REVIEW OF USE OF FORCE IN THE ALBUQUERQUE POLICE DEPARTMENT

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POLICE EXECUTIVE
RESEARCH FORUM

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<p style="text-align: center;">**Review of Use of Force in**</p>

<p style="text-align: center;">**The Albuquerque Police Department**</p>

<p style="text-align: center;">**By the Police Executive Research Forum (PERF)**</p>

Introduction

The city of Albuquerque asked the Police Executive Research Forum (PERF) to conduct an examination of the conditions that may be associated with what seems to be a high rate of police-suspect encounters that involve the use of force by Albuquerque police officers. Specifically, PERF was asked to examine five key areas regarding use of force by the APD as well as assaults against police officers:

1. What contributes to assaults on Albuquerque police officers?

2. Is there a correlation between Albuquerque's violent crime rate and the number of assaults on police officers?

3. Are socio-economic conditions a factor in use-of-force encounters?

4. Many of the offenders involved in use-of-force encounters have criminal records. What factors arising from a suspect's interaction with the criminal justice system may affect the rate of use of force?

5. An analysis of the use of force by Albuquerque police officers. This includes a review of the department's training, use-of-force policies and directives, use-of-force review and investigation processes, and the department's Early Intervention System.

The PERF team conducted a site visit and interviewed city officials, members of the department at all levels, partner agencies and service providers, and other individuals who contributed insight and information necessary to complete this project. Interviews focused on processes and procedures in place to capture, track and report use of force events, the investigation and review processes for use

of force incidents, police use of force generally, officer-involved shooting events, and citizen complaints.

The department provided information and electronic data regarding officer-involved shootings, use-of-force incidents, training materials, policies and written directives, annual reports, organizational components, workload data, and much more.

This report is the result of these interviews and data, research on use of force by police, consultation with recognized subject matter experts, and the expertise of the PERF team amassed over 25 years of working with police departments in a variety of areas, including use-of-force policy and training.

Analysis conducted for this study shows that, although officer-involved shootings recently have increased, both violent crime and assaults on officers have been on a downward trend, as they have in other comparable cities. Violence has declined in recent years in Albuquerque, as it has in other comparable cities. In the recent past, Albuquerque has had higher rates of assaults against police than have most comparable cities. However, the rate of assaults against police in the city has declined over the last few years. The city experienced a particularly notable decline in assaults on police in 2008. As of that year, the city's rate of assaults on police was similar to that of comparable cities. This downward trend continued through 2010.

The City of Albuquerque and the Albuquerque Police Department (APD) have in place a wide array of mechanisms designed to manage officers' use of force and to monitor and investigate officer-involved shootings. The department has reassessed its training and has adopted a greater focus on tactics to resolve conflicts without force whenever possible. The department has procured less-lethal weaponry and is taking steps to build officer confidence in the use of these tools. An internal affairs database was set up to capture use-of-force data, but there are data gaps and corrections still need to be made. A non-disciplinary Early Intervention System was put into place

to detect patterns by officers who have been involved in any combination of five designated incidents in a 12-month period which may suggest that the officer could be at risk. If the department's command-level review of an identified officer's actions finds no problem or pattern of activity giving rise to concern, no further action may be necessary at that time. However, identified concerns can result in corrective and progressive measures including non-disciplinary counseling, psychological review and transfer. APD's acquisition of technology includes equipping every officer with personal video recording equipment.

The department has created a citizen complaint process that is easily accessible to the public, but it may be intimidating or discouraging to some as it requires complainants to sign their complaints. There are extensive multi-level investigation and review processes regarding force incidents, as well as managerial monitoring to improve policies, training and equipment, but the recent spate of officer-involved shooting events has not diminished.

PERF offers 40 recommendations as a result of this analysis. No single recommendation is likely to have a dramatic impact. However, if they are all implemented, the cumulative effect may be to reduce the prevalence of officer-involved shootings.

Overview

The Albuquerque Police Department (APD) has taken many positive steps in response to the spate of officer-involved shootings it has experienced in recent years. Officers are trained at the entry level and are regularly retrained in tactics to de-escalate volatile incidents and in measures to control persons, when possible, before the use of greater force is necessary. At the time of the PERF visit, training staff were assessing training strategies with a goal of including greater role-play exercises that call on officers to consider a wide range of options to calm situations, rather than to permitting them to escalate.

Responding effectively and employing appropriate intervention efforts to deal with mentally ill or emotionally disturbed persons is a long-standing problem for police, everywhere. As established later in this report, more than half of the subjects whose actions led APD officers to use deadly force were noted to have a history of mental illness. National data indicate that 65% of officer-involved shootings involve mentally ill persons. Recognizing the need to manage these challenges, the department established a Crisis Intervention Team (CIT), consisting of approximately 125 field personnel throughout geographical and shift assignments, who are provided 40 hours of training in how to better deal with persons exhibiting mental illnesses or those who are in mental distress. (The department actually has trained a greater number, but some have been transferred, leaving just 125 in patrol.) This CIT initiative helps to ensure the likelihood of a trained officer being primarily dispatched, or available to respond to, any call in which a mentally distressed individual is posing a risk to himself, the public, or officers.

The department also guides officers in handling mentally ill persons with an in-depth policy (#2-13) that provides detailed information about identifying abnormal behaviors, determining risks, methods of approach, emergency evaluations, referrals, deploying CIT, and other resources. Additionally, a six-member volunteer Crisis Outreach and Support Team of civilian personnel has been formed to provide follow-up help, and a member of the department's Behavioral Sciences Team is dispatched to all barricade situations. Each of these initiatives represents an exemplary effort by the department to ensure that persons suffering from mental illness or emotional disturbances are handled in the most appropriate manner.

The Crisis Intervention Team and Crisis Outreach and Support Team have been invaluable in reaching out to persons with mental problems. Statistics reviewed by PERF confirm that on a monthly basis, many hundreds of persons are assisted through direct contact, referral to other services, interventions, threat assessments, and coordination with state agencies and service providers.

APD has issued equipment and trained its officers in less lethal alternatives to the use of deadly force. TASERs™ have been issued to the department's field officers, and the department is in the midst of upgrading some older models. Although officers employed TASERs in only four of the 37 officer-involved shooting incidents (11% of the time) from 2006-2010, a review of non-shooting use-of-force reports found that when officers used weapons at all, TASERs were used 48% of the time. Officers are also provided the opportunity to carry bean bag shotguns, for which the department has installed trunk mounts in take-home patrol vehicles. The availability and the use of these less lethal weapons, when circumstances permit, can obviate the employment of deadly force in some instances, thereby potentially saving lives.

Every shooting incident is responded to by the Chief of Police and/or the Public Safety Director. This is critically important, as it demonstrates to the public and officers alike that the city and the department recognize the gravity of every instance in which an officer employs deadly force.

Every APD officer-involved shooting is reviewed from several perspectives. Upon confirmation of a police shooting incident, a Multi-Jurisdictional Investigative Team[1] is assembled to conduct a full investigation. Each such incident is also fully investigated by the department's Homicide Unit, regardless of whether a subject was injured or killed; and the Internal Affairs Division initiates an investigation into the officer(s)' use of force. Moreover, every officer-involved shooting investigation is directed to the Grand Jury for review. Completed investigations, after Grand Jury review, are directed to the City's Independent Review Officer, where a determination is made as to whether the shootings were justified before they are submitted to the officers' chain of command for any departmental action that may be appropriate. The only exceptions to a full deployment of resources in response to an in-custody death or officer-involved shooting are situations in which there was an accidental discharge without injury or in which the officer's gunfire was necessary to

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[1] This team includes officers from the APD, the NM State Police, the Bernalillo County Sheriff's Office, the University of NM Police Dept., the Albuquerque Public Schools Police Dept., and a representative from the City Attorney's Office.

destroy an animal. This multi-faceted approach to addressing officer-involved shooting incidents is comprehensive and represents a best professional practice.

All officer-involved shooting incidents are further reviewed by a Critical Incident Review Board to determine whether there is any issue with existing departmental policy, training or equipment that should be addressed in order to prevent another such incident. If at this level of review there is a finding of deficiency, the board's report to the chief results in corrective action being undertaken. Officers who are the subject of an officer-involved shooting are not returned to their assignment for three days and must first be cleared by the department's contract psychologist to return. Thus, they are returned before the investigations described above are completed and before the Grand July determines if they will be indicted. This is not an ideal practice, inasmuch as the department could be returning an officer to full duty before it is determined whether he or she will be terminated or prosecuted for actions taken in a shooting event.

Although APD has not engaged in the widespread use of dash-cameras in patrol vehicles,[2] for some time officers have been equipped with audio recorders affixed to their gun belts. During the time PERF worked on this review, the department acquired personal video equipment that each patrol officer wears on his or her shirt. This is an invaluable piece of equipment in documenting interactions between officers and the persons they meet. In confrontational situations, the factual confirmation of events captured by these cameras is a huge step forward and provides the department's supervisors and managers (as well as prosecutors and courts) undeniable evidence of how an incident evolved and the actual depiction of the visual viewpoint of the officer.

The process for citizens to lodge a complaint against an officer is uncomplicated and easy to access. All complaints, including those involving police use of force, can be made online or in person. Complaint forms are available in English and Spanish at police facilities, at Internal Affairs

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[2] Vehicles used for DUI enforcement and selected other special assignments may have dash-cams installed.

at City Hall, at the Mayor's Office, and on the APD website, as well as on the City's website (the Independent Review Office of the Police Oversight Commission).

In accordance with the current labor contract, the department is permitted to accept only signed complaint forms, but online complaints can be accepted with the understanding that a signature will be provided at a later time or by fax. This impedes the acceptance and investigation of anonymous complaints against officers. However, serious anonymous allegations of officer misconduct or criminal allegations can be initiated. Complaints may be investigated by the Independent Review Officer's investigators or by the police department's Internal Affairs Division, as determined by the auditor. Completed investigations go before the Police Oversight Committee and then to the City's Chief Administrative Officer for action, when appropriate.

The way in which police departments report use-of-force incidents varies. Some agencies report a use of force when any restraining action is taken, others only when complaints are made, and others at varying points in-between. The APD has for many years utilized a "Use of Force Report" that is completed by the involved officer's sergeant, but the sergeant must first be trained in use of the form.

The APD reports a use of force when an officer employs:
- Empty-handed takedown
- Chemical Agent
- Canine
- Bean Bag
- TASER
- Impact Weapon, or
- Firearm.

Each of these use-of-force events is entered into the department's Early Intervention System, the Multi-Relational Internal Affairs Database (MRIAD).

If supervisory review raises concerns about unreasonable force, the use-of-force form is directed to the officer's commander for additional review. This review can trigger an Internal Affairs investigation to determine whether a breach of policy has taken place. If the circumstances raise questions about criminal misconduct, the Chief of Police can assign the matter to be thoroughly investigated, usually by the Violent Crimes Unit. In the instance of officer-involved shooting incidents, the Internal Affairs investigation is not typically undertaken concurrently, but rather after the criminal investigation and Grand Jury review are completed.

The APD's MRIAD Early Intervention System is focused not on discipline, but rather on alerting police managers to officers who may be at risk and could benefit from intervention (ranging from a discussion with a commander to a formal referral to employee assistance resources) before the identified pattern or concern evolves into a larger problem involving discipline, or one that brings about harm to the officer or others. The MRIAD system tracks internal and citizen complaints against officers, use-of-force incidents, firearm discharges, certain police vehicle accidents, and traffic infractions. When five captured events involving one officer over a running twelve months are identified by the system, it selects that officer for the next monthly notification report and the officer's situation is reviewed by his or her commander. The commander may initiate a meeting to review the matter with the officer, provide counseling, or direct the officer to employee assistance or peer support. Referrals are not formally tracked and reportedly are not a frequent occurrence.

The MRIAD is capable of providing reports regarding involved officers, subjects, weapon or tactics use, case closures, policy violations, and other factors that are useful in identifying training or policy shortfalls. Reports of this nature are useful to the department in directing reviews of policy, training, and operations.

The steps taken by the Albuquerque Police Department represent many of the approaches taken by progressive law enforcement agencies throughout the United States to monitor and minimize the use of force by officers. Despite some impressive steps forward, there is still work to do. The department has reassessed its training and has adopted a greater focus on tactics to resolve conflicts without force. The department has procured less lethal weaponry and is taking steps to build officer confidence in their use. An internal affairs database and Early Intervention System were set up to capture use-of-force data, but there are gaps in the data, and corrections still need to be made. The acquisition of technology includes equipping every officer with personal video recording equipment. The department's citizen complaint process is accessible but may be intimidating or discouraging to some as it requires complainants to sign their complaints. There are extensive multi-level investigation and review processes regarding force incidents, as well as managerial monitoring to improve policies, training and equipment. But the recent spate of officer-involved shooting events continues.

Use of Force – What We Know

Much has been written about how the police should go about determining the appropriate level of force necessary to effect an arrest or bring a person under control. There are software programs to help departments track the force used by officers according to type of incident, officer, weapon, and much more. However, though some individual agency snapshots exist, little is known about how police use of force comes together in practice across the nation. Most experts agree that accurate data about the use of any force by police is inconsistently reported from one department to the next, and data regarding wrongful use of force by police is relatively unknown.

What has come to light in various studies and through surveys administered by the National Institute of Justice, the Bureau of Justice Statistics, and other researchers is that generally, fewer than 2% of all interactions between police officers and the public involve the use of force, and 80% of force complaints come from police-initiated contact as opposed to calls for service response. Even in arrest situations, fewer than 20% require any use of force; and when force is necessary,

weaponless tactics suffice 80% of the time. Approximately half of the weaponless force that officers employ consists of nothing more than "grabbing." The use of any weapon is limited to 2% of arrests. When suspects are injured, according to the Bureau of Justice Statistics, 48% of the injuries are bruises, 24% are lacerations, and 4% are the result of gunshots.

One five-year study conducted by the Anne Arundel County, MD Police Department in 2009 found that Emergency Evaluation calls (regarding mentally distressed persons) led to the largest number of their use-of-force incidents, followed (in order) by incidences of disorderly conduct, assaults on officers, and assaults on others. The Seattle WA Police Department reported in the same year that its use-of-force incidents arose most often from assault situations. Moreover, Seattle reported that 73% of use-of-force incidents involved impaired subjects, but the impairment was most often drugs and alcohol; mental impairments were the least frequent at 12%.

All of this suggests that the makeup and problems of communities, and how they impact police response and actions, can vary greatly. In Albuquerque, even while assaults on officers are in decline, assaultive subjects are a significant cause of police use of force. Data produced by the APD for officer-involved shooting incidents (2004-2011) show that these events were precipitated most often by a call for service and that 50% of subjects were impaired either by mental illness, alcohol or drugs.

Officer-Involved Shooting Incidents Summary:
From 2006 – 2010, 47 APD officers were involved in 37 officer-involved shooting incidents that resulted in 18 deaths. In the first half of 2011, another four officer-involved shootings took place. Reinvestigating officer-involved shooting cases was outside of the scope of this study as specified by the city. However, PERF was charged with identifying any common factors shared among the incidents, the subjects of the shootings, and the officers who employed deadly force.

Nature and Geographical Distribution of Incidents

The majority of officer-involved shooting incidents took place after officer(s) arrived at the location of a dispatched call for service, which is typical of national findings. The breakdown of how officers came to become involved in these 37 events is as follows:

- 61% of incidents were related to a call for service;
- 21% of incidents were related to a traffic stop;
- 10% of incidents involved both a call for service and a traffic stop;
- 5 % of incidents were not related to either a call for service or a traffic stop.

Officer-involved shooting incidents during the period examined were spread across Albuquerque with three-fourths taking place in the city's northern areas:

- 48 % occurred in the Northeast quadrant of the city;
- 30 % occurred in the Northwest quadrant of the city;
- 16 % occurred in the Southeast quadrant of the city;
- 5 % occurred in the Southwest quadrant of the city;

It is interesting to note that while 76% of officer involved-shooting incidents took place in the Northern quadrants of the city, other use-of-force incidents were more evenly distributed across the city, with the largest number located in the Southeast area.

Threatening Events Leading to Police Use of Deadly Force

In 84% of the incidents, officers were confronted by subjects with weapons. In 16% of the incidents, officers reacted to perceived or implied weapons and threatening actions that later proved not to involve a weapon. Threatening actions by subjects that contributed to officers' decisions to resort to deadly force included the following:

- In 14% of incidents, subjects fired weapons at officers;
- In 27% of incidents, subjects displayed/pointed a firearm at officers;

- In 24% of incidents, subjects threatened or lunged at an officer or other person with a knife or other edged weapon;
- In 8% of incidents, subjects threatened officers with other potentially dangerous articles (e.g. a piece of lumber or bolt cutter):
- In 19% of incidents, subject's actions/movements intimated reaching for a weapon;
- In 5% of incidents, motor vehicles were used as weapons against officers; and
- In 3% of incidents, an assault was committed on another person by the subject.

The issue of the distance between officers and the subjects in shooting incidents in Albuquerque raises questions. According to the FBI, over 50% of officer-involved shootings nationally take place at a distance below 5 feet, and 95% below 21 feet. The 21-foot distance is considered the minimum safe distance to be maintained when confronted by a person with an edged instrument. Only 13% of the APD's officer involved shootings form 2008-2010 took place at a distance of less than 5 feet, while 30% were over 30 feet. PERF was unable to identify an explanation for this difference.

Findings Regarding the Subjects of Police Deadly Force

Throughout the APD, PERF heard concerns about the increasing willingness of people to challenge the police. Across the country there is clear and documented evidence that serious assaults against police have been on the rise. Officers are being assaulted and killed at an alarming and increasing rate. The FBI recently released figures indicating that 56 police officers were feloniously killed in the United States in 2010 – up from 48 in 2009. However, data depicted later in this report show that violent crime is on the decline in Albuquerque, as are assaults on officers and the use of force against officers.

Nevertheless, this underlying anxiety about assaults against the police may put officers on guard as they answer calls and effect traffic stops. Many APD officers and officials interviewed voiced

concern that the number of mentally ill or emotionally disturbed persons in Albuquerque also seems to have increased, and there was some lesser concern voiced about the presence of gang members in the city.

Over recent decades, police departments have developed community policing and problem-solving initiatives directed at quality of life issues, and this has increased their daily interaction with mentally ill and emotionally disturbed persons. Some studies estimate that as many as 20 to 25% of single adult homeless persons suffer from mental illness. Studies indicate that when mental illness is accompanied by alcohol and/or drug use, the potential for violence increases.

