

**Progress / Status Summary of the USDOJ Settlement Agreement  
Entered Into By the United States of America and the City of  
Albuquerque Regarding the Albuquerque Police Department**

Third Report

February, 2016 - April, 2016

Prepared by William Slauson, Executive Director, APD Administrative Support Bureau  
and the Albuquerque Police Department

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## EXECUTIVE SUMMARY OF PROGRESS SINCE LAST MONITOR'S REPORT

APD staff have substantially revised its format for the agency reports. Instead of an executive summary and a paragraph-by-paragraph review of progress, the paragraphs have been grouped together by topic, resulting in a more concise, less-lengthy review. The groupings provide the reader with the opportunity to review all commentary on a particular section (e.g., use of force) rather than piece it together over dozens of paragraph entries in some cases.

### POLICY

Since the second agency report, APD staff and the parties have collaborated extensively on the new use of force policy and other CASA-related policies. To date, 16 of the 32 policies have been approved and finalized. They include:

- |   |   |
|---|---|
| <i>1-2 – Officer's Duties</i>   | <i>1-4 – Personnel Code of Conduct</i>          |
| <i>1-14 – Behavioral Science</i>  | <i>1-39 – On-Body Recording Devices (OBRD)</i>  |
| <i>2-4 – Recruiting</i>   | <i>2-6 – Uniforms</i>                           |
| <i>2-22 – Firearms and Ammunition Authorization</i>                                 |   |
| <i>2-42 – Hostage, Suicidal, Barricaded Subjects and Tactical Threat Assessment</i> |   |
| <i>2-52 – Use of Force</i>  | <i>2-53 – Electronic Control Weapons (ECWs)</i> |
| <i>2-54 – Use of Force Reporting</i>  | <i>2-55 – Use of Force Appendix</i>             |
| <i>3-02 – Assistant Chief/Deputy Chief/Major/Commander Responsibilities</i>         |   |
| <i>3-26 – Employee Work Plan</i>  | <i>3-49 – Early Intervention System (EIS)</i>   |
| <i>3-67 – Force Review Board</i>  |   |

The monitor recently extended the policy deadline from June 2 2016 to June 5 2016 to accommodate additional review periods for the last four policies on the prioritized list. All policies have been submitted to the parties by the deadlines specified.

In order to facilitate policy review and approval, the City of Albuquerque hired additional technical staff including Judge Retired Federal Magistrate Judge Lorenzo Garcia and a technical writer, Susan Bryan. Judge Garcia joins the efforts alongside APD and the parties to provide additional analysis of APD policies to ensure they comport with best practices and comply with constitutional law. [CASA 226]. Ms. Bryan is reviewing each policy and improving grammar and readability. The addition of the two additional team members has resulted in improved policies being submitted to the parties and has increased the speed at which they are approved.

To address commentary in the monitor's second report and to provide increased oversight of the entire policy development process, APD created the Office of Policy Analysis (OPA). The OPA is comprised of APD staff, Legal staff, and contracted experts. The OPA will gather information on national standards and best practices and integrate their findings into existing APD policy while providing a "big picture" view and deep analysis of APD policies. The OPA will also review collected information on lawsuits, officer injuries, and trend data that may indicate the need for policy change. The OPA will also set goals and objectives regarding policy development and develop policy recommendations that will be submitted to the rest of the APD policy review and approval process, and ultimately for review by the Chief of Police and City Attorney. The group will receive requested input from representatives from the

CPOA, POB, local community groups and topic stakeholders interested in policy development, review, and analysis in a monthly forum.

## TRAINING

Since late 2015, the department has increased training sessions dramatically. At the time of this report, use of force training is underway. Community oriented policing/problem oriented policing sessions are nearly complete; early intervention system training is complete; a supervisory investigations training for all sworn and civilian supervisors is set to commence in early May; training on individual policies (body-worn cameras, among others) will be rolled out as the policies are finalized. The department has utilized multiple platforms in order disseminate the training in effective ways, including traditional classroom sessions, reality-based training, and online educational platforms including Public Service University. All methods of instruction are audited to confirm attendance and tests are given at the end of the sessions to ensure that the students are proficient with the new information.

The use of force training and curriculum based on the newly approved policies have been developed and training began in late January 2016. The Independent Monitor Team reviewed the department's use of force training curriculum during a site visit and provided commentary. In response, APD immediately incorporated their recommendations and revised the training. With strict adherence to a full training schedule, the Department will complete the use of force training by the specified deadline of June 2, 2016. [CASA 86]

The Electronic Control Weapon (ECW) portion of the use of force training includes the requirements set forth in paragraph 33, including a definition of a five second ECW cycle and the independent justification for each cycle. The ECW training includes a post and pre-test component to evaluate comprehension. [CASA 33]

The department completed the 2016 annual firearms qualifications in February. To avoid "training scars" during firearms training, the department avoided a high number of repetitive training exercises. Based on monitor feedback, the Academy modified a reality based training scenario that did not closely relate to real-world circumstances in order to prevent a training scar. [CASA 89]

In response to the monitor's second report, the Internal Affairs Division (IAD) conducted a needs assessment for both Internal Affairs (IA) detectives and the Critical Incident Review Team (CIRT) and determined a minimum level of training necessary for each Unit. The IAD updated the job descriptions for an IA and CIRT detective to reflect the new training standards before conducting an investigation. The training requirements are comprised of both in-house developed curriculum and training from external vendors to ensure the training meets the specific needs of the department and adheres to the Settlement Agreement. The department submitted supporting documents of the training assessments, curriculum, and training certificates to the monitoring team for the agency's ten (10) month deadline for review. [CASA 64]

## OPERATION AND SUPERVISION

In response to commentary in the monitor's second report, a new Emergency Response Team After Action Review Form and Incident Action Planning Form was developed to coincide with new Standard Operating Procedures (SOPs) 3-19 *Response to First Amendment Assemblies and Demonstrations and Unplanned Incidents*, and 1-46 *Emergency Response Team*. The policies have been revised, submitted and are pending review and final approval by the monitor.

During the reporting period and to address commentary in the monitor's second report, APD reengineered the Use of Force Report by using the department's new BlueTeam software. The new interface can now be synced with IAPro to capture necessary reporting data. To mitigate the monitoring teams concerns on narrative writing and chain of command reviews, a job aide for supervisors was created to facilitate an analysis of the narrative by the reporting officer. The job aid checklist captures the use of force reporting requirements set forth in the Settlement Agreement in a chronological order. BlueTeam will capture and track all chain of command reviews to ensure a meaningful managerial review of use of force events.

The Force Review Board process continues to grow and improve as the review process settles in and members become familiar with what their roles are. A random sample of ten percent of Critical Incident Review Team (CIRT) investigations will be evaluated by the Force Review Board (FRB). A CIRT detective will present a case, including findings and recommendations to the FRB. The FRB completes a full evaluation. If the FRB makes additional recommendations, they are documented and must be addressed and reported back to the FRB that action took place to "close the loop" on such cases. [CASA 79]

In conjunction with City technical staff, the department completely revised its Employee Work Plan (EWP) performance evaluation process for all employees. The new online system will make it easier for supervisors to evaluate their staff at regular intervals due to their access to multiple databases that detail work performance. The information that supervisors will have access to include Internal Affairs commendation and disciplinary data, community outreach, quality of supervisory investigations, and use of force reviews. The final draft of the EWP was forwarded to the monitoring team for consideration and approval in March 2016.

APD is in the process of developing a user friendly system to track an officer's engagement with the community and building trust through various data sources from community outreach efforts and compiled data for performance evaluations, along with documentation of such engagement in the officer's monthly report by their supervisor.

The Tactical Unit has implemented an annual critical review process in January of each year to review procedures, current laws, and best practices from critical incidents that occurred in the previous year. [CASA 95]. In response to commentary in the monitor's second report, the tactical Unit will include the reason why certain tactics and strategies were used over others in After Action Reports (AAR) to enhance the quality of the report. The AARs will also include a more critical and analytical review of all actions taken during an incident regarding the possible risks versus advantages of various tactical options. [CASA 96]

In response to commentary in the monitor's second report, the department has begun to receive information on the implementation of the data the CIT Worksheet captures and with the finalization of *SOP 2-13 Response to Behavioral Health Issues*, APD will roll-out a full training program on the CIT Worksheets to ensure streamlined and consistent gathering of data required by the Settlement Agreement. An analysis of data trends to develop case studies will be incorporated into future trainings. [CASA 130]

Community Policing Councils have been meeting on a monthly basis since November 2014. All submitted proposals and recommendations from CPCs are subject to a documented formal review and response process with established deadlines. An annual report summarizing CPC proposal results for 2015 is expected in May 2016. APD has also been engaging with the public through social media; growth metrics for social media outreach are being compiled. The department is making additional

efforts to increase participation in councils and increase membership size. [CASA 254]

A new mission statement was created and approved by the Chief. Based on feedback by the monitoring team, the mission statement will be altered slightly to include references to community and problem- oriented policing principles.

APD recently engaged with the Police Data Initiative, a federally-endorsed law enforcement data warehouse. As of May 2016, 53 law enforcement agencies have pledged to provide selected data to the clearinghouse. The project is intended to use open data to build transparency, increase community trust, increase internal accountability, and provide for effective data analysis. [CASA 264] APD is a newcomer to the program and expects to leverage as much information as possible about the program and to utilize its benefits to improve data transparency and analysis.

## **TOPIC SUMMARIES**

### **Paragraphs: 13-17**

#### **SUBSECTION: Use of Force Principles**

##### **PROGRESS:**

APD staff and the parties have collaborated extensively on the new use of force policy and other associated policies. The use of force policy (SOP 2-52) has been finalized and approved by the Independent Monitor. The use of force policy suite (SOP 2-52, 2-53, 2-54, and 2-55) and the firearms policy (SOP 2-22) have been finalized and approved by the Independent Monitor. Use of force training and curriculum have been developed and training has begun. Use of force training covers firearms stress training; while lowlight firearms training are conducted during annual qualification testing. To date, the department has trained 70.4% of sworn personnel. With strict adherence to a full training schedule, the department should complete use of force training by the training deadline of June 2nd, 2016.

The Independent Monitor has reviewed the department's use of force training curriculum and they have provided commentary. In response, APD has provided supporting documents showing revisions or additions to the use of force training based on the monitor's feedback.

Per Special Order 14-32 personnel have transitioned to department issued weapons.

### **Paragraphs: 18-23**

#### **SUBSECTION: Use of Firearms**

##### **PROGRESS:**

SOP 2-22 *Firearms and Ammunition Authorization* has been approved by the monitor. The policy includes provisions on remedial training should an officer not pass a firearms qualification test.

Per Special Order 14-32, personnel have transitioned to department-issued weapons. Supervisors are required to enroll their officers in the transition program and a special order detailed how the transition was conducted. APD personnel who are either on military leave or medical leave and return to work are required to return to duty with a department-issued weapon.

The City has implemented a pilot inventory process using the PeopleSoft platform which will inventory serialized items. The Property Unit provided an inventory list of all department-issued handguns and a detailed action plan to track and control the inventory and issuance of handguns.

In response to commentary in the monitor's second report, use of force reality-based training encompasses the requirements set forth in this paragraph and is also covered in each annual firearms qualification. [CASA 21]

To address commentary in the monitor's second report, the use of force policy addresses the requirements set forth in the Settlement Agreement relative to the issue of shooting at a moving vehicle. Training curriculum has been updated to reflect feedback from the monitor. [CASA 22]

The department will continue to document firearm discharges in its annual report. [CASA 23]

### **Paragraphs: 24-38**

#### **SUBSECTION: Electronic Control Weapons**

**PROGRESS:**

APD staff and the parties have collaborated on the new electronic control weapons (ECW) policy (2-53) and it has been finalized and approved by the Independent Monitor. Use of force training and ECW curriculum have been developed and training has begun. The ECW portion of use of force training includes the requirements set forth in this paragraph, such as the definition of a five second ECW cycle and the need for an independent justification for each cycle. ECW training has a post and pre-test component to evaluate comprehension. [CASA 33] With strict adherence to a full training schedule, the Department should complete use of force training by the training deadline of June 2nd, 2016.

The department revised Line Inspection Form PD 3003 to include a section to inspect whether an officer's electronic control weapon is holstered on their weak side. The Form PD 3003 Informal Line Inspection is in the final stages of being converted to an electronic format and the department is developing an instructional memorandum on its purpose and use for all sworn personnel. [CASA 32]

**Paragraphs: 39-40**

**SUBSECTION: Crowd Control and Incident Management**

**PROGRESS:**

In response to commentary in the monitor's second report, the department revised policy 3-19 Response to First Amendment Assemblies and Demonstrations to include verbiage regarding peaceful and lawful gathering and that canine deployments are strictly prohibited for crowd control. The policy has been submitted to the monitor for review and approval.

In response to commentary in the monitor's second report, a new After Action Review form and the Emergency Response Team Incident Action Planning form was developed. SOP 3-19 *Response to First Amendment Assemblies and Demonstrations and Unplanned Incidents*, and SOP 1-46 *Emergency Response Team* have been resubmitted and are pending review and final approval by the monitor.

**Paragraphs: 41-45**

**SUBSECTION: Use of Force Reporting**

**PROGRESS:**

APD staff and the parties have reviewed and approved a new use of force reporting and supervisor force investigation policies. The use of force reporting policy (SOP 2-54) has been finalized and approved by the Independent Monitor. Supervisor training is anticipated to begin in early May 2016. With strict adherence to a full training schedule, the department should complete training by June 2, 2016.

To address commentary in the monitor's second report, APD has reengineered the Use of Force Report by using the BlueTeam software that allows the form to be electronic and synced with IAPro to capture necessary reporting data. To mitigate the monitoring teams concerns on narrative writing, two job aides for personnel were created to ensure all reporting requirements are covered in a chronological narrative. A non-audit analysis was conducted to ensure use of force reporting requirements in the Settlement Agreement are captured in BlueTeam or in the narrative.

**Paragraphs: 46-49**

**SUBSECTION: Force Investigations**

**PROGRESS:**

To address commentary in the monitor's second report, APD has revised the Use of Force Report by using the BlueTeam software that allows the form to be provided electronically and the ability to sync with IAPro to capture necessary reporting data. To mitigate the monitoring teams concerns on narrative writing and chain of command reviews, a job aide for supervisors was created to facilitate an analysis of the narrative by the reporting officer. The job aid checklist captures the use of force reporting requirements set forth in the Settlement Agreement in a chronological order. BlueTeam will capture and can track all chain of command reviews to ensure a meaningful managerial review of use of force events. BlueTeam does not allow any changes by a user once a supervisory review has been completed and submitted to the next chain of command to safeguard the credibility of the managerial review process.

A random sample of ten percent of all Critical Incident Review Team (CIRT) investigations are evaluated by the Force Review Board (FRB). The CIRT detective will present a case with its findings and recommendations to the FRB, and the FRB will complete a full evaluation. If the FRB makes additional remedial recommendations, the recommendations are tracked and must be reported back to the FRB that action took place to "close the loop" on the recommendations.

Since the agency's second report, SOP 2-54 *Use of Force Reporting and Supervisory Force Investigation Requirements* has been approved by the monitor. Training is scheduled to begin in May of 2016.

**Paragraphs: 50-59**

**SUBSECTION: Supervisory Force Investigations**

**PROGRESS:**

Since the agency's second report, SOP 2-54 *Use of Force Reporting and Supervisory Force Investigation Requirements* has been approved by the monitor. Training is scheduled to begin in May 2016 and will be completed by June 2, 2016.

