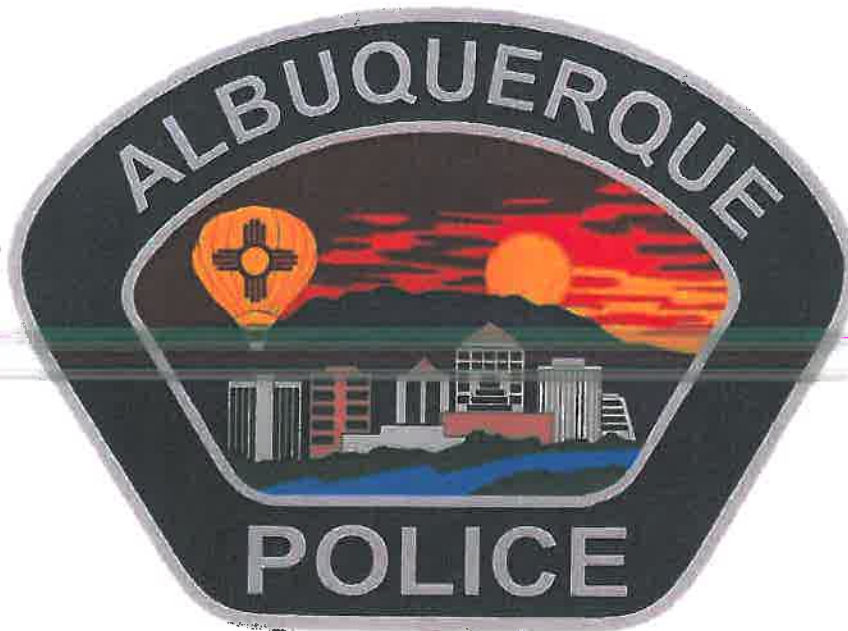


**Albuquerque Police Department**  
**ELECTRONIC CONTROL WEAPON**  
**DOWNLOAD DATA AUDIT**



**Conducted by**  
**Audit Division**  
**No. 16-AU001**

**Gorden E. Eden, Jr.**  
**Chief of Police**

**January 2017**



**City of Albuquerque**  
**Albuquerque Police Department**



Richard J. Berry, Mayor

Gorden E. Eden, Jr.  
 Chief of Police

**Memorandum**

**January 30, 2017**

**To: Gorden E. Eden, Jr., Chief of Police**

**From: Cara Garcia, Audit Coordinator**

**Subject: Electronic Control Weapon Download Data Audit (No. 16-AU001)**

Pursuant to paragraph 37 of the Department's Settlement Agreement, the Audit Division conducted the Electronic Control Weapon (ECW) Download Data Audit to assess compliance with the Department policies and procedures as they relate to quarterly ECW downloads, spark test protocols, and comparing ECW download data to use of force reports.

**RECOMMENDED ACTIONS:**

Rec #	Recommendation
A1.1	Develop a proactive, electronic self-reporting system for officers in the event of a spark test. An electronic self-reporting system for a spark test may create an efficient way to streamline safeguards. It is recommended that any such system have internal controls and procedures be memorialized in a new special order.
A1.2	Amend Special Order 16-25 ECW Spark Test Protocol and it is recommended that officers not be limited to spark test their weapon only at the beginning of their shift.
A1.3	Reiterate the ECW policy for all department personnel regarding which months the quarterly downloads are to occur.
A1.4	Progressively transition all department personnel to an upgraded electronic control weapon with computer chip technology for enhanced logging capabilities. Management should consider such a recommendation with regard to fiscal impact and seeking input of the Academy's Advanced Training Unit for potential training implications.

Approved: Gabriel Cruz  
 Gabriel Cruz, Quality Assurance Auditor II, Audit Division

1/30/2017  
 Date

cc: Assistant Chief, R. Huntsman  
 Executive Director, B. Slauson  
 Quality Assurance Auditor II, G. Cruz

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PURPOSE

In accordance with the department's Settlement Agreement, the Audit Division conducted the Electronic Control Weapon (ECW) Download Data Audit to assess compliance with policies and procedures for quarterly downloads of ECW data and spark test protocols.

PRIOR AUDITS

The ECW Download Data Audit is the first of its kind for the department and no prior data is available.