Factors Influencing Subjects

PERF's review of information about the subjects against whom APD officers used deadly force from 2006-2010, and the other conditions that played a role in the incidents produced these findings:

- 54% of subjects had a confirmed prior history of mental illness;
- 89% of subjects had a criminal record, 81% had a record of violent crimes;
- 36 of the 37 subjects are reported to have had documented contact with the APD, ranging from a low of 1 contact to a high of 95, with an average of 14 contacts per subject.
- 11% of subjects were reported to be under the influence of drugs;
- 16% of subjects were reported to be under the influence of alcohol;[3]
- 22% of the incidents that led to officer-involved shootings were reported to be linked to domestic incidents.[4]

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[3] While the influence of drugs was reported to have been a known factor in 11% of officer involved shootings, and alcohol in 16%, in the majority of instances the influence of drugs and alcohol was reported to be unknown.
[4] 22% of officer-involved shooting incidents were determined to have stemmed from domestic incidents, as determined after the event. The department's own study reports that 14% of officer involved shooting incidents stemmed from domestic incident related dispatched calls.

Subject Demographics:

- The race of subjects – 57% were Hispanic, 27% were White, 3% were African-American, 3% were Native American, 3% were Asian, and the race of 8% was not known.

- The age of subjects – 16% were 18-20 years, 32% were 21-30 years, 19% were 31-40, 27% were 41-50 years, and 5% were over 50 years.

- 51% of subjects were of smaller stature (5'10" or under and under 180 lbs.)

- 49% of subjects were of larger stature (over 5'10 and/or 180 lbs. or more)

Findings Regarding Officers Who Resorted to Deadly Force

PERF's review found that in the vast majority of instances, more than one officer was on the scene of the incident at the time of the officer-involved shooting incident.

- In 81% of incidents, more than one officer was present at the time of the firearm discharge.

- In 24% of incidents, more than one officer fired a weapon.[5]

- In 89% of incidents, the officer employed no less-lethal option before resorting to deadly force.

- In 11% of incidents, officers employed the TASER before resorting to deadly force.

Officer Demographics:

- The age range of the 47 officers who used deadly force was 22 to 55 years, with an average age of 33 at the time of the shooting in which they were involved. 40% were 21-29 years of age, 49% were 30-39 years of age, 6% were 40-49 years of age and 2% were over 50 years of age. One officer who was involved in a 2006 incident is now retired and his personal information was not available.

- The average age of officers who were involved in other use-of-force incidents is 32 years.

- The average age of APD's officers is 38 years.

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[5] In total, 47 officers fired weapons during these incidents.

- Tenure in the department for these 47 officers ranged from 1 year to 28 years, with an average of six years in the department at the time of their involvement. 26 officers (53%) had 1-5 years in the department, 11 officers (23%) had 5-10 years, 8 officers (17%) had 11-15 years, and 2 officers (4%) had over 15 years on the job.

- Department-wide, the average time on the job for all officers is 11 years.

Two officers have each been involved in two shooting incidents. (No officer was involved in more than two incidents.) In both of these instances, more than one officer fired a weapon. One of these officers was the primary firing officer in one incident and the second firing officer in another incident eight days later. The other of the two officers was not a primary shooting officer in any incident, but a second- and third-shooting officer in two incidents just over four months apart. None of the officers involved in these shooting incidents was found to have violated the department's Use of Force Policy and none was indicted by the Grand Jury.

To evaluate whether there was any training issue regarding a specific academy session producing an unusual number of officers who were involved in shooting incidents, PERF examined the year of hire for the 47 officers.

Year of Hire of Officers Who Discharged a Firearm in an Officer-Involved Shooting Incident																
Year Hired	1978	1993	1994	1995	1996	1997	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
# of Officers	2	1	1	3	1	3	5	3	1	2	5	2	4	1	9	4

This table shows that the distribution of involved officers spans thirty years. Closer examination of actual hiring dates of officers finds that the largest number of officers who were in the same academy recruit class is five who attended the same academy session in 2007. However, it is important to understand that the majority of patrol officers – those who answer calls and make

traffic stops and are most likely to confront violent subjects – are largely the same officers who would have attended recruit training in the last decade.

Excessive Use of Force

The excessive use of force by police is a concern to communities and police officials across the United States. In 1994, the U.S. Attorney General directed the Bureau of Justice Statistics (BJS) and the National Institute of Justice (NIJ) to undertake an effort to acquire data on police use of force.

As general background information, BJS reported that in 2005, some 19% of the American public experienced contact with the police, and over 40% of those contacts were traffic stops.

Based on a 2002 BJS report, large municipal police agencies (those with over 1,000 sworn officers) received complaints of unnecessary use of force at a rate of 12.4 complaints for every 100 officers assigned to call for service response. Using this formula, the APD could anticipate 70 force complaints annually.

In 2010, the APD Internal Affairs Division reported the receipt of 49 unnecessary or excessive force complaints against members of the department. Of them, one was closed with a sustained finding. The remaining 48 were closed as unfounded, exonerated or not-sustained. In 2009, 2 of the 56 unnecessary or excessive force complaints were closed with a sustained finding. In 2008, one of 58 was closed with a sustained finding; in 2007, one of 79; in 2006, 5 of 61; and in 2005, 4 of 101. During three of these five years, the department received fewer complaints than average for a department its size, according to the BJS findings. And, on average, the APD closed 23% of all complaints against officers with a sustained finding.

The Bureau of Justice Statistics reported that in 2002, nationally, use of force complaints were sustained 8% of the time. From 2005-2010 the APD closed 3.5% of the unnecessary or excessive

force complaints with a sustained finding. In Albuquerque, each unnecessary use-of-force case is thoroughly investigated and is independently reviewed several times and at various levels. Closure types are determined and approved according to the unique facts of each case. Drawing comparisons between the rate or percentage of closure types found in other departments is imprecise at best.

Recruitment, Selection and Hiring

As part of nationwide strategies to implement community policing and problem-oriented policing in the 1980s, there was recognition that police officers could make a greater impact on quality of life issues in their communities if they interacted with the public more actively to jointly solve problems. One effort to address this came in 2006, when the Office of Community Oriented Policing Services (COPS) in the U.S. Department of Justice conducted a project highlighting community involvement in the recruitment process – with an aim to attract recruits who would make good community police officers.

At about the same time, but independently, the California POST sought to reexamine police officer job descriptions and establish occupational parameters that reflected a commitment to or capacity for community policing. California POST formulated and incorporated various behavioral and psychological dimensions and oral interview factors into selection process components. POST then identified a list of "positive behaviors" within a dimension coined "social competence."

Although the California POST initiative was designed to produce good problem-solvers and community-minded recruits, the list of "positive behaviors" also depicts many behaviors and traits that are in line with de-escalation and efforts to resolve conflict without force or with less initial reliance on force. Among these qualities are the following:

- Resolves problems in ways that do not create unnecessary antagonism
- Calms emotional/angry people and defuses conflicts through mediation, negotiation, and persuasion rather than force (when appropriate)

- Recognizes the impact of one's own verbal and nonverbal communications on others (and makes sure both are consistent and appropriate).

California POST intends that police agencies should evaluate applicants for these positive behaviors and "social competence" in psychological screenings as well as oral interviews.

The COPS Office project similarly identified behaviors and characteristics that define a service-orientation but can also lead to effective conflict resolution, including:
- Strong communications skills and tolerance for frustration
- Listening to the concerns of others
- Social skills to work effectively with angry or dissatisfied individuals
- Ability to make level-headed decisions
- Getting along well with others.

Many progressive police and sheriffs' departments have updated their job task analyses for the position of police officer and do, in fact, seek to identify applicants who possess the behaviors and characteristics that are associated with community policing, problem-solving (inherently including use of discretion), and upholding community values.

Expanded efforts to identify and select recruits who have a demonstrated history of making good decisions include seeking out attributes such as:
- Needs little supervision
- Makes decisions independently
- Is involved in the community
- Volunteers
- Engages in problem-solving
- Has good communications skills

- No history of domestic violence

- No criminal charges for fighting or violence

- No sustained excessive-force complaints for former officers

After implementing a selection process that seeks out these attributes among new hires, the Longmont CO Police Department reports that it reduced use-of-force incidents by 45% over five years.

Recruitment Selection in the Albuquerque Police Department:

The recruitment effort in the Albuquerque Police Department, like in many other law enforcement agencies, has been primarily focused on recruiter outreach at colleges and universities, job fairs, sporting events, ethnic-specific events held in the area, and interest generated from the department's website. In addition to looking for police officer applicants, the department has sought to hire for public service aide positions. This takes them into area high schools, seeking young persons to hire and mentor with the hope that they would eventually advance into sworn positions. However, current budgetary constraints have eliminated the department's recruitment budget.

The selection process begins with having applicants complete interest cards. Recruitment personnel contact the interested persons and go over the minimum qualifications for the position of police officer. Those who meet the qualifications are encouraged to submit a city application and are scheduled for a written examination. The multiple-choice exam measures the applicant's reading comprehension, math, mapping, recall, and observation. Those who score a minimum of 70% move on to an age- and gender-normed physical agility test. Those who fail are provided study materials to prepare them for a re-test.

Applicants may take a physical agility pre-test to learn where they may need to prepare themselves. They may receive help at the academy in this area. Applicants may make two attempts to pass the

physical agility test. If they fail twice, they are disqualified from further attempts for a period of six months.

Applicants who are successful to this point are scheduled for a psychological exam which entails taking a 720-question Minnesota Multiphasic Personality Inventory (MMPI) exam and an interview with the department's contract psychologist. The psychological exam is a pass/fail instrument aimed at identifying those who are suitable for the position of police officer, and those who are not suitable.

The next component of the selection process, the background check, may be undertaken while the previous steps are being administered. Applicants must first complete and submit a comprehensive personal history statement that requires the applicant to provide information about former residences, employment, military experience, education, arrest/citation history, and credit history. The statement includes a urinalysis test waiver.

Applicants not yet disqualified are given a conditional offer of employment and are scheduled for a polygraph examination that must be preceded by the completion of a thorough personal integrity questionnaire that addresses drug use, criminal events, and other matters of individual integrity. Among the areas covered are specific questions as to whether the applicant ever committed or engaged in: aggravated assault, domestic abuse/assault, kidnapping/false imprisonment, harassment, carrying of weapons, weapons violations, sex crime, abuse of a mentally/physically disabled person or child, a physical fight in the last three years, an animal control/abuse violation, prejudice against any group, membership in a gang or radical group, physical abuse or threat because of sexual orientation, or cultural differences. The answers to these questions help the department to develop a profile of each applicant regarding his or her history of making good decisions, any propensity toward violence as a solution, tolerance and ability to accept the views of others, etc. The answers assist the polygraphist in preparing for the polygraph examination.

Applicants who pass the polygraph undergo a physical exam conducted by a contract physician who abides by medical standards prepared and regularly revised for the position of police officer. Applicants who are disqualified because of their failure to meet psychological or medical standards may appeal to the state Department of Public Safety.

The final step of the selection process is the Chief's Oral Board. Prior to each interview, applicant investigators brief the board about the applicant. Boards question each applicant and make hiring recommendations to the chief of police. In keeping with the department's desire to help good applicants be successful, there is a mentorship opportunity for applicants until their academy session begins. Instructors make themselves available to applicants, offering them guidance in how to maximize the academy experience.

APD's Use of Force Policy

The APD addresses deadly force, non-deadly force and less-lethal force in one Use of Force Policy that, overall, is consistent with those found in progressive law enforcement agencies throughout the United States. Definitions of terms used within the policy are well stated. The Rules and Procedures for use of non-deadly force are appropriate and direct officers to consider the objective reasonableness of their actions. The policy goes on to establish the conditions under which officers are authorized to employ deadly force.

Rightfully, the policy prohibits warning shots and limits officers from firing at moving vehicles except in extreme circumstances. Officers are well cautioned to not put themselves in the path of a vehicle that could pose a risk. This is universally recognized as a best professional practice throughout law enforcement. However, unlike in many progressive police departments, APD officers are permitted to discharge a shotgun or rifle at the tires of a pursued vehicle when the other elements necessary to permit the use of deadly force are met.

The policy goes on to outline the other instances in which officers may discharge a firearm, which are: to destroy an animal under specific conditions, at the range and competitive events, and when explosive ordnance personnel need to disrupt an improvised explosive device.

The Use of Force Policy also discusses other use of force by police; the responsibilities of officers, supervisors, and commanders; and the way the department responds to reports of use of force. The policy is extensive and thorough, but often difficult to follow.

Recommendations:

1. **Index the Use of Force Policy.** The APD's Use of Force Policy should include, at its beginning, an index. The existing policy is thorough and incorporates all the elements found in other comprehensive use-of-force polices in progressive police departments. The policy addresses officer use of deadly force, less-lethal force, other use of force, reporting the use of force (including supervisory responsibilities), the department's response to use of less-lethal munitions, electric control weapons, authorized personnel, shotgun and other training, and advanced training. These are all critical topics demanding a logical flow. Because different use-of-force situations are associated with various responsibilities, the policy should address each type of force and the related reporting requirements and necessary actions. An index would make it much easier to follow.

2. **Officers Should Not Fire at or from Vehicles.** The department's Use of Force Policy should prohibit officers from firing from or at a moving vehicle under all circumstances, except to save the officer or another person from death or grievous bodily injury, and when that threat is other than the vehicle itself. The current policy includes this general prohibition, but it allows another exception. The policy permits officers to fire at the tires of a vehicle in which there is a pursued dangerous felon otherwise meeting the criteria for the use of deadly force. This does not consider the associated risks. While there may always be

risks when police attempt to force a vehicle to stop, some tactics are more controlled. For example, the proper deployment of stop sticks deflates all tires and causes a quick reduction in vehicle speed. However, when only one tire is "shot out" and rapidly deflated, erratic and dangerous vehicle movements can result. Additionally, even skilled marksmen cannot be expected to control shots from or at moving vehicles. Unexpected road conditions or abrupt evasive action can result in poorly placed shots that could endanger innocent persons in the pursued vehicle as well as other motorists or pedestrians.

3. **Field Supervisor and Dispatcher Training Should Stress Prompt Response.** The department should stress in its training for patrol and other operational supervisors as well as for dispatchers the importance of prompt arrival of a supervisor at critical situations. When an officer first arrives at a critical incident scene, he or she is often immersed in an emotionally-charged situation with a multitude of tasks. The event can escalate quickly and completely consume the initial responding officer(s). Arrival of the field supervisor can be a much-needed stabilizing event. An experienced supervisor can have a calming effect and can help to "slow things down." Dispatchers should be trained and directed by protocol that for all calls in which there is reference to an armed or dangerous person, a field supervisor is dispatched and acknowledged when "on the scene—in command."

4. **Investigative Teams Should Brief the Chief.** The Multi-Jurisdictional Investigative Team members from outside agencies should be present at the Chief's Briefing and at the Critical Incident Review. The practice of detectives from the surrounding law enforcement agencies being involved in a major investigation from the beginning is an excellent practice. It would be even more beneficial if the team detectives attended briefings to provide valuable insight and an outside perspective as to issues with policy, procedures, and training – all that could help prevent future incidents.

5. **Investigative Team Briefings to Guide Chief in Returning Officers to Work.** Officers who are the subject of a shooting investigation should not be returned to full duty solely at the discretion of the department's psychologist. The current practice of returning officers to duty after a shooting as long as the department's psychologist agrees offers an appropriate level of protection to the officer, but it does not protect the department or the public. Although it would be a rare event, if an officer should become involved in a second shooting and then be indicted for criminal wrongdoing in the first, the department could be subject to significant liability. More importantly, the community would have been put at risk. Waiting to restore an officer to full duty until it has been determined by the Grand Jury that no indictment will be forthcoming could take months. However, the principal investigating teams (Multi-Jurisdictional, Internal Affairs, Homicide) could be directed to provide a "72-Hour Preliminary Findings Briefing" for the chief. This would better position the chief to decide if the officer should be restored to duty. This should pertain to accidental and animal destruction shootings as well. In these circumstances the briefing may take place well before 72 hours if completed.

6. **Conduct Concurrent Criminal and Administrative Investigations.** The department should undertake the practice of conducting concurrent criminal and administrative investigations of its members. Clearly, as required by *Garrity v. New Jersey*, 385 U.S. 493 (1967), the department must establish a one-way firewall that prevents statements or evidence gathered in the administrative investigation from being released to the criminal investigation. But by conducting concurrent investigations, the department may be able to reach an administrative conclusion and take appropriate action without having to wait months or even years for criminal trial and appeals.

7. **Submit Use of Force Forms by End of Shift.** Preliminary use-of-force reports as required of the involved officer(s) and supervisors should be submitted by the end of the shift or before they are relieved. Understandably, preliminary reports cannot always be in-depth and

detailed and may in some instances be delayed by unavailability of details, officers' rights, etc. But a report that is as complete as possible should be submitted by shift's end for review and forwarding to managers, as circumstances dictate.

8. **Better Checking and Reporting Use of Force.** The department should generally improve methods for reporting and checking use-of-force data. As PERF conducted its review of annual Use of Less Lethal Force Reports compiled by the department, tabulation and percentage errors were noted in several reports. Moreover, MRIAD data on the use of force, by type, requested by PERF differed from figures that were included in other annual reports. Within the MRIAD data, some fields reflected considerable missing data. PERF was not able to determine if the database did not pull all the requested data together or if the fields were left blank by reporting field personnel.

9. **Focus on Those Involved in Multiple Use-of-Force Incidents:** As described in the Analysis of Force research section of this report, 22% of the department's officers account for 60% of the use-of-force reports. The department should examine the specific circumstances, training, assignment, and background of these officers. While much of what the department does is effective, there may be lessons that can be learned from a more comprehensive review of the specific factors of cases and officers. These lessons may be instrumental in making changes to tactics, training or policy.

10. **Track Officer-Involved Shootings in MRIAD.** The department should better track and report discharge of firearms incidents. Officer-involved shooting incidents are not currently captured in the department's MRIAD database. These incidents are handled and tracked separately. They should be entered into MRIAD, tracked and reported along with all other use-of-force incidents. Additionally, departmental reports reviewed by PERF depict a category of indistinguishable "firearms discharges" that encompass Line-of-Duty Discharges, Accidental and Animal (destruction). These are dissimilar actions and should

be identified and counted separately. The department's reference to officer-involved shootings includes only those that result in injury or death (when the subject was struck by the officer's round). Those instances in which the officer fired at someone and missed are not included. The department fully investigates these incidents, but they are not counted or considered when discussing officer-involved shootings. Unless it was an accidental or unauthorized discharge such as a warning shot, it must be assumed that the officer's intent was to strike the subject. In this regard, intent, not marksmanship, should be the primary consideration; and the events should be counted and reported along with officer-involved shootings.

