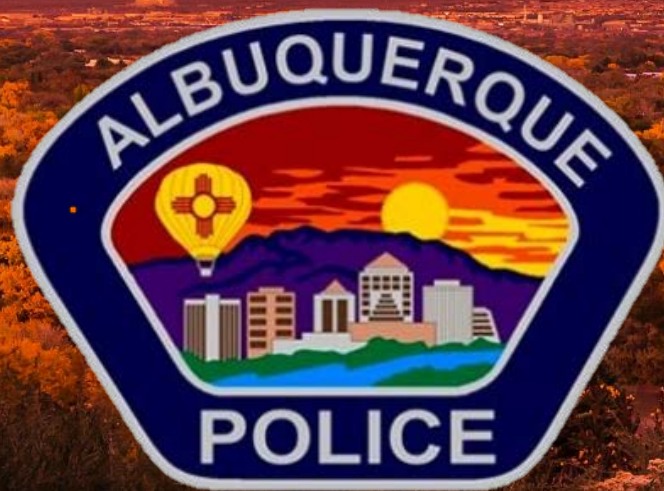


APD Update

Overview of Reforms

JESSICA M. HERNANDEZ | CITY ATTORNEY



Reforms Before Settlement Agreement

- Police Executive Research Forum (PERF) Reviewed Use of Force (June 2011)
- 39 Recommendations from PERF
 - Focus on training, recruiting, and reporting
 - Response to mental health calls
 - Better officer selection
- 20 Additional APD-Initiated Recommendations
 - Mental health and technology improvements
 - Increased review of events
- On-Body Cameras (2012)
 - City of Albuquerque was a national leader in this area
 - First large city in nation to require on-body cameras department-wide

Early Timeline of Settlement Agreement

- April 10, 2014 DOJ issues findings letter
- April 28, 2014 Negotiations begin between City and DOJ
- November 14, 2014 Settlement Agreement is signed by City and DOJ
- November 2014 City begins to implement Agreement
- April 14, 2015 U.S. District Judge Robert C. Brack enters Order appointing Dr. James Ginger as Independent Monitor (retroactive to January 20, 2015)
- June 2, 2015 Judge Brack approves Settlement Agreement (CASA) (provisional approval given on December 17, 2014)

Structure of Settlement Agreement

Nine Main Sections (276 Specific Requirements)

- I. Use of Force
- II. Specialized Units
- III. Crisis Intervention
- IV. Policies and Training
- V. Misconduct Complaints
- VI. Staffing, Management, and Supervision
- VII. Recruitment, Selection, and Promotions
- VIII. Officer Assistance and Support
- IX. Community Engagement and Oversight

Structure of Settlement Agreement

Timing

- Parties set one of most ambitious **aspirational** goals in nation
 - Two years to reach compliance
 - Two years of sustained compliance to complete in four years
- But Agreement provides for a six-year timeframe by design
 - Monitor appointed for 4 years but automatically extends up to 6 years
 - Court approval needed to extend monitor appointment beyond 6 years
 - After six years, City may ask Court to find compliance and end agreement

Structure of Settlement Agreement

Termination of Agreement

- Strict Compliance
 - Compliance with each of 276 specific requirements
 - Must demonstrate sustained compliance with all material requirements for period of two years (95% level)
- **OR** –
- Outcome Measures (even without strict compliance)
 - Achievement of certain outcomes outlined in Paragraph 298
 - Must demonstrate sustained and continuous improvement for period of two years

Role of Monitor

- Conducts compliance assessments – 95% level
- Conducts outcome assessments
- