- Osuna Elementary Community Police Expo
- Zuni Elementary Parent/Student Lunch
- Governor Bent Elementary School Field Day
- Book and Badge Program
- Safe paths bike event
- Station Tour for Preschoolers
- Memorial for Victims of Homicide and Violence

Northwest Area Command

- Coffee with a Cop
- Community Council Meetings
- West side Shelter Feeding
- Bike Safety event at Marie Hughes Elementary School
- Community Safety Event
- Community Open House w/ Council Woman Cynthia Borrego
- Community Policing on KOB 4
- Cars and Coffee with Sagebrush Church
- Basketball and Kickball with Youth Summer Cap
- Cub-Scout Camp
- Youth Outreach Safety Tips and Education
- Junior Academy

Appendix B

Southeast Area Command

- Coffee with a Cop
- Community Council Meetings
- Meeting with the Islamic Center
- Refugee Domestic Violence help
- March against child abuse
- Bomb Squad Demo
- Book & Badge Program
- Field Day at Hawthorn Elementary School

Southwest Area Command

- Coffee with a Cop
- Community Council Meetings
- Public Safety Day
- South Valley Coalition
- Westgate Heights Neighborhood Association

Valley Area Command

- Coffee with a Cop
- Community Council Meetings
- Active Shooter Training
- Breakfast with Seniors
- Lunch and Learn w/ Ismaili Jamatkhana
- Meeting w/ Saint Greek Orthodox church
- Festival International
- McGruff for Kids
- Dennis Chavez Community Center Summer kickoff
- Breakfast with a Badge
- Presbyterian Cooper Center Growers Market
- Boy-Scout Substation Visit
- Teen Night at Herman Sanchez Community Ctr.
- Senior Safety Presentation

Metro Traffic Division (all 6 Area Commands)

- Special Olympics Hockey game
- Elementary Schools Safety Days
- Family Promise Fundraiser
- Run for the Zoo
- Pride Parade
- Senior Olympics
- Gun Buy Back
- Camp Fearless

Appendix C

Albuquerque Police Department

Enhanced Crisis Intervention Team: Workload, Analysis, and Yearly Review

Executive Outline Summary

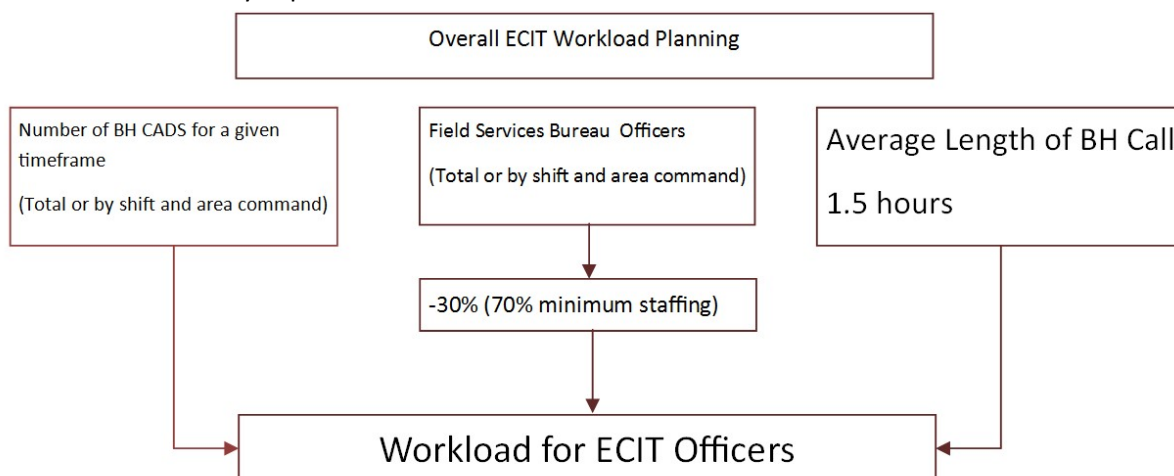
Purpose: Albuquerque Police Department requires a yearly workload analysis and staffing plan to ensure a sufficient number of Enhanced Crisis Intervention Team (ECIT) officers citywide.