11. **Produce Critical Incident Review Findings.** The Critical Incident Review should be more formal and should produce written findings. If during the review it is determined that policy, training, or equipment needs to be modified, follow-up information should also be included as to what action was taken. Creating documents that show that the department is reviewing its shooting incidents and taking steps to prevent future incidents can demonstrate the department's efforts to the public.

12. **Document Crisis Intervention Team (CIT) Response and Outcomes.** The department should better document the use of CIT officers and the outcome of their efforts. PERF was highly impressed with the reported workload of the department's CIT officers. The workload demonstrates a significant effort aimed at providing assistance to troubled persons through resource referrals, intervention activities, and more. However, there was no tracking of how often CIT officers were dispatched as primary or supplemental responding officers to these calls, or the outcome of calls to which they responded that involved mentally ill or emotionally disturbed persons. This is an essential purpose of these officers. The department should be able to document how often and how effectively these officers are used in this capacity. Workload statistics indicate that they are busy, but it does not document their effectiveness in controlling and deescalating volatile situations.

Tracking of the number of CIT dispatches and repeat CIT calls for service at one location would help CIT supervisors determine whether interventions or referrals were successful or failed, and would establish a premise history. Calls that were not dispatched as a CIT call but involved a mentally ill person should be cleared with a designation that identifies the call as such.

13. **CIT Officers Should Meet and Debrief.** CIT officers should be periodically brought together as a group to discuss and share successful approaches and tactics that could be incorporated into future training for CIT <u>and</u> patrol officers. When the police are called to assist with a mentally ill person, it may be an opportunity for the department to get help to a person who may not even know he needs it. If the police provide nothing more than another trip to jail or another revolving door, the person and his family may react negatively toward police in the future. One measure of success is to determine from mental health providers the outcome of referrals (rates of success of engaging people referred by the police). Successful outcomes should be replicated.

14. **CIT Oversight Should Be at a Higher Level.** Oversight of the CIT function should be a collateral responsibility of a designated command level officer. Each area command has a designated CIT coordinator at the sergeant level, and a CIT sergeant and two detectives are assigned to the Violent Crimes. Documentation provided by the department shows that these personnel maintain a significant monthly workload. However, the importance of this initiative justifies command-level (commander or above) leadership to ensure coordination, training, allocation of resources. This official assuming command for CIT should develop him/herself as the department's subject matter expert on the topic of Crisis Intervention and represent the department as such. This "subject matter expert" concept is used in Miami, FL, for example, where each member of the command staff has been given responsibility for one collateral area of expertise, such as Crowd Control, Deadly Force, Crisis

Intervention, etc. It is then incumbent on the individual to become the department's expert on the assigned topic and to serve as the department's lead advisor to the chief in related matters. This also demonstrates the level of the department's commitment to service as it relates to mental health problems and working with mental health partners.

15. **Dispatch CIT to High Risk-Calls.** The department should dispatch a CIT response to all known high-risk calls. Initial response that includes CIT officers on calls with a greater likelihood for violence, and perhaps a disturbed person, could result in de-escalated outcomes. Dispatch should specifically notify supervisors of high-risk calls. Their early presence on such calls can positively impact the outcome.

16. **Accept All Citizen Complaints, Even When Anonymous.** The department should seek to modify future labor contracts to allow accepting citizen complaints against officers, regardless of whether they are signed. The requirement that only signed complaints will be accepted limits the handling of legitimate complaints against officers by persons who may be too fearful to sign a complaint. A legitimate complaint must be investigated with or without a signature or even a complainant's name. Not every anonymous complaint can be investigated. Some have insufficient detail or merit to justify an investigation, but when an anonymous complaint with reasonable merit is presented, the department must take appropriate action.

17. **Change name of "Early Warning System" to "Early Intervention System."** The department should change the name of its Early Warning System to Early Intervention System (EIS). The purpose of this non-disciplinary system is to alert managers to officers who have been flagged for involvement in a predetermined number of specified events and may be at risk of conduct that could expose them to discipline or personal harm or risk. This system, currently in place, represents an opportunity for managers to counsel and, as

appropriate, intervene before the conduct or events reach a point that discipline or more serious action is unavoidable. The key is intervention, not warning.

18. **Lower the EIS Threshold from 5 to 3.** The department should lower the EIS threshold from five to three events in a rolling 12-month period. Not all events that trigger the EIS are negative occurrences; some can be the result of an active officer doing a good job. But if they do involve questionable conduct, the officer's commander should be made aware of the issue before an officer has amassed five such events. The officer should be identified and offered counseling or other professional assistance before this point.

19. **Recruit Problem Solvers and Good Decision Makers.** The department should undertake a close review of its recruit selection process components (exam, background, psychological exam, and interviews) to maximize opportunities to identify applicants with behaviors and experience that suggest they are successful problem solvers, advocates, de-escalators, listeners, and generally good decision makers. This is not to say that officers can expect to rely on persuasion and de-escalation in every situation. And most recruits can be trained in effective problem-solving techniques. But intensified efforts to find applicants who already appear to have skills in calming and defusing situations, rather than escalating them, would benefit the department. The department is already well along in this effort to hire good decision makers, as evidenced in the questions asked of applicants in their personal questionnaire and the Chief's Selection board each applicant must appear before. Background investigators should conduct in-person interviews with applicants' friends, associates, employers, teachers, and family members. Investigators and interviewers should ask pointed questions as to suitability, former acts of aggression, and any history of fighting or violence, as well as adeptness at skills like de-escalation and mediation.

20. **Hire the Most Psychologically Suitable Applicants.** The department should modify its current pass/fail psychological exam to one that bands applicants in most-suited, suited, and not-suited categories of applicants. The department should be seeking the most suitable applicants as police officers. By accepting those who merely "pass," the department misses an opportunity to select the most suited applicants when hiring is limited to a small number.

21. **Mentor Younger Officers.** The department should offer formal mentoring to younger officers. This study revealed that the officers most commonly involved in use of force and deadly force are younger, with less time in the department. This is understandable, as this group makes up the patrol force, where such events can more often occur. But being aware of that, the department's older, more seasoned veterans, including supervisors and managers, can through a formal mentoring program work with these individuals on issues such as daily stresses, career development, and more. Young officers could apply to be considered, or the department could urge officers identified by the EIS to participate.

22. **Count and Report OIS Incidents without Injury or Death.** The department should count all officer firearms discharges at a person as an officer-involved shooting event. Presently, only shootings in which the officer strikes (injures or kills) a subject are counted as officer-involved shootings. Intent, not marksmanship, is what distinguishes an officer-involved shooting. All such shootings are investigated the same way, but "misses" are not counted and tracked in the same way.

Analysis of Force: the Community, Suspects and Officers

Overall Summary:

(1) Both violent crime and the assaults on officers have declined in recent years in
    Albuquerque, as has occurred in comparable cities. Violence has declined in recent years in
    Albuquerque as it has in other comparable cities. In the recent past, Albuquerque has had
    higher rates of assaults against police than have most comparable cities. However, the rate
    of assaults against police in the city has declined over the last few years. The city
    experienced a particularly notable decline in assaults on police in 2008. As of that year, the
    city's rate of assaults on police was similar to that of comparable cities. This downward
    trend continued through 2010.

(2) Use of force cases cluster by day of week, time of day, and geographical area. However, the
    patterns for use of force cases overall are somewhat different from those for officer-
    involved-shootings.

(3) The APD needs to collect more complete and more detailed data on violent incidents
    involving officers. In addition, in order to arrive at a comprehensive picture of these
    incidents, proper linking between databases containing information on individual incidents
    (e.g. calls for service, use-of-force, officer-involved-shooting, etc.) needs to be maintained.

    a. Officer-involved shooting events represent a unique use of force and should be
       included within the use-of-force database.
    b. Not all use-of-force events involve the use of a weapon (by officers and/or
       suspects). The current data form used by APD does not allow a distinction between
       incidents where a weapon was not involved and incidents where weapon
       information is missing.

c. This is also the case with suspect weapons. It is unclear from the data if suspects did not have weapons or whether the data is just missing.

d. Data is also missing about why force was used. This field apparently was not completed in 40 percent of cases. Therefore it is difficult to reach conclusions about whether there are changes over time in why officers use force.

Analysis Plan

The following presents an analysis of trends in use-of-force incidents in the Albuquerque Police Department. To provide context for what was observed in Albuquerque, the trend in Albuquerque will be compared with selected cities, based on their similarity to Albuquerque. These cities were selected based on several criteria (see below) to provide a close statistical match. Trends in violent crime and assaults against police officers will be compared, between the comparison cities and Albuquerque. Use-of-force data provided by the APD Internal Affairs Unit will provide a more detailed analysis of this phenomenon, with additional support from booking information for offenders arrested for select offenses such as resisting arrest, refusing to obey (an officer), battery (of an officer), assault against an officer, and aggravated assault against an officer.

Sources of data

The following provides an account of the data sources used for this portion of the report.

PlaceMatch™ - In order to examine the extent to which Albuquerque experienced a unique trend in force against police officers, similar cities were identified. Going beyond a simple side-by-side comparison of police force and population sizes, a more statistical approach is utilized for this report. To identify similar cities to Albuquerque, PlaceMatch™ tool is utilized.[6] This tool utilizes a proprietary search algorithm to match U.S. cities based on a range of attributes. Matching variables[7] were utilized in the comparisons (see Table 1 below) to generate similar cities to

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[6] PlaceMatch™ can be accessed at http://www.citytowninfo.com/navigator .

[7] Omitting variables did not alter the ranking, but changes the number of cities displayed in the final list.

Albuquerque on crime, demographic and socioeconomic variables that may be related to use-of-force.

Table 1: List of Variables Used to Identify Benchmark Cities

Real Estate Demographics	General Demographics	Personal Demographics
% 0 or 1 Bed Rental	Prop. Crime Rate (per 10,000)	% over 65
Average Number of People in House	Viol. Crime (per 10,000)	% College Grads
% 1 Person Houses	Poverty	% with Grad Degrees
Average Real Estate Tax (in dollars)	% Using Pub Trans	% of Families with Children 0-4
% Owner Occupied	Family Income (in dollars)	% Non White
Average Rent (in dollars) in 2000	Population Size	
Median Year House Built	Diversity Index	
% Seasonal Housing		

In addition to providing a ranked list of cities, PlaceMatch™ provides an overall percentage likeness. The following cities (see Table 2) were matched with Albuquerque with at least 90 percent similarity: The range of similarity with Albuquerque was from 90 percent (Oklahoma City, OK) to 92.8 percent (Greensboro, NC).

Table 2: List of Comparable Cities[8] to Albuquerque

	City	State		City	State
	ALBUQUERQUE	NEW MEXICO	7	Tulsa	Oklahoma
1	Greensboro	North Carolina	8	Columbus	Ohio
2	Reno	Nevada	9	Salem	Oregon
3	Little Rock	Arkansas	10	Lexington	Kentucky
4	Nashville	Tennessee	11	Tampa	Florida
5	Indianapolis	Indiana	12	Oklahoma City	Oklahoma
6	Durham	North Carolina	13	Winston-Salem	North Carolina

Uniform Crime Reports (UCR) & Law Enforcement Officers Killed & Assaulted (LEOKA)

To assess trends violent crime and assaults against police officers, all recent available data from the FBI's Uniform Crime Reports (UCR) and in the Law-Enforcement Officers Killed and Assaulted (LEOKA) were used. The LEOKA data are archived with the Inter-University Consortium of Political and Social Research (ICPSR) for the years 2005 through 2008[9]. Using these data rates, adjustments were made for the different sized populations (in general, for crime rates, and sworn officer size, for assaults against police).

Multi-Relational Internal Affairs Database (MRIAD) – Use-of-force data was compiled from the Multi-Relational Internal Affairs Database (MRIAD) from 2007 through the first quarter of 2011. The APD Internal Affairs Unit specifically pulled data drawn from the Use-of-Force Report

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[8] Dover, DE was eliminated from the list because, although it had a high matching score on the other variables, it has such as small population that it did not provide an adequate comparison.
[9] LEOKA data for 2009 has not yet been archived with ICPSR.

form. This form contains information about a specific use-of-force incident, including demographics of the suspect(s), basic officer information, types of threat and actions posed by suspects, types of force used by both police and suspect(s), and suspect injuries, when applicable. Missing fields were discovered; for example, suspect and officer weapon use was nonexistent in the data. An examination by APD IA staff required an additional cut of the data in order to fill in all of the required fields. An examination of these new data showed that much of the missing data had been restored, but there were still incomplete fields. Despite these gaps, this database provided useful information. Future refinements of the queries used to generate these data may address some of the findings discussed below.

Booking Data

In addition to the MRIAD data, APD provided the booking data for persons arrested for Refusal to Obey (an Officer), Resisting Arrest, Battery on an Officer, and Assaults on an Officer (both Simple and Aggravated) for 2009 and 2010. Although data was in its rawest form, for a select sample of offenders estimates were generates of their overall offending based on the information in the database as of April 18, 2011. This information provides an exploratory look at the types of offenses most likely to result in a use-of-force situation, but could not be linked to the individual incidents within the use-of-force database. Thus, although the data cannot be used o elaborate on trends in use of force, in general, and assaults on police officers, in particular, it does serve as a description of this type of suspect.

Demographic Description of Albuquerque

Table 3 displays the racial characteristics of Albuquerque from 2005 to 2009. Since 2005, the city's population has grown from 495,571 to 507,823 in 2009, an increase of 2.5 percent. During that time, the city's White population decreased 12.1 percent, while the Hispanic Origin population has increased 8.3 percent. All remaining races increased slightly, but the category "Other" increased by 11 percent. Median age increased only slightly from 34.9 years to 35.4 years.

Table 3: Albuquerque Population by Race (2005 - 2009)

Race	2005	2007	2009
White	79.6%	71.6%	67.5%
African American	2.8%	3.1%	3.5%
Am Ind/Esk	4.9%	3.9%	5.1%
Asian/PI	2.4%	2.2%	2.6%
Other	10.3%	14.8%	21.3%
Hisp Origin	35.7%	39.9%	44%

(Because these categories are not mutually exclusive, they add up to more than 100%.)

Dispatched calls for police service increased from 447,330 to 558,812. This represents an increase of nearly 25%. The Police Department's sworn strength went from 1,040 to 1,118 – an increase of 7.5%.

Recent Trends in Violence and Assaults against Police in Albuquerque and Similar Benchmark Cities

Summary points:

- To assess general trends in violence in Albuquerque, trends in violent crime and in assaults against the police were examined using data from the FBI's Uniform Crime Reports for the years2005 through 2009. Trends in violence and assaults against police in Albuquerque were also compared to those of several other cities with demographic and socioeconomic characteristics similar to those of Albuquerque.

- Compared to similar cities, Albuquerque had a high rate of assaults against police from 2005 through 2007. More recently, however, assaults against police in Albuquerque have declined to levels comparable to those of similar cities.

- From these data it does not appear that the recent rise in officer-involved shootings in Albuquerque corresponds to trends in violent crime or assaults against police. Both violent

crime and assaults on officers have declined. These declines are similar to those in comparable cities. However, currently available data from the Uniform Crime reports do not include 2010 and 2011, the time period during which officer-involved shooting have increased in Albuquerque.

Trends in Violent Crime
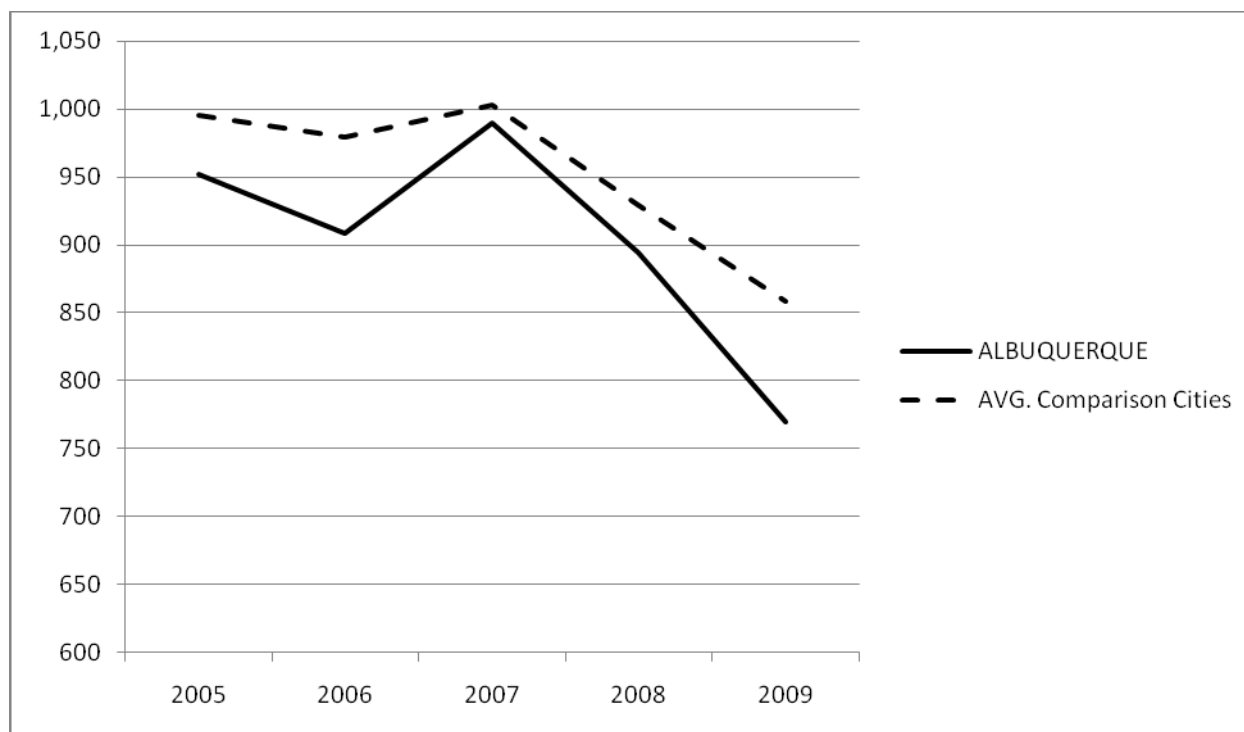
Violent crime can be examined utilizing data from the FBI's Uniform Crime Reports for the matched cities and Albuquerque from 2005 through 2009[10]. Figure 1 provides a graphical display of the violent crime rate (per 100,000 population) in Albuquerque in relation to the average rate of violent crime for the comparison cities. Overall, with few exceptions, violent crime is on the decline in Albuquerque (and most comparison cities). Violent crime rates in the comparison cities were of a relatively similar magnitude[11] to Albuquerque. Lexington, Kentucky and Nashville, Tennessee witnessed larger declines throughout the 2005 – 2009 period[12], while Albuquerque and other comparison cities showed a more gentle decline over the entire period with a relatively larger decline in the most recent two years.

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[10] UCR data for 2010, at the time of this report, is still preliminary and thus, is not included.
[11] This is not surprising, given that violent crime rate is one of the criteria used in the algorithm utilized by PlaceMatch™ to select the comparison cities.
[12] Little Rock, Arkansas had a relatively steep decline throughout the 2005 – 2008 period, but witnessed an increase in 2009.

Figure 1: Trend in Violent Crime Rates for Albuquerque & Averaged Comparison Cities 2005-2009

Based on the available crime rate data, we are confident that these comparison cities provide an appropriate benchmark with which to examine the trend in force against police officers in Albuquerque.

Trends in Assaults against Law Enforcement Officers

Data from the FBI's national collection on Law Enforcement Officers Killed and Assaulted (LEOKA) was utilized for the years 2005 through 2008.[13] These data allow for an examination of the rate of force against police officers in Albuquerque and the comparison cities. Rates are used in this exercise in order to control for differences in the size of each respective department. Without this consideration, direct comparisons cannot be made responsibly. The following data are presented in rates per 1,000 employees.

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[13] LEOKA data for 2009 has not yet been archived with ICPSR.

Two basic patterns are observed in assault rates against police employees: one declining and one increasing. The cities experiencing a decline in the assault rate against police officers were: Albuquerque, NM; Durham, NC; Greensboro, NC; Little Rock, AR; Nashville, TN; Tampa, FL; and Tulsa, OK. The remaining cities (Indianapolis, IN; Lexington, KY; Oklahoma City, OK; Reno, NV; Salem; OR; and Winston-Salem, NC) experienced increases in force against police officers.
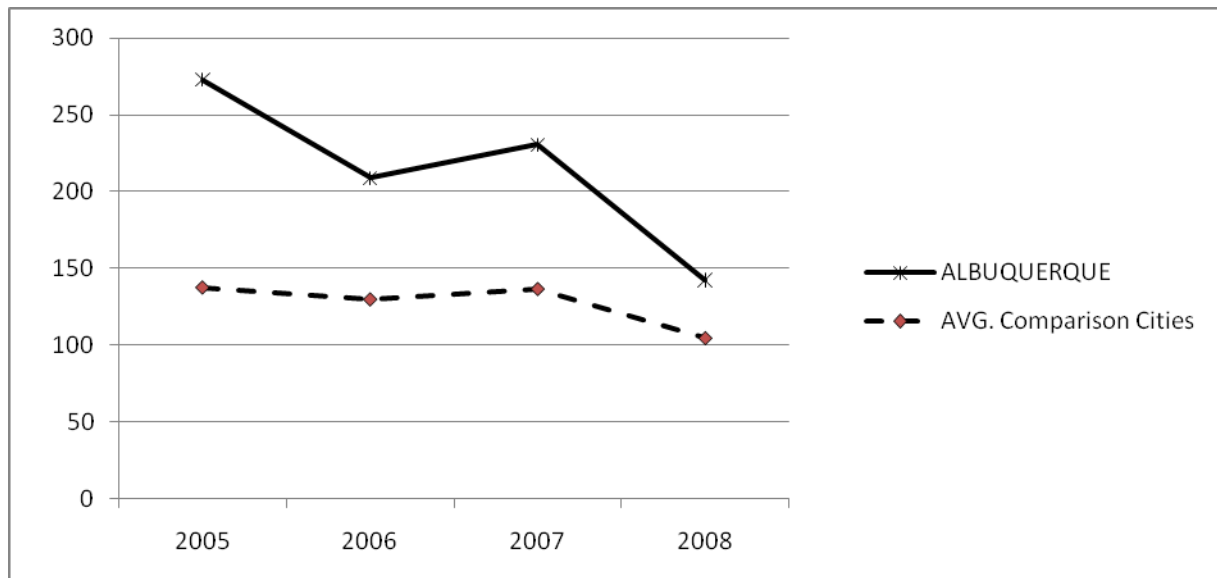
Figure 2 shows the trend in assaults against police officers from 2005 through 2008 for the cities witnessing a decline. Albuquerque, relative to the other comparison cities,[14] witnessed the steepest decline in the assault rate. Between 2005 and 2008, Albuquerque had a 48 percent relative decline in the assault rate against police officers, from approximately 273 per 1,000 employees in 2005 to 143 per 1,000 employees in 2008. This decline is second to Greensboro, NC which had a 54 percent decline in the same time period. The average rate of relative decline among comparison cities witnessing a decline was around 25 percent.

Figure 3 shows the trend for the cities with rising assault rates against officers, averaged for all comparison cities. Indianapolis experienced a 61 percent relative increase, jumping from 263 assaults per 1,000 employees in 2005 to over 424 assaults per 1,000 employees in 2008.[15] That rate is the highest among the comparison cities. Reno, NV and Lexington, KY also experienced a doubling of the risk of assault over the 2005 – 2008 time period.

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[14] Columbus, OH is not included in the average calculation because information was unavailable.

[15] These, and all rates, are presented in terms of average risk, i.e. that the risk of assault is spread evenly among all employees within a police agency. This is almost never the case. There are some individuals whose risk, for a multitude of reasons, is far greater than other officers.

Figure 2: (Declining) Trend in Assaults against Officers (2005 – 2008)
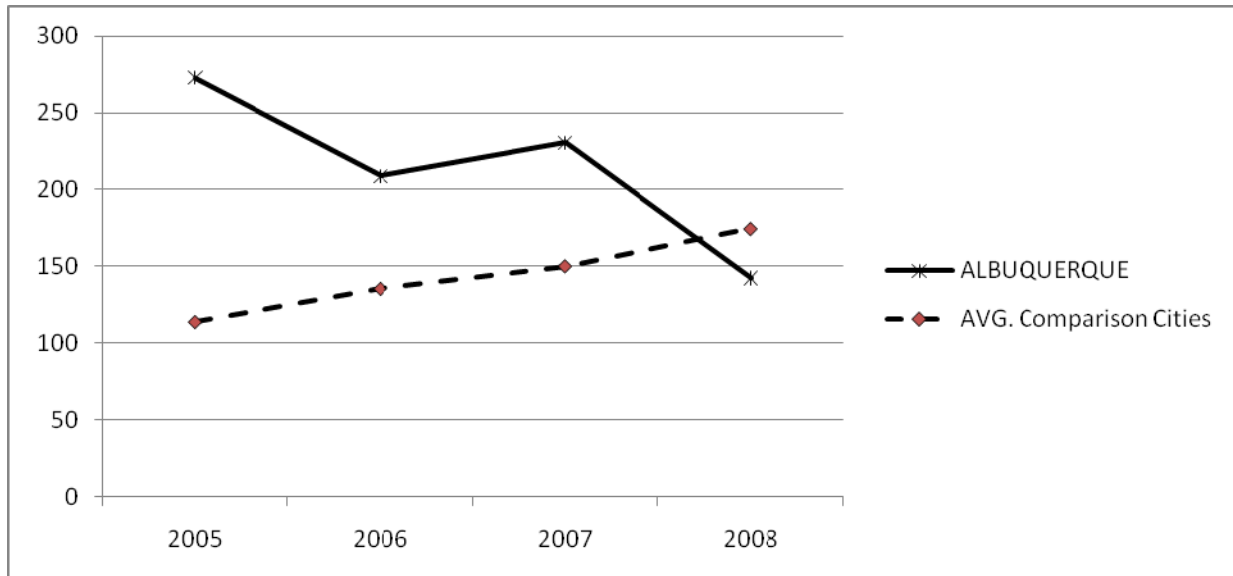
Cities included in the average trend for comparison cities are: Durham, NC; Greensboro, NC; Little Rock, AR; Nashville, TN; Tampa, FL; and Tulsa, OK

Although the rate of force against police officers has declined in Albuquerque and many similar cities from 2005 to 2008 using FBI data, the picture is incomplete. It is worth noting that APD had a comparatively high rate of assault against officers from 2005 through 2007, and then had a substantial decline in 2008. The 2008 level put APD more in line with other cities. A similar trend exists in Tulsa, OK which provides the best regional comparison.

Utilizing the Albuquerque Police Department's own use-of-force data, a more thorough examination of the more recent time period is provided utilizing specifics about the events, focusing on incident, officer, and suspect related characteristics.

Figure 3: (Increasing) Trend in Assaults against Officers (2005 – 2008)

Cities included in the average for comparison cities are: Indianapolis, IN; Lexington, KY; Oklahoma City, OK; Reno, NV; Salem, OR; and Winston-Salem, NC

Trends in Use-of-Force Incidents Recorded by APD
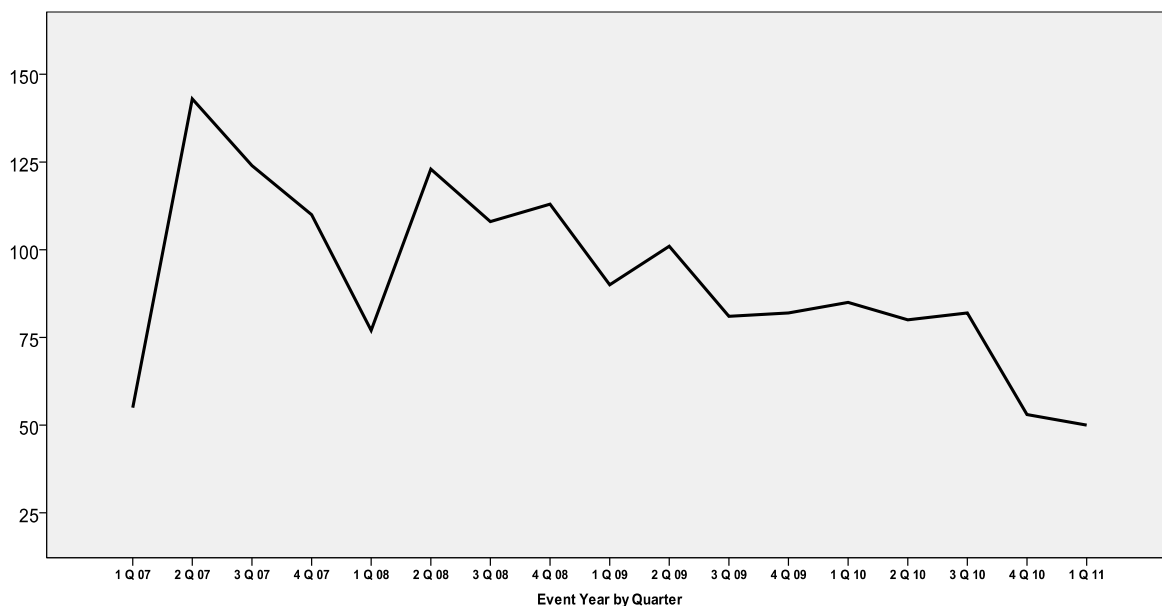
Summary Points

- APD data on 2,024 reported use-of-force cases were analyzed to assess trends and patterns in these cases for the period of 2007 through the first quarter of 2011.

- Use-of-force cases have declined fairly steadily from 2008 through 2011. Assaultive actions against APD officers by suspects have also declined during this period.

- These data suggest that the increase in police involved shootings in Albuquerque does not coincide with any general increase in the propensity of APD officers or suspects to use force against one another.

Overall Trend in Use of Force Cases

Information from APD's use-of-force database was analyzed from January 2007 through May 13, 2011, for a total of 2,024 individual incidents. Figure 4 provides a visual representation of the frequency of the use of force by APD police officers from 2007 through 2010.[16] Overall, there is a downward trend in the number of use-of-force incidents. Based on the available data, use of force peaked in the second quarter of 2007, and aside from a large spike in the second quarter of 2008, has been on the decline. There is a more flat trend in 2009 and 2010 before these incidents further decline in the last quarter of 2010 and into 2011.

Figure 4: Trend in Use of Force by Officers in Albuquerque by Quarter (2007-2010)

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[16] Incidents from the second quarter of 2011 have been excluded as there are not data from the full quarter. However, as part of an overall analysis of use of force incidents they will be included in later analyses.

<u>Trends in Suspect Actions</u>

These trends can be examined further by focusing on cases representing more serious actions or threats by suspects and more serious use of force by officers. To address the former issue, suspect actions have been divided into:

- "Assaultive" whereby the suspect used physical force against a police officer;

- "Physical resistance" representing a general attempt to extricate himself (or herself) from police custody;

- Using "words or actions"; and

- "Flight".[17]

Table 4 lists the number of suspect actions recorded in use-of-force encounters by the type of action performed. In an encounter the suspect may take more than one action. For example, he may use words/actions that indicate resistance, attempt to flee and then become assaultive. When the suspect only took one action, he/she fled in 10 percent of cases and was assaultive in 37 percent. In instances where the suspect took multiple actions, physical resistance and assaultive behavior were usually present. When the APD officer indicated the suspect performed only one action, in 37 percent of cases the suspect was classified as assaultive. When two actions were categorized, the suspect most often was assaultive and physically resisted (66.7% and 74%, respectively). Finally when the officer indicated the suspect performed 3 of the suspect action options, the suspect was classified as assaultive, physically resisted, and utilized actions or words (91%, 96%, and 88%, respectively). However, from these data the sequence of actions cannot be determined. For example, did the suspect flee and then became assaultive when the police caught up, or did the suspect become physically resistive and then flee? Suspect action is missing from 15 percent of incidents.

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[17] There is a "field for suspect" code which indicates whether the suspect threatened, attempted or carried out his/her threat. Most suspects carried out their threat; however, it is often unclear what the threat or action was.

Table 4: Number of Actions Taken by the Suspect During Use-of-Force Encounters, by Type of Action
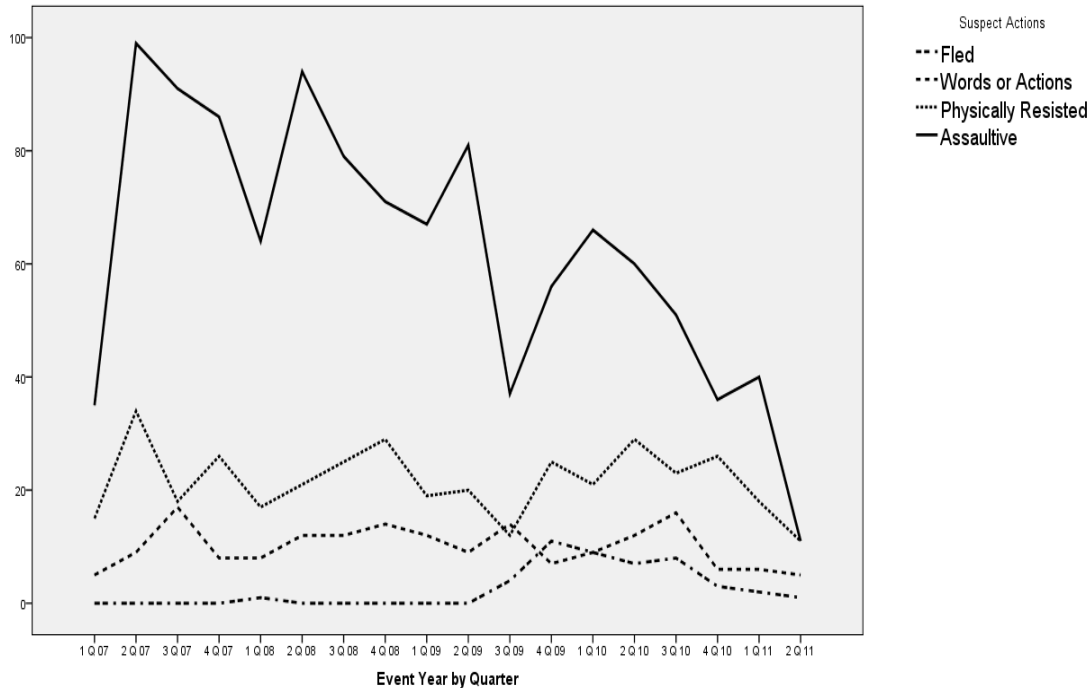
Number of Actions Taken by Suspect		Words/Actions	Physically Resist	Flee	Assaultive
1	(407 Cases)	30.0%	23.1%	9.6%	37.3%
2	(576 Cases)	48.1%	74.0%	11.3%	66.7%
3	(338 Cases)	87.9%	96.4%	24.3%	91.4%
4	(43 Cases)	100%	100%	100%	100%
Total	Mean 1364 Cases	54.2%	65.2%	16.8%	65.1%

As shown in Figure 5, assaultive[18] behavior is the largest category of suspect action. However, the trend in assaultive suspect behavior—the most serious form of suspect action—is largely downward. Incidents with an assaultive suspect peaked in the second quarter of 2007 and have declined to a current level on line with what it was in the first quarter of 2007. The trends in the other types of suspect action are largely flat with the exception of "flight." This type of suspect action was zero until the fourth quarter of 2009 when it peaked, but has declined since then.[19]

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[18] "Assaultive" refers to a suspect who uses hand (fists), arms/legs, head, teeth, etc. against an officer.
[19] This type of trend could be indicative of more detailed record keeping. It is unlikely that suspects only decided to run from the police as a "preferred" action in 2009.

Figure 5: Trends in Suspect Actions in Use-of-Force Cases by Quarter

Weapon use by suspects also appears to have been stable over time. The use of force database contains a "displayed" code to indicate that the suspect displayed a weapon that was visible to the officer. In the majority of cases, the suspect weapon field is missing. Weapons were reportedly displayed or used by suspects in 11% of cases (215 out of 2024 use-of-force incidents). When reported, weapons used included firearms (14%), edged weapons (38%), blunt objects (16%), and vehicles (23%). However, limitations to the data make it impossible to distinguish between events

Suspect Weapon	% of Incidents
Gun	14.0%
Edged	38.1%
Blunt	15.8%
Vehicle	23.3%
Other	16.7%

where a weapon was not present and events where a weapon was used but not reported. This precludes firm conclusions about patterns and trends in weapon use in these cases. In addition, it cannot be determined if the suspect(s) merely possessed a weapon (concealed or otherwise), attempted to use, or actually used a weapon against an officer. The trend in

weapon possession by suspects was stable from 2007 through 2011, with the exception of edged weapons, which show a marked increase in the 2nd half of 2010 before declining.

Trends in Actions Used by Officers

As recorded on APD's Use-of-Force form, officers' "actions" can range from implied uses of force, such as orders and pursuit, to physical uses of force such as the "Takedown Method" and "Impact Method." Table 5 demonstrates the different types of force used against suspects for 2007 through the first quarter of 2011. Note that after accounting for the actions of cases involving multiple officers and more than one available action utilized in a situation, approximately 20% of the cases have missing "officer action" data.

