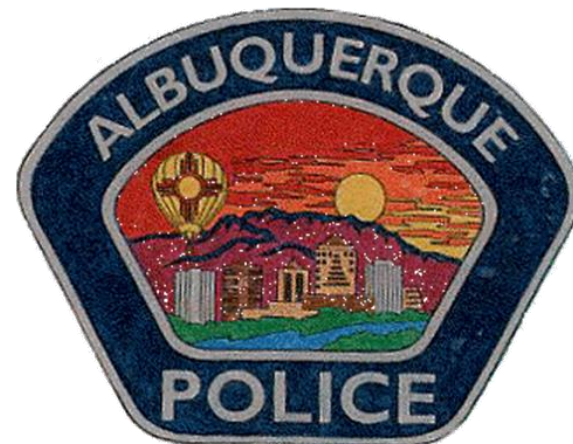


# **An Analysis Of Arrest And Disposition Data Related To The McClendon Settlement Agreement: Data Gathered Between April 28, 2017 And April 28, 2018**



**Prepared For:  
The City of Albuquerque  
The Albuquerque Police Department  
July 30, 2018 (Revised October 12, 2018)**

**Prepared By:  
Dr. Peter Winograd, Professor Emeritus  
University Of New Mexico**

## **Background**

**On March 28, 2017, the City of Albuquerque settled a decades-old class action lawsuit primarily involving allegations of poor jail conditions, including overcrowding, as well as issues related to arrests and arrest procedures.**

**The suit was filed in 1995 and was named after Jimmy (Billy) McClendon who was arrested on a non-violent misdemeanor and was jailed for several days. The suit alleged that Mr. McClendon, who was suffering from medical issues, faced poor conditions because the jail, which at the time was located in Downtown Albuquerque, was overcrowded by more than 300 inmates. The City and Bernalillo County were named as defendants in the suit. Mr. McClendon passed away in 2001.**

## **Settlement**

**The City agreed to terms intended to address concerns with overcrowding at the Metropolitan Detention Center and to comply with Court Orders.**

- Consistent with the requirements set forth in a Court Order, the City agreed to provide direction to law enforcement officials to issue citations, where appropriate and to encourage use of the booking window at Metro Court, where appropriate.**
- The City agreed to continue to work on jail diversion strategies, especially for persons with psychiatric or developmental disabilities, mental illnesses or developmental disabilities consistent with requirements in a Court Order.**
- Additionally, to help reduce jail overcrowding, the City agreed to obtain phone numbers from people they stop and arrest or cite and release, and to write the phone number(s) on the face of the arresting/citing document, so that the courts can send reminders of hearings and communicate regarding warrants.**
- Finally, the City agreed to evaluate whether APD detains and arrests individuals with mental illnesses or developmental disabilities for the sole purpose of sweeping them from the streets.**

**The City agreed to issue a final summary report July 30, 2018 on these key records and any follow-up measures taken. This is that final report.**

## **Records**

**As part of the City's settlement, the City has created course of business records documenting the following:**

- (a) Bookings on citable non-violent misdemeanor offenses, not to include DWIs;**
- (b) Disposition data for individuals involved in CIT-related incidents;**
- (c) Arrests arising from calls for service involving domestic violence; and**
- (d) The notation of phone numbers and email addresses on the Uniform Traffic Citation Form, (phone numbers and email addresses were added to the Form in order to better inform individuals of their court dates and reduce the number of bench warrants issued);**

**The City began compiling these key records on April 28, 2017, which was 30 days from the signing of the settlement. Data used to compile these records was obtained from the Albuquerque Police Department's Computer Aided Dispatch System, Records Management System, Automated Records System, and the TRACs system. Data is subject to change as reports are approved, investigations concluded and amendments to reports are made.**

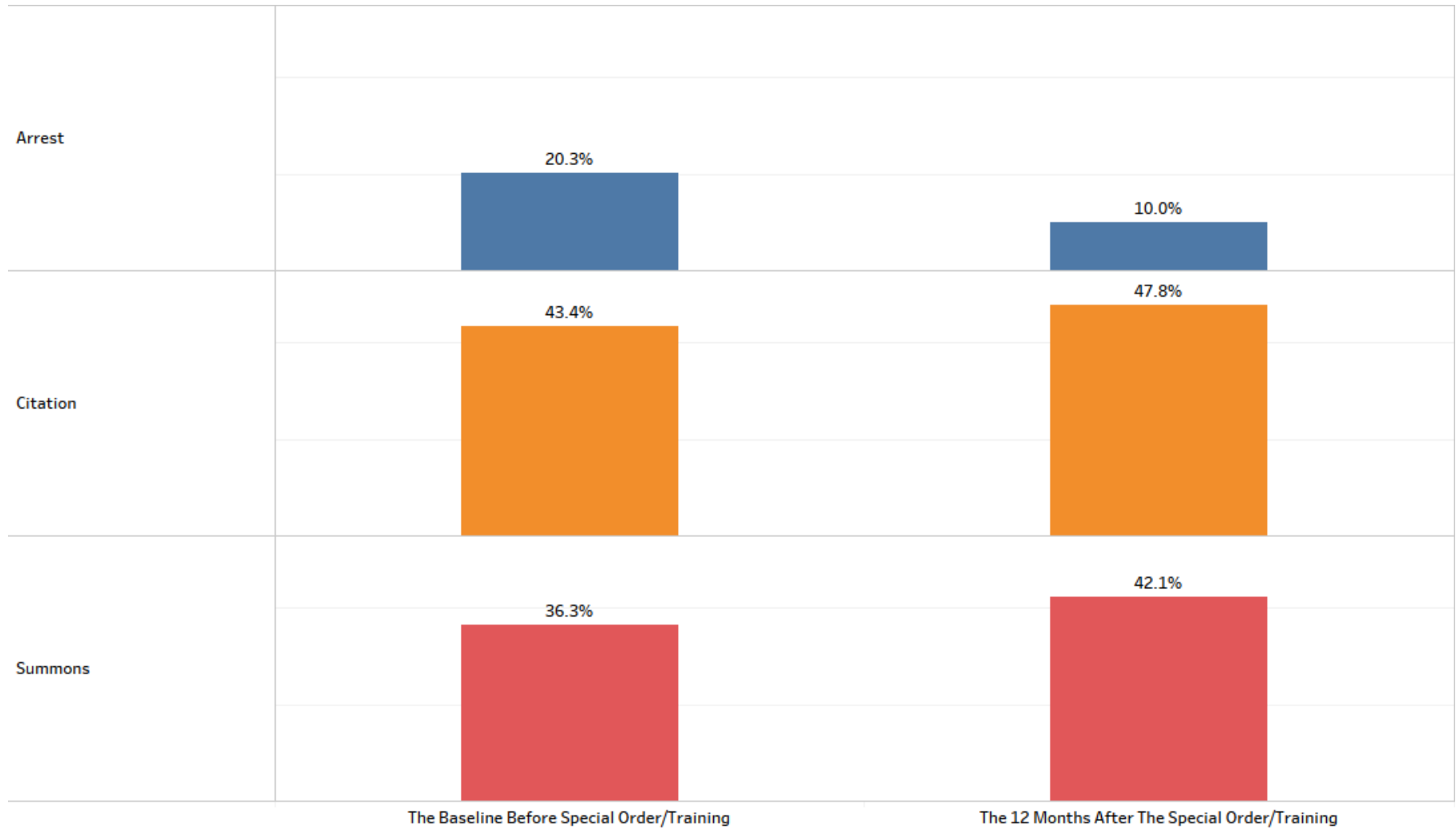
**On May 10, 2017, the Albuquerque Police Department issued a McClendon Special Order and a training video on May 11, 2017. We use May 11, 2017 as the key date in the analysis of the bookings for non-violent misdemeanors to compare changes in data before and after the Special Order and training video were released. The Special Order and training video addressed only the issuing citations in lieu of arrest on non-violent misdemeanor offenses where there are no circumstances necessitating an arrest and instruction to use the bonding window at Metro Court.**

## **The Analysis Of Bookings For Non-Violent Misdemeanors**

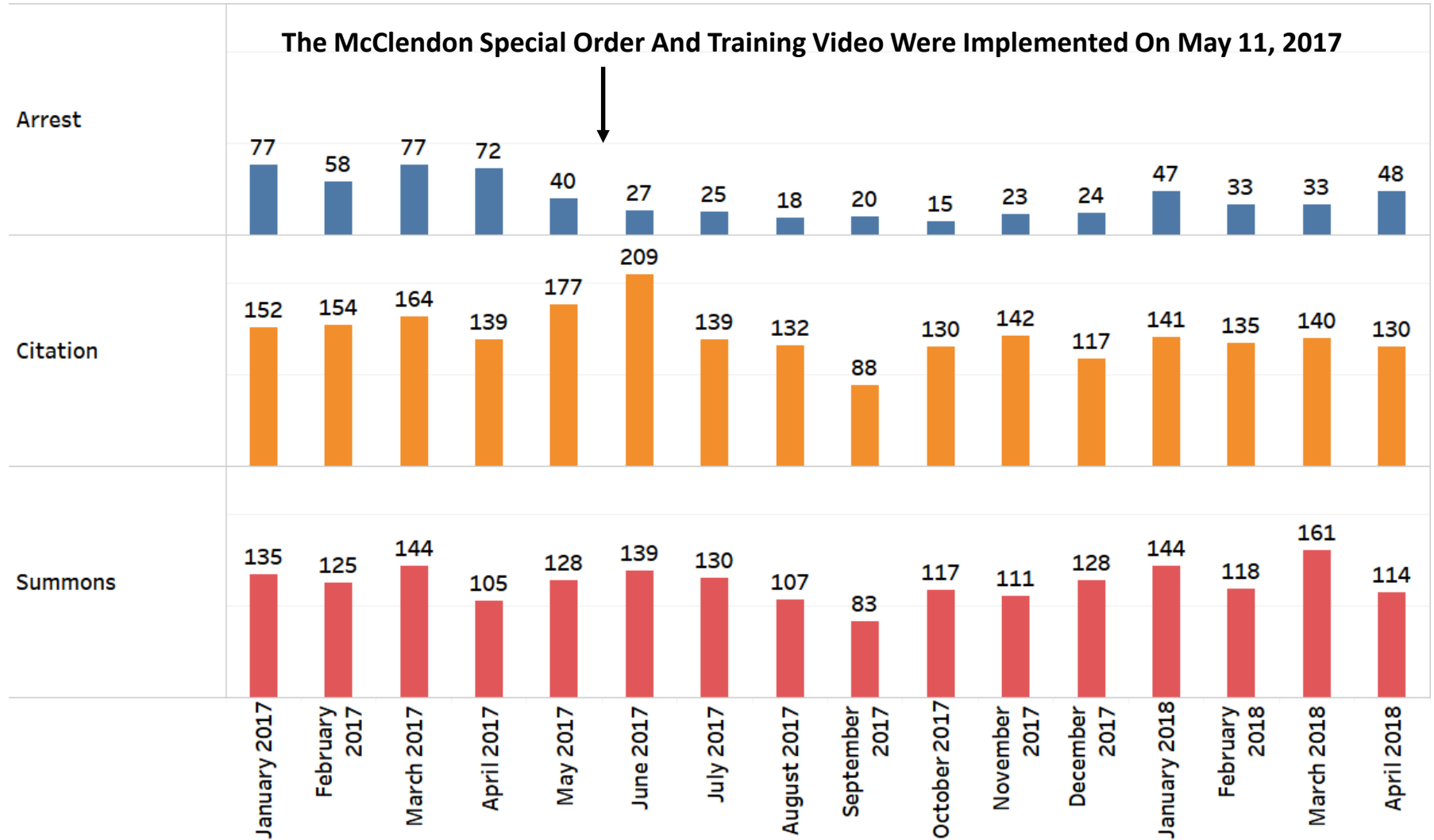
**The following steps were taken to collect data and conduct an analysis of bookings for non-violent misdemeanors:**