A random sample of ten percent of all Critical Incident Review Team (CIRT) investigations are evaluated by the Force Review Board (FRB). The CIRT detective will present a case with its findings and recommendations to the FRB, and the FRB will complete a full evaluation. If the FRB makes additional remedial recommendations, the recommendations are tracked and must be reported back to the FRB that action took place to "close the loop" on the recommendations.

**Paragraphs: 60-77**

**SUBSECTION: Force Investigations by Internal Affairs**

**PROGRESS:**

The Investigative Response Team (IRT) conducts and initiates criminal investigations of serious uses of force. The IRT is under the Professional Accountability Bureau and reports directly to the Assistant Chief of Police to ensure that such investigations remain independent from administrative investigations. The Critical Incident Review Team (CIRT) conducts administrative investigations of serious uses of force. The CIRT is under the Internal Affairs Division and reports directly to the Internal Affairs Commander. [CASA 60, 61, 65, 66, 68, and 77]

In response to the monitor's second report, the Internal Affairs Division (IAD) conducted a needs assessment for both Internal Affairs (IA) detectives and Critical Incident Review Team (CIRT) detectives and determined a minimum requirement of training necessary for each Unit. The IAD updated the job descriptions for an IA and CIRT detective to reflect the minimum training standards before conducting an investigation. The training requirements are comprised of both in-house developed curriculum and

training from outside vendors to ensure the training meets the specific needs of the department and adheres to the Settlement Agreement. A rubric will be vetted for future trainings to analyze the quality of the training with the needs of IAD. The department submitted supporting documents of the training assessments, curriculum, and training certificates to the monitoring team for the agency's ten (10) month deadline for review. [CASA 64] Internal Affairs Section and the Critical Incident Review Team (CIRT) are in the process of completing a Unit handbook to assist detectives and provide information on templates, the policy, and the minimum training guidelines for each section. [CASA 62]

The department merged SOP 2-31 *Investigation of Officer-Involved Shootings, Serious Use of Force and In-Custody Deaths* with SOP 2-09 *Investigative Response Team* to ensure uniformity. The revised policy has been submitted to the monitor for review and approval. Since the agency's second report, SOP 2-05 *Internal Affairs* was revised based on feedback from the parties and the monitor. The revised SOP was submitted to the monitor for review and approval.

The department completed an updated Employee Work Plan (EWP) performance evaluation form for supervisors, to include quality of supervisory investigations, with a component on use of force reviews. The final draft of the EWP was forwarded to the monitoring team for consideration and approval in March of 2016. [CASA 74] Departmental staff has also been working on a new performance plan process that will leverage the existing PeopleSoft platform. The platform will provide information from other human resources software including IAPro. [CASA 74]

APD's office of Human Resources will conduct audits through PeopleSoft to determine which employees have not completed a quarterly review or final employee evaluation to ensure the supervisors are evaluating employees quarterly. SOP 3-26 *Employee Work Plan and Performance Evaluations* includes requirements set forth for supervisors. The SOP is under review by the monitor and is awaiting final review and approval. Once approved, the SOP will move through the department's policy review process to add sanction levels for supervisors who are not timely to conduct quarterly and annual reviews. [CASA 77]

## **Paragraphs: 78-80**

### **SUBSECTION: Force Review Board**

#### **PROGRESS:**

To address commentary in the monitor's second report, the Investigative Response Team (IRT) investigates criminal behavior of an officer involved in a use of force event. The Critical Incident Review Team (CIRT) identifies compliance with policy and the Settlement Agreement. All recommendations by the monitor to formalize a working group to evaluate procedural and technical opportunities, identifying compliance with policy and identify cases where performance by an officer was exemplary or not is embodied in the CIRT Unit. The department will have all CIRT cases presented to the FRB for further oversight.

Based on feedback from the monitor, SOP 3-67 *Force Review Board* was revised to include provisions to include that a ten percent random sample of use of force events will be selected using a random number generator. The SOP includes updated language to address that the FRB shall review all serious use of force events. Timeliness provisions for the Force Review Board (FRB) were added to the policy

and that FRB members shall receive cases for review a week prior to a FRB meeting. The policy was approved by the monitor.

The CIRT detective will present a case, with its findings and recommendations to the FRB and the FRB will complete a full evaluation. If the FRB makes additional remedial recommendations, the recommendations are tracked and must be reported back to the FRB that action took place to “close the loop” on such cases.

To address commentary in the monitor’s second report, the department created a new evaluation form for the FRB and an evaluation form for a CIRT case. Protocols for tracking recommendations on the new forms are being developed to “close the loop” and that cases resulting in a recommendation be referred back to the FRB to ensure the outcomes of their recommendations are satisfactory. SOP 3-67 Force Review Board has been revised to include the steps of tracking FRB recommendations through the process of adopting those recommendations within the department.

The FRB will continue to evaluate quarterly use of force data compiled by the Internal Affairs Division and Critical Incident Review Team (CIRT) will continue to issue CIRT Awareness Reports to all sworn personnel when an immediate training or policy issue needs to be addressed. [CASA 79]

To address commentary in the monitor’s second report, APD has revised the Use of Force Report by using the BlueTeam software that allows the form to be provided electronically and the ability to sync with IAPro to capture necessary reporting data. To mitigate the monitoring teams concerns on narrative writing and chain of command reviews, a job aide for supervisors was created to facilitate an analysis of the narrative by the reporting officer. The job aid checklist captures the use of force reporting requirements set forth in the Settlement Agreement in a chronological order. BlueTeam will capture and can track all chain of command reviews to ensure a meaningful managerial review of use of force events. BlueTeam does not allow any changes by a user once a supervisory review has been completed and submitted to the next chain of command to safeguard the credibility of the managerial review process.

MRIAD is no longer being utilized and all archived data has been imported from MRIAD into IAPro. IAPro is the sole repository for IA use of force information. [CASA 80]

**Paragraphs: 81-85**

**SUBSECTION: Multi-Agency Task Force**

**PROGRESS:**

In response to commentary in the monitor’s second report, the MATF is operating under an existing Memorandum of Understanding (MOU) dated October 18, 2014 and all parties understand the contents of the agreement. The Investigative Response Team (IRT) represents APD in the current MOU. There is not a draft version of the MOU circulating through APD for approval.

The department merged SOP 2-31 *Investigation of Officer-Involved Shootings, Serious Use of Force and In-Custody Deaths* with SOP 2-09 *Investigative Response Team* to ensure uniformity. The revised policy has been submitted to the monitor for review and approval.

**Paragraphs: 86-89**

**SUBSECTION: Use of Force Training**

**PROGRESS:**

The monitor requested three weeks of rosters from the ongoing use of force training. Based on the monitor's feedback during the March site visit, APD immediately implemented their suggestions by adding a pre-test before the written test and including a high-ranking officer to introduce the training class at the beginning of the session. [CASA 86]

In response to commentary in the monitor's second report, APD has hired additional part-time staff for the use of force Reality Based Training (RBT) sessions to ensure teacher to student ratios are optimal. [CASA 86]

To address commentary in the monitor's second report, APD will conduct a (24) hour block of training on supervisory investigations for all sworn and civilian personnel. The Internal Affairs Bureau (IAB) completed training needs assessments for all IA detectives and submitted documentation of the completed training to the monitor for review and approval. [CASA 88]

SOP 2-52 *Use of Force* and SOP 2-54 *Use of Force Reporting and Supervisory Force Investigation Requirements* was approved by the monitor. The supervisory training was redesigned based on monitor feedback and is expected to begin in May 2016 and is on track to be completed by the June 2, 2016 deadline. [CASA 88]

In response to commentary in the monitor's second report, the department completed the 2016 annual firearms qualifications in February. To avoid "training scars" during firearms training, the department avoided a high number of repetitive training exercises. Also based on monitor feedback, the Academy modified a Reality-Based Training scenario that did not closely relate to real-world scenarios in order to prevent a training scar. [CASA 89]

**Paragraphs: 90-105**

**SUBSECTION: Specialized Tactical Units**

**PROGRESS:**

SOP 3-01 *Special Investigations Division* has been changed to reflect the Settlement Agreement requirements. SOP 3-01 is under review by the parties and is awaiting final approval by the monitor.