SUMMARY OF FINDINGS

TABLE NO. 1 – SUMMARY OF AUDIT FINDINGS AND COMPARISON TO PRIOR AUDITS

OBJ. NO.	AUDIT OBJECTIVE	CURRENT STANDARDS MET PERCENTAGE		<sup>1</sup> PRIOR AUDIT STANDARDS MET PERCENTAGE		PERCENT CHANGE
1	Completed the quarterly download for the month of July	19/21	90%	N/A	N/A	0%
2	Categorized spark tests	25/45	56%	N/A	N/A	0%
3	Not categorized as spark tests	20/45	44%			0%
4	Number of matches from download data to a use of force report	1/21	5%	N/A	N/A	0%
5	Number of matches from download data to a show of force report	0/21	0%	N/A	N/A	0%
6	Cycle duration more than 5 seconds and 3 or more cycles for proper classification of force used (serious vs. non-serious)	0/45	0%	N/A	N/A	0%
7	Completed training and signed Departmental Special Order 16-25 Spark Test Protocol	21/21	100%	N/A	N/A	0%

<sup>1</sup> No prior audits are on record for APD to compare to current findings.

## METHODOLOGY

### Background

Pursuant to paragraph 37 of the Department's Settlement Agreement, the Audit Division compared ECW data to use of force reports within the same time period and assessed compliance with the Department policies and procedures as they relate to quarterly downloads and spark test protocols. All applicable documentation related to the audit objectives were reviewed. A test work paper (matrix) was created to ensure consistent reviews of each sample. The data was compiled and analyzed to determine conclusions and recommendations.

### Period

May 1 – June 30 2016 is the review period. Departmental Special Order 16-25 Electronic Control Weapon Spark Check Protocol was issued to all personnel on April 25<sup>th</sup>, 2016; therefore the month of April was excluded from the audit.

### Audit Population and Statistical Sampling

All officers who have an assigned ECW is the population. The Audit Division used a systematic interval sampling (every n<sup>th</sup> number with a random start). The total population size was 830 sworn officers. Each officer was assigned a sample number from 1 to 830. Every 40<sup>th</sup> officer was selected beginning with a random start. Using a randomizer calculator, a random number between 1 and 830 was calculated to begin the interval sampling. A sample size of 21 officers were derived. A systematic interval sampling was used to decrease the sample size based on staffing resources available to conduct the audit.

## DETAILED FINDINGS

### OBJECTIVE NO. 1 – COMPLETED THE QUARTERLY DOWNLOAD FOR JULY

#### CRITERIA

Quarterly downloads of ECW data must be conducted every January, April, July, and October of each year. <sup>2</sup>

#### AUDIT PROCEDURES

Compile data from the Property Unit to determine the assigned ECW and the serial numbers for each weapon. Review the data report that is produced after an ECW downloaded for each officer in the sample. In the ECW data reports, a download of the weapon is labeled "Sync" under the column "Event Type" in the data report. If the data report did not indicate a download occurred for the month of July a finding was noted.

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<sup>2</sup> Standard Operating Procedure 2-53

**FINDINGS**

19 (90%) of the 21 data reports met compliance for this objective.

**OBJECTIVE NO. 2 – ANALYZED DATA TO CATEGORIZE SPARK TESTS AND EVALUATE SPARK TEST PROTOCOLS**

**CRITERIA**

The department limits officers to spark test their ECW at the beginning of a regular or overtime shift.<sup>3</sup> The ECW model used by the department does not have logging capabilities to decipher between various event types (i.e. a spark test or a deployment) in the data reports.

**AUDIT PROCEDURES**

Compile timesheet reports that correspond with each day and time an event occurred in the data report. Compare the hour the officers shift begins from the timecard report to the time the ECW was fired to categorize the event as a spark test.

**FINDINGS**

45 events occurred in the ECW data reports for the audit sample size of 21 within the period. 20 (56%) out of a total of 45 events logged in the data reports categorized as spark tests based on the congruency of when the officer began a shift and the time the event was logged in the data report.

20 (44%) out of a total of 45 events logged in the data reports did not categorize as a spark test. E-mails were sent to the area Commander of each officer for the memorandums justifying the deployment.<sup>4</sup>

**OBJECTIVE NO. 3 – ANALYZE DEPLOYMENTS NOT CATEGORIZED AS SPARK TESTS AND COMPILE JUSTIFICATIONS FOR DEPLOYMENTS OF THE ECW**

**CRITERIA**

Anytime an ECW is fired outside of the spark test protocol a memorandum must be generated by the officers' supervisor justifying the deployment if it was not associated with a use of force incident.

**AUDIT PROCEDURES**

Request and compile the documentation from management used to justify the ECW deployments that did not categorize as a spark test.