Utilizing the Empty-hand "Takedown" method was the most common officer physical action in these cases, used in just over half of the total. Issuing orders was the most common officer implied force action, used in 62 percent of incidents. Overcoming resistance was frequently listed, although it is unclear what amount of force was required to overcome the force used against them.

Table 5: Officer Actions[20] by Percent of Time Utilized

Level of Force	Frequency	Percent	Valid Percent
Missing	397	19.7%	
Orders/Verbal	1014	50.1%	62.3%
Pursuit	302	14.9%	18.6%
K-9 Warning	12	0.6%	0.7%
Overcame Resistance	612	30.2%	37.6%
Takedown Method	877	43.3%	53.9%
Impact Method	176	8.7%	10.8%
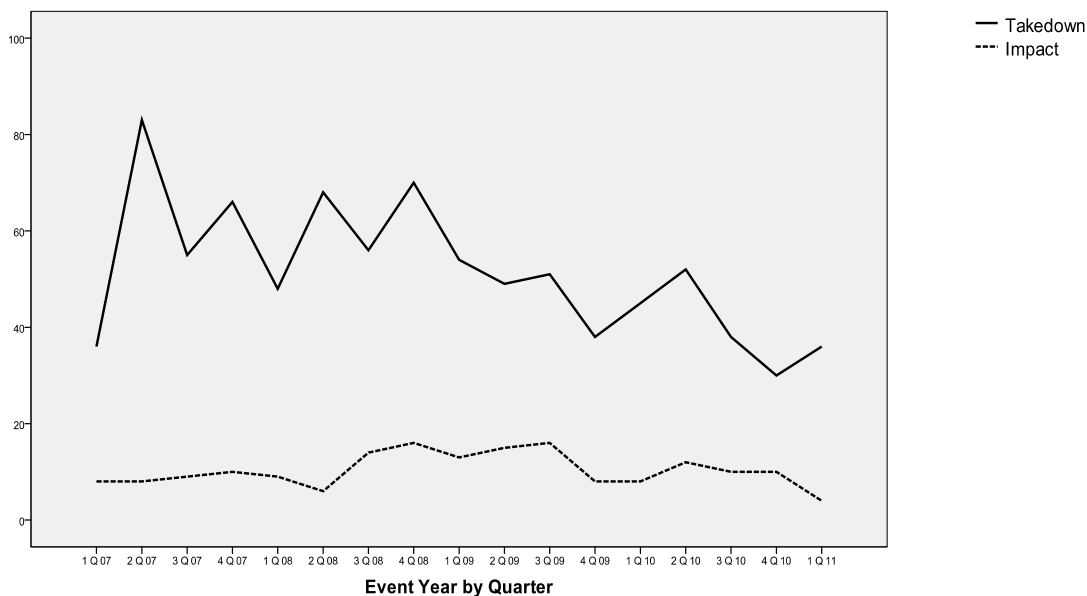
The empty-hand "Takedown" Method and the "Impact Method" denote physical uses of force, although in both the officer's body is the only weapon used. The impact method, as indicated by

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[20] Actions do not add up to the total of 2024 incidents (nor do percents add up to 100) because an individual event could involve more than one action.

the Albuquerque Police Department use-of-force form, represents the use of either an empty hand, closed fist or other body part as an impact weapon, as opposed to an empty hand takedown of a suspect.

Figure 6 presents the trend in bodily force utilized by APD officers. The trend in utilizing the body as an impact weapon was relatively stable, with a high during late 2008 and early 2009. Since then, the reported use of the Impact Method has declined. The Takedown Method, as a more common police use of force, has steadily declined, mirroring the trend in use-of-force incidents more generally.

Figure 6: Trend in Officer Physical Force (2007 – 1st Quarter 2011)

Weapons used by officers in use of force cases are shown in Table 6. Note that APD's use-of-force database does not contain information about cases in which officers shot or shot at suspects. (The former are recorded in APD's officer-involved shooting database). The discussion below focuses on use of less-lethal weapons. However, a small number of firearm uses, reflecting displays or

accidental discharges, do appear in Table 6. APD officers have a wide array of less-lethal weapons at their disposal to use in use-of-force encounters, including batons, bean bags, Tasers™, OC spray (or other chemical agents), and other less-lethal impact weapons.

Table 6: Frequency of Weapon Use in Use-of-Force Encounters

	Frequency	Percent
Impact Weapon – Undefined	42	3.7%
Bean Bag	34	3.0%
Tasers™	550	48.2%
Baton	16	1.4%
Chemical Agent	373	32.7%
K-9 Bite	67	5.9%
Misc. Less-Lethal Weapon	29	2.5%
Firearms	31	2.7%
	1142[21]	

In use-of-force incidents where a weapon was listed, Tasers™ were present in nearly half of the encounters (48.2%). The next most common weapon was a chemical agent (most often OC/Pepper Spray), present in nearly a third of the incidents. Tasers™ or chemical agents (i.e., pepper spray) were used by officers in 81% of the cases involving the use of a less-lethal weapon.

However, limitations to the data make it impossible to distinguish between events where a weapon was not needed and events where a weapon was used but the weapon use was not reported. This precludes conclusions about patterns and trends in weapon use in these cases. It is recommended that APD alter its use-of-force form to include an indicator for whether a weapon was used. This would provide a more complete view of the types of incidents that required a weapon and the type

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[21] Frequencies do not add up to the total of use-of-force incidents because of both missing data and incidents where a weapon (either lethal or less-lethal) was not required. Based on these data it is difficult to determine the source of the missing data.

of weapon required. Second, APD should incorporate its Officer-Involved Shooting database into the general use-of-force database, given that a firearm discharge represents the most serious use of force available to an officer.

Characteristics of Use-of-Force Incidents

Summary Points

- Use-of-force cases are most likely to occur: during the swing shift (15:00 to 22:00 hours) and during certain portions of the graveyard shift (22:00 to 3:00); on Fridays and Saturdays; and in the Southeast, Southwest, and Valley areas of the city. These patterns stand somewhat in contrast to officer-involved shootings, which are more likely to occur on Tuesdays and Thursdays and in the northern parts of the city.

- Since late 2009, there has been a substantial increase in use-of-force incidents stemming from incidents that initially involved an assault. This number has declined since mid-2010 but still remains high compared to earlier years. Conclusions about this trend must be made very cautiously because the nature of the incident was not recorded for nearly half of the use-of-force incidents. If this represents a valid trend, however, it may signal a change in the types of events that are resulting in use-of-force cases, and this could have implications for patterns in officer-involved shootings. This issue may warrant further investigation.

Time of Day and Day of Week

Figure 7 provides a graphic display of use-of-force incidents based on time of day (averaged across all days). The trend line is highlighted to reflect APD shift structure. The risk of a use-of-force incident is lowest in the early morning hours (post 3 a.m.) and rises throughout the day. The risk of an event is high during the latter half of the Swing shift and is highest during the early part of the Graveyard shift. This is roughly similar to patterns in officer-involved shootings as reported by APD (*Review of Officer-Involved Shootings, 2004-2011*).

Figure 7: Use-of-Force Incidents by Time of Day & Officer Shift
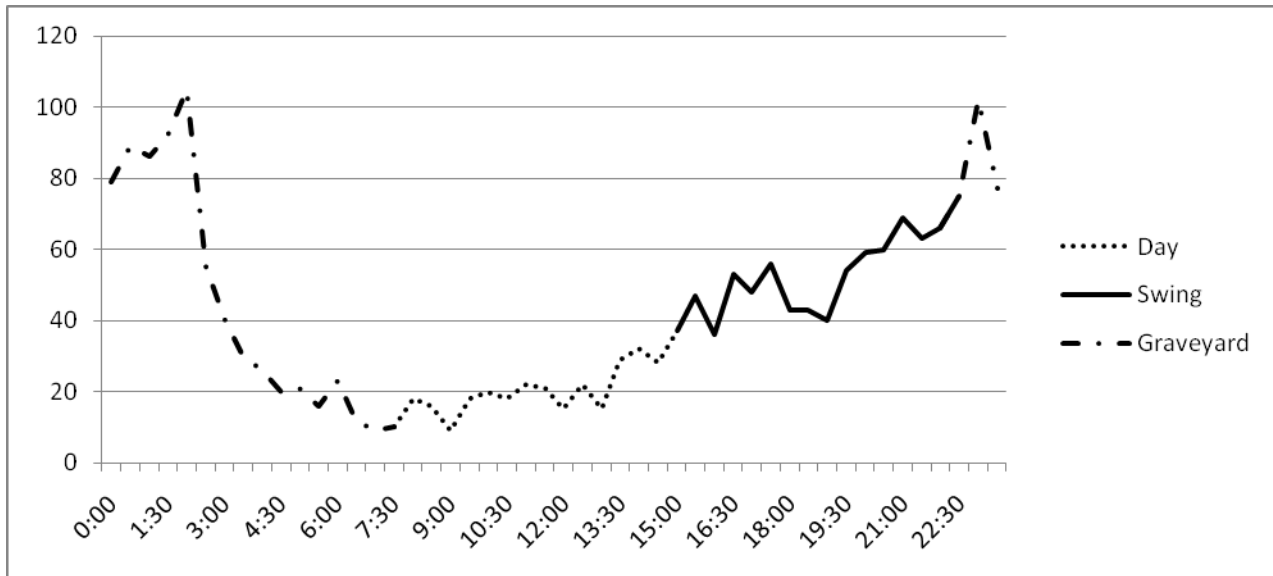
Table 7 summarizes patterns in use of force incidents by time of day and day of week. [22] If the day of the week was unrelated to when a use-of-force incident occurred, then there should be an equal number of incidents occurring on each day of the week (i.e. each day should have the same number of incidents, approximately 14.2 percent of the total). As shown in

Table 7, Friday and Saturday have a disproportionate share of incidents. Of all of the incidents where the day-of-the-week was known, 38.7 percent occurred on a Friday or Saturday. Taken as a whole, force by police officers is less likely to occur on weekdays than weekends, with roughly 11-12 percent of incidents occurring on each weekday. This is somewhat different from the pattern for officer-involved shootings, which are most likely to occur on Tuesdays and Thursdays, according to APD's reporting.

Table 7 also shows that the risk of an incident is lowest from 3 a.m. until 3 p.m. However, that risk climbs steadily afterwards, with nearly half of the incidents occurring between 9 p.m. and 3 a.m.

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[22] The start time for a given day is 03:00, rather than the typical midnight start-time.

Table 7 Distribution of Use-of-Force Incidents Based on Time of Day/Day of Week

| | Time Period | | | | |
	0300 - 0900	0900 - 1500	1500 - 2100	2100 - 0300	% of All Cases
SUN	19.0%	8.9%	28.6%	43.5%	14.0%
MON	12.5%	13.4%	29.0%	45.1%	11.7%
TUES	11.1%	16.2%	33.8%	38.9%	12.2%
WED	8.0%	15.5%	35.0%	41.6%	11.8%
THUR	9.9%	12.6%	30.9%	46.6%	11.6%
FRI	8.1%	12.3%	24.6%	55.0%	18.6%
SAT	14.5%	9.0%	23.5%	53.0%	20.1%
	12.0%	12.2%	28.5%	47.3%	100.0%

Location of Incident

There are six defined areas of Albuquerque, which are listed in Table 8. Within Albuquerque, use-of-force incidents are more likely to occur in the southern sectors of the city, with the Valley area also having a higher-than-average proportion.[23] The "Foothills" and Northwest sectors are least likely to experience an incident, with 9 percent and 6 percent of all incidents where the area was known, respectively. This pattern also differs from the recent geographical pattern in officer-involved shootings, approximately three-quarters of which have occurred in the northern parts of the city.

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[23] If force against police officers were randomly distributed throughout Albuquerque we would expect each sector of the city to experience approximately 16.7 percent of incidents.

Table 8 Incidents by Area of the City

Area	N	% of Total
Unknown	49	2.4%
Foothills	176	8.7%
Northeast	322	15.9%
Northwest	122	5.9%
Southeast	526	26.0%
Southwest	389	19.2%
Valley	444	21.9%
Total	2024	

Circumstances Surrounding Use of Force Incidents

The reasons surrounding use-of-force incidents are examined in Table 9. In over 40 percent of cases, the reason for the incident is missing.[24] When the reason *is* known, an assault/battery (either against a civilian or officer) is the reason for the incident over half (56%) of the cases. However, the next most common reasons (28.4%) are non-crime or minor crime events, e.g. "animal bite," trespass, speeding, etc. Resisting arrest[25] is the next most common category (13.8%) resulting in use of force by officers. The remaining 11.8 percent of cases involve other Part I crimes and SWAT actions.

Table 9: Reason for Use-of-Force Incident

	Frequency	Percent	Valid Percent
Assault/Battery	267	13.2%	22.4%
Assault/Battery on Officer	387	19.1%	32.5%
Other Part I	125	6.2%	10.5%
Resisting Arrest	157	7.8%	13.2%
SWAT Action	15	0.7%	1.3%
Other Offense	338	16.7%	28.4%
Missing	820	42.0%	

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[24] Without these data, drawing conclusions about events resulting in force-against-officers is difficult to determine.
[25] One omission in resisting arrest cases is the initial encounter type or reason for arrest.

The trends in the reason for the use-of-force incident are displayed in Figures 8 through 11. These trend lines must be interpreted cautiously, given that the reason for the encounter is missing in over 40 percent of cases. Resisting arrest[26] (Figure 8) encounters have declined over the years, from a high of over 40 in the 2nd quarter of 2007 to zero beginning in 2010.

Figure 8: Trend in "Resisting Arrest" Encounters by Quarter (2007 – 2011)
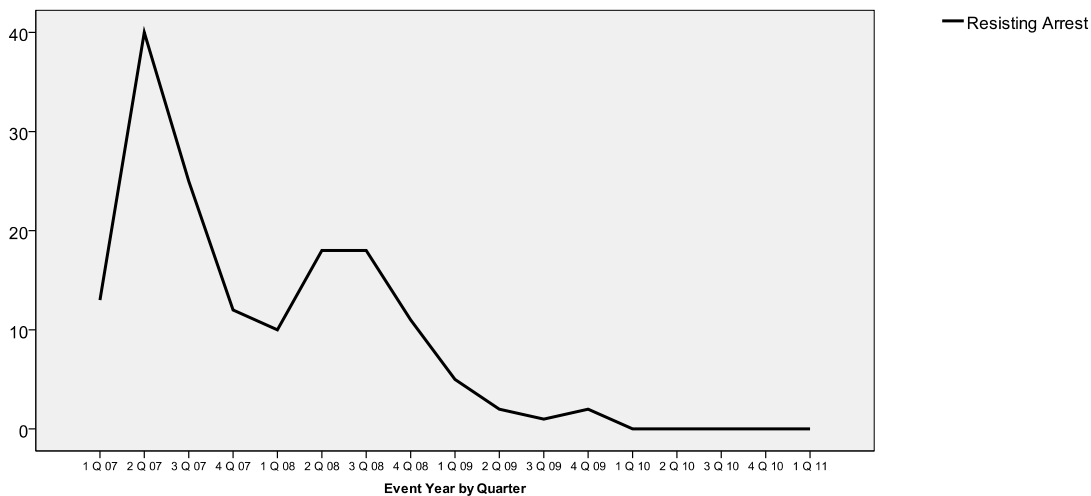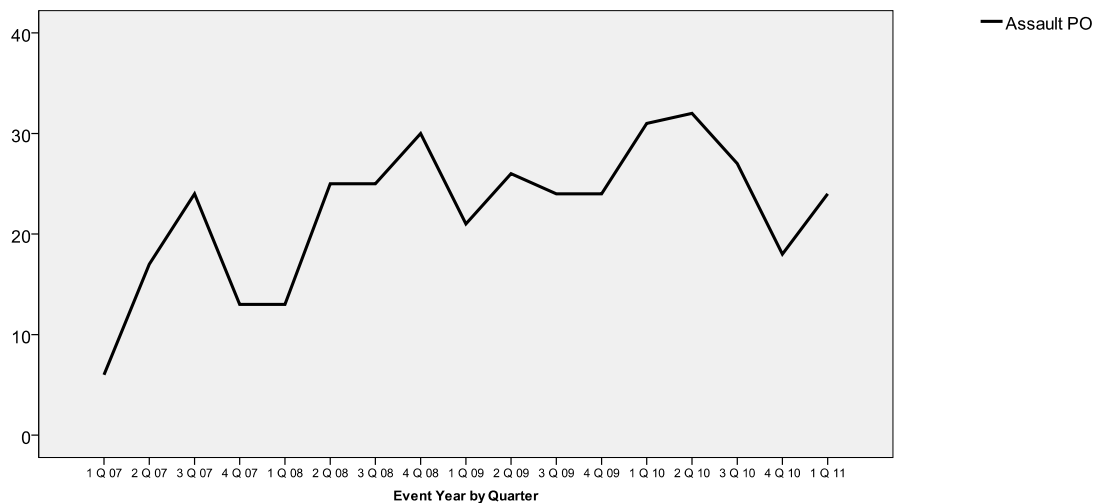
Figure 9 shows a slight rising trend in assaults on police officers. This trend peaks in the middle of 2010 before declining. It is unclear whether this represents an actual change in suspect behavior towards police officers in general or a change in record management. To clarify, it cannot be determined that the change in the frequency of assaults on police are due to more suspects assaulting police officers or whether it is due to changes in how police officers code events. For example, when the encounter is listed as assaulting a police officer; roughly 15 percent of suspects' actions are not described as "assaultive." And even though there are incidents where suspect arrests include the charge of "resisting arrest" in 2010, there are zero "resisting arrest" cases for 2010 in the use-of-force database.

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[26] This particular reason for use-of-force warrants further detail. While the case is listed as "Resisting Arrest," it is unclear what the initial offense warranting an arrest was.

Figure 9: Trend in "Assaults on Police" Encounters Incidents by Quarter (2007 – 2011)

In Figure 10 the trend in assault encounters shows a steady pattern in 2007 and 2008, but shows a sharp rise in the latter half of 2009, peaking in the 2nd quarter of 2010. This trend represents cases where the reason listed was assault (often on a household member), but may also include assaults on police officers where a police officer was not specifically mentioned. The data suggest that there was an increase during 2010 in use-of-force cases stemming from incidents that involved assaults, though such encounters are now declining.