Background:

- Per previous planning and agreements, 40% of Field Services needs to be trained in ECIT (ECIT Certification Rate), AND
- 40% of Behavioral Health (BH) calls need to be answered by ECIT (ECIT Response Rate)

ECIT Workload:

- Only applies to Field Service officers taking BH calls.
- Staffing levels in this report are designed for “worst case” scenarios of staffing levels on any given day, in any given shift.
- These BH calls take an average of 1.5 hours
- Field Services operates under a mandatory 70% staffing policy, which means that being up to but not more than, 30% of the assigned officers may be off on any given day (-30% for training, vacation, military, other duty).
- Percentages and numbers in this report are based on the workflow visually expressed here ...



Appendix C

Monthly ECIT Analysis:

Each month, APD determines the response rate of ECIT officers to BH calls by comparing a list of ECIT certified officers to BH Computer Aided Dispatch (CAD) data. ECIT then recruits based on coverage needs found from report.

Is the 40% ECIT Certification Rate right for Albuquerque?

- A 40% ECIT Certification Rate is working for Albuquerque currently
- Around a 45% ECIT certification rate allowed 68% of BH calls to be answered by ECIT from May 2018-May 2019
- Up to 30% of FSB is off-duty (training, vacation, other duty) on any given day
- 72% of BH calls ended with a transport to a medical facility in 2018 up from 45% in 2017
- Less than 1% of BH calls result in a use of force
- BH calls fell slightly for the first time in 2018, indicating both APD and the community are becoming more effective at handling behavioral health crisis.

Yearly Review:

APD's yearly shift bid can create coverage voids. CIU will compare the list of ECIT certified officers in the field to the bid results and recruit based on this and the monthly ECIT Analysis. A spreadsheet will also be used to determine actual minimum ECIT staffing values for the year.

ECIT Response Rate Updated:

ECIT officers are overperforming expectations and APD has raised the minimum ECIT response rate to 60% for every shift in each area command.

Conclusion:

Having sufficient ECIT coverage of BH calls logically leads to lower force use, and may lead to better outcomes through better connections to resources. Based on the review of the data, we have found that training 40% of field services in ECIT is a number that can achieve these goals. Each month APD will follow data to assure that a sufficient number of BH calls continue to be answered by ECIT officers, with a minimum monthly goal of 60% BH of calls taken by ECIT. Currently the average is about 70%. Each year, APD will conduct another workload analysis and produce a document similar to this one to assure the goals are both adequate and being met.

End of Summary

Appendix C

Albuquerque Police Department Enhanced Crisis Intervention Team: Workload Analysis, and Yearly Review

Purpose

In order to meet the needs of our city, the Albuquerque Police Department must establish an overall staffing plan for sufficient Enhanced Crisis Intervention Team (ECIT) coverage and a mechanism for analyzing the effectiveness of that strategy. This concept has been heavily influenced by 2015's Comprehensive Staffing Assessment and Resource Study by Alexander Weiss Consulting¹. This plan, in general, is meant to cover the worst possible scenario in terms of officer availability. In reality, in a normal day to day situation, ECIT response will be much higher than this proposal predicts.

Background

In October 2016, APD's Crisis Intervention Unit held its first Enhanced Crisis Intervention Team training. The ECIT program had been established in order to satisfy multiple Court Approved Settlement Agreement (CASA) requirements that related to APD's commitment to having a volunteer group of specially trained officers who respond to individuals in a mental health crisis. APD also agreed to provide 40 hours of basic crisis intervention training to all officers further requiring a higher tier of crisis response, what would become the Enhanced CIT officer.

Another of the CASA's requirements included training 40% of Field Services in this higher tier of crisis responder, ECIT. This number will be referenced throughout this workload plan as the ECIT certification rate. APD currently maintains around a 45% ECIT certification rate, though the exact percent varies month to month depending on transfers and newly recruited officers. Another requirement mandates APD to ensure that a sufficient number of crisis intervention responders are available to respond to behavioral health crisis calls. APD has internally identified ECIT response rate to recognized behavioral health calls as the method to demonstrate sufficient ECIT coverage city wide.

APD set a minimum ECIT response rate to these types of calls at 40%. For the period of May 1, 2018 to May 1, 2019 APD data indicates a 68% ECIT response rate for behavioral health calls. This will be discussed in more detail later in this plan.

ECIT Workload

Determining the number of police officers needed for a specific population is a difficult task, but when done correctly it may improve public safety. The calculation requires hard data such as the number of police calls for service in a given area, crime statistics, and geographic considerations in

¹ Alexander Weiss Consulting. (2015). *Albuquerque Police Department Comprehensive Staffing Assessment And Resource Study*.

Retrieved from <https://www.cabq.gov/police/documents/monthly-reports/comprehensive-staffing-assessment-and-resource-study.pdf>

Appendix C

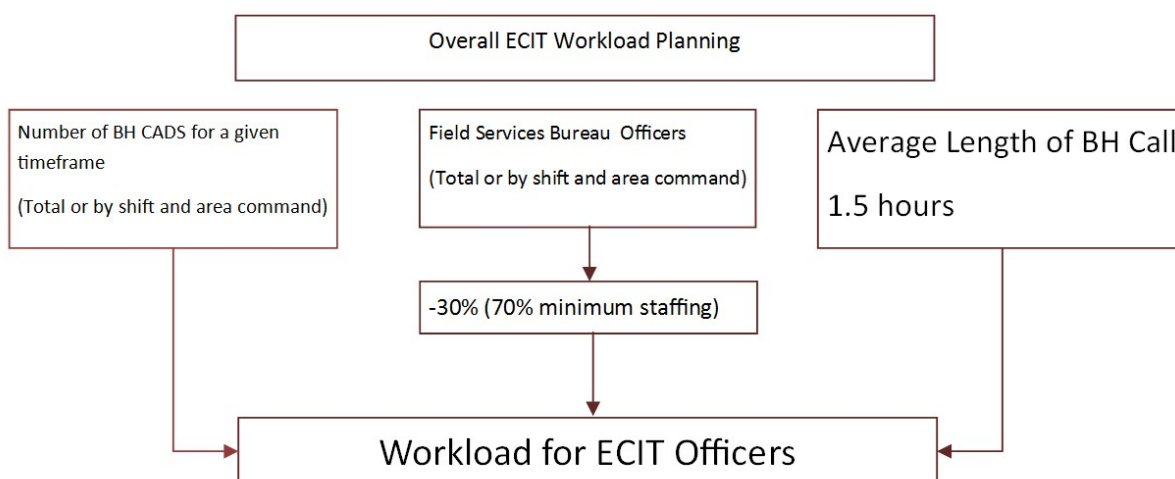
addition to less concrete factors like community expectations and the history of policing in that community.

APD's ECIT staffing plan considers only Field Service Bureau assigned uniformed officers and is focused specifically on calls relating to behavioral health, how long those calls take to resolve and to document them afterwards. Not all of these calls include contact with anyone, such as situations where the crisis individual is not home, or in cases of duplicate calls where a workplace, residence and school are all checked in an attempt to locate an individual. Situations such as this do not usually generate a police report, but instead have "added remarks" to the call itself in the dispatch program discussing the actions the officer took in an attempt to find the individual. In other cases, officers can spend hours talking to an individual in crisis. In situations where officers contact a person who is believed to have been in a mental health crisis, officers complete an information sheet as directed by APD Policy and the Court-Approved Settlement Agreement and an incident report. An analysis of Computer Aided Dispatch (CAD) data completed after the introduction of the information sheet indicated that APD officers spent an average of 1.3 hours on a behavioral health call². This number has been rounded up to 1.5 hours for purposes of determining staffing to provide additional cushion and ensure sufficient coverage in later calculations.