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<sup>3</sup> Departmental Special Order 16-25

<sup>4</sup> Departmental Special Order 16-25

**FINDINGS**

A total of 20 events from 6 officers did not categorize as spark tests. Six memorandums from various area commands explaining the events were received. Some memos included CAD reports as supporting documentation of the officer's whereabouts during the time an even occurred in the officers ECW data report. The memos were written this month rather than a historical document of proactive documentation justifying non-spark tests. Explanations range from training, accidental arc, to spark testing prior to a high risk call.

**OBJECTIVE NO. 4 – COMPARED DATA TO USE OF FORCE REPORTS**

**CRITERIA**

Compare the ECW data reports to all use of force reports within the same period to assess compliance with proper reporting requirements.

**AUDIT PROCEDURES**

Retrieve a detailed list of all use of force reports from the Internal Affairs Division and analyze the report from the audit sample for potential matches. For any match made, compare the data report to the officer's use of force report for congruency. Document any findings.

**FINDINGS**

One match was found from the list of officers in the audit sample to a list of involved officers in a use of force incident within the same period. The ECW data report for the officer in the audit sample revealed no logged historical data for the assigned weapon on the same day of the use of force incident. The data history only shows that the weapon was downloaded the same day as the incident. The use of force investigation records reveal that the use of force case (UOF2016-000100) involved the officer in the audit sample because he used another officer's ECW on a subject. The use of force was appropriately classified as a serious use of force because the weapon was fired for three separate cycles. The anomaly of no ECW data from the audit sample that matched to a use of force incident is not considered a finding based on this objective and after further review of the use of force case.

**OBJECTIVE NO. 5 – COMPARED DATA TO SHOW OF FORCE REPORTS**

**CRITERIA**

Compare the ECW data reports to all show of force reports within the same period to assess compliance with proper reporting requirements.

**AUDIT PROCEDURES**

Retrieve a detailed list of all show of force reports from the Internal Affairs Division and analyze the report from the audit sample for potential matches. For any match made, determine if a deployed ECW was improperly reported as a show of force. Document any findings.

**FINDINGS**

No matches from the audit sample compared to show of force reports. No findings of improper reporting.

**OBJECTIVE NO. 6 – REVIEWED TRAINING AND SIGNATURE RECORDS FOR QUARTERLY DOWNLOAD AND SPARK TEST PROTOCOLS**

**CRITERIA**

Determine if the audit sample reviewed and signed the training videos and departmental orders pertaining to the quarterly downloads and the spark test protocol.

**AUDIT PROCEDURES**

Run a report from the department's document management system to retrieve all electronic signatures for the quarterly administrative download instructional videos and department Special Order 16-25 ECW Spark Test Protocol to determine if the officers in the audit sample reviewed the download procedures and the spark test protocol.

**FINDINGS**

21 (100%) of the 21 officers in the audit sample signed the instructional video and Special Order 16-25 ECW Spark Test Protocol.

**OBJECTIVE NO. 7 – ANALYZE CYCLE DURATION FOR ECW DEPLOYMENTS FOR PROPER CLASSIFICATION OF FORCE**

**CRITERIA**

Review cycle duration and determine proper classification of force for any ECW deployment with at least three separate 5 second cycles that match to a use of force report.

**AUDIT PROCEDURES**

Review the cycle duration in the data report for each downloaded ECW in the sample. Compare any deployments to a matching use of force case and ensure proper classification based on cycle duration.

**FINDINGS**

No findings of improper classification of force and found no ECW's firing longer than a 5 second duration at one given time.



**RECOMMENDED ACTIONS:**

<b>Rec #</b>	<b>Recommendation</b>
<b>A1.1</b>	<b>Develop a proactive, electronic self-reporting system for officers in the event of a spark test. An electronic self-reporting system for a spark test may create an efficient way to streamline safeguards. It is recommended that any such system have internal controls, and procedures be memorialized in a new special order.</b>
<b>A1.2</b>	<b>Amend Special Order 16-25 ECW Spark Test Protocol and it is recommended that officers not be limited to spark test their weapon only at the beginning of their shift.</b>
<b>A1.3</b>	<b>Reiterate the ECW policy for all department personnel regarding which months the quarterly downloads are to occur.</b>
<b>A1.4</b>	<b>Progressively transition all department personnel to an upgraded electronic control weapon with computer chip technology for enhanced logging capabilities. Management should consider such a recommendation with regard to fiscal impact and seeking input from the Academy's Advanced Training Unit for potential training implications.</b>