Since the agency's second report, SOP 2-06 *Uniforms* was approved by the monitor.

SOPs 4-04 *SWAT*, 4-12 *K-9 Unit*, and 4-03 *Explosive Ordnance Disposal Unit (Bomb Squad)* have been adjusted to reflect Settlement Agreement language and have moved through APD's policy approval process and are waiting for approval by the monitor.

The Tactical Unit has implemented an annual critical review process in January of each year to review procedures, current laws, and best practices from critical incidents that occurred in the previous year.

[CASA 95]

In response to commentary in the monitor's second report, the Tactical Unit will include the reason why certain tactics and strategies were used over others in After Action Reports (AAR) to enhance the quality of the report. The AARs will also include a more critical and analytical review of all actions taken during an incident regarding the possible risks versus advantages of various tactical options. [CASA 96]

In response to commentary in the monitor's second report, if the Force Review Board (FRB) makes additional remedial recommendations, the recommendations are tracked and must be reported back to the FRB that action took place to "close the loop" on such cases. [CASA 99]

In response to commentary in the monitor's second report, SOP 4-12 *K-9 Unit* was revised to include a provision of documenting and reviewing injuries resulting from the use of a Police Service Dog (PSD). The joint efforts between the K-9 Unit and the Critical Incident Review Team (CIRT) reviewing canine bites will be outlined in the CIRT Handbook. The joint review process will not displace the K-9 Unit supervisor as a primary investigator, nor will the process eliminate a chain of command review from the Special Operations Division (SOD) management. The CIRT and K-9 Unit have conferred and implemented protocols that a CIRT detective shall be present while a K-9 Unit supervisor conducts an administrative interview with the K-9 handler. The CIRT shall be responsible for completing a use of force data report to inform the Chief of Police within twenty-four (24) hours of the incident. The K-9 Unit supervisor will complete a canine bite review and forward the review through the SOD chain of command. After the managerial review, the investigation is sent to CIRT for review or further investigation, if needed. CIRT shall ensure that the investigation complies with the investigative requirements set forth in the Settlement Agreement. After a review by the K-9 Unit and the CIRT commence, the investigation is presented to the Force Review Board (FRB) by the CIRT, with assistance of the K-9 Unit. [CASA 102]

In response to commentary in the monitor's second report, the department continues to be committed to monitor-approved operational tracking systems. In November 2015, a new format was developed for K-9 bite ratios and per the monitor's commentary, "APD's K-9 Unit ratio overall never exceed 4% in any month during 2015". APD will continue to provide course of business documents that include canine bite reviews and bite ratios to the monitoring team for review and approval for 2016. [CASA 103]

## **Paragraphs: 106-109**

### **SUBSECTION: Specialized Investigative Units**

#### **PROGRESS:**

In response to the commentary in the monitor's second report, the Narcotics Handbook is complete and each detective received roll-call training and acknowledged understanding of its contents. The training logs are kept within the handbook.

SOP 3-01 *Special Investigations Division* has been changed to reflect the Settlement Agreement requirements. SOP 3-01 is under review by the monitor and is awaiting final approval. [CASA 106, 107]

Standardized inventory lists for investigative Units have been created, and detectives have been informed they cannot carry non-standard weapons and equipment that are outside the determined scope. The 2016 inspections were completed and submitted to the monitor. [CASA 108]

In coordination with the City's Department of Technology and Innovation (DTI), the Special Investigations Division has completed a preliminary database platform to capture responses by

specialized investigative units and will collect the information as required in the paragraph. [CASA 109]

Implementation of incorporating tracking mechanisms into the Early Intervention System is in development. APD will continue to collaborate with the Department of Technology and Innovation. The information gathered in the database will be included in APD's annual report. [CASA 109]

**Paragraphs: 110-117**

**SUBSECTION: Crisis/Intervention and Mental Health Response Advisory**

**PROGRESS:**

SOP 2-13 *Response to Behavioral Health Issues* was revised based on feedback from the parties. The revised SOP's were submitted to the monitor for final review and approval.

SOP 2-42 *Hostage Situations, Suicidal, Barricaded Subjects, and Tactical Threat Assessment* was revised based on feedback from the parties. The revised SOP was approved by the monitor.

Since the agency's second report, the Crisis Intervention Unit (CIU) developed a PowerPoint presentation summarizing the data they have collected and analyzed. Preliminary data suggests there is a reduction in the use of force on those individuals experiencing behavioral health issues. An overview of data collection by the CIU will be part of future meeting agenda's for Mental Health Response Advisory Committee (MHRAC). [CASA 110]

In response to commentary in the monitor's second report, the MHRAC developed response strategies on policy and the process is formalized in their rules. The early stages of committee meetings allotted a substantial amount of time for developing by-laws, logistics, and administrative issues. All associated policies have been reviewed by the MHRAC and the committee has provided APD with input. All input by MHRAC was provided to the monitoring team for review and consideration. [CASA 111]

In response to commentary in the monitor's second report, the department will continue to support MHRAC objectives and actively engage in MHRAC meetings. APD will continue to provide the monitoring team with the committee's meeting minutes and updates on collaborative efforts between MHRAC and the department. [CASA 112]

In response to commentary in the monitor's second report, the department is engaged in seeking new and innovative strategies. APD has researched other national models that would potentially suit the needs of the department. CIU staff has attended presentations from national leaders in the area of crisis intervention in hopes of learning best practices based on current trends. The CIU has reached out to other major police departments in Seattle and Tucson for good CIT models and curriculum. [CASA 113]

In response to commentary in the monitor's second report, the department has begun to receive data from the implementation of the CIT Worksheet. After the finalization of SOP 2-13 *Response to Behavioral Health Issues*, APD will roll out a full training program on the use of the CIT Worksheet to ensure streamlined and consistent gathering of data required by the Settlement Agreement. [CASA 115]

**Paragraphs: 118-122**

**SUBSECTION: Behavioral Health Training**

**PROGRESS:**

Since the agency's last report, the Behavioral Sciences Division is no longer responsible for basic behavioral health training to all cadets. The Crisis Intervention Unit (CIU) now oversees crisis intervention training beginning from the cadet phase to on-the-job training for all current sworn personnel. The shift in oversight ensures congruency with behavioral health training from cadets to officers. APD maintains their own in-house psychiatrist to oversee the program.

In 2015, APD sworn personnel began to receive forty (40) hours of CIT training. [CASA 119]

In response to the monitor's second report, the department completed in-house House Bill 93 training to meet the requirements set forth in this paragraph. The training is standardized and state mandated and the curriculum is set forth by the State of New Mexico. The training will be conducted biennially, as clarified by the monitor to satisfy the requirements set forth in this paragraph. [CASA 122]

**Paragraphs: 123-131**

**SUBSECTION: Crisis Intervention Certified Responders and CIU**

**PROGRESS:**

The staffing study was completed in December of 2015. In it, staffing levels for a large array of APD functions were defined. The study recommends maintaining twelve Crisis Intervention Trained Officers (CITO) who are crisis intervention certified. Currently, the CIU has five filled CITO positions. [CASA 123]

CIT officers will get an additional eight hours of enhanced specialized training in order to be prepared for specialized crisis intervention duties in the field. The opportunity for enhanced training will be provided on a voluntary basis. The department hopes to bid enough officers (not including supervisors) as a base to reach the initial goal of 40%. [CASA 124] Discussions are underway to provide incentive pay for officers who volunteer for eCIT certification.