- 1. City of Albuquerque attorneys worked with the Albuquerque Police Department Crime Analysis Unit (CAU) analysts to determine a list of non-violent misdemeanors. The full list is included in the Appendix to this report.**
- 2. The CAU analysts then developed data queries which examined all reports taken by officers in which they arrested, cited or summoned someone for a non-violent misdemeanor where a non-violent misdemeanor was the most serious charge listed in the report. Reports in which the most serious charge was not a non-violent misdemeanor are not included in the final data set. When reports had more than one non-violent misdemeanor associated with a given person, the data were unduplicated to list only the highest non-violent misdemeanor for that individual. Some individuals may have been involved in multiple incidents; some reports may have multiple individuals arrested, cited, or summoned.**
- 3. The final data set for this analysis included 4,924 cases between January 1, 2017 and April 30, 2018.**
- 4. The critical timeframe for this report is April 28, 2017 to April 28, 2018, but including data from the first four months of 2017 provides a useful baseline for tracking change over time.**

# Charges On Non-Violent Misdemeanor Offenses (Not Including DWI's) By Percent Before And After Special Order/Training

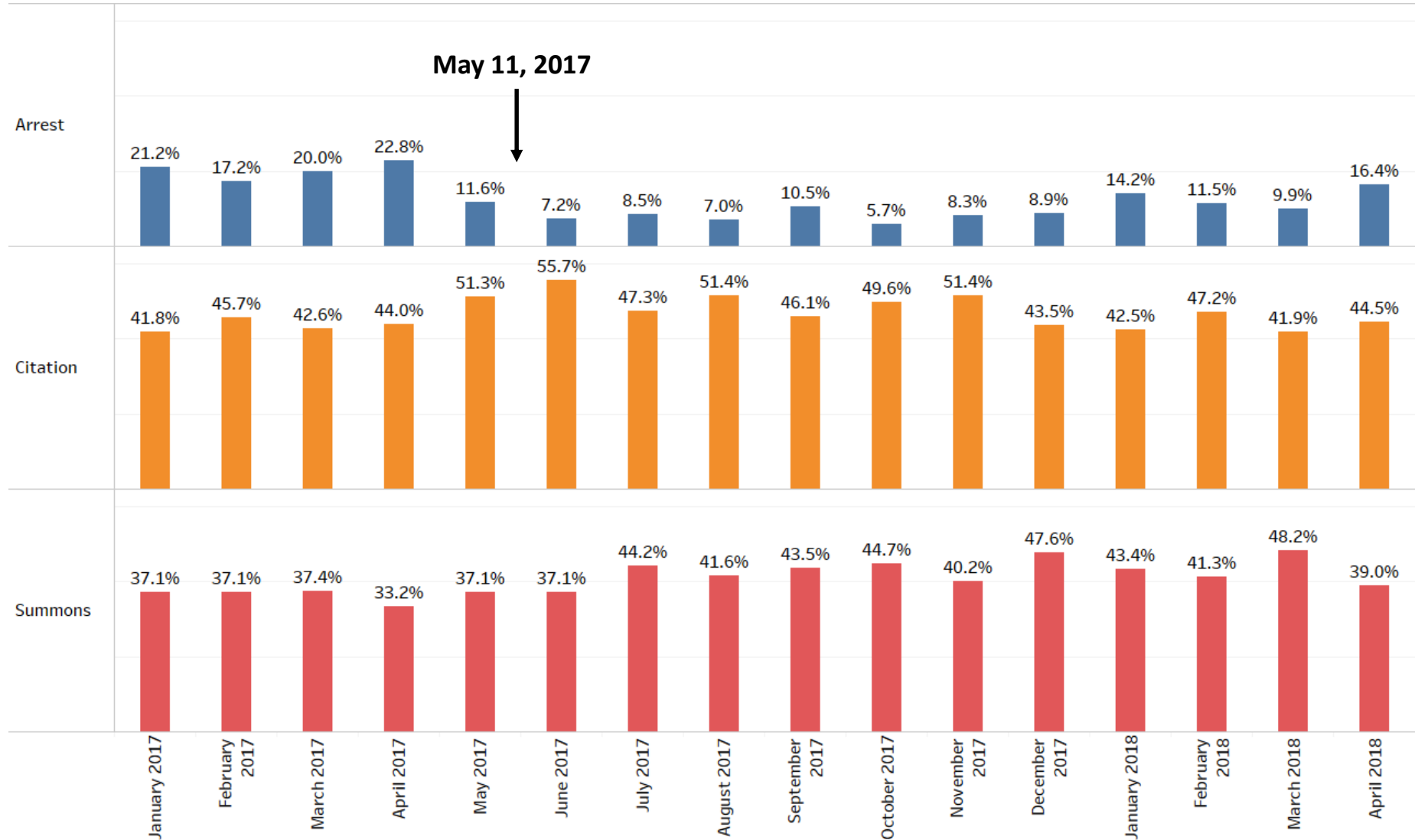


# Charges On Non-Violent Misdemeanor Offenses (Not Including DWI's) By Month From January 1, 2017 To April 28, 2018



# Charges On Non-Violent Misdemeanor Offenses (Not Including DWI's)

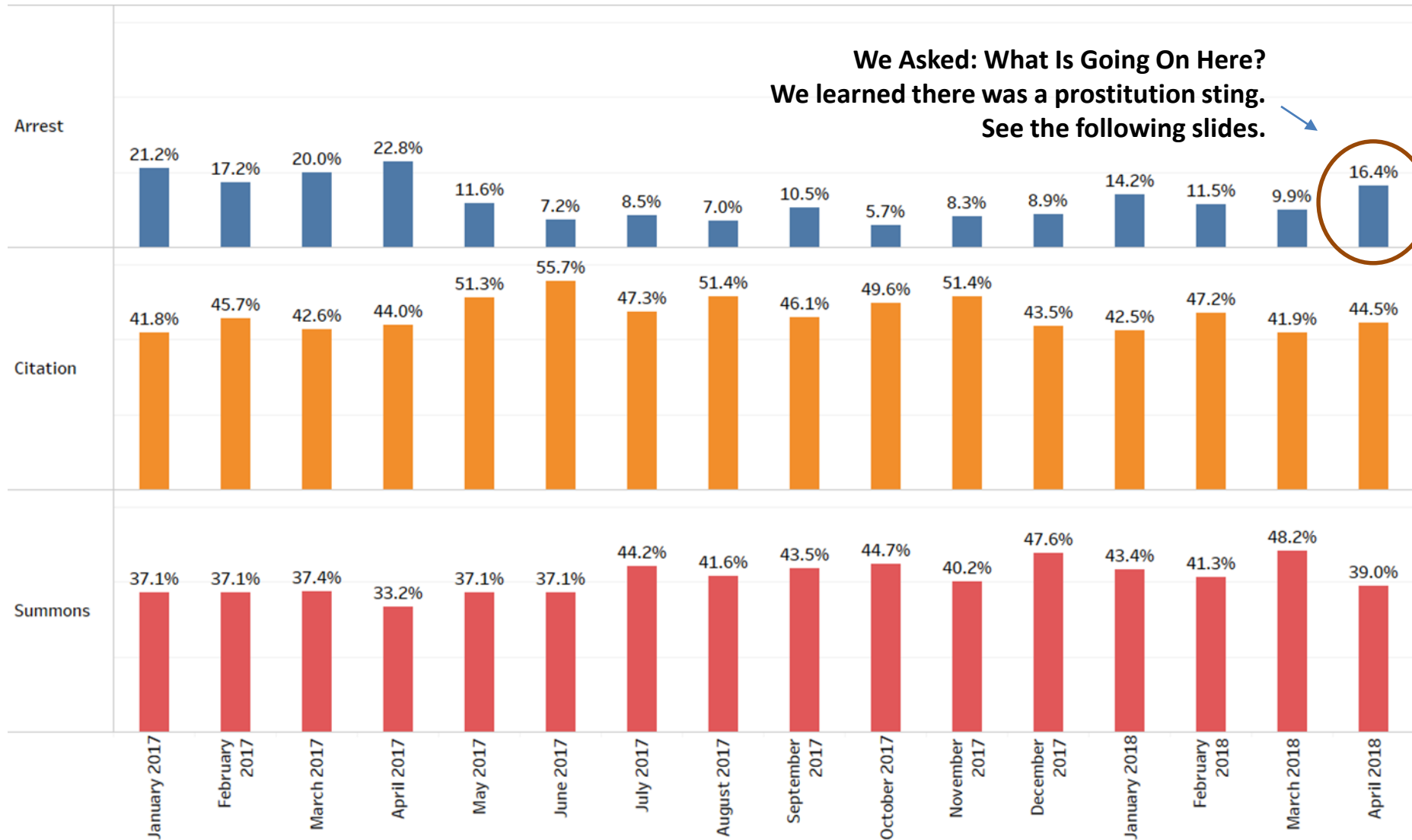
## By Percent By Month From January 1, 2017 To April 28 , 2018



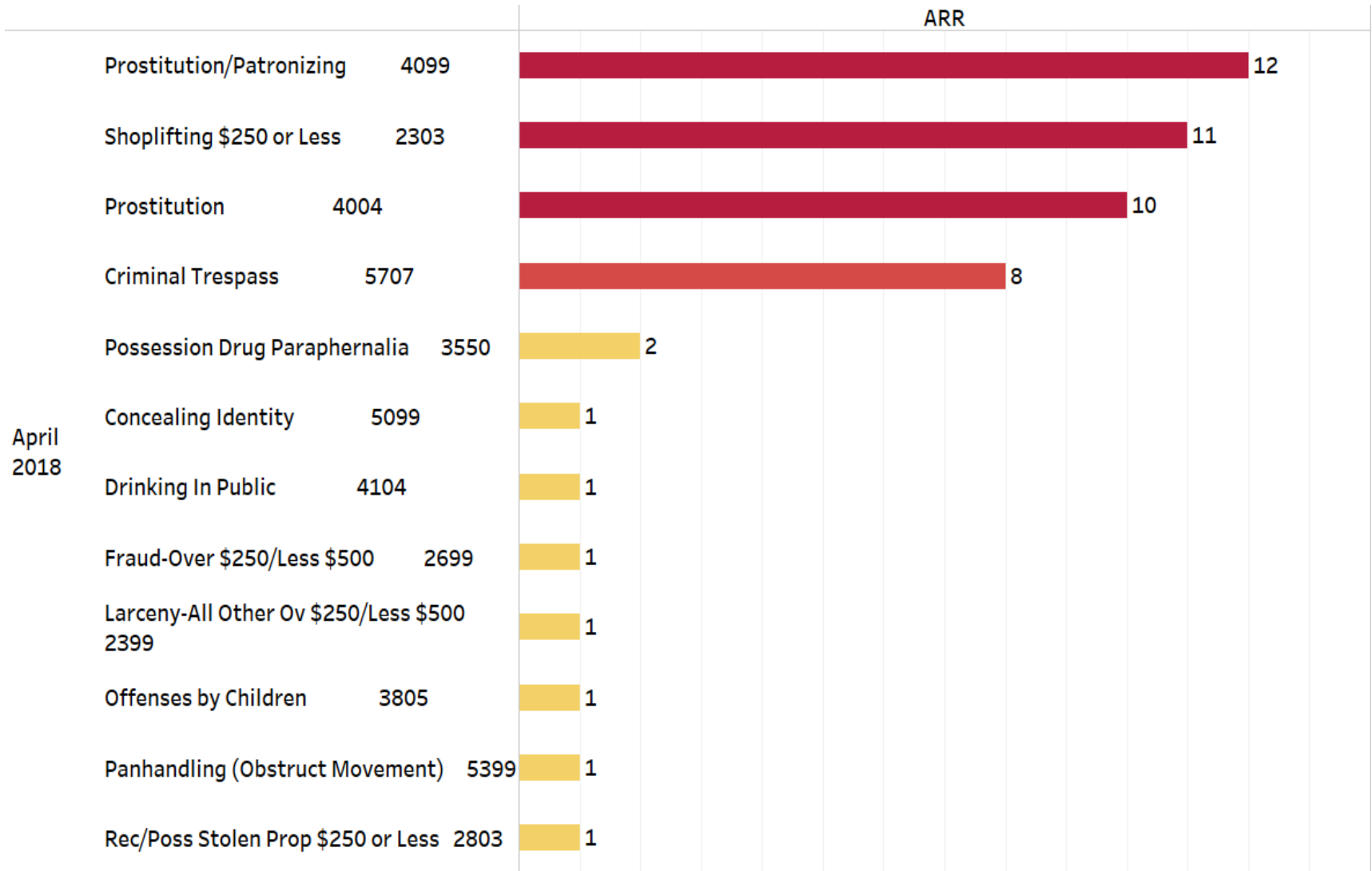


# Charges On Non-Violent Misdemeanor Offenses (Not Including DWI's)

## By Percent By Month From January 1, 2017 To April 28 , 2018

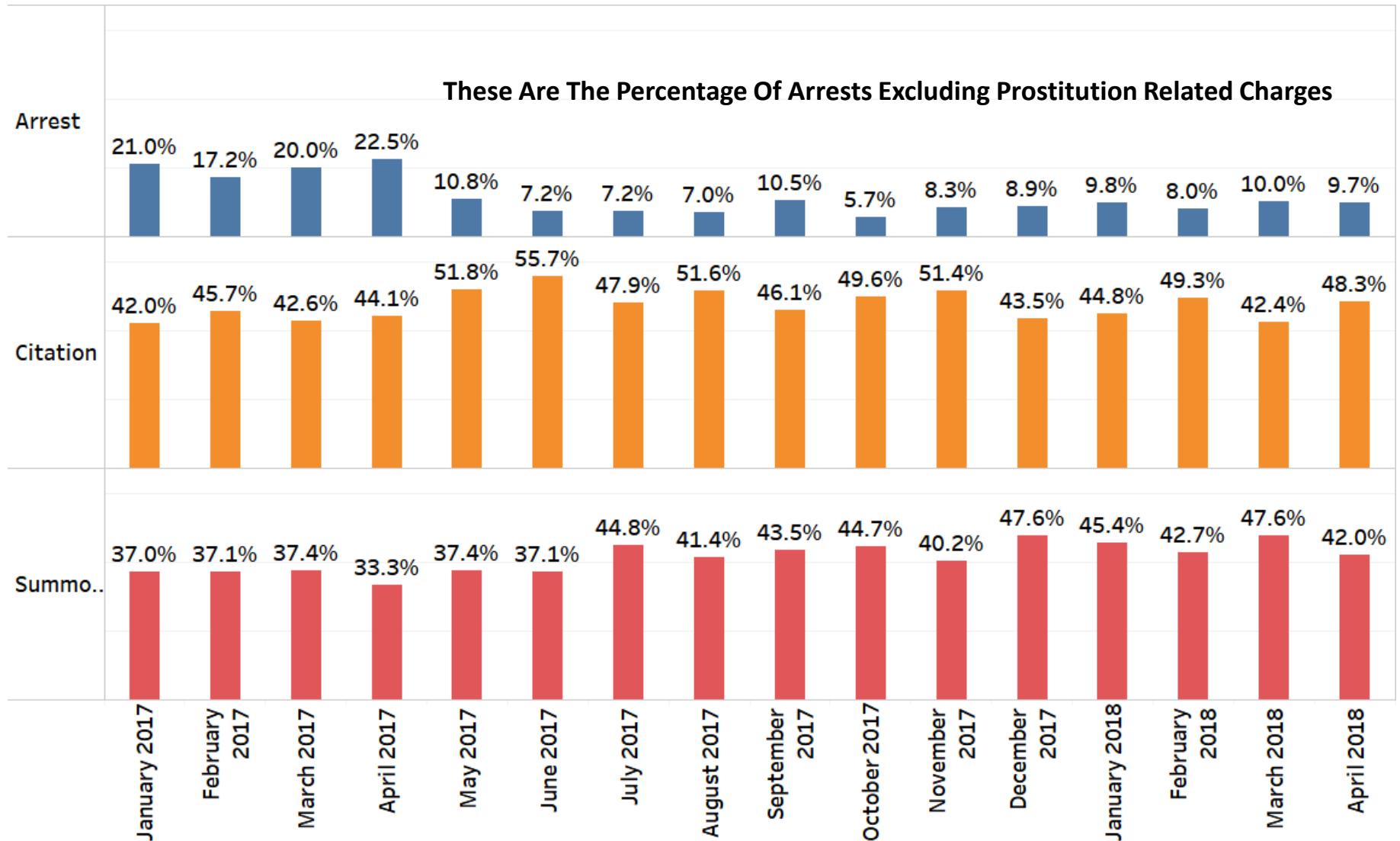


## Arrests For Non-Violent Misdemeanor Offenses (Not Including DWI's) By Charge In April 2018



# Charges On Non-Violent Misdemeanor Offenses (Not Including DWI's)

## By Percent By Month From January 1, 2017 To April 28 , 2018



# Charges On Non-Violent Misdemeanor Offenses (Not Including DWI's)

## January 1, 2017 To April 30 , 2018

	Arrest	Citation	Summons
Shoplifting	263	1,201	1,057
Criminal Trespass	154	314	130
Prostitution Related Charges	58		9
Drug Paraph Charges	36	46	28
Larceny Related Charges	25	379	245
Concealing Identity	16	8	9
Criminal Damage Under \$1000	12	9	283
Marijuana Related Charges	11	43	16
False Obtain Srvc	10	19	31
Alcohol Related Charges	8	68	10
Fraud	6	4	16
Identity Theft	6		
Rec/Poss Stolen Prop	5		5
Urinating In Public View	5	15	6
False Alarms & False Report	3		7
Glue/Aerosol Spray Abuse/Possession	3	10	4
Indecent Exposure	3	5	9
Park Operating Policy - Misd/CO	2	46	1
Vehicle Related Charges	2	11	
Damaging/Tampering With Vehicle	1		1
Encourage Violation Prob/Parole	1		
Graffiti-Personal/Real Prty(Ls\$1000)	1	4	3
Littering	1	9	1
Missles - Propulsion	1	4	1
Offenses by Children	1		
Panhandling (Obstruct Movement)	1	1	1
Poss Alter/Forged/Fictitious Drv Lic	1		1
Safety Public Place/Panhandling	1	53	1
Uniform Housing Code	1		
Wrongful Use of Public Property	1	14	1
911 Abuse			3
Alarm User Permit, Fee			81
Bicycles/MV Unauthorized in park		1	1
Camping		10	
Conduct Offensive Public Wellbeing		2	
Embezzlement		2	25
Fires		1	
Noise Related Charges		7	3
Premise Liability			1
Public Nuisance		6	1
Removal Of Natural Resources		1	
Unauthorized Presence on School		1	

## **Key Findings For The Analysis Of Bookings For Non-Violent Misdemeanors**

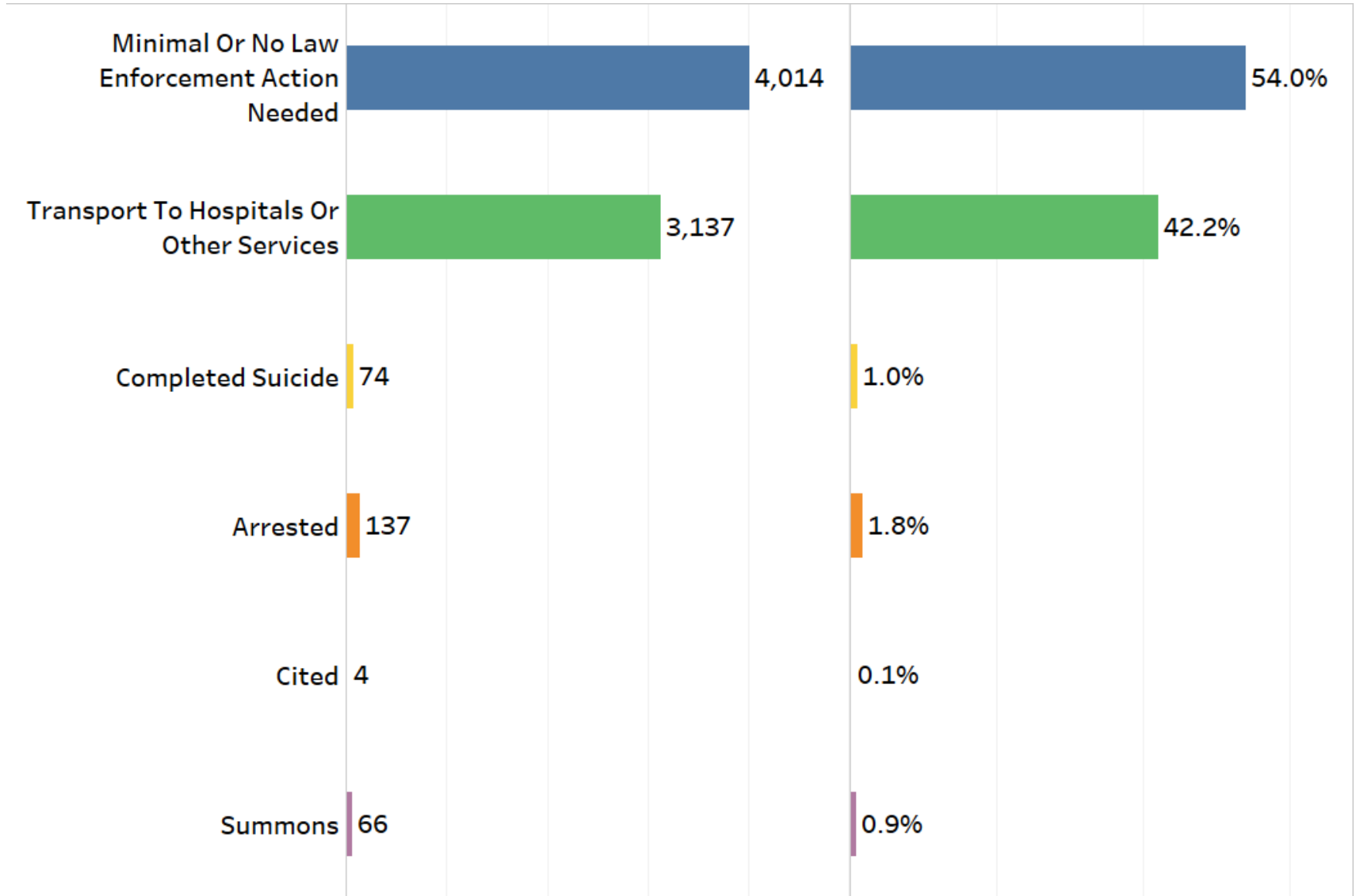
- 1. The percentage of arrests for all incidents involving non-violent misdemeanors dropped from an average of 20.3% for the four baseline months of January to April, 2017 to 10.0% for the twelve months after Albuquerque Police Officers received training on issuing citations in lieu of arrest for non-violent misdemeanor offenses where there are no circumstances necessitating an arrest and instruction to use the bonding window at Metro Court, done on May 11, 2017.**
- 2. A detailed analysis of the month by month percentage of arrests for all incidents involving non-violent misdemeanors revealed an increase to 16.4% in April, 2018 from 9.9% in March, 2018. A follow-up analysis indicated that 22 arrests for prostitution and patronizing prostitutes had been made in April, 2018.**
- 3. The Albuquerque Police Department had conducted undercover operations in April, 2018 aimed at reducing human trafficking. All persons charged with prostitution were interviewed and offered jail diversion. Only one person charged with prostitution accepted jail diversion. Arrests were made as opposed to issuance of summons to maintain the integrity of the undercover operations and prevent undue danger to detectives by allowing released subjects to expose the detectives' identity. After reviewing the undercover operations, APD made efforts to increase jail diversion and wrap around services for individuals charged with prostitution through connection with community based services.**
- 4. When prostitution-related charges were removed from the analysis, arrests comprised 10.5% or less of all the non-violent incidents for each month following the implementation of the McClendon Settlement.**