The Albuquerque Police Department's Field Service Bureau functions under a minimum staffing model for day to day operations. This means that every shift of every day, a minimum of 70% of the officers assigned to Field Services are at work and in service. This mandate covers the entirety of any pre-planned absence from the field which includes vacations, injuries, military leave, training and temporary duty assignments and any other expected absence. While emergencies do happen, shifts rarely drop below a total of 70% staffing. In these situations, officers are generally brought in for overtime especially in cases where an officer is injured suddenly and the vacancy will push the shift under the required percentage. Because of this mandate, any overall number of officers assigned needs to be reduced by 30% in order to simulate the "worst case scenario" staffing level. The total workload calculation is visualized in the figure on the following page, though a spreadsheet will be used to do the actual math based on the actual entered data.

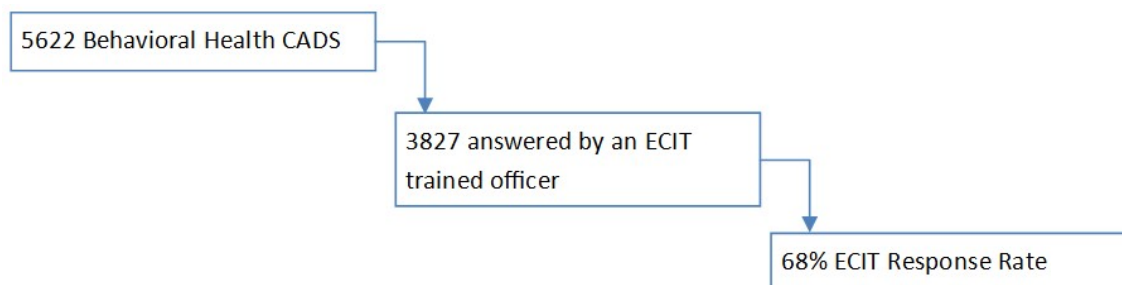
²See Appendix 1, Albuquerque Police Data Book

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Monthly ECIT Analysis

In order to actually track response rate, thereby ensuring sufficient coverage of ECIT officers, an analysis of behavioral health calls and ECIT certified officers will be conducted monthly. This report queries dispatches classified as behavioral health calls to the list of ECIT certified officers, including their date of certification, and then determines whether or not an ECIT certified officer arrived on scene to the call. Running this report only requires a date range, meaning a query could examine yesterday's response rate or the entirety of APD's ECIT response rate since the program's inception in October 2016. The information learned from the report will be used both to evaluate each area command/shift's ECIT response and also to recruit new ECIT officers, should areas of the city indicate a need for ECIT officers when compared to the behavioral health call volume in that sector. This process is demonstrated using actual APD call data from May 1, 2018 to May 1, 2019.



40% ECIT Certification Rate for Field Services

A city wide 68% ECIT response rate to behavioral health calls indicates that ECIT officers are taking the majority of these types of calls either by volunteering to respond or being directed to respond to them by supervisors. During that period 38 to 45% of APD's Field Service Bureau were certified as ECIT. If at around a 40% certification rate, nearly 70% of behavioral health calls are taken by ECIT then APD could likely only certify 20-25% of their field officers and still regularly

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meet APD's response rate goal of 40%. A 20-25% CIT certification rate is considered standard for patrol with the goal of having a CIT trained officer available at all times³. 99.98% of APD's Field Service officers are trained at this basic CIT level as of August 2018, with an ECIT certification rate of 45% in May 2019. This begs the question, why should APD train 40% of its call taking officers in ECIT?

As mentioned earlier, the goal of APD's ECIT workload is to plan for the Field Service Bureau's worst case shift in terms of staffing. If only 20% of Field Services is ECIT certified and up to 30% of field officers can be off on any given day, almost assuredly ECIT officers would regularly be included in the number of police not on duty for whatever reason. This would create ECIT coverage gaps, resulting in a need for more officers to be certified to fill those gaps thus raising the percentage of officers certified. With both a 40% certification rate and the analysis tools discussed in this plan, APD can assure the citizens of Albuquerque that an ECIT officer is on duty any time of day to respond to a crisis call.