In response to commentary in the monitor's second report, SOP 2-13 *Response to Behavioral Health Issues* now includes a protocol for officers that mirrors the directives in the Special Order issued in August 2015. APD will continue to work with MHRAC to refine the process of data collection. [CASA 129]

In response to commentary in the monitor's second report, the department has begun to receive information on the implementation of the data the CIT Worksheet captures and with the finalization of SOP 2-13 *Response to Behavioral Health Issues*, APD will roll-out a full training program on the CIT Worksheets to ensure streamlined and consistent gathering of data required by the Settlement Agreement. An analysis of data trends to develop case studies will be incorporated into future trainings. [CASA 130]

Since the agency's second report, SOP 2-42 *Hostage Situations, Suicidal, Barricaded Subjects, and Tactical Threat Assessment* was revised based on feedback from the parties. The revised SOP was approved by the monitor. The policy articulates outlined protocols to address situations involving barricaded, suicidal subjects who are not posing a risk to anyone but themselves. Training will be conducted through the City's Public Service University (PSU) training platform.

In August 2015, the Tactical Unit attended a Mental Health Response Advisory Committee (MHRAC) meeting and presented SWAT protocols outlined in SOP 2-42 *Hostage Situations, Suicidal, Barricaded*

*Subjects, and Tactical Threat Assessment.* Additional feedback from MHRAC was incorporated into the revisions before monitor submission. APD submitted the meeting minutes to show collaboration with MHRAC, SWAT, and CNT Units for the monitoring team for review. Continued efforts will be made by APD to present SWAT protocols to the MHRAC when there are policy changes. [CASA 131]

**Paragraphs: 132-137**

**SUBSECTION: Crisis Prevention**

**PROGRESS:**

SOP 2-13 *Response to Behavioral Health Issues* were revised based on feedback from the parties. The revised SOPs were submitted to the monitor for final review and approval.

Clinicians are now working under the supervision of Dr. Nils Rosenbaum, APD's staff psychiatrist. Dr. Rosenbaum has worked with and for APD for several years and has been a great addition to the Crisis Intervention Unit (CIU) and COAST. CIU and COAST have also split into two teams consisting of a detective, a clinician, and a COAST member. Teams also streamlined what cases to address to promote efficiency and delivery of services to the population defined in this section. [CASA 134]

A member of COAST is collaborating with the City's Heading Home program. More recently, CIU is working towards getting a grant for Project Echo which is a statewide program to coordinate CIT responses. Project Echo will provide for statewide dialogue between stakeholders regarding best practices for sound policy that is consistent across county lines and case sharing to review best practices to respond to a CIT scenario.

The Crisis Intervention Unit has six sworn APD personnel who are certified Mental Health First Aid instructors who conduct in-house trainings for the department. The CIU helped the department earn a grant that helped pay for training books for personnel and instructors certifications. [CASA 136]

**Paragraphs: 138-148**

**SUBSECTION: Policy Development, Review and Implementation**

**PROGRESS:**

To address commentary in the monitor's second report and to provide increased oversight of the entire policy development process, APD created the Office of Policy Analysis (OPA). The OPA is comprised of APD staff, Legal staff, and contracted experts. The OPA will gather information on national standards and best practices and integrate their findings into existing APD policy while providing a "big picture" view and deep analysis of APD policies. The OPA will also review collected information on lawsuits, officer injuries, and trend data that may indicate the need for policy change. The OPA will also set goals and objectives regarding policy development and develop policy recommendations that will be submitted to the rest of the APD policy review and approval process, and ultimately for review by the Chief of Police and City Attorney. The group will receive requested input from representatives from the CPOA, POB, local community groups and topic stakeholders interested in policy development, review, and analysis in a monthly forum.

SOP 3-65 *Policy and Procedure Review Board* has been submitted to the monitor pending review and approval.

All Policy and Procedure Review Board (PPRB) members attended Dr. Ginger's policy discussion with APD personnel and each were distributed his PowerPoint presentation on policy procedures. [CASA 142]

The monitor has extended the one year deadline from the operational date by three (3) days for certain policies by exercising his discretion to extend the review period in reference to paragraph 148. [CASA 144]

The parties are following a schedule to review policy as indicated in a court filing. Pursuant to this schedule, sixteen polices have been approved and the remaining policies are in the review and approval process. [CASA 147]

**Paragraphs: 149-154**

**SUBSECTION: Training on Revised Policies, Procedures, and Practices**

**PROGRESS:**

In response to the monitor's second report, APD staff and the parties have collaborated on many policies. The use of force policy (SOP 2-52), the use of for reporting requirements and supervisory investigations policy (SOP 2-54), the electronic control weapons policy (SOP 2-53), the on-body camera policy (SOP 1-39, the uniforms policy (SOP 2-06), the use of force appendix (SOP 2-55), the early intervention system (SOP 3-49), and command staff responsibilities (SOP 3-02) have all been finalized and approved by the Independent Monitor. Use of force training and curriculum have been developed and training has begun. With strict adherence to a full training schedule, the Department should complete use of force training by the training deadline of June 2nd, 2016. [CASA 150]

The department has hired a curriculum developer who has redeveloped lessons plans based on Settlement Agreement related requirements and recommendations. Consultant Retired Federal Judge Lorenzo Garcia is also reviewing selected curriculum, including the upcoming Supervisory Investigations training salted for May 2016. Staff is meeting with the Public Service University staff to work on an online training distribution for a large portion of the required training. [CASA 151]

Since the agency's second report, any future case law changes will be addressed by the Advanced Training Sergeant and any regular case law updates will be included in the scheduled Maintenance of Effort (MOE) training. [CASA 154]

**Paragraphs: 155-161**

**SUBSECTION: Field Training Officer Program**

**PROGRESS:**

In response to the commentary to the monitor's second report, the Field Training and Evaluation Program Operational Manual has been revised and was submitted for final review and approval. [CASA 155]

In response to commentary in the monitor's second report, SOP 2-03 *Training* is awaiting approval after a revised version was resubmitted in April 2016. The policy and the revised Operational Manual is reflective of the requirements set forth in paragraph 156. [CASA 156]

In response to the commentary in the monitor's second report, a forty hour block of field training and evaluation instruction is operational and no longer in the developmental stage. The training curriculum has been certified by the state and curriculum was submitted to the monitor for review during the last site visit in March 2016. [CASA 158]

The department completed a proposal to articulate the best ratio of Field Training Officers (FTO) to recruit officers. A collaboration of City and HR staff resulted in the approval for an increase in the

number of FTO specialty paid positions. Since then, the department has seen an increase in participation in the FTOP. [CASA 161]

**Paragraphs: 162-163**

**SUBSECTION: Misconduct complain intake / Reporting Misconduct**

**PROGRESS:**

Since the agency's second report, SOP 3-43 *Complaints Involving Department Policy or Personnel* was revised and was submitted to the monitor for review and approval.

To address commentary in the monitor's second report, the POB agenda over the past three months has included reviewing approximately 160 cases from the backlog while maintaining timelines on all current cases. All cases and finding letters are posted on the POB and CPOA's website. The CPOA anticipates that the backlog will be cleared by July 2016.

In regards to interviewing witnesses, the CPOA Executive Director has counseled the CPOA investigators to be aware of interviewing witnesses and document when witnesses were not interviewed and why. Also, to document if witnesses were not available and the reason why. [CASA 162]

**Paragraphs: 164-168**

**SUBSECTION: Public information on civilian complaints**

**PROGRESS:**

During the monitor's site visit in March, all six area commands were observed by the monitoring team and found to have all appropriate postings of complaint procedures for the public. [CASA 164]

Since the agency's second report, SOP 2-05 *Internal Affairs* and SOP 3-43 *Complaints Involving Department Policy or Personnel* was revised based on feedback from the parties and the monitor. The revised SOP was submitted to the monitor for review and approval.

The CPOA is in the process of developing a brochure that will have a complaint form attached. The brochure would have a prepaid complaint form with information about the complaint process for more accessibility.