# **The Analysis Of Disposition Data For Individuals Involved in CIT-Related Incidents**

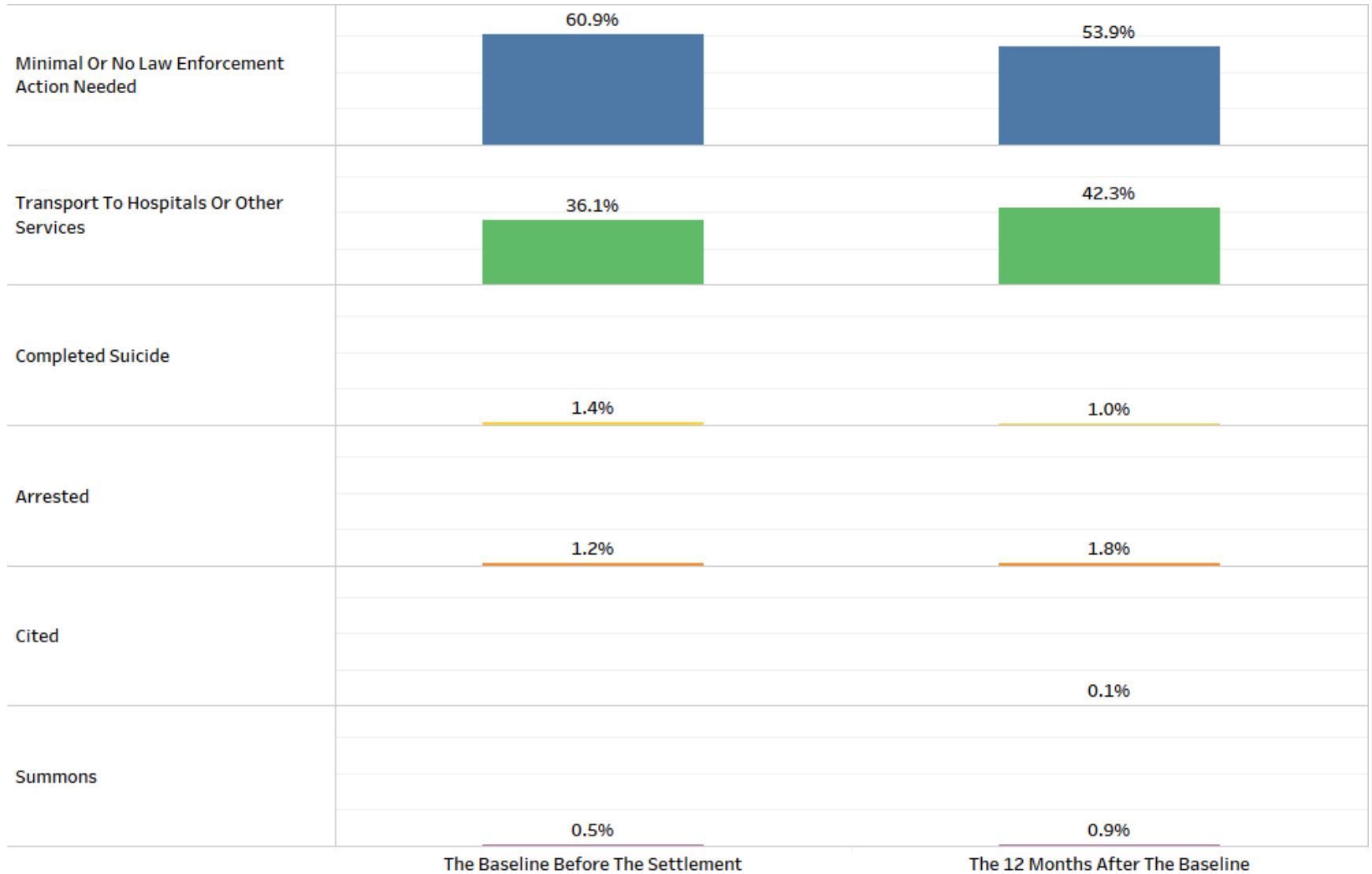
**The following steps were taken to collect data and conduct an analysis of the disposition of individuals involved in CIT-related incidents:**

- 1. Albuquerque Police Department analysts in the Crisis Intervention Unit (CIU) and the Crime Analysis Unit (CAU) developed queries that identified Crisis Intervention Team (CIT) – Related Incidents. CIT-related incidents included:**
  - Calls For Service with a final call type coding as a 10-40 (behavioral health) or a 10-43-1 (suicide);**
  - Calls for Service that resulted in a police report and included a behavioral health related category in the Offense/Incident portion of the report.**
- 2. The disposition of behavioral health related incidents were determined in the following manner:**
  - If police officers responded to a behavioral health related call for service and then reported 10-8 (Back in Service), that call was classified as “Minimal Or No Law Enforcement Action Needed.”**
  - If police officers reported that APD, AFD, or an ambulance service provided transport to a hospital or other support service, then that call was classified as “Transport.”**
  - If the police officers reported that the call involved a completed suicide prior to their arrival, that call was classified as a “Completed Suicide.”**
  - If police officers arrested, summoned, or cited an individual, then those call were classified as “Arrests”, “Summons”, or “Citations”, respectively.**
- 3. The final data set for this analysis included 10,432 cases between January 1, 2017 and April 28, 2018.**
- 4. The critical timeframe for these data is April 28, 2017 to April 28, 2018, but including data from the first four months of 2017 provides a useful baseline for tracking change over time.**

# Disposition Data For Individuals Involved In 7,432 CIT-Related Incidents April 28, 2017 To April 28, 2018



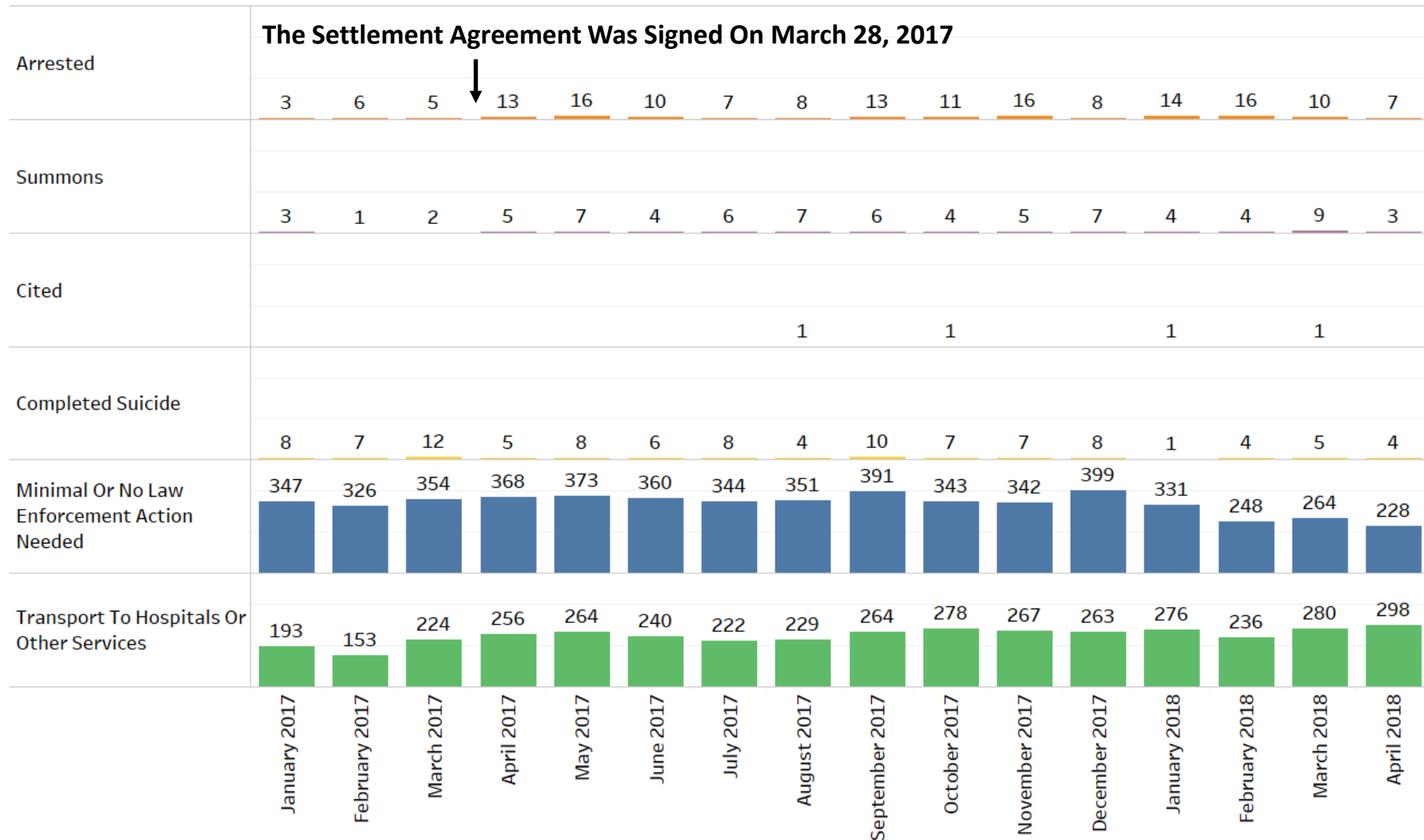
# Disposition Data For Individuals Involved In CIT-Related Incidents By Percent Before And After The McClendon Settlement



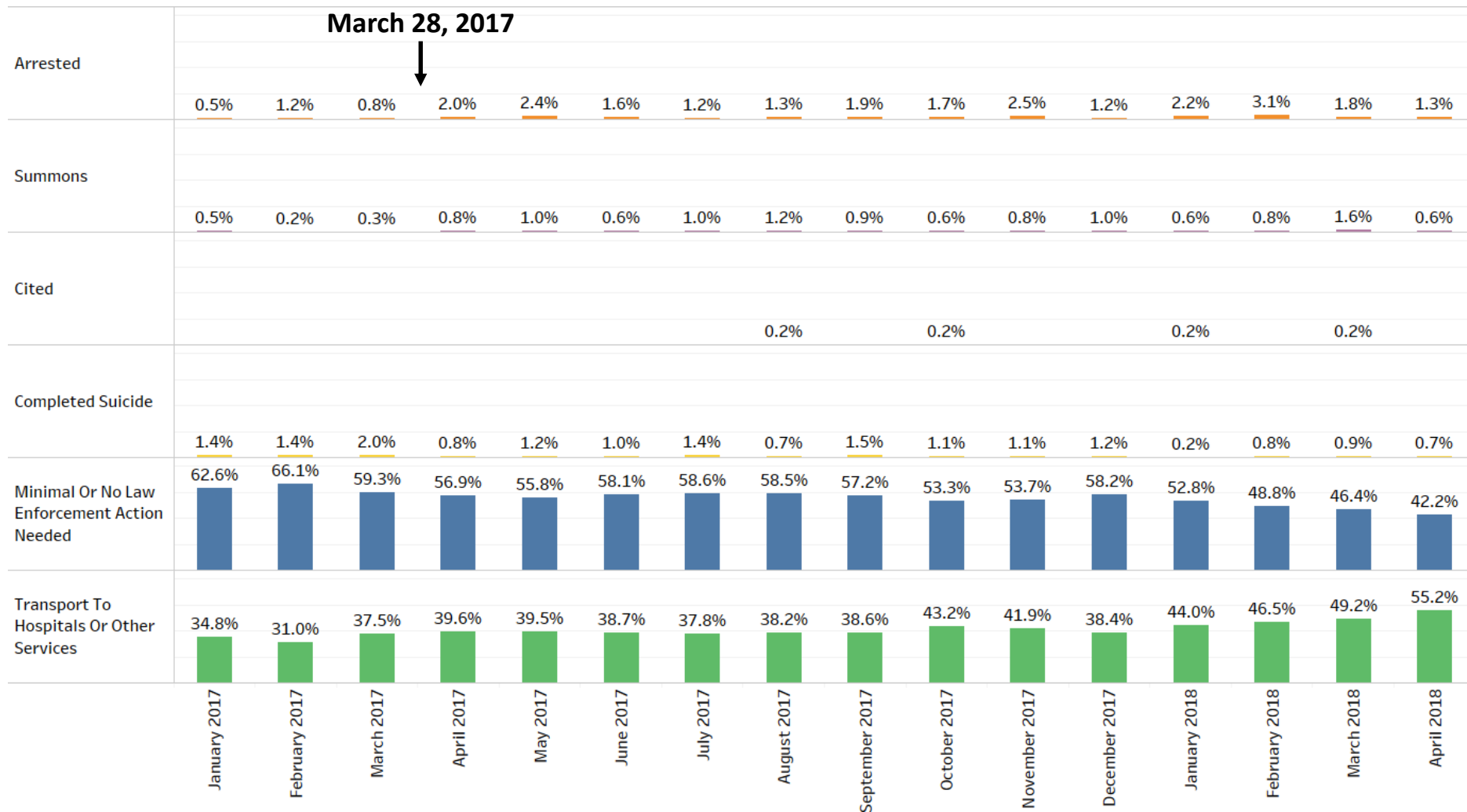


# Disposition Data For Individuals Involved In CIT-Related Incidents

## By Month From January 1, 2017 To April 28, 2018



# Disposition Data For Individuals Involved In CIT-Related Incidents By Percent By Month From January 1, 2017 To April 28, 2018