Other APD data points to success as a result of APD utilizing a 40% ECIT certification rate. In 2018, 72% of behavioral health calls APD responded to resulted in a transport to emergency mental health services. This was up from 45% in 2017 when APD had less than 40% of Field Services certified as ECIT responders.⁴ This shift in transports to healthcare services, instead of jail, indicates that the ECIT program and APD's Field Service Bureau is effective in recognizing and responding to behavioral health calls at around a 40% certification rate. Further a major finding in the Department of Justice's 2014 investigation into APD's practices described "excessive force against individuals with mental illness."⁵ Force is now used rarely on these types of calls with force used on 1% of these incidents in 2018⁶, indicating progress at improving response, especially considering that nearly 70% of behavioral health calls are answered by ECIT officers.

Maintaining a 40% ECIT certification rate seems to be working well for the Albuquerque Police Department and the community. For the first time since APD began tracking call volume of this type, behavioral health calls for 2018 were actually lower than in 2017. The drop was small, less than 250 total calls, but 2018's numbers represent a reversal of an eight year trend, where behavioral health calls increased year over year.⁷ While APD should not take credit for this drop alone, it is illustrative of steps being taken both by the police department and the community as a whole to help those in crisis. Lastly, a 40% ECIT certification rate gives APD a coverage cushion to help absorb major changes in staffing such as the yearly shift bid as discussed in the next section.

³ R. Dupont, S. Cochran, S. Pillsbury (2007) *Crisis Intervention Team Core Elements*. University of Memphis retrieved from <http://www.citinternational.org/resources/Pictures/CoreElements.pdf>

⁴ Appendix 2. Albuquerque Police Data Book Spring 2019 and December 2017 Retrieved from <https://www.cabq.gov/mental-health-response-advisory-committee/mental-health-response-advisory-committee-resources-links-documents>

⁵ U.S. Department of Justice. Re: Albuquerque Police Department, April 10, 2014 Retrieved from https://www.justice.gov/sites/default/files/crt/legacy/2014/04/10/apd_findings_4-10-14.pdf

⁶ APD Data Book June 2019 Retrieved from <https://www.cabq.gov/mental-health-response-advisory-committee/documents/apd-crisis-intervention-unit-update-for-spring-2019.pdf>

⁷ Appendix 3 APD Data Book June 2019

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Yearly Review

A challenge in ECIT coverage planning for the Albuquerque Police Department is the yearly Field Services shift bid. Every year, uniformed field officers bid by seniority for supervisor, area command, shift, and regular days off. Officers are free to bid where, when and for whom they would like to work, assuming they have the seniority and there is an open slot in their team of choice to them to take. This could result in voids in coverage for ECIT officers on a shift or day of the week. Due to this, Crisis Intervention Unit personnel compare the list of certified ECIT officers to the final bid roster as soon as it released. This comparison helps allow CIU to “get ahead” of the data and begin recruiting prospective ECIT officers before the end of the current bid while hopefully heading off significant drops in ECIT response rates due to obvious holes in ECIT coverage at the start of the upcoming schedule. The monthly analysis of response rate will also be conducted and examined but this pre-bid effort is an attempt to reduce a possible drop due to the reassignment of officers.

Lastly, the yearly review will make use of the behavioral health call data from the previous year with current officer assignments entered into the same spreadsheet used to determine minimum staffing at the beginning of this report. Should an area command or shift lack the minimum number of officers needed according to the spreadsheet, recruiting will take place on that shift or area command.

ECIT Response Rate Updated

The original goal of a 40% ECIT response rate was set in October of 2018. At that time data indicated that APD could guarantee around a minimum 35% ECIT response on every shift, and 40% was a goal set for every shift in every area command. APD’s ECIT officers have since accomplished this.

Below is data for the period of May 1, 2018 to May 1, 2019.