To address commentary in both the monitors first and second report, APD reviewed their website during the reporting period of the monitor's second report and the website URL, <https://www.cabq.gov/police/contact-the-police/file-citizen-complaint> does not indicate that "Citizens must be aware of the city ordinance which governs false reports and states that it is unlawful for any person to intentionally make or file with any law enforcement agency any false, misleading, or unfounded report or statement." The department will continue to review website content to ensure verbiage that may be misconstrued or fosters a perception of discouraging a citizen from making a complaint will be removed from the City's website. [CASA 167]

To address commentary in the monitor's second report, the APD website has been updated [www.cabq.gov/police](http://www.cabq.gov/police) to include a direct link to report a misconduct complaint on the homepage.

**Paragraphs: 169-182**

**SUBSECTION: Computer intake, classification, and tracking**

**PROGRESS:**

To address commentary in the monitor's second report, the APD website has been updated [www.cabq.gov/police](http://www.cabq.gov/police) to include a direct link to report a misconduct complaint on the homepage.

Over 95 percent of APD personnel have completed training and test questions related to the intake process of civilian complaints. Some of the training was redesigned and a second training was conducted through the City's Public Service University (PSU) training platform. APD re-evaluated those individuals that did not complete the training due to leave (military leave, FMLA, etc.) to ensure these individuals are trained upon their return to work. The department sent the monitoring team an updated list of personnel who did not complete training on March 10, 2016 for the monitor's review. [CASA 169]

Since the agency's second report, SOP 2-05 *Internal Affairs* and SOP 3-43 *Complaints Involving Department Policy or Personnel* was revised based on feedback from the parties and the monitor. The revised SOP was submitted to the monitor for review and approval.

The Chief of Police sent a letter to the Chief U.S. District Judge, Chief Judge of the Bernalillo County Metropolitan Court, and the Chief Judge of the Second Judicial District Court describing the process to report officer misconduct. Each letter had six enclosures: a CPOA brochure in English and Spanish, a Civilian Police Complaint form in English and Spanish, and the CPOA poster in English and Spanish. [CASA 174]

MRIAD is no longer being utilized and all archived data has been imported from MRIAD into IAPro. IAPro is the sole repository for information. [CASA 177]

To address commentary in the monitor's second report, the CPOA will review alternative safeguards for their timeliness of the three-day requirement; however, the CPOA does review the assignments of all incoming complaints on a daily basis. [CASA 179]

In response to the monitor's second report, the department submitted the current organizational chart for the Internal Affairs Division (IAD) with agency's ten (10) month deadline showing two vacant detective positions. IAD issued a Department Personnel Order 16-22 on April 6th, 2016 transferring more personnel to the Critical Incident Review Team (CIRT). [CASA 181]

#### **Paragraphs: 183-194**

#### **SUBSECTION: Investigation of Complaints**

##### **PROGRESS:**

Since the agency's second report, SOP 2-05 *Internal Affairs* and SOP 3-43 *Complaints Involving Department Policy or Personnel* was revised based on feedback from the parties and the monitor. The revised SOP was submitted to the monitor for review and approval.

In regards to interviewing witness, the CPOA Executive Director has counseled the CPOA investigators to be aware of interviewing witnesses and document when witnesses were not interviewed and why. And if witness were not available and the reason why.

The CPOA Executive Director has had several instances where a criminal element of a complaint was found. The Executive Director forwards these cases to the Internal Affairs Bureau with a memorandum and informs the citizen that, based upon the allegations, the Internal Affairs Bureau will take over. The

CPOA provided a sample memorandum to the monitoring team for review and consideration. [CASA 188]

To address commentary in the monitor's second report, the POB agenda over the past three months, has included reviewing approximately 160 cases from the backlog, while maintaining the timelines on all the current cases. All cases and finding letters are posted on the POB and CPOA's website. CPOA anticipates that the backlog will be cleared by July of 2016. [CASA 191]

The board conducted a special session to review a case involving officer discipline and the board also discussed the premise outline from [CASA 191] to allow the CPOA Executive Director, with their permission, the ability to make recommendations and forward to the Chief of Police without holding a special session. [CASA 191]

To address commentary in the monitor's second report, the Internal Affairs Division (IAD) has ensured timeliness standards as set forth in the Collective Bargaining Agreement (CBA). [CASA 191]

In response to commentary from the monitor's second report, the POB did not commence until the end of the monitor's reporting period for their second report; therefore, the POB did not review a large number of cases during that reporting period to address policy or procedure recommendations. [CASA 194]

**Paragraphs: 195-197**

**SUBSECTION: Preventing Retaliation**

**PROGRESS:**

The policies have been revised to incorporate the prohibition of all forms of retaliation and have been submitted to all parties for review and approval. Final approval by the monitor is expected by the end of May. In December 2015, APD resubmitted documentation that supports [CASA 195] to the monitor for additional consideration. [CASA 195]

Since the agency's second report, SOP 1-04 *Personnel Code of Conduct* was revised to include the requirements set forth in this paragraph. The revised SOP was submitted to the monitor for review and approval. [CASA 197]

**Paragraphs: 198-200**

**SUBSECTION: Staffing and Training Requirements**

**PROGRESS:**

In response to the monitor's second report, the department submitted the current organizational chart for the Internal Affairs Division (IAD) with agency's ten (10) month deadline showing two vacant detective positions. IAD issued a Department Personnel Order 16-22 on April 6th, 2016 transferring more personnel to the CIRT Unit. [CASA 198]

The CPOA is fully staffed. The CPOA has filled the vacancies of Community Outreach Specialist and Data Analyst. [CASA 198]

In response to commentary in the monitor's second report, APD will be conducting supervisory training that will cover the requirements set forth in this paragraph for supervisors of all ranks for sworn personnel and non-sworn will receive the twenty four (24) hour block of training. The curriculum addresses administrative investigations to include Garrity statements. [CASA 199]

In response to commentary in the monitor's second report, the department submitted the POB policies and procedures. The CPOA received feedback from the monitoring team and the POB has adopted the recommended changes and re-submitted a revised policy for review and final approval. [CASA 200]

**Paragraphs: 201-202**

**SUBSECTION: Discipline Process and Transparency**

**PROGRESS:**

Since the agency's second report, APD has revised SOP 1-09 *Discipline* to include a list of mitigating and aggravating circumstances relative to any deviation from the use of sanctions. The revised policy also considers whether remedial corrective action is appropriate in a case where discipline has been imposed.

To address commentary in the monitor's second report, once the policies are finalized and approved they are reinserted back into APD's policy review process where the Standard Operating Procedure Review Committee (SOPRC) suggests appropriate disciplinary ranges, where they are later discussed and approved by the Policy and Procedure Review Board (PPRB). [CASA 202]

**Paragraphs: 203-204**

**SUBSECTION: Staffing, management, supervision**

**PROGRESS:**

The staffing study was completed in December of 2015. The goal is to meet the 8 to 1 ratio requirement in the staffing plan. The staffing plan will be implemented during the next Field Service bid which is anticipated to take effect in the summer of 2016.

The staffing plan, as directed by the Settlement Agreement, is to be finalized within six months of the completion of the staffing and resource study. The expected date of the completion of the staffing plan is June 2016.

**Paragraphs: 205-208**

**SUBSECTION: Duties of Supervisors**

**PROGRESS:**

The department completed an updated Employee Work Plan (EWP) performance evaluation platform for supervisors, to include quality of supervisory investigations, with a component on use of force reviews. The final draft of the EWP was forwarded to the monitoring team for consideration and approval in March of 2016.

APD is in the process of developing a user friendly system to track an officer's engagement with the community and building trust through various data sources from community outreach efforts and compiled data for performance evaluations, along with documentation of such engagement in the officer's monthly report by their supervisor.

SOP 3-18 *Supervisor's Responsibilities* was submitted to the monitor for review and approval.