## **Key Findings For The Analysis Of Disposition Data For Individuals Involved in CIT-Related Incidents**

- 1. Fifty-four percent (54%) of CIT-related calls for service resulted in minimal or no law enforcement action needed.**
- 2. Forty-two percent (42.2%) of CIT-related calls for service resulted in individuals being transported to hospitals or other support services by APD, AFD or ambulance services.**
- 3. A very small percentage of individuals are arrested (1.8%), cited (.1%), or summoned (.9%) in CIT-related incidents.**
- 4. The percentage of individuals involved in CIT-related incidents who are transported to hospitals or other services has increased steadily since January 2017. In January 2017, 35% of the CIT-related calls for services ended with individuals being transported to hospitals or other services. Sixteen months later, in April 2018, 55% of the CIT-related calls for service ended with individuals being transported to hospitals or other services.**

# **The Analysis Of Arrests Arising From Calls For Service Involving Domestic Violence**

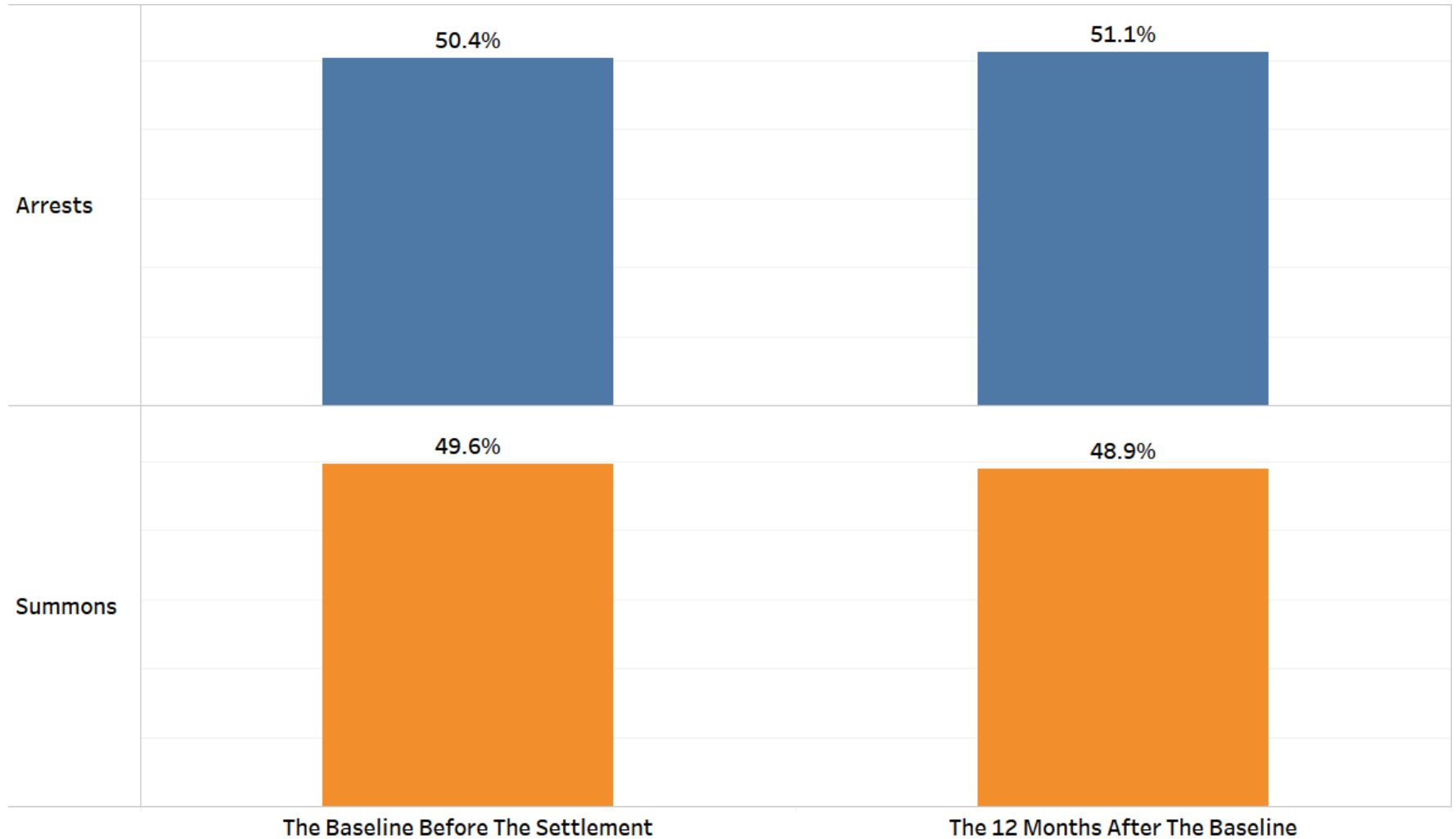
**The following steps were taken to collect data and analyze arrests from calls for service involving domestic violence:**

- Data arising from calls for service involving domestic violence were obtained by developing a query that pulled any domestic violence charge for any type of call for service. These domestic violence charges included:**

<b>Statute</b>	<b>Description</b>
<b>• 30-3-12</b>	<b>Assault Against A Household Member</b>
<b>• 30-3-13</b>	<b>Aggravated Assault Against A Household Member</b>
<b>• 30-3-14</b>	<b>Assault Against A Household Member With Intent To Commit A Violent Felony</b>
<b>• 30-3-15</b>	<b>Battery Against A Household Member</b>
<b>• 30-3-16</b>	<b>Aggravated Battery Against A Household Member</b>
<b>• 30-3-18</b>	<b>Criminal Damage To Property Of Household Member</b>
<b>• 30-3A-3</b>	<b>Stalking</b>
<b>• 40-13-6</b>	<b>Violation Of A Restraining Order</b>

- When reports had more than one domestic violence charge associated with a given person, the data were unduplicated to list only the highest domestic violence charge for that individual.**

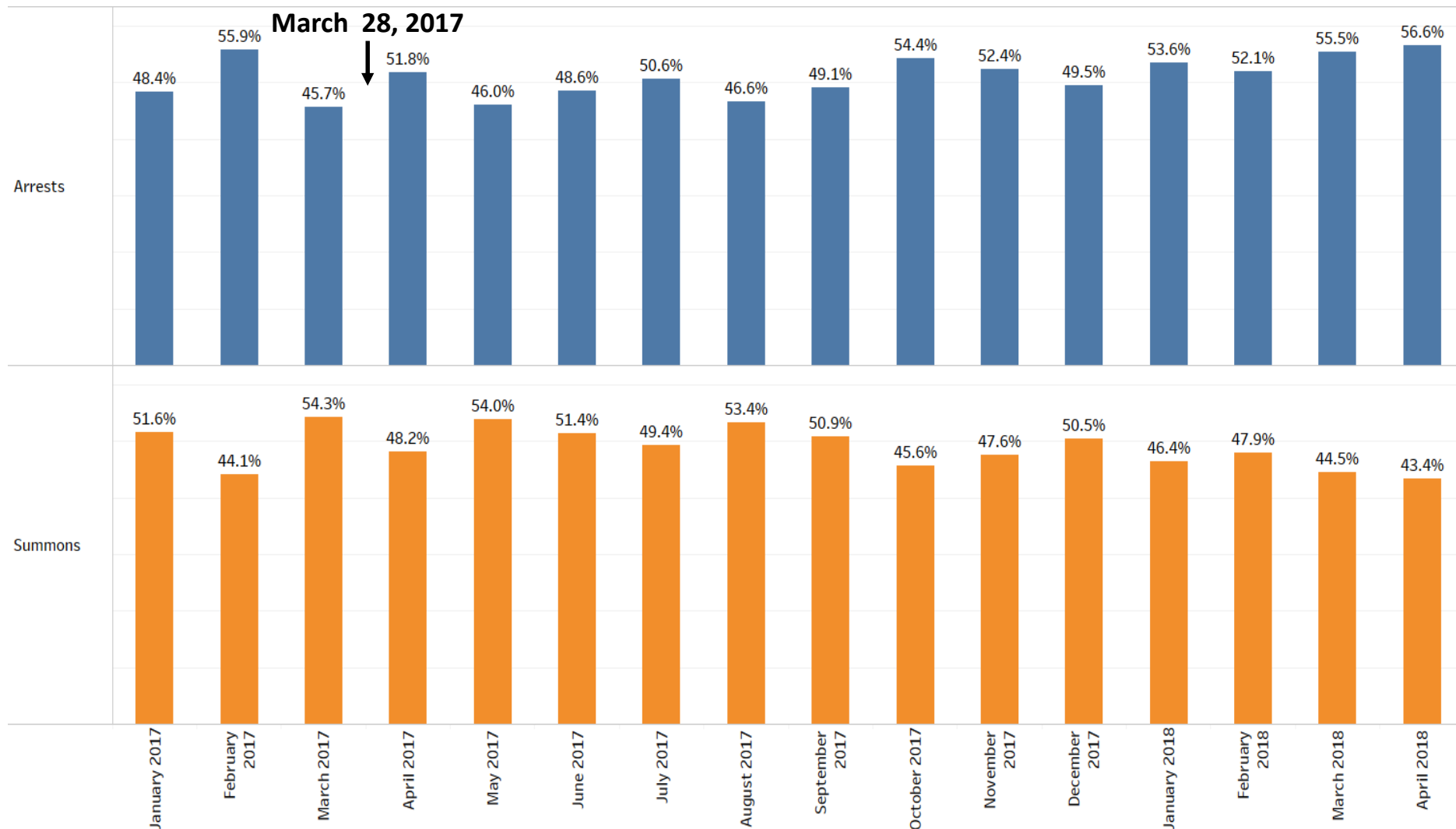
## Arrests and Summons On Domestic Violence Charges By Percent Before And After The McClendon Settlement