	BHD CADs	Shift # 1 ECIT Officer Responded	Percent W/ ECIT	BHD CADs	Shift # 2 ECIT Officer Responded	Percent W/ ECIT	BHD CADs	Shift # 3 ECIT Officer Responded	Percent W/ ECIT
FH	170	128	75.29 %	352	185	52.56 %	513	402	78.36 %
NE	224	155	69.20 %	377	229	60.74 %	505	330	65.35 %
NW	97	79	81.44 %	255	121	47.45 %	388	268	69.07 %
SE	213	161	75.59 %	492	336	68.29 %	557	406	72.89 %
SO							1	1	100.00 %
SW	111	71	63.96 %	214	128	59.81 %	276	202	73.19 %
VA	144	99	68.75 %	383	270	70.50 %	350	256	73.14 %

Due to this success, CIU is now raising our city wide target to at least 60% on every shift, in each area command. Most areas of the city are far beyond this now and lagging areas will continue to be addressed via APD’s ECIT Recruitment Plan which was updated in December of 2018. Being able to guarantee that 60% of behavioral health calls will have an ECIT officer on scene further strengthens APD’s ability to safely resolve crisis events.

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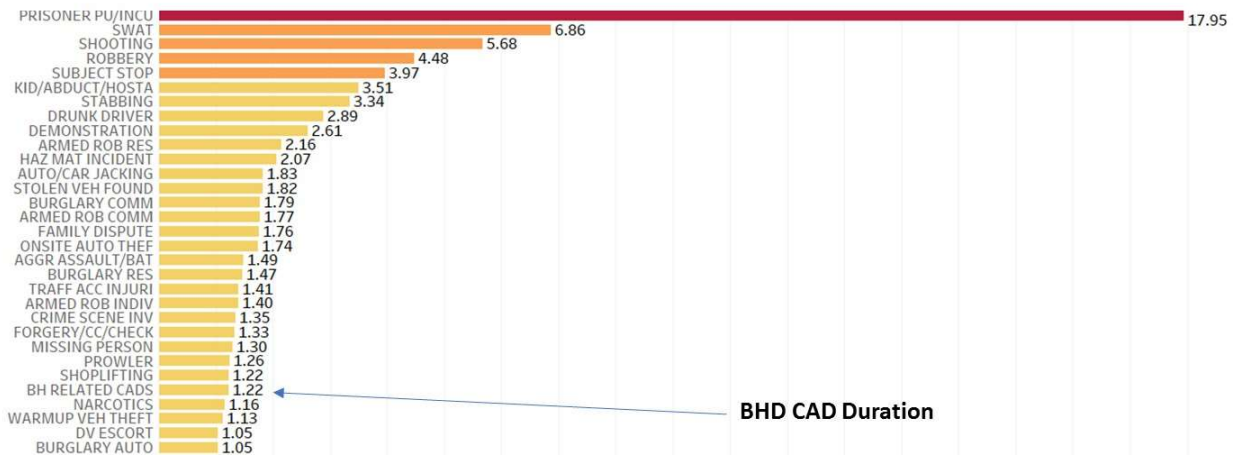
Conclusion

Using this workload planning and analysis method, along with the accompanying spreadsheet, Albuquerque Police will be better equipped to meet its obligation to provide crisis intervention services regardless of what time or where in the city they occur. Effective planning and analysis will further enable the 202 certified field ECIT officers to join the thirteen full time CIU detectives, five crisis outreach specialists and two mobile crisis teams in attempting to resolve emergency situations with the intention of maintaining the safety of our community.

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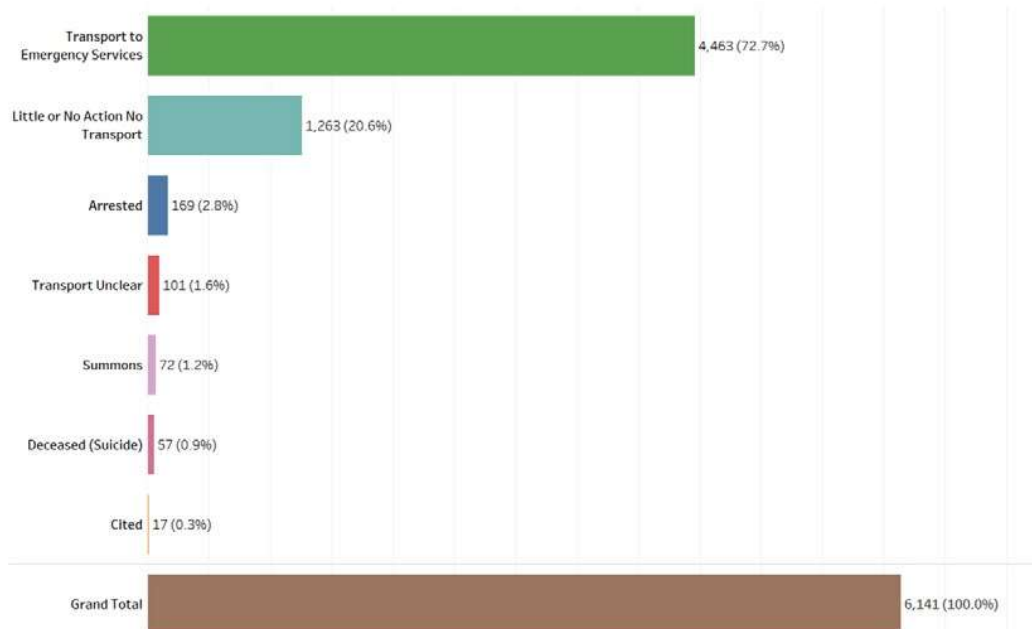
Appendix 1