**Paragraphs: 209-211**

**SUBSECTION: Supervisor Training**

**PROGRESS:**

To address commentary in the monitor's second report, the Academy is developing in-house curriculum to satisfy the requirements set forth in this paragraph. Once the promotional process is finalized, the curriculum will be finalized as well. A completed curriculum was submitted to the monitor and their feedback was incorporated into the curriculum. [CASA 209]

**Paragraphs: 212-219**

**SUBSECTION: Early Intervention System**

**PROGRESS:**

Since the agency's second report, SOP 3-49 *Early Intervention System* has been approved by all parties and the monitor. More than 95% of supervisors completed training through the City's Public Service University (PSU) training platform. This requirements set forth in this paragraph will be reiterated in the twenty four (24) hour block of supervisory training in May of 2016.

APD continues to evaluate and determine enhancements that may be needed with the management software applications the department utilizes. The implementation of the EIS system and Blue Team module is contingent on the requirements set forth in this paragraph. [CASA 212]

In response to commentary in the monitor's second report, the Early Intervention System (EIS) required the implementation of IPro and BlueTeam in order to begin to collect data. IPro has been implemented and BlueTeam has been deployed as a pilot and is now moving into the training and rollout phase across the entire department. A crosswalk is being created to reconcile EIS functionality available within IPro and to mitigate any additional reporting mechanisms that may need to be built in. [CASA 213, 214, 216, 217, 218, and 219]

**Paragraphs: 220-231**

**SUBSECTION: On-Body Recording Systems**

**PROGRESS:**

Since the second agency report, a new on-body recording systems policy has been developed and approved by the Monitor. The new policy addresses how personnel shall articulate their reasoning for failing to activate their camera during an on-body camera recording or in writing. The approved policy addresses protocols for storing recorded videos at the end of a shift. [CASA 230] Since the approval of the on-body camera policy, the policy was distributed to the Community Police Council's (CPC) and the department is actively soliciting commentary. Prior to the approval of the policy, APD conducted an educational demonstration on how the on-body camera's work and the limitations on the officers. [CASA 231]

Within Evidence.com, video footage is categorized by type of incident. When uploading the data, an officer adds a specific category to the video within the system. Videos are then searchable and auditable including a comprehensive audit trail showing all actions performed on the recording. A new "training" category has been added to flag on-body camera videos that are appropriate for being used as an instructional tool. [CASA 228]

Training curriculum is being developed and the training is anticipated to be delivered through the

Public Service University (PSU) training platform. The training curriculum will be submitted to the monitoring team.

**Paragraphs: 232-235**

**SUBSECTION: Recruitment, selection, recruitment plan**

**PROGRESS:**

SOP 2-04 *Recruiting Unit* has been reviewed by the parties and is awaiting final approval from the monitor.

APD initially submitted the recruitment plan to the monitor for review. During the monitor's site visit in March 2016, the department received feedback and the recruitment plan was updated as a result. The Recruiting Unit is planning to have additional community stakeholder meetings and utilize meeting minutes and sign-in sheets to provide documentation of continued efforts.

**Paragraphs: 236-240**

**SUBSECTION: Hiring Practices**

**PROGRESS:**

APD has implemented an online application and selection process for cadet minimum standards. The process is blind; age, race, gender and other identifying information is not known to any APD or City employee until after the applicant has either been qualified or disqualified from the initial application.

During the site visit, the monitoring team reviewed lateral applicant files. As a result, APD Background staff will now include a section in their report that covers the review of the applicant's training and use of force incidents, as well as civil litigation. No other laterals have qualified during this reporting period and any future laterals will go through the same requirements set forth in the Settlement Agreement and in policy.

The Recruiting Unit completed their 2015 Annual Report which includes the requirements set forth in this paragraph and has been submitted to the monitor for review. APD's annual report will also highlight the requirements set forth in this paragraph and will be published in May of 2016. [CASA 240]

**Paragraphs: 241-243**

**SUBSECTION: Promotions**

**PROGRESS:**

In order to amend the City's Personnel Rules and Regulations, City Legal staff has worked with City Human Resources staff to revise the rules, which requires a public hearing and comment period pursuant to City ordinance. The process requires at least thirty days to complete. City Legal and Human Resources staff will schedule a public comment hearing, and must post notice of the hearing fourteen days in advance, along with a copy of the policy for public viewing. Following the public comment hearing, a second fourteen day period for written public commentary must be allowed. Thereafter, the City's Chief Administrative Officer will be able to approve the revised Police Department Promotional Procedures Personnel Rules and Regulations. The City Legal and Human Resources staff anticipate to complete the process within forty-five days of receipt of a final policy approved by the monitor. On August 25, 2015, City legal staff met and conferred with the Albuquerque Police Officers Association

(APOA) regarding the proposed revisions to the Police Department Promotional Procedures, pursuant to the requirements of the collective bargaining agreement. APD staff met with monitoring team representatives in reference to the promotional process. The monitor staff requested data on previous policies, legal findings, and promotional process dates. APD staff have provided the previous and current promotions policies and requested information on promotions.

**Paragraphs: 244-246**

**SUBSECTION: Performance and Evaluation**

**PROGRESS:**

SOP 3-26 *Employee Work Plan and Performance Evaluations* includes the requirements set forth in the paragraphs. The SOP is under review by the monitor and is awaiting final approval.

In response to commentary in the monitor's second report, to clarify the exclusion "first accident suspension" in City policy, the language is from the existing policy and has not changed. It relates to discipline/suspension imposed for a first traffic accident. Accidents are generally reviewed by a safety committee as preventable or non-preventable and action is taken based upon the committee's recommendation. Since an officer may have a high risk for a traffic accident, APD does not want this to keep them from participating in the promotional process due to a car accident. [CASA 244]

There have been ongoing conversations regarding the revamped EWP process. APD staff are coordinating with the City's Department of Technology and Innovation to incorporate multiple HR platforms and Internal Affairs' Early Intervention System (EIS) information in order to provide a comprehensive package to evaluate each employee. The department completed an updated Employee Work Plan (EWP) performance evaluation for management. The final draft of the EWP was forwarded to the monitoring team for consideration and approval in March of 2016. The ERP is developing curriculum and training is scheduled to begin in late May of 2016. The curriculum includes training outlines for supervisors, sworn personnel, and civilian personnel. [CASA 246]

The department will track performance quarterly in between annual performance evaluations. Each quarterly review will address any performance deficiencies and devise a Performance Improvement Plan (PIP) for those areas which need improvement. SOP 3-26 *Employee Work Plan and Performance Evaluations* includes the requirements set forth in this paragraph. [CASA 246]

**Paragraphs: 247-253**

**SUBSECTION: Officer Assistance and Support**

**PROGRESS:**

SOP 1-14 *Behavioral Sciences Division* has been approved by the monitor.

The Behavioral Health Division (BSD) is working in conjunction with the lieutenant assigned as the lead for this paragraph. A Peer Support Coordinator position job description has been developed and will be advertised soon. Multiple informational pieces to promote the BSD have also been created.

APD developed SOP 1-10 *Peer Support* to include requirements set forth in this paragraph and is being reviewed by the monitor.

**Paragraphs: 254-259**

**SUBSECTION: Community engagement / Community, Problem-Oriented Policing**

**PROGRESS:**

Community Policing Councils have been meeting on a monthly basis since November 2014. All submitted proposals and recommendations from CPCs are subject to a documented formal review and response process with established deadlines. An annual report summarizing CPC proposal results for 2015 is expected in May 2016. APD has also been engaging with the public through social media; growth metrics for social media outreach are being compiled. The department is making additional efforts to increase participation in councils and increase membership size. [CASA 254]

A new mission statement was created and approved by the Chief. Based on feedback by the monitoring team, the mission statement will be altered slightly to include references to community and problem-oriented policing principles.