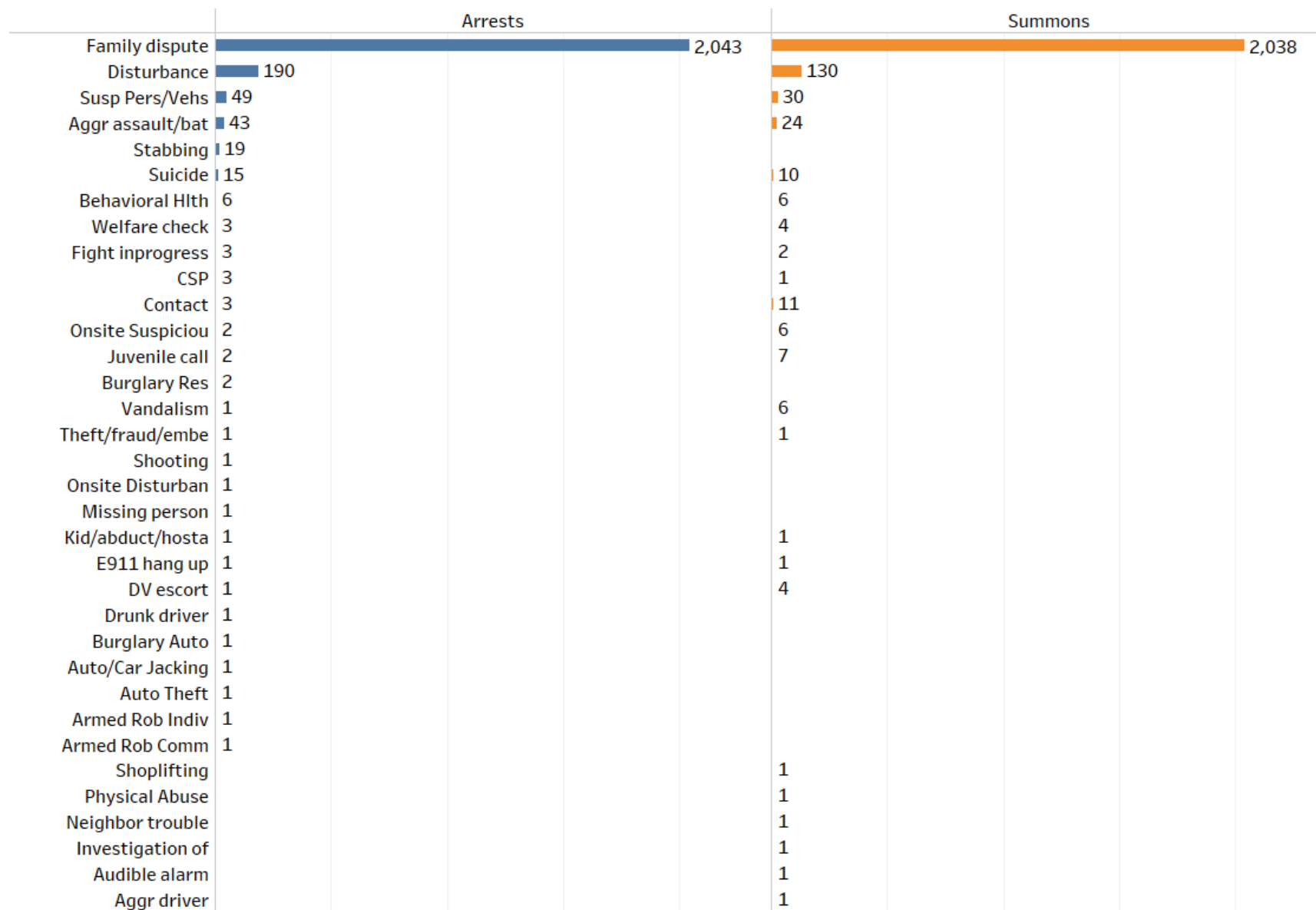
# Arrests Arising From Any Type Of Call For Service Involving Specific Domestic Violence Charges From January 1, 2017 To April 28, 2018

Arrests	30-3-12	Assault Against A HHM	15	20	12	20	20	12	19	16	14	22	11	13	27	17	17	15
	30-3-13	Aggravated Assault Against A HHM	11	7	8	7	11	12	15	10	11	11	11	10	14	7	13	11
	30-3-14	Assault Against A HHM With Intent To Commit A Violent Felony							1		1				1			
	30-3-15	Battery Against A HHM	129	157	126	130	134	146	129	135	154	158	144	133	130	125	146	159
	30-3-16	Aggravated Battery Against A HHM	27	23	19	21	12	26	32	23	22	21	25	21	25	22	18	14
	30-3-18	Criminal Damage To Property Of HHM	12	2	3	8	3	7	5	8	5	5	8	7	5	4	8	6
	30-3A-3	Stalking	1						1									
	40-13-6	Violation Of Restraining Order				1				1						1	1	
Summons	30-3-12	Assault Against A HHM	15	14	13	12	21	21	17	7	10	19	11	14	15	21	13	16
	30-3-13	Aggravated Assault Against A HHM				3		1	5	1				2			2	1
	30-3-14	Assault Against A HHM With Intent To Commit A Violent Felony										1						
	30-3-15	Battery Against A HHM	160	137	170	147	171	166	160	187	176	138	154	153	143	125	122	119
	30-3-16	Aggravated Battery Against A HHM	9	2	8	5	3	8	7	10	8	10	4	3	6	3	3	4
	30-3-18	Criminal Damage To Property Of HHM	19	10	5	6	14	16	6	15	16	15	9	11	8	9	15	11
	30-3A-3	Stalking			1			1						1	1		2	1
	40-13-6	Violation Of Restraining Order	5	2	3	1	2	2	2	1	5		2	4	2	4	6	5
			January 2017	February 2017	March 2017	April 2017	May 2017	June 2017	July 2017	August 2017	September 2017	October 2017	November 2017	December 2017	January 2018	February 2018	March 2018	April 2018

# Arrests Arising From Any Type Of Call For Service Involving Specific Domestic Violence Charges From January 1, 2017 To April 28, 2018

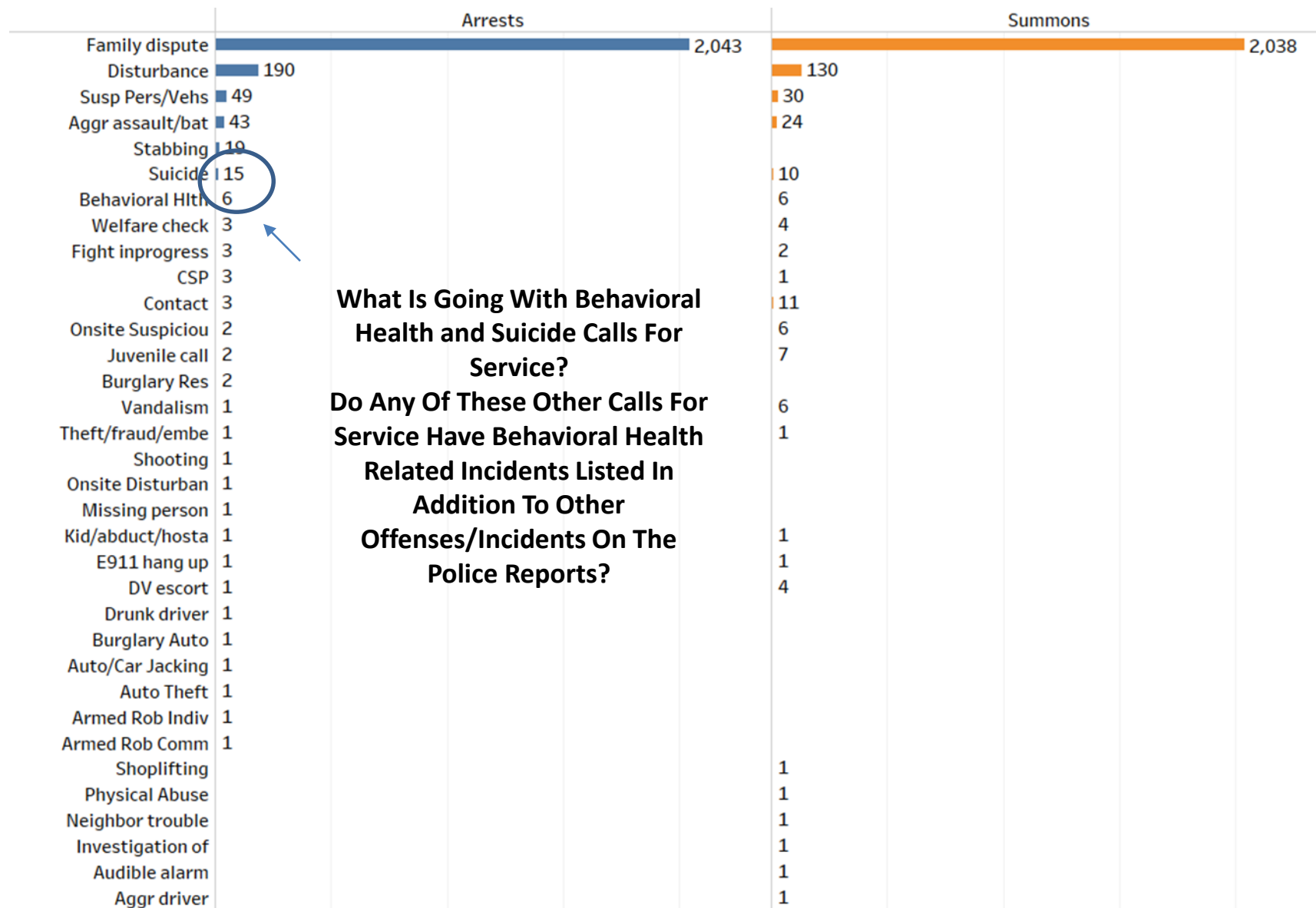


# Arrests Arising From Any Type Of Call For Service Involving Specific Domestic Violence Charges From April 28, 2017 To April 28, 2018

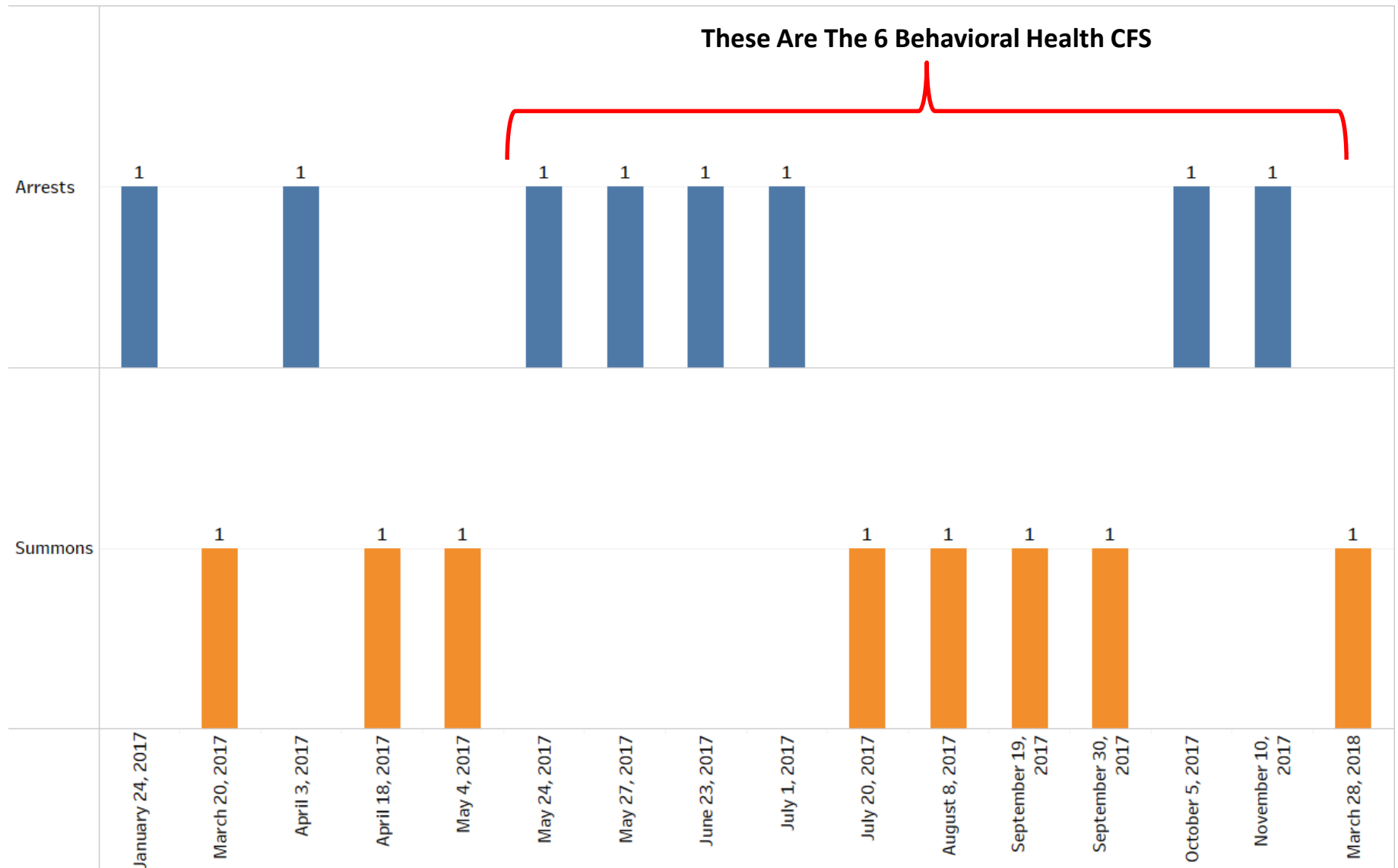




# Arrests Arising From Any Type Of Call For Service Involving Specific Domestic Violence Charges From April 28, 2017 To April 28, 2018