Figure 10: Trend in "Assault" Encounters by Quarter (2007 - 2011)
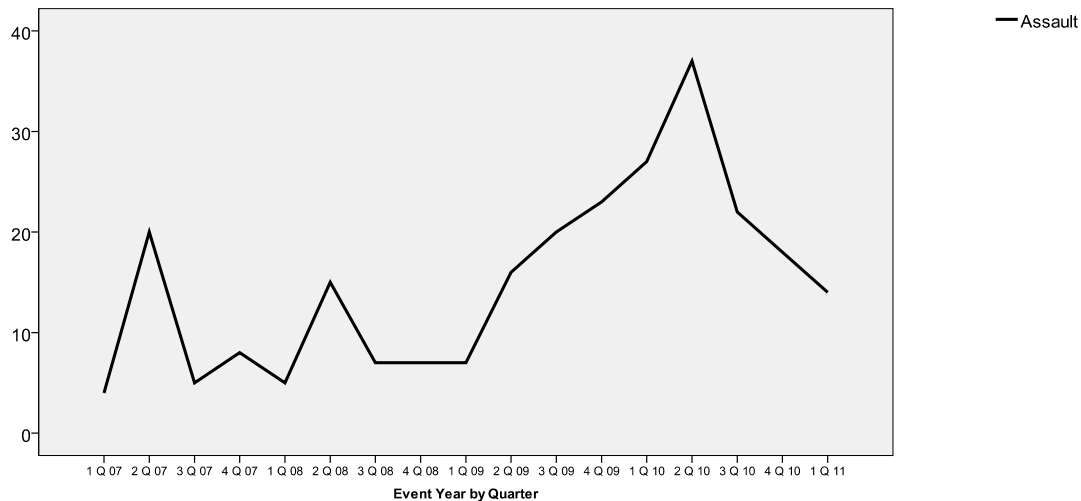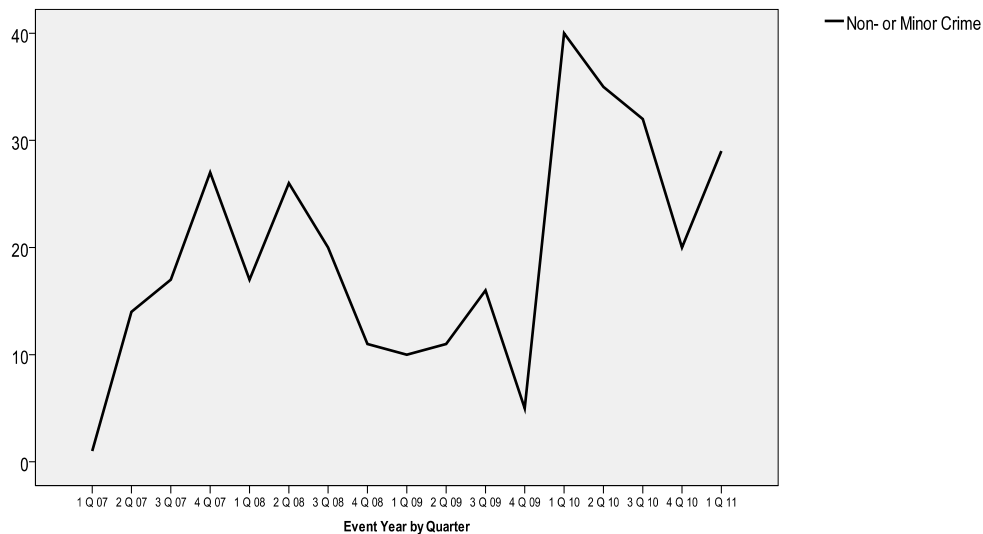
Figure 11 shows trends for cases arising from incidents labeled as non-crimes (such as traffic stops) and minor crimes (such as trespassing). What is evident in this figure is a large number of incidents where, at least initially, it was not obvious that a use of force would be required. Something about these events escalated to the point that the officer(s) felt the need to use force against the suspect(s). Similar to the other trends, the trend in non-crime events peaked in the 2nd half of 2010 before declining.

Figure 11: Trend in Non-Part I Crime by Quarter (2007 - 2011)

The completeness of this data element (reason for encounter) improved in 2010. Whereas roughly 45 to 50 percent of use-of-force incidents had the reason for incident field missing before, this number has dropped to 27 percent of incidents in 2010. However, to provide a clearer picture of these types of events, it would be useful to have a link to the original call-for-service to gain a better understanding of the initial encounter between officers and suspects in use-of-force encounters. Missing data and/or changes in how events are classified also make it difficult to reach firm conclusions about trends. Changes in "Assaults on Police" could represent actual changes in suspect behavior or a change in recording on the use-of-force form. To illustrate, cases with a recorded reason of resisting arrest fell to zero in 2010; yet booking data (discussed below) show that there were offenders arrested for this offense in 2010.

Characteristics of Officers Involved in Use-of-Force Cases

<u>Summary Points</u>

- Approximately two-thirds of use-of-force cases involve a single officer. This contrasts with the finding that 23% of police-involved shootings involve a single officer, according to APD's analysis of shooting incidents from 2004 through 2011.

- Officers involved in use-of-force incidents tend to be younger with correspondingly fewer years of service.

- Use-of-force cases are concentrated among a relatively small number of officers. Approximately 22% of officers account for nearly 60% of use-of-force cases. Moreover, 55 officers—representing just 6.3% of all officers—account for 30% of use-of-force cases. Officers in this latter group averaged 15 use of force incidents from 2007 to 2011, and all had at least 10 such incidents. Officers from this group were also involved in 9 officer-involved shootings from 2006 through 2010, accounting for 20% of all such incidents during that time.

Officers per Incident

The Albuquerque data on use-of-force incidents include a number of characteristics of the officers involved in the force incident. Most of the incidents in the APD data consist of a single officer (two-thirds of all incidents). Another 25 percent of incidents have two officers, with the remainder involving three or more officers. In contrast, officer-involved shooting incidents are less likely to involve a single officer (23%--see APD's *Review of Officer-Involved Shootings, 2004-2011*).

One Officer	1374	68%
Two Officers	501	25%
Three Officers	111	5%
Four Officers	38	2%
Total	2024	

Officer Characteristics

Among officers involved in these force incidents, over 90 percent of them were assigned to Field Services/Patrol rather than specialized assignments. This is not surprising, given that this type of assignment has the greatest contact with the public. Table 10 summarizes the officer characteristics. These officers are male, and either White (roughly 63 percent) or Hispanic (roughly 36 percent). (This closely approximates the gender and racial/ethnic composition of officers involved in shootings.) The officers who were involved in these incidents are almost entirely Privates (with P1C as the most likely officer rank). On average they are 32 years old with approximately 5.5 years between their date of hire and the force incident. According to the Albuquerque Police Department 2010 Annual Report, the average age of sworn officers is 38 with 11 years of service, demonstrating that officers involved in use-of-force incidents tend to be younger with correspondingly fewer years of service.

Table 10 Officer Characteristics

Characteristic	Total Cases[27]	% or Avg.
Male	2663	100.0%
White	2799	62.7%
Hispanic	2799	35.8%
Rank (P1C or P2C)	2852	92.3%
Age	2844	32.0
Years on Force	2730	5.5

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[27] Frequencies do not add up to the total number of officers due to missing data on individual items. The frequencies also are greater than the total number of officers because we have allowed over counting for officers involved in multiple incidents with multiple officers. Frequencies are summed across all available data.

Distribution of Force Cases among Officers

Although there are hundreds of use-of-force cases each year, the participation of officers in these events is not equally distributed. There are some officers who are involved in more use-of-force cases. Although the APD data do not contain officer identifiers, an identifier was constructed using the officer's date of birth and date of hire. Using this method, within the APD data there are approximately 871 identified officers who were each involved in from one to 55 events each, with an average of 3.3 incidents per officer over the complete timeframe of available data.

Table 11: Percent of Officers with Multiple Force Incidents

	Frequency of Officers	% of Officers	Frequency of Incidents	% of Incidents	Avg. Incidents Per Officer
Officers with 1+ Incidents	871	100.0%	2858	100.0%	3.3
Officers with 5+ Incidents	188	21.6%	1692	59.2%	9.0
Officers with 10+ Incidents	55	6.3%	843	29.5%	15.3

The majority of officers identified in the use-of-force database were involved in only 1 use-of-force incident (Table 11). Table 11 also shows, however, that use-of-force cases tend to be concentrated among officers. Approximately 22% of officers involved in use-of-force cases were involved in nearly 60 percent of all use-of-force incidents. When the focus is narrowed to officers with ten or more incidents[28], approximately 6 percent of officers involved in use-of-force cases accounted for nearly 30 percent of all use-of-force incidents. This group of 55 officers represents only 5 percent of all officers in APD. Each officer in this group was involved in 10 or more use-of-force cases. In sum, with a sworn strength of approximately 1,100 officers,[29] these data indicate that from 2007 through May, 2011 nearly 80 percent of APD all officers were involved in at least one use-of-force

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[28] An identifier was only counted in the 10+ subsample if both the officer date-of-birth and date-of-hire data were provided. Absent these two pieces of information, it cannot be accurately determined if the identifier represents unique individuals and may involved grouping separate officers who share these singular data points.
[29] http://www.cabq.gov/police/chief.html, accessed March 3rd, 2011

incident. Approximately 22 percent of all officers were involved in 60 percent of all incidents, and 5 percent were involved in nearly 30 percent of incidents. The officers with ten or more incidents are also more likely to be in the Southern sector of Albuquerque. Roughly half of the use-of-force incidents in the Southwest and Southeastern areas involve these officers.

Table 12 Characteristics of Officers with 10+ Use-of-Force incidents

Characteristic	% or Avg.
Male	100.0%
White	74.4%
Hispanic	23.6%
Rank (P1C or P2C)	96.9%
Age	29.4
Years on Force	4.4

Table 12 summarizes the characteristics of officers with ten or more use-of-force incidents. These officers tend to be younger than the other use-of-force officers (under 30) and have fewer years of service with Albuquerque Police (avg. = 4.4 years).[30] They also are more likely to be white. Virtually all of these officers (96%) had a patrol assignment.

Using an identifier constructed from the use-of-force data (based on date of hire and date of birth), it was possible to examine the involvement of these officers in shooting incidents as recorded in APD's database on officer-involved shootings. Between 2006 and 2010, there were 37 OIS incidents. Where both date-of-birth and date-of-hire data were available, 47 officers were involved

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[30] Note these averages are even lower than the Department average for officer age and years of service provided in the 2010 Annual Report.

in these incidents. The officers in the high use-of-force group were linked to 9 officer-involved shooting events, accounting for 20% of the total during this time period. While this may not seem large, these officers make up 6.3 percent of all of the use-of-force officers and 5 percent of all Albuquerque Police officers. It seems that these officers are disproportionately represented in both use-of-force and officer shooting incidents.

There are also indications that officers with 10 or more force incidents use more serious forms of force. For example, when examining the type of force used by these officers, they were more likely to utilize the "Impact" Method as a means of controlling a suspect (14.6% vs. 8.9% for other officers).

As a further illustration Table 13 provides a breakdown of suspect behavior versus officer(s) level of force. The table is broken down by whether the incident involved an officer with 10 or more use-of-force incidents versus incidents with other officers. In both cases, when a suspect resists an officer, the Takedown Method is the most common response (roughly 60% of cases overall). However, for the average officer when a suspect is physically resistive the officer resorts to the more forceful Impact Method only 10 percent of the time. In contrast, in the same scenario, officers with many use-of-force incidents utilize the Impact Method roughly 17 percent of the time. The average officer is more likely to utilize the Impact Method when the suspect is assaultive (10%), but not as often as the frequently forceful officers (14%).

Table 13 Suspect Actions vs. Officer Force Used[31]

			Officer Force		
			Overcame Resistance	Takedown	Impact
Other Officers	Suspect Forceful Action	Physically Resisted	49%	60%	10%
		Assaultive	42%	56%	10%
Officers with 10+ UoF Incidents	Suspect Forceful Action	Physically Resisted	49%	61%	17%
		Assaultive	43%	54%	14%

Characteristics of Offenders Involved in Use-of-Force Incidents

Summary Points

- Virtually all of the use of force incidents (97%) involved a single suspect. All suspects were male; a majority were Hispanic (58%) and nearly a third (29%) were white. These demographics are very similar to those reported by APD for those shot by the police. Compared to officers involved in use-of-force cases, suspects are more likely to be Hispanic and less likely to be white.

- Suspects arrested for assault or battery of a police officer, resisting arrest, or refusing to obey an officer tend to have extensive criminal histories. This conclusion is based on examination of the booking sheets of a sample of offenders arrested for these offenses during 2009 and 2010. Two issues worth further inquiry are: 1) whether a small number of repeat suspects are involved in a disproportionate number of use-of-force and police-involved shooting cases; and 2) whether there have been changes over time in the backgrounds of offenders involved in such incidents.

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[31] Percents do not add to one hundred because more than one action was available in a given incident.

Offenders per Incident and Offender Demographics

The APD's use-of-force data provide fewer details on suspects, and this information is recorded less consistently than is officer information. As shown below, virtually all incidents (97%) involve a single suspect. Of the remainder, most of those cases involve only one other suspect.

Single Suspect	1958	**97%**
Two Suspects	55	**3%**
Three Suspects	5	**0%**
Four Suspects	3	**0%**
Total	**2021**	

Table 14: Suspect Characteristics in Use-of-Force Incidents

Characteristic	Total Cases[32]	% of Total or Average
Male	1837	100.0%
Hispanic	1082	58.1%
White	544	29.2%
Age	1789	30.8

Table 14 provides the basic descriptive information on the suspects involved in use of force-incidents. All of the suspects were identified male[33], either White or Hispanic (with approximately 58% of those being Hispanic), and approximately 31 years old. The demographics of suspects

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[32] Frequencies do not add up to the total number of suspects due to missing data on individual items. The frequencies also are greater than the total number of suspects because we have allowed over counting across all suspects involved in an incident and incidents involving repeated contacts with the same suspect.

[33] "M" was the only recorded sex for suspects; however, an examination of booking data lists several female offenders.

involved in use–of-force cases overall are very similar to those of suspects in police-involved shootings as reported elsewhere by APD (*APD Review of Officer-Involved Shootings, 2004-2011*).

<u>Criminal Histories of Subjects Involved in Assaults on Police, Resisting Arrest, and Refusing to Obey an Officer</u>

The final analysis below examines the criminal histories of a sample of subjects arrest for the times of crimes typically involved in use-of-force incidents. The analysis is based on booking sheets for a sample of offenders arrested by APD officers during 2009 and 2010 for assault or battery of an officer, resisting arrest, or refusing to obey an officer's order. This represents an exploratory analysis, as these offenders could not be matched with individual use-of-force incidents. However, it provides some sense of the types of offenders likely to be included in the use-of-force database. Individual offenders could be charged with more than one of these offenses in a given incident, so the analysis allows for double, and in some cases triple, counting. In addition, the offense histories represent their state of offending as of mid-April 2011. Information from the booking sheets consisted of electronic documents rather than an electronic database. In order to efficiently analyze these data, a subsample approach was used. Included were those offenders with a ready summary of their booking numbers, which were then aggregated by offender to yield a complete count of his (and sometimes her)[34] offending.

Table 15 provides a summary of the offending histories of suspects charged with using force against a police officer during 2009 and 2010. The minimum, maximum and average number of offenses are provided. The median number of offenses is also shown to counteract the influence of certain individuals with an exceedingly large number of offenses.[35]

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[34] Female suspects were not listed in the Use-of-Force database. In addition, there are offenders who were arrested for resisting arrest in 2010; however, in the reason for use-of-force, resisting arrest in 2010 was zero.

[35] The median indicates the point in the data that divides the sample into 2 equal groups. On the other hand, the average (or mean) takes into account the values, which is why the mean for "Assault on an Officer" in 2010 is 25 (due to a single offender with 236 priors) while the median is 8.

The data show that offenders arrested for these offenses tend to have extensive criminal histories. For each offense, offenders averaged 11 to 22 prior arrests. The median number of prior offenses ranged from 5 to 8 for most categories but was 20 for offenders who committed an aggravated assault of an officer. While many offenders have several prior offenses, there is a fair degree (approximately 16% of our sample) of first-time offenders. These data are not sufficient to determine whether offenders with extensive criminal histories are involved in a disproportionate share of use-of-force cases or whether their involvement in use-of-force cases has been increasing. These may be issues worthy of further study by APD.

Table 15: Suspect Criminal History

	Min	Max	Median	Average	N
Assaulting an Officer	1	236	7	22.1	44
Agg Assault on an Officer	2	46	20	19.5	11
Battery on an Officer	1	70	7	13.2	47
Resisting Arrest	1	64	8	20.4	17
Refusal to Obey	1	68	5	10.8	81

Review of Use of Force Training

Introduction

Over the years and throughout the United States, in their reviews of police use of deadly force, local prosecutors, grand juries and courts have shown a reluctance to second-guess the decisions made by police officers. Nonetheless, there have been dozens of cases, most recently in New Orleans and Miami, where federal prosecutors have brought federal charges against police officers for alleged *criminal* civil rights violations. Further, there have been many cases of federal and state *civil* rights actions against police officers.

Largely as a result of civil rights lawsuits and sporadic civil unrest following police use of deadly force, police departments across the United States for decades have been reviewing their use-of-force policies and training. Many departments have placed greater restrictions on when a police officer may discharge a weapon. As an example, most progressive police departments today forbid officers to discharge weapons at or from a moving vehicle. Departments that initiated these new policies and training years ago were successful not only at bringing about needed changes, but also in dispelling concern about the changes. Since 1972, when the NYPD adopted the policy change regarding moving vehicles, for example, not one officer has lost his or her life as a result of intentionally being struck by a vehicle driven by an offender trying to avoid capture or arrest.

Changes in policies and training that reduce police shootings can be controversial. Officers must understand that the purpose of such changes is not to hinder their performance, but rather to increase their level of safety on the street, while also protecting them from possible civil or criminal prosecutions. Prior to the official implementation of a policy or training change, a police chief can develop support for the change within his department by personally delivering the message at roll calls. If the police chief is going to institute a controversial change in policy and related training, he or she has the obligation to defend the decision in front of officers and accept questions.

One area in which police shootings can be reduced is in handling persons with mental illness. Police officers encounter mentally ill persons in their homes or on the streets on a daily basis across the nation. Though some mentally ill people can be dangerous and pose a threat to responding police officers and others, persons with mental illness are not often armed with a gun. This is especially true of mentally ill persons in a city's homeless population. When they are armed, it is usually with an edged or striking weapon.