In response to commentary in the monitor's second report and during their March site visit, the curriculum for Problem Oriented Policing was updated to include the definition of community policing, modified the PowerPoint presentation slides with more content about how the CPC's work, and how to fill out the monthly reports for better tracking. The department has been proactive in resolving issues after the monitor has provided specific feedback. [CASA 258]

In response to commentary in the monitor's second report, APD submitted several supporting documents in December of 2015 that outline the problem-solving partnerships between several stakeholders. APD is developing a proposed plan for ongoing community outreach. The completed action plan will be submitted to the monitoring team for review and approval. [CASA 259]

**Paragraphs: 260-265**

**SUBSECTION: Community Meetings and Public Information**

**PROGRESS:**

To address commentary in the monitor's second report, the department will begin to collect data from different methods of community outreach to obtain more tangible data regarding specific police issues identified by the community and subsequently track APD's response. [CASA 260]

In response to commentary from the monitor's second report, APD will continue to discuss progress of the department's efforts at meeting the requirements of the Settlement Agreement at Community Policing Council sessions. Scheduled meetings are planned to begin in May 2016 in conjunction with the publication of APD's Annual Report. [CASA 261]

In response to commentary in the monitor's second report, a category of Audits and Reports will be added to CPC agendas to ensure that all updates that are posted online are reviewed. [CASA 262]

APD recently engaged with the Police Data Initiative, a federally-endorsed law enforcement data warehouse. As of May 2016, 53 law enforcement agencies have pledged to provide selected data to the clearinghouse. The project is intended to use open data to build transparency, increase community trust, increase internal accountability, and provide for effective data analysis. [CASA 264] APD is a

newcomer to the program and expects to leverage as much information as possible about the program and to utilize its benefits to improve data transparency and analysis. [CASA 264]

**Paragraphs: 266-270**

**SUBSECTION: Community Policing Councils**

**PROGRESS:**

In response to commentary in the monitor's second report, APD does not provide internal protocols for the Community Policing Councils (CPC). The CPC's are independent entities and vote on their own by-laws and the majority of all CPC's follow Roberts Rules of Order. Each CPC has developed or adopted their own recommendation form, voted upon by the members. To enhance impartiality and transparency, the department is in discussions to advise that all CPC recommendations will be forwarded to the CPOA for a review prior to forwarding to APD. [CASA 268]

In response to commentary in the monitor's second report, it is expected that the topics outlined in these paragraphs of the Settlement Agreement will be addressed in the future after the CPC training. During the monitor's site visit, it was recommended that APD appoint a person to facilitate mental health discussions. The APD lieutenant of the Crisis Intervention Unit was named as the ongoing facilitator. [CASA 269]

Community Policing Councils (CPC) have been meeting on a monthly basis since November 2014. All submitted proposals and recommendations from CPCs are subject to a documented formal review and response process with established deadlines. An annual report summarizing CPC proposal results for 2015 is expected in 2016.

**Paragraphs: 271-293**

**SUBSECTION: Civilian Police Oversight Agency**

**PROGRESS:**

To address commentary in the monitor's second report, the POB agenda over the past three months, has included reviewing approximately 160 cases from the backlog, while maintaining the timelines on all the current cases. All cases and finding letters are posted on the POB and CPOA's website. CPOA anticipates that the backlog will be cleared by July of 2016.

The findings have been posted publicly on the CPOA website under board meeting minutes. The board meeting minutes can be found at <https://www.cabq.gov/cpoa/police-oversight-board-pob-1/pob-agenda-meeting-minutes>

The CPOA continues to strive for a diverse representation on the POB. It is now reopening the application process in order to fill the recent vacancies. Initial one year term extensions are automatically renewed, unless the board member does not consent, and the process of renewal for the others will be defined collaboratively with the Executive Director and City Council representatives.

The biographies of the current board members can be found at <https://www.cabq.gov/cpoa/police-oversight-board/pob-board-member-profiles>.

In response to commentary in the monitor's second report, the City's Council Bill O-15-38 was to amend the City Ordinance for Police Oversight 9-4-1 to reflect the required training for appointed

agency members. [CASA 275]

An initial process was implemented by APD to have Police Oversight Board (POB) members initiate contact with the FTOP Coordinator to schedule a ridealong. However, the lack of initiation by some POB members required a new strategy. To mitigate the issues, APD proactively revamped the process by pre-scheduling ridealongs for POB members. The FTOP Coordinator then contacts the POB member directly to confirm the pre-scheduled ridealong and make any adjustments to the schedule as needed. The POB member is instructed after the ridealong to return a ridealong form to the FTOP Coordinator to confirm that it was completed and for tracking purposes. [CASA 276]

The CPOA formulated a new board in February of 2015 and could not hear cases for findings until November 2015, after they completed all required trainings. The board now has a system in place to evaluate cases timely to allow for discipline, if necessary, and a system to deal with cases that fell into the breach.

With the board in place, the Executive Director is reassessing the agency to determine whether any untimeliness is from a backlog of cases versus an unsustainable turnaround of investigations, and making a staffing needs assessment.

Currently, the ordinance funds the agency at half of a percent of APD's budget and the board and the agency believe to maintain its independence and need not to request supplemental funding, they will recommend to council to increase the funding level to three quarters of a percent of APD's budget. [CASA 278]

The agency will continue to monitor its preview timelines. The overall timeline of discipline is being addressed the boards' new complaint review process and to ensure timely investigations. The creation of the ordinance and the new board necessitated investigations that would not have a discipline recommendation attached to them. Finally, the Executive Director is meeting with all the investigators to review their caseloads to get a final strategy to address the backlog.

To address commentary in the monitor's second report, the POB agenda over the past three months, has included reviewing approximately 160 cases from the backlog, while maintaining the timelines on all the current cases. All cases and finding letters are posted on the POB and CPOA's website. CPOA anticipates that the backlog will be cleared by July of 2016. The POB has met all ongoing timelines to impose officer discipline. [CASA 280, 281]

Since the agency's second report, SOP 3-43 *Complaints Involving Department Policy or Personnel* and SOP 3-45 *Review of Completed Administrative Investigation Cases* was revised and was submitted to the monitor for review and approval.

Since the agency's second report, the POB have reviewed several cases that resulted in recommendations for policy or procedural changes that were sent to the Chief of Police. These cases are still being reviewed by the department to determine the Chief's response. [CASA 289]

The CPOA has hired a new community engagement specialist for community outreach and to solicit public feedback across diverse communities. The agency continues to engage with the community policing councils in each area command. The CPOA has implemented outreach efforts through social media outlets and numerous contacts with the print and electronic media. The CPOA has done several

on-camera interviews. The outreach efforts of the CPOA will be outlined in the upcoming 2015 semi-annual report. [CASA 291]

The CPOA presented their semi-annual report to City Council in March of 2016. The annual report will include all the required reporting data as set forth in this paragraph, including dispositions by the Chief. [CASA 292]

**Paragraphs: 294-344**

**SUBSECTION: Compliance / Outcome Assessments / Monitoring Plan / Public Statements / Access and Confidentiality / Implementation Assessments / Selection and Compensation / Court Jurisdiction**

**PROGRESS:**

To date, APD has provided all Internal Affairs cases requested by the monitor and will continue to do so in the future. Completed Critical Incident Review Team (CIRT) cases are also available for review, when requested. [CASA 304]

A considerable amount of personnel effort has been utilized in order to develop mechanisms to collect the information described in the Settlement Agreement. This includes the acquisition of additional software, development of databases and platforms, and websites where Settlement Agreement reports are archived. In addition, APD has hired an internal quality assurance group that will perform ongoing audits to help facilitate the achievement of Settlement Agreement directives. [CASA 318]

In response to commentary in the monitor's second report, the department has updated its policy on reporting critical incidents to all parties. The department has utilized the protocol by having a City attorney notifying the monitor and parties by email during a qualifying occurrence. [CASA 320]