# Arrests Arising From Behavioral Health Related Calls For Service Involving Specific Domestic Violence Charges From January 1, 2017 To April 28, 2018

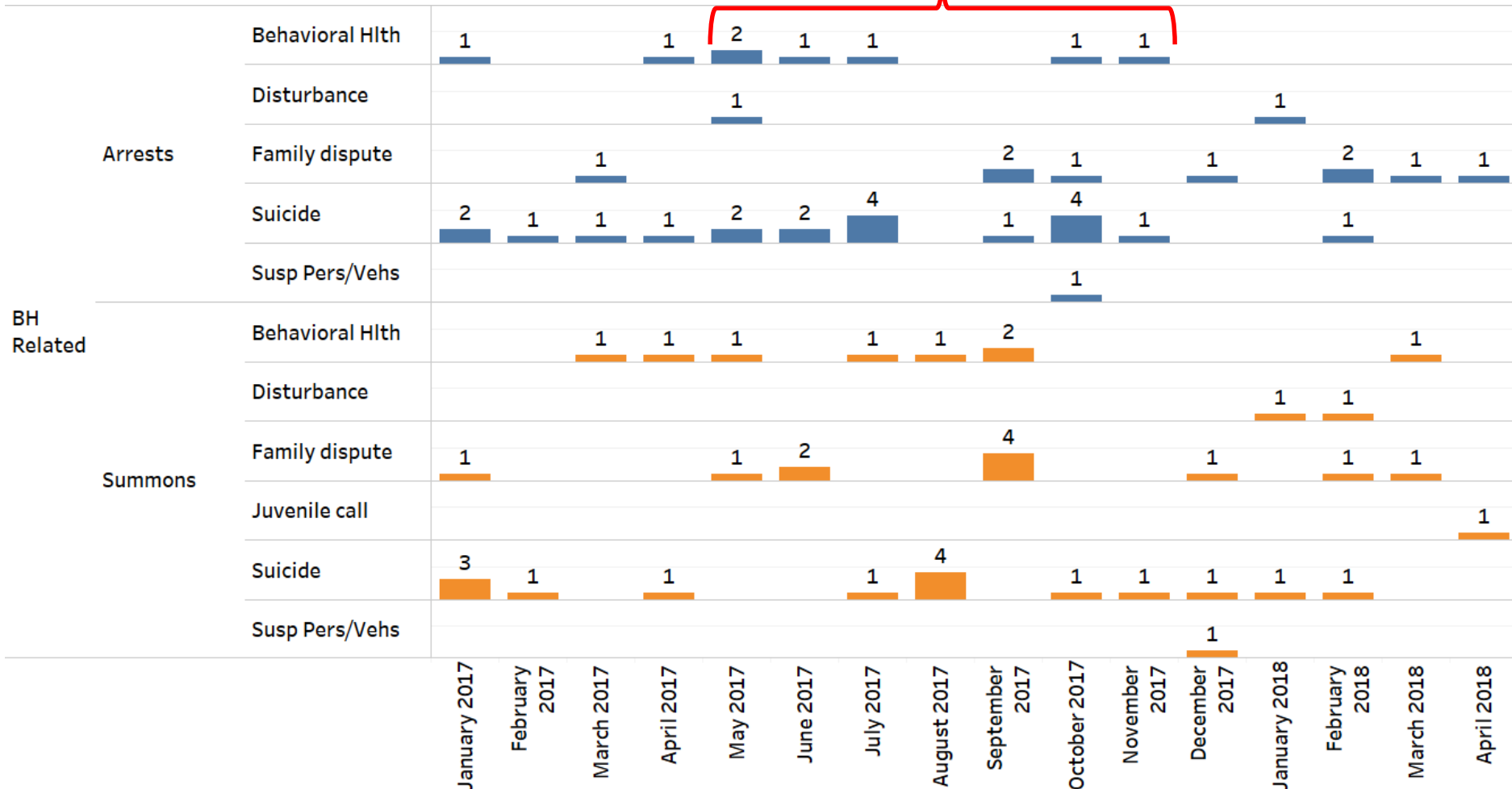


## A Closer Look At The Police Reports For The 6 Behavioral Health Related Calls For Service That Resulted In Arrest For Domestic Violence Charges

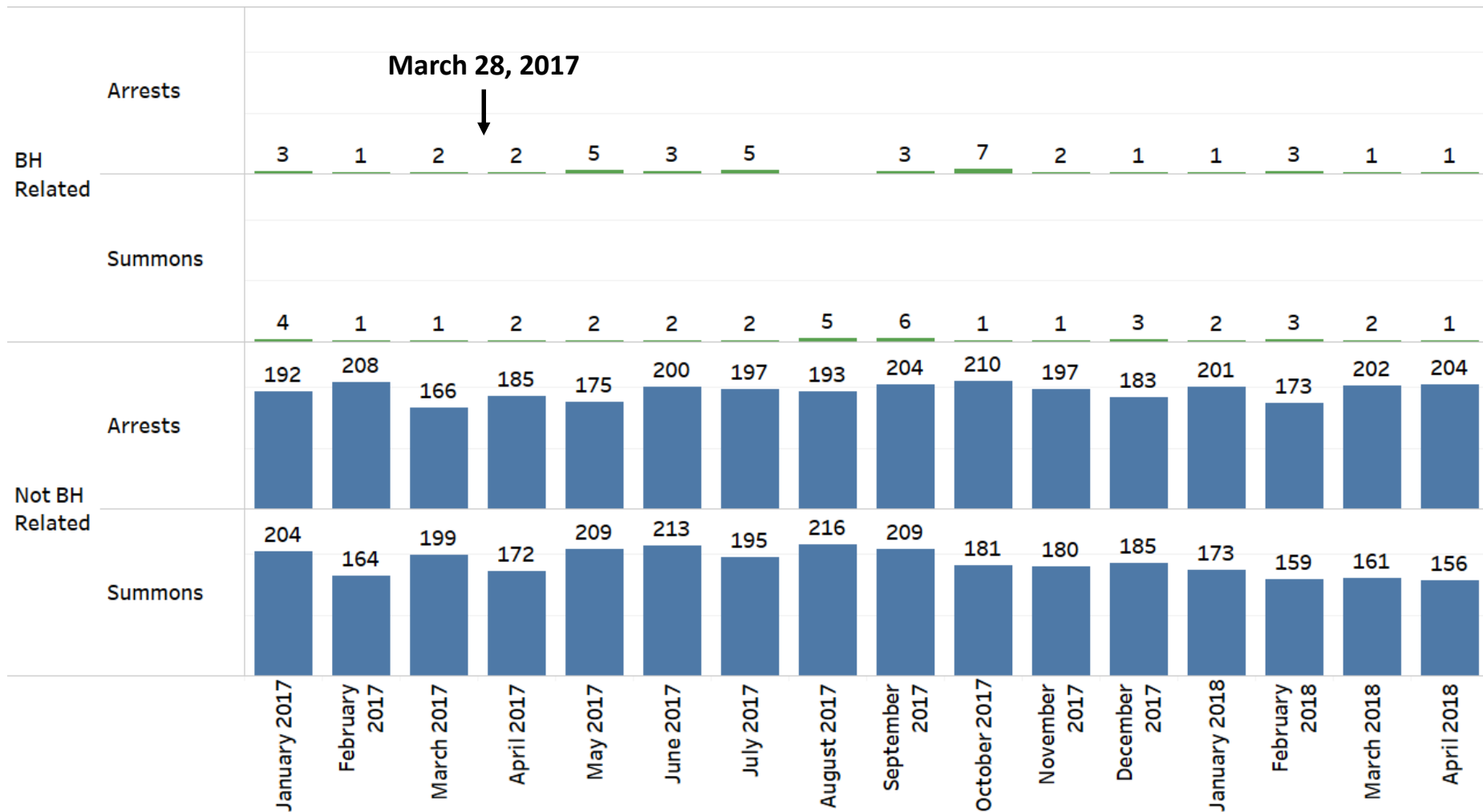
Final Call Type Description	Charge Title	Additional Charges	Officer	Notes
Behavioral Hlth	Aggravated Assault Against A HHM	Agg Battery W/Deadly Weapon	Officer A	Subject broke furniture, threatened disabled mother and stabbed and cut mother's friend.
Behavioral Hlth	Battery Against A HHM	Two Felony Warrants	Officer B	Subject grabbed mother by neck and by hair and hit mother with coffee cup.
Behavioral Hlth	Battery Against A HHM		Officer C	Subject punched grandmother in the head, threw her to the ground, and kicked her.
Behavioral Hlth	Aggravated Battery Against A HHM		Officer D	Subject threw herself on her father's van when he was trying to leave and then scratched him on the arm when the subject reached into the vehicle.
Behavioral Hlth	Battery Against A HHM	Assault Against HHM	Officer E	Subject had thrown a soda at his mother, grabbed her by the neck and shoulder and threw her to the ground and attempted to use a Tazer against her.
Behavioral Hlth	Battery Against A HHM		Officer F	Subject grabbed mother in bear hug and took her car keys.