The APD has taken many appropriate steps to reduce confrontations with all people, and in particular persons with mental illness. The department has created Critical Incident Teams and Crisis Outreach and Support Teams and has developed corresponding training. The department has adopted less-lethal weapons. Training includes both traditional and innovative scenario approaches to use-of-force decision making. To further ensure it was taking the right steps and to understand why it has been faced with a high number of officer-involved shooting incidents, the department engaged the Police Executive Research Forum (PERF) to examine the conditions that may be associated with what seems to be a high rate of police-suspect encounters that involve the use of force by APD officers.

As part of this review, PERF examined the training provided by the department to its recruit and veteran officers in the areas that prepare them to deal with potentially violent or dangerous people. This includes communications skills, defensive tactics, and use of force (including firearms) training. PERF conducted interviews with the members of the department responsible for providing this training, reviewed training curricula and materials, and compared these findings to the best professional practices employed by other law enforcement agencies. PERF looked at practices in police departments in comparable cities as well as departments known to be progressive in their training in this area.

Recruit Academy

Overall, the APD does a commendable job of bringing together in its academy training curriculum the areas of instruction needed to prepare new officers for incidents in which they must assess threats and handle potentially dangerous situations peaceably when possible and with the least amount of force that is appropriate when force is necessary. Through classroom instruction and practical exercises, recruits are prepared to demonstrate the proficiency needed to graduate from the academy. The department's training managers and instructors have taken steps to implement more integrated training during which trainees are called upon to demonstrate their decision making skills and proficiencies while engaged in dynamic scenario situations. This concept is a best practice in both academy and in-service training settings.

The Albuquerque Police Department (APD) holds a 26-week in-house academy for new recruits. In addition to training its own recruits, this academy serves other departments in the region. The academy is certified by the State of New Mexico and is regulated by the Law Enforcement Academy Board. Among the most critical topics covered at the academy is the police use of force. A prime requirement is that the use of force lesson plan must be presented in its entirety by a New Mexico Department of Public Safety trained instructor. Recruits are given a 16-hour block of instruction that follows the Department of Public Safety's two-day Power Point presentation.

Use of Force Training

The use of force lesson plan covers historical perspectives and legal considerations regarding use of force, policy statements, values and behaviors, excessive force and brutality concerns, cues and the show of force/use of force, confrontational dynamics, defensive tactics, custody procedures, fear of serious bodily injury or death, weapon vs. wound potential, lethality of weapons, disparities in the use of force, use of force models, and special situations and use of force considerations and options.

Though the lesson plan addresses several models, the Department of Public Safety has adopted a specific "Use of Force Continuum," and the department trains its officers in the "Reactive Control

Model" (RCM), which was developed by Criminal Justice Training and Consulting Services of Santa Fe, NM in the 1990s. Linear in design, it seeks to match the actions of an officer to the "behavioral cues" of the subject. The RCM predates the introduction of Energy Control Weapons (ECWs),[36] which are therefore not part of the continuum. Currently, the department makes TASER handheld devices available to field officers, and TASER shotguns are available to SWAT officers. Departmental policy places the use of TASERs in the "yellow" column of the RCM, along with empty hand techniques and OC chemical agents (see the graphic on the next page).

Review of the department's training materials and PERF's interviews of training personnel finds that the RCM, how it should be considered by officers, and the department's Use of Force Policy are addressed in detail during recruit-level training when covering use of force tactics. In fact, the entry-level curriculum is quite extensive and includes discussion of several other use-of-force models, including: the Ohio Model, the Federal Law Enforcement Training Center (FLETC) model (now discontinued), the Desmedt Model, and an Incident Management Intervention Model (IMIM) used by several Canadian agencies.
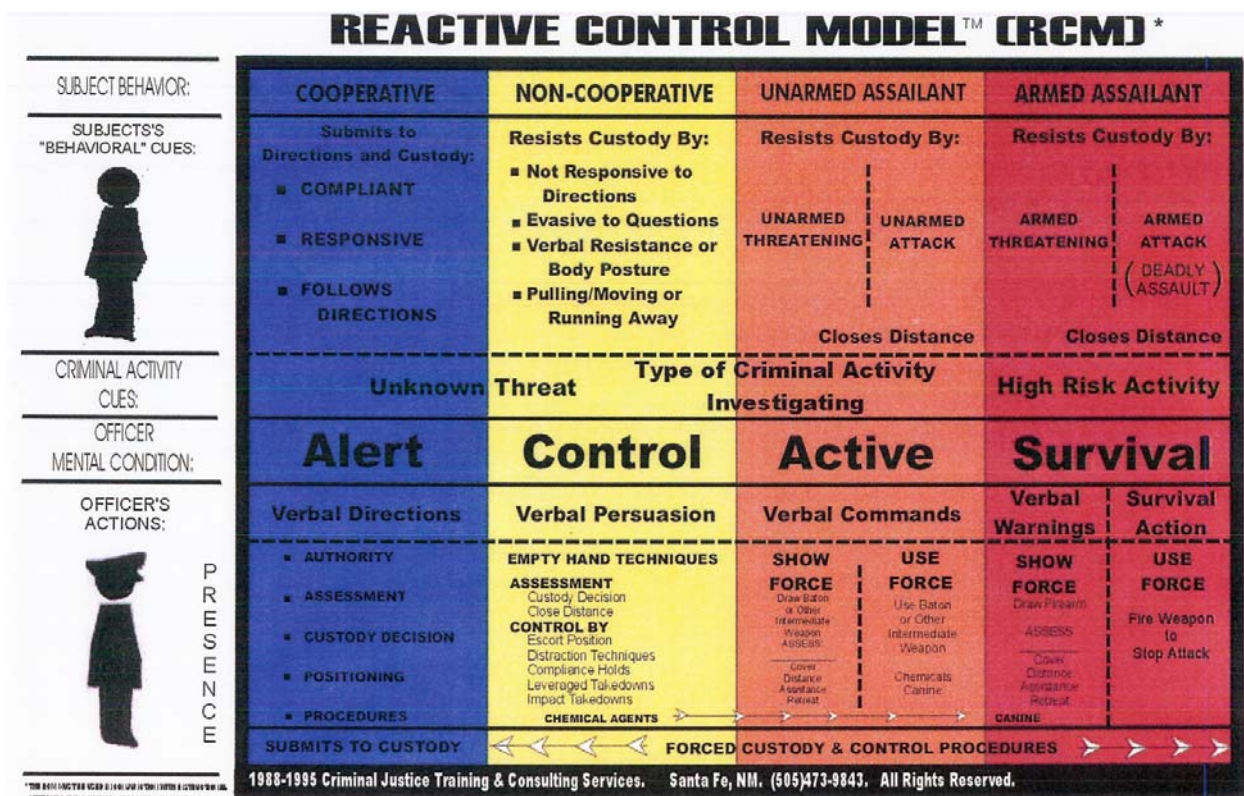
Models like these are based upon the principle that police officers must use only the degree of force that is appropriate to address the threat they face – or legitimately perceive – and that is sufficient for the officer to establish and maintain control. Typical of linear models, the RCM adopted by the department depicts clear-cut segments. It aligns behavioral cues to officer actions but does not offer a clear depiction that cues and actions can move back and forth as a situation escalates or de-escalates. However, this concept is explained to recruits and officers.

The degree of force necessary in a situation, or how rapidly a situation may escalate, will also vary from situation to situation and officer to officer. For example, the level of confidence officers have in their ability to control a given situation may vary greatly. One officer may be fully confident in

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[36] Energy Control Weapons are also known as Electronic Control Devices (ECDs) which is how the department refers to its TASER™ devices.

his or her ability to control a particular subject with nothing more than weaponless physical force, while another lacks that confidence. These confidence assessments carry over into officers' perceptions of the risk at hand and into the development of each officer's tactical approach.

Following is the Use of Force Continuum adopted by the Department of Public Safety and the Albuquerque Police Department:

REACTIVE CONTROL MODEL™ (RCM)*

SUBJECT BEHAVIOR:	COOPERATIVE	NON-COOPERATIVE	UNARMED ASSAILANT		ARMED ASSAILANT	
SUBJECTS'S "BEHAVIORAL" CUES:	Submits to Directions and Custody: ■ COMPLIANT ■ RESPONSIVE ■ FOLLOWS DIRECTIONS	Resists Custody By: ■ Not Responsive to Directions ■ Evasive to Questions ■ Verbal Resistance or Body Posture ■ Pulling/Moving or Running Away	Resists Custody By: UNARMED THREATENING	UNARMED ATTACK Closes Distance	Resists Custody By: ARMED THREATENING	ARMED ATTACK (DEADLY ASSAULT) Closes Distance
CRIMINAL ACTIVITY CUES:	Unknown Threat		Type of Criminal Activity Investigating		High Risk Activity	
OFFICER MENTAL CONDITION:	Alert	Control	Active		Survival	
OFFICER'S ACTIONS:	Verbal Directions	Verbal Persuasion	Verbal Commands		Verbal Warnings	Survival Action
	■ AUTHORITY ■ ASSESSMENT ■ CUSTODY DECISION ■ POSITIONING ■ PROCEDURES	EMPTY HAND TECHNIQUES ASSESSMENT Custody Decision Close Distance CONTROL BY Escort Position Distraction Techniques Compliance Holds Leveraged Takedowns Impact Takedowns CHEMICAL AGENTS	SHOW FORCE Draw Baton or Other Intermediate Weapon ASSESS Cover Distance Assistance Retreat	USE FORCE Use Baton or Other Intermediate Weapon Chemicals Canine	SHOW FORCE Draw Firearm ASSESS Cover Distance Assistance Retreat CANINE	USE FORCE Fire Weapon to Stop Attack
	SUBMITS TO CUSTODY ◄◄ ◄ ◄		FORCED CUSTODY & CONTROL PROCEDURES ► ► ► ►			

P R E S E N C E

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The most important aspect of any Use of Force Model or Continuum should be that it permits the officer to select an intervention option at any level. There is no expectation that a situation must escalate step by step to the use of deadly force; a situation may start there. Risk assessment is ongoing and may need to be accomplished in a split-second. Selected options may need to be changed before they can be carried out. The entire process is dynamic and changing until the situation is controlled.

Recognizing that there are dozens of different continuums in use across law enforcement today, and that there is little uniformity in how levels of resistance and the appropriate police response are defined, FLETC has discontinued using a force continuum in its use-of-force training. FLETC concluded that use- of-force continuums are a cognitive tool, but they're not very useful in the rapidly evolving dynamics of a critical incident.

FLETC's decision is rooted in *Graham v. Connor*, 490 U.S. 386 (1989), in which the U.S. Supreme Court established that police officers may use the amount of force that is reasonable to control subjects during a lawful seizure. The court held that the test of reasonableness under the Fourth Amendment cannot be given a precise definition or mechanical application. The court held that objective reasonableness is established according to circumstances and the totality of facts known to the officer at the time he or she took the forceful action.

FLETC therefore took the position that use-of-force continuums attempt to accomplish exactly what the Supreme Court said cannot be done. That is, they seek to match a specific subject action to a specific officer response, regardless of the totality of circumstances known to the officer. John Bostain of the Enforcement Operations Division at FLETC said, "It's impossible for a model to account for things like known violent history of the suspect; duration of the action; size, age, and condition of the officer and suspect; and other facts that may make up the totality of circumstances."

In addition to instruction on the RCM, the Albuquerque Police Department also exposes recruits to Constitutional law, the concept of reasonableness, and how that relates to the use of – and what constitutes – necessary force. It is stressed that the various degrees of use of force used by an officer need not escalate or deescalate according to their ranking in the RCM. Recruits are informed that the degree of force that is reasonable and necessary may begin at any appropriate level, including deadly force if it reasonable and necessary, but that their actions must stand up to legal review.

APD trainers provide the recruits with examples of severe officer misconduct, excessive force, and brutality. They also point out that instances in which any use of force is needed are infrequent. The difference between a show of force and the actual use of force is explained. Other key areas of instruction are typical of topics covered in use–of-force lesson plans found in law enforcement agencies throughout the United States. The most critical instructional topics presented include those dealing with:

- Constitutional law, case law and civil liability
- Code of Ethics
- Individual and personal values and behavior
- Verbal Communications (direction, persuasion, commands, and warnings)
- Steps of the decision making process (perception, decision, performance)
- Alternatives to using force
- Imminent threats, lethality and disparity of force
- Deadly vs. non-deadly use of force
- Confrontational dynamics (time/distance relationships and threats that escalate to attacks)
- Intermediate barriers (buying time)
- Firearms confrontation
- Empty hand drills
- Tueller drills (21' danger zone)

- Custodial procedures (non-use of force), and
- The value of video cameras.

In separate blocks of instruction, recruits are informed about the legal aspects of the use of force and the psychological aspects of using deadly force.

Firearms Training

Historically, the APD's entry-level and in-service range training has focused on proficiency skills and marksmanship. Beginning with the 105th Academy Session, emphasis has shifted to officer survival instruction – an integrated decisional/situational approach to shooting. Recruits will now be provided two weeks of skill building with traditional turning targets followed by four additional days of live-fire drills. Recruits are scheduled to return to the range prior to graduation for five more days of officer survival instruction involving scenario-based, live-fire and shoot/don't shoot training.

Firearms Qualification

The critical nature of firearms training demands that recruits achieve four benchmarks:
- Meet a passing score of 80% firing proficiency. Those firing a score between 80 and 82 are given remedial training before their next scheduled range date.
- Pass a Limited Scope Performance Test (LSPT) which is skills related (firearms handling, loading, unloading, etc.)
- Pass a written examination
- Demonstrate safe handing and making proper firearm decisions.

In some other areas of training, recruits thought to benefit from minor reinforcement may graduate from the academy with instructions to their Field Training Officer to focus on building strength in

that skill. Recruits who exhibit challenges in the area of firearms decision making and proficiency and are non-responsive to remedial efforts fail the academy.

Scenario Based Training

The APD has modified firearms training to include more live fire exercises because of the elevated emotions and stress that officers experience during these sessions. But even while recognizing the value of live fire realism, range staff voiced their desire to move away from the long-standing thinking that the reason officers come to the range is to shoot their guns. Rather, the range staff would like to integrate a new and stronger emphasis on decision making and threat evaluation, so that instinctive shooting and target proficiency are not the primary objectives of every exercise. The successful conclusion of some number of exercises should involve "no-shoot" outcomes.

The department utilizes an "Airsoft" system that permits recruits and officers to engage in simulated weapons firing situations. However, it was reported that the Airsoft weaponry does not operate similarly to the department's real weapons – especially when reloading. It is a long-standing fact that trainers teach officers to rely on their training when they find themselves in critical situations. Training with dissimilar equipment than officers must rely when under stress in real situations is less than ideal. The department has also used a FATS system that is currently inoperative. Reportedly, steps have been taken to procure a new, extremely realistic 360-degree replacement system. At the time of the PERF site visit, recruits were conducting this training on a system belonging to the county.

Trainers reported to PERF that they have created scenarios based on actual APD incidents for training use. Staff have reviewed and processed 14 real-life incidents that involved APD officers as the basis for scenarios they will use in future exercises. Trainers report that scenarios are not presented to recruits until after they are exposed to a limited amount of firearms and defensive tactics training. However, scheduling issues may demand a reordering of some blocks of

instruction. Trainers fully recognize the value in having officers prepared to interject other tactics before resorting to deadly force.

Scenarios include the variety of situations officers may find themselves encountering on the street – domestic violence calls, traffic stops, and the like, as well as some that are initially confrontational. There is no expectation that each situation will result in a weapon discharge by the officer. The situation presented can be modified to end without the use of force or the application of various less-lethal force options. Recruits are encouraged to handle situations using options in a way they might on the street. They can even postpone a high-risk entry by waiting for back-up officers or canine support, but the scenarios likely will morph, demanding some action by the officer.

In an effort to present the most realistic and emotionally charged scenarios possible, the role players who interact with recruits are trained actors who are briefed on how they might play the roles and what to expect from recruits. Trainers attempt to create situations that test recruits' awareness of risks within their surroundings. By integrating such mundane police tasks such as checking for warrants and obtaining or confirming license and registration information, trainers instill the importance of remaining constantly aware of one's surroundings and not allowing diversions to cause them to drop their guard.

By presenting scenarios with varying demands and stresses, the trainers hope to identify recruits who are dangerously meek as well as those who are overly aggressive. Trainers can then ensure that these recruits are afforded coaching and exposure to additional scenarios before determining if the recruits are suited for police work.

Maintenance of Effort and In-Service Training
Mandated Maintenance of Effort (MOE) training consists of a minimum of 40 hours, every two years. The State Department of Public Safety mandates that certain topics be covered. That list changes as new priorities are determined. The department may – and always does – determine other

in-service training topics to be presented as well. All sworn members must attend this required training. Training at roll call, including the use of short training video presentations, can supplement the department's in-service training. All sworn members of the department are required to attend annual training in the following topics:

- Use of Force Policy as well as applicable legal updates,
- ECW – for those certified to carry this weapon
- Biased policing

The following training must be attended every two years:

- Less-lethal weapons use
- Ethics – to be attended by sworn and civilian employees

The following training must be attended every three years:

- Dealing with the mentally ill. This is a three-hour block of instruction focusing on an overview of mental disorders, logistics of dealing with disturbed persons, and how to best interact with persons with mental illness.

The recent focus of training has included an eight-hour firearms decisional element and eight hours dedicated to the department's transition from the Glock 9mm to the S&W M&P 9mm handgun.[37] Instructional topics cover critical aspects of good firearms training: Skill sets, shooting on the move, one-handed shooting, malfunction clearance, room-clearing techniques, low-light situations, etc.

Firearm Proficiency and Certification

There are annual handgun proficiency training demands that each officer fire one daytime and one nighttime course per year. The minimum proficiency score is 80 percent as with recruits. Officers

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[37] Officers competing their probationary period may opt to carry a different firearm, but they must complete training and a proficiency test with the weapon.

who choose to seek certification to carry a shotgun must also participate in shotgun training and demonstrate proficiency, annually, in order to carry these weapons on duty. Any officer who does not elect to qualify or does not meet certification requirements cannot carry or use a shotgun on duty.

It was reported by trainers that during recent shotgun refresher training, some officers were under-relying on the bean bag shotgun as a force option. The department makes the bean bag shotgun available for use and has installed mounts for these weapons in take-home vehicles. PERF's review of bean bag use by officers found that they were used in actual incidents from a low of four to a high of eleven times a year over a five year period with no pattern of increased or decreased use noted.