Duration For Selected CAD Calls, In Hours, From When
The Officer Is Dispatched To The Time The CAD Is Closed



Appendix 2

Preliminary Data: The Disposition Of CIT Encounters With APD's Field Services Bureau Officers In 2018

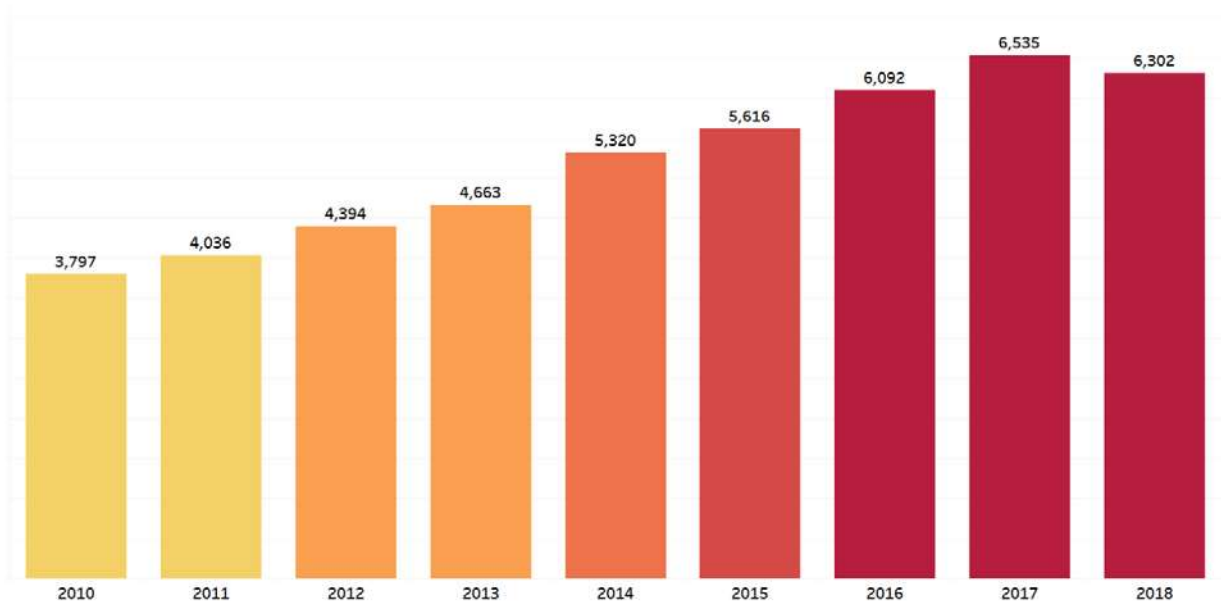


Note: These data come from CIT TraCS worksheets completed by FSB Officers.

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Appendix 3

The Number Of APD's BH-Related CAD Calls Increased From 2010 To 2017. In 2018, The BH-Related CAD Calls Declined Slightly.



Appendix 4

Preliminary Data: The Number And Percent Of CIT Encounters That Included Use Of Force In 2018