# These Other Calls For Service Involved Both Specific Domestic Violence Charges And Additional Behavioral Health Related Incident Information Listed On The Police Report

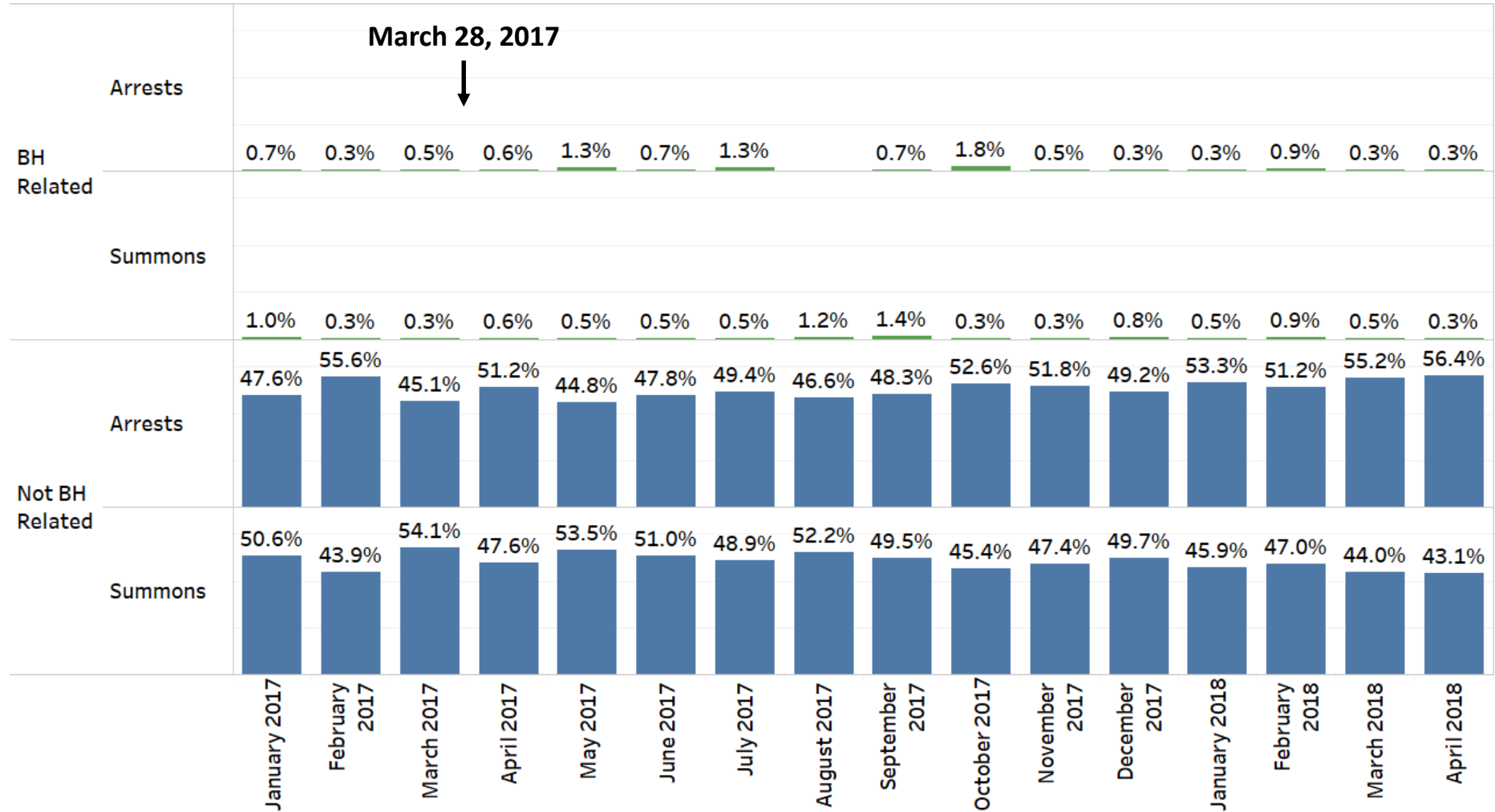
These Are The 6 Behavioral Health CFS



# Arrests And Summons Arising From Calls For Service Involving Specific Domestic Violence Charges And Behavioral Health Related Call Type Or Offense/Incident From January 1, 2017 To April 28, 2018



# Arrests And Summons Arising From Calls For Service Involving Specific Domestic Violence Charges And Behavioral Health Related Call Type Or Offense/Incident From January 1, 2017 To April 28, 2018



## **Key Findings For The Analysis Of Bookings For Domestic Violence Charges**

- 1. The vast majority of arrests and summons for domestic violence charges are associated with calls for service that are classified as 10-15 (Family Fight/Domestic Violence) but domestic violence charges may be associated with a number of different types of calls for service.**
- 2. The percentage of arrests for all incidents involving domestic violence charges rose slightly from an average of 50.4% for the four baseline months of January to April, 2017 to 51.1% for the twelve months after the Settlement Agreement was signed and APD began collecting data. The Domestic Violence SOP was not revised and a training video explaining the changes was not released until July of 2018.**
- 3. A detailed inspection of the six police reports that were completed after domestic violence arrests were made in response to behavioral health related calls for service reveals the complexity of each incident and the importance of officers' training, experience, and judgment.**
- 4. A detailed analysis of the month by month percentage of domestic violence arrests for all incidents involving behavioral health related calls for service and/or incident types indicated that the arrests involving both domestic violence and behavioral health account for a small proportion of the total incidents. The highest percentage was 1.8% in October, 2017 and the lowest percentage was .3% in February, 2017; December, 2017; and January, March, and April of 2018.**

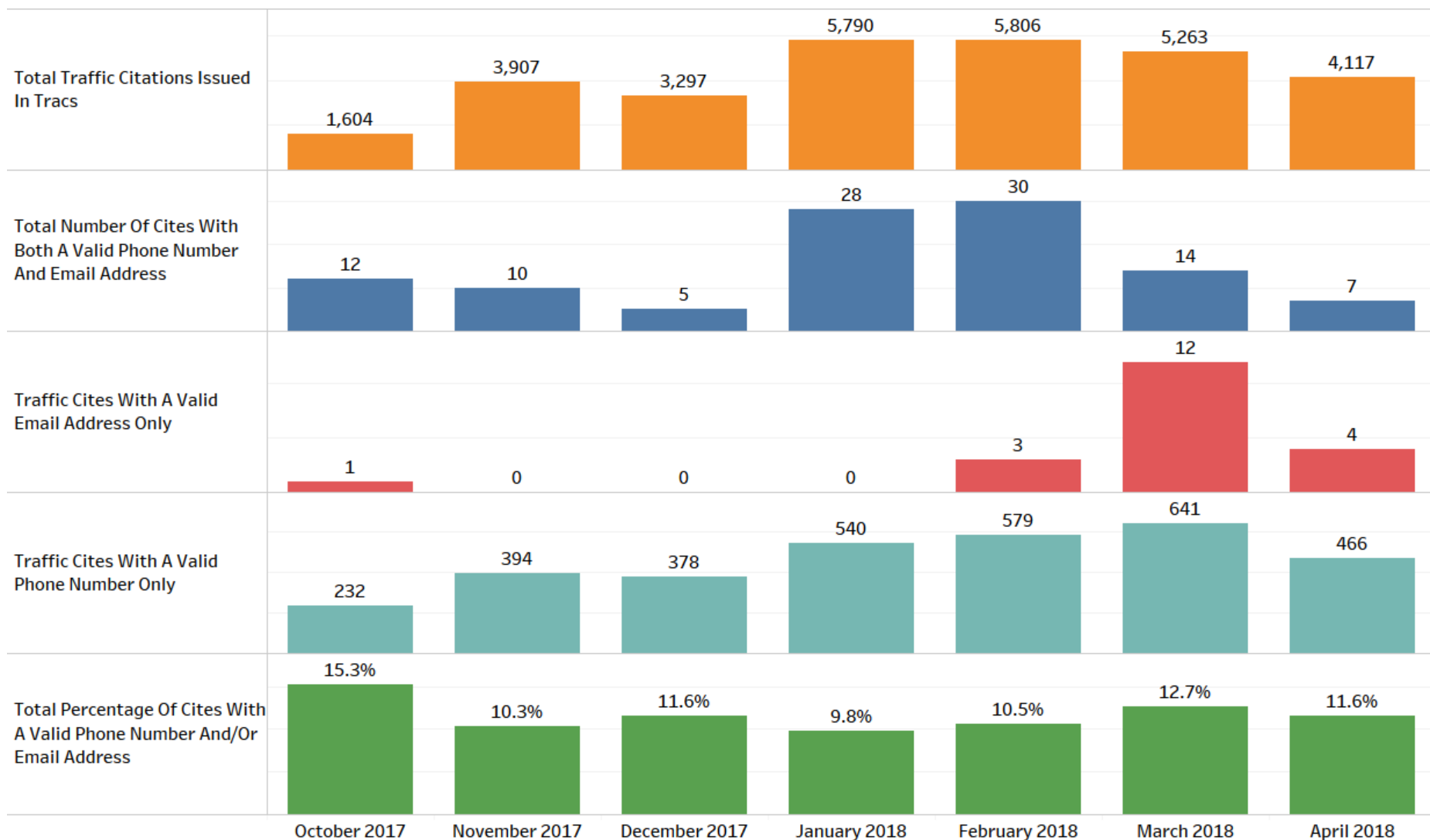
## **The Analysis Of Phone Numbers And Emails On Traffic Citations**

**The following steps were taken to collect data and analyze the inclusion of phone numbers and email addresses on traffic citations:**

- Data about traffic citations from October 2017 to May 2018 was obtained from the TRACs system.**
- The data set for this analysis included 33,406 citations written by APD officers during this time frame.**
- A data query was developed to identify all citations where a phone number had been entered in the designated area of the citation.**
- A second query was developed to identify all citations where an email address had been entered in the designated area of the citation.**
- The number of citations was then compared with the number of citations that noted a phone number and the number of citations that noted an email address and a percentage was determined for each month.**



# The Notation Of Phone Numbers And Email Addresses On The TRACs Traffic Citation Form From October, 2017 To April, 2018



## **Key Findings For Phone Numbers And Emails On Traffic Citations**

- **Citations with a designated area for phone numbers and emails addresses became available and were downloaded to the TRACs system in October of 2017.**
- **Officers noted on the citation either a phone number or an email address, on average, 11.6% of the time.**
- **Officers listed the phone number and/or email addresses most often in the month of October 2017; at that time they were using a new form that had a designated area for phone numbers and email addresses, which had not been on the previous form.**

## **Follow Up Measures Taken As A Result Of These Analyses**

**The City of Albuquerque intends to continue to study this data for lessons learned and make changes where appropriate. The City has identified certain follow-up measures, which include:**

- The City will continue to gather data on bookings on citable non-violent misdemeanor offenses, not to include DWI's; disposition data for individuals involved in CIT-related incidents; arrests arising from calls for service involving domestic violence; and the notation of phone numbers and email addresses on the Uniform Traffic Citation Form.**
- The Albuquerque Police Department will develop case studies from the police reports related to bookings on citable non-violent misdemeanor offenses; disposition data in CIT-related incidents; and arrests arising from calls for service involving domestic violence. These case studies will then be used as training case studies to help police officers better understand and implement the McClendon Settlement.**
- APD will investigate its classification of behavioral health incidents to ensure that all behavioral health incidents are documented in incident reports.**

## **Follow Up Measures Taken As A Result Of These Analyses (Continued)**

- **Additional training will be conducted in terms of gathering phone numbers and emails on the Uniform Traffic Citation Form. Officers will be instructed that noting the phone number or email address is mandatory. If individuals who are receiving a citation decline to provide the information, that should be noted in the applicable section. If the person does not have a phone number or an email address, that information should also be provided on the citation in the applicable section.**
- **The additional training on the Uniform Traffic Citation Form will also emphasize the reason for the need for the phone number and/or email address. Officers will be instructed to inform civilians that the Metropolitan Court wants their phone numbers and email address in order to be able to notify them of hearings because if they miss a hearing a bench warrant may be issued for their arrest.**

## **Follow Up Measures Taken As A Result Of These Analyses (Continued)**

- **In addition, the Albuquerque Police Department continues to strengthen its policies and training to ensure that law enforcement encounters with individuals suffering from behavioral health issues are treated with respect and concern for the safety of all involved. Specific actions include:**
  - **The revision of SOP 2-19 and other policies related to behavioral health incidents.**
  - **Strengthening the CIT training provided to telecommunicators, academy cadets, and officers in the field in interacting with individuals suffering from behavioral health issues.**
  - **Providing Enhanced CIT training to almost 200 APD Field Services Officers so these specially trained officers can respond to high priority CIT calls for service.**
  - **Increasing the number of detectives assigned to the Crisis Intervention Unit to provide better follow-up and support for individuals with higher levels of behavioral health issues.**
  - **Expanding the list of law enforcement individuals and agencies participating in weekly training in CIT using the Project ECHO distance learning network.**
  - **Working with Bernalillo County in the deployment of Mobile Crisis Teams.**
  - **Building stronger partnerships with the Mental Health Response Advisory Council (MHRAC) and other community advocates.**
  - **Signing memoranda of agreement with the University of New Mexico Hospitals to better coordinate police and hospital efforts.**