As an example of best practices, PERF notes that the San Francisco Police Department, which has reported an extremely low incidence of officer-involved shootings, has indicated that every patrol car is deployed with a bean bag shotgun and that the use of these weapons is credited as being an often ideal less-lethal alternative, especially when confronted by attacking or armed mentally ill persons. It was noted, however, that the weapon is only deployed when a second officer is available to provide cover with a firearm. The Little Rock, AR Police Department, a smaller agency but one that shares certain characteristics with Albuquerque, has also undertaken an effort to reestablish the bean bag shotgun as a viable less-lethal weapon for officers to consider.

Other than to meet these requalification requirements, APD officers could go almost two years between firearms related instruction. Training staff report that the department is looking into future firearm annual in-service training to include more advanced handgun and shotgun training and a rifle class which would be optional for officers. In the future, shotgun in-service will be mandatory for all officers.

ECW Certification Training

The department possesses approximately 750 TASER™ ECWs for use by officers. Many of the older M26 models are currently being replaced with the updated X26 model. The department has budgeted for additional ECWs with the intent of issuing one to each officer. All recruits are certified to use this weapon in accordance with the department's policy while undergoing academy training. However, there is no requirement to maintain this certification or to carry an ECW on duty, even if certified. It was reported to PERF that about 20 percent of officers elect not to carry an ECW. In order to maintain ECW certification, officers must be retrained every two years.

Remedial Training

Supervisory recommendations as well as the recommendations stemming from investigated use-of-force cases, irrespective of discipline, can result in officers being directed to attend remedial training. Remedial training can be on any topic, including use-of-force policy or proficiency training.

Crisis Intervention Team (CIT) Training

When dispatch personnel establish that a potentially dangerous mentally ill person or a person in crisis is the subject of a call for service request, they contact the appropriate patrol sergeant for authority to also dispatch a CIT officer to respond to the call. If the sergeant agrees, the CIT officer is to take charge of the call. CIT officers can also assist at SWAT activations. The work of CIT is not limited to call for service response. These officers track and offer assistance to persons with repeated reports of mental problems and contacts with the police, and they execute pick-orders for persons who have been ordered to undergo medical evaluation.

CIT training, originally developed in Memphis, TN, prepares officers to effectively deal with persons exhibiting mental illness or disorders, substance abuse, or a combination of issues presenting a crisis. The training helps officers to recognize and assess, interview, and control persons with such problems, and to identify and offer access to the best available resources to

provide assistance. The purposes of the training include reducing injuries to both officers and the person in crisis, and avoiding unnecessary incarceration and liability.

CIT consists of a corps of 125 patrol officers and six sergeant/area coordinators who have volunteered and were certified after completion of the required 40 hours of specialized training but otherwise are assigned to patrol teams. Nearly 25% of the patrol force is now CIT-trained, and there are plans for another class. Headed by the Violent Crimes Sergeant, CIT is primarily intended as an emergency or initial measure, but can do its own case follow-up, or it can involve the Crisis Outreach and Support Team (COAST) and/or detectives to take over a situation once stabilized. The most recent two training classes also involved dispatchers. Additionally, sheriff deputies, parole and probation officers, DPS and other local department members are participants in this training.

Recommendations:

1. **Objective Reasonableness in Use-of-Force Training.** The department should continue to strengthen its use-of-force training by placing even greater emphasis on the objective reasonableness of the actions of an officer in a use-of-force situation. The RCM and other use-of-force continuums/models can continue to serve as useful training guides, but as acknowledged by FLETC, they tend to over-step their usefulness by suggesting to officers that a specific action by a person justifies specific reaction(s) by the officer. In reality, the often instantaneous – yet objectively reasonable – decision that must be arrived at by the officer should stem from processing of the information known to the officer, rather than recall from a memorized matrix.

2. **Update Training Guides to Include Use of ECWs.** The department should update its use of the RCM, or any other use-of-force training guide, to include all use-of-force options available to officers. ECWs/TASERS, bean bag shotguns, and any other approved force

options should be specifically addressed so officers understand the department's official position on the use of the weapon.

3. **Expand the Use of Scenario Training.** The department should expand its use of multi-layered, hands-on, scenario training, both at academy and in-service settings. These are extremely valuable exercises. When recruit and veteran officers are faced with scenarios integrating the potential for verbal and defensive tactics along with less-lethal and deadly force (and for which successful outcomes could range from calming an individual, to employing defensive tactics, to confronting deadly force with deadly force), it presents a different mindset to officers than training in which each scenario evolves into a "we are here to fire our weapons" event. This type of training should present the opportunity for trainees to integrate actions with officer safety tactics, such as positioning and waiting for backup. Not every situation involves an active shooter. This type of practical scenario training allows training staff to test trainees under a wider range of circumstances. The observation that officers may be underutilizing the bean bag shotgun could be a reason to feature it as a viable option in some training scenarios, thereby increasing officer's familiarity with the weapon.

4. **Training Should Be Realistic.** Simunition and Shoot/Don't Shoot Training components should be as realistic as possible. Training with weapons that operate differently from issued firearms does not afford officers the same opportunity to become familiar and proficient with the equipment that they will rely upon under stress.

5. **Include Recent Actual Events in Training Scenarios.** Training issues uncovered in real-life situations, both from inside and outside the department, should be built into recruit and in-service training as soon as possible. It was reported that real-life shooting incidents from which training opportunities could be developed are often not made available for training for a year or more, because of legal considerations. Even if real-life examples are adjusted

and presented as fictitious, any opportunity to present training that could save a life should not be delayed.

6. **Field Supervisor and Dispatcher Training Should Stress Prompt Response.** The department should stress in its training for patrol and other operational supervisors as well as for dispatchers the importance of prompt supervisory arrival at critical situations. When an officer first arrives at a critical incident scene, he or she is often immersed in an emotionally charged situation with a multitude of tasks. The event can escalate quickly and completely consume the initial responding officer(s). Arrival of the field supervisor can be a much needed stabilizing event. An experienced supervisor can have a calming effect and slow things down. San Diego Police Chief William Lansdowne has often commented that in his experience, the arrival of a sergeant at a critical scene within the first few minutes makes a huge difference. Dispatchers should be trained and directed by protocol that for all calls in which there is reference to an armed or dangerous person, a field supervisor is dispatched and acknowledged when "on the scene – in command."

7. **Train Call Takers in CIT.** Training for new call takers and at in-service training should include how to determine if mental illness is a factor. Currently, dispatch personnel are instructed in assessing danger and the need to convey critical information to responding officers. The department should expand the training of those who receive calls from the public to include identifying the characteristics of mental illness, using a mental illness checklist to capture information, when applicable, about prior history of violence, reaction to police response, and the involvement of alcohol or drugs so as to help guide the proper response and better prepare CIT and other officers for the situation at hand. The information gathered by call takers and the way it is conveyed can shape the responding officer's state of mind. CIT training geared to call takers/dispatchers can make them a more valuable resource to CIT and patrol officers alike.

8. **Seek Out Causes for Recruit Failures.** When a recruit fails the academy for poor decision making involving the use of force, trainers should work with recruiters and background investigators to determine if there was anything in the recruit's background that might have predicted a problem. Just as trainers currently seek to determine if the reason for a recruit's failure could have stemmed from a flaw in training – or if an identified flaw impacted an entire class – this could help keep recruiters and background investigators alerted to potential problem areas in the future.

9. **Provide Instruction on Legitimacy and Procedural Justice.** The department should develop a recruit and in-service block of instruction addressing the concepts of "legitimacy" and "procedural justice" in policing. These concepts, which have been the subject of extensive research by Prof. Tom Tyler of New York University and others, involve the exploration of why people choose to accept or resist the decisions and actions of police. Legitimacy is established when the community believes that the police department is doing the right things for the right reasons, that the police are enforcing the laws fairly. A key element of "legitimacy" is whether the police provide what researchers call "procedural justice." That term encompasses not only whether a person believes that laws are fair and that police enforce the laws even-handedly, but also whether a police officer treats a person with dignity and respect. In fact, research has shown that people's feelings about an encounter with the police can depend more on procedural justice (e.g., whether they believe the officer was respectful and courteous) than on the actual outcome of the event (e.g., whether the person received a warning or a traffic citation). Perceptions of legitimacy and procedural justice can be eroded when a series of highly publicized events, such as officer-involved shootings, reverberate through a segment of the community. Such events can leave a community feeling that they are not receiving just treatment. Though it may take only a few events to harm the way the community views the department, it may take the daily actions of every officer to repair the damage. Many of the same interactions between the police and the public that result from community policing initiatives are the ones that can

help the department build support for its intentions and understanding of occasional missteps. By offering instruction in these concepts to recruits at entry level and reinforcement at in-service training, the department can convey the need for public respect and support and the role that each officer must play toward that aim. Ultimately, the department can begin to establish both the reality and the public's recognition that it operates in a legitimate and procedurally just manner.

10. **Provide Additional Training for Recruits and Officers in De-escalation Skills.** Additional instruction in de-escalation techniques should be presented to officers at the entry level and at in-service training. Some officers are naturally competent in this area. Others, at times, can fail to recognize the value of turning around an escalating situation. All too often, situations that could be resolved without arrest or without the use of force to effect an arrest escalate unnecessarily because tempers and emotions are not calmed early on. Clearly, there are times when a person's conduct, demeanor, and actions are such that an arrest is necessary, but there are also many opportunities in which officers who are adept at calming tempers and emotions can deescalate a situation rather than allowing it to escalate. These skills should be regularly reinforced though classroom instruction and practical exercises during in-service training.

11. **Importance of Trainers and Field Training Officers.** Trainers and field training officers have the opportunity to convince recruits that the intent of the department's policies are two-fold: to guide them in their actions to protect the public and themselves, and also to protect themselves from making unsound judgments that could lead to civil and criminal prosecution. Prior to the start of every academy and FTO period, the police chief should meet with his command staff and these trainers and FTOs to discuss the importance of these expectations and to convey his trust in them to properly prepare these recruits who represent the future of the department.

12. **Debrief Field Training Officers.** The Chief and his training staff should meet with FTOs as a group at the end of their time with recruits specifically to discuss their impressions of the recruits' use-of-force decision making readiness. There are innumerable opportunities for an FTO to document, report, and remedy problems with a particular recruit during the FTO period. But their collective impressions as to a class of recruits' level of confidence – and ability – to apply effective communications skills, de-escalation techniques, defensive tactics, and appropriate use of force in actual situations is a valuable resource not to be overlooked. This forum would provide better insight to training staff as to the strengths of specific blocks of instruction and where there is opportunity for enhancement.

13. **Expand CIT training and the Frequency of In-Service Training in Dealing with People with Mental Illness.** CIT-certifying 25 percent of its patrol strength is an important and impressive accomplishment for the Albuquerque Police Department. But it should continue to expand CIT training, and the in-service training curriculum should include more frequent refresher instruction in dealing with persons with mental illness. A review of the department's officer-involved shooting incidents from 2006-2010 finds that nearly 30 percent of the individuals who posed a sufficient threat that officers felt compelled to respond with the use of deadly force had a prior history of mental illness. Police are also occasionally faced with "suicide by cop" situations in which they feel they have no choice but to protect themselves and others. In 2010, the department documented 28 calls for service in which the caller used words alerting the call taker to the possibility of a suicide-by-cop intention. In all of these situations, officers who could be confronted by unstable and dangerous persons should be prepared through training and regular reinforcement to deal with such persons and the threats they may pose. Training for all officers in identifying and handling mentally ill persons should be more frequent than the current requirement. A short refresher could be presented annually in the form of a roll-call training video and handout.

14. **Changes in Training Should Be Endorsed by the Chief.** Any significant change in the department's policy or training that impacts existing officers should be explained by the Chief of Police. Police officers rely on training for survival. Understandably, change is not always easily accepted or understood. Rather than risk misperception about why changes have been directed, especially in sensitive topics such as use of force training, the Chief should attend roll calls to introduce the change. This demonstrates both the importance of the change and the reason for it.

15. **Require Officer Certification in the Use of Approved Weapons.** Entry level and in-service training should include instruction in the use of – and practice with – the force options available to patrol officers. The department requires officers to train with issued equipment (handguns, chemical spray, baton, etc.). However, officers who prefer not to carry the department's issued ECW or a shotgun are not required to train and qualify with these weapons. Each officer should regularly undergo familiarity and proficiency training with these departmentally approved/issued weapons. The department should require officers to be trained and certified in its use (and retrained and recertified, as required). The department should proceed to make shotgun qualification a required component of annual firearms qualification.

16. **All Patrol Officers Should Carry ECWs.** The department should continue with its goal to train and provide every uniformed field officer with a personally issued ECW, and officers should required to carry them on duty. Proper use of these less-lethal weapons can in some circumstances be a viable option for an officer faced with a deadly force decision. Clearly, EWCs cannot properly safeguard officers from every threat of serious bodily harm or death, but in those instances when the use of an ECW is viable and an officer does not employ deadly force, a life is less threatened. Review of ECW use by APD officers over five recent years shows that department-wide, the weapon was used – on average – once every 64 hours. There is no accurate way to determine how many, if any, of the department's ECW

uses stopped a situation from escalating to a deadly force incident. But if it was only one, it could not have taken place if that officer had chosen to forego certification and carrying of an ECW.

17. **Adopt New Guidelines for ECW Use.** The department should adopt PERF's 2011 Electronic Control Weapon Guidelines. PERF's work in this area, with support from the U.S. Department of Justice Office of Community Oriented Policing Services (COPS Office), has been highly regarded since it began in 2005. The 2011 guidelines are a revision of similar guidelines that were issued by PERF/COPS in 2005, and which were widely adopted in the field. The new guidelines are attached for the department's consideration with regard to both policy and training.

California Commission on POST Patrol Officer Psychological Screening Dimensions

California POST - DIMENSION 1: SOCIAL COMPETENCE

This involves communicating with others in tactful and respectful manner, and showing sensitivity and concern in one's daily interactions. It includes several facets, including:

• The ability to "read" people and be aware of the impact of their own words and behavior on others (Social Awareness)

• Sensitivity and concern towards the feelings of others (Empathy)

• Tact and impartiality in treating all members of society (Tolerance)

Positive Behaviors:

• Reads peoples' motives and anticipates their reactions by picking up on verbal and behavioral cues

• Recognizes needs and concerns of others

• Resolves problems in ways that do not create unnecessary antagonism

• Calms emotional/angry people and defuses conflicts through mediation, negotiation, and persuasion rather than force (when appropriate)

• Recognizes the impact of one's own verbal and nonverbal communications on others (and makes sure both are consistent and appropriate)

• Refrains from making remarks that could be interpreted s rude or condescending

• Interacts with others in courteous and respectful manner

• Listens to others patiently and attentively (within reason) to gather needed information, gain cooperation, etc., while—at the same time—staying focused on the task

• Is considerate when duties lead to physical or emotional pain/discomfort of others, including victims, witnesses, and suspects

• Assists others when needed, even when some personal sacrifice is involved

• Communicates tactfully and effectively with individuals cross the gamut of society, even when giving constructive criticism

• Provides service/renders aid or assistance in an unbiased fashion

• Aware of and sensitive to social, economic and, cultural differences, including those associated with gender, sexual orientation, race, and religion

• Sensitive and respectful when interacting with the elderly, disabled, and those with special needs

• Willingly provides aid and assistance to all individuals

• The ability to interact effectively with groups in variety of settings (neighborhood watch meetings, community awareness meetings)

• Interacts with community groups in professional, articulate, and effective manner

Counterproductive Behaviors:

• Baits people; takes personal offense at comments, insults, criticism

• Provokes suspects by officious bearing, gratuitous verbal challenge or through physical contact

• Antagonizes community members and others

• Uses profanity and other inappropriate language

• Refuses to listen to explanations from members of the community

• Performs job duties in a way so as to minimize interactions with others

• Makes inappropriate comments to community members regarding their personal characteristics and among other officers concerning specific groups (racial, gender, sexual orientation, proficiency with the English language, immigrant status, HIV/AIDS infection, religion, transgender, social status)

• Inability to recognize how one's own emotions/behaviors affect situations and others

• Makes hasty, biased judgments based on physical appearance, race, gender, or other group membership characteristics

• Exhibits "stage fright" when asked to speak in front of community groups

DIMENSION 7: EMOTIONAL REGULATION AND STRESS TOLERANCE

This involves the ability to maintain composure and stay in control, particularly during life-threatening, time–critical events and other stressful situations. It includes taking the negative aspects of the job in stride and maintaining n even temperament, as well as accepting criticism rather than becoming overly defensive or allowing it to hamper job performance.

It includes:

• Acceptance/ownership of personal limitations and mistakes

• Ability to perform under difficult, threatening situations

• Maintaining positive self image under adverse circumstances

• Maintaining even-tempered composure and demeanor

• Proper use of force

Positive Behaviors:

• Accepts responsibility for actions and mistakes; does not routinely make excuses or blame others for own shortcomings.

• Even tempered

• Uses constructive criticism to improve performance

• Makes timely, responsible decisions and actions in dangerous/crisis situations

• Can perform in the face of personal threat, where people are capable of life-threatening violence

• Stays calm in the face of verbal abuse from others

• Demonstrates emotional resilience by bouncing back from negative situations

• Accepts that system injustices and inequities are beyond their control, rather than letting them impact their emotional state and job performance

• Proper escalation and de-escalation of force; using force only when necessary, and then just the amount needed to apprehend suspect, search the property or residence, etc.

• Handles the negative aspects of the job relatively well, without extreme negativity/cynicism

• Fails to deescalate at conclusion of pursuit

• Curbs personal aversions (e.g., child molesters) from interfering with professional job performance

Counterproductive Behaviors:
• Never acknowledges or admits to shortcomings or mistakes
• Experiences performance-impairing mood swings
• Becomes excessively defensive or otherwise overreacts when challenged or criticized
• Consistently blames others (or circumstances) for mistakes made
• Worries excessively and enters into new situations with considerable apprehension
• Overly suspicious and distrusting in dealing with others
• Denies impact of stress-inducing incidents
• Commonly behaves with hostility and anger
• Suffers reactions to job stress, both near-term (anxiety, worry) and long-term (e.g., physical symptoms, burnout, substance abuse).
• Overly self-critical of one's job performance
• Is "always right"—not open to others' ideas, suggestions, etc.
• Argues at the drop of a hat
• Badmouths the agency and associated organizations
• Unable to cope with stress; worries excessively or suffers other signs of anxiety
• Unnecessarily confrontational and aggressive
• Comes "unglued," freezes, or otherwise performs ineffectively when feeling overloaded or stressed
• Antagonistic toward fellow officers; e.g., uses abusive, condescending language; disrespectful
• Disrupts/undermines authority (fails to successfully carry out directives; shows signs of contempt by eye rolling, excessive exhaling, etc.)
• Excessive, unrestrained use of force
• Allows personal problems and stressors to bleed into behavior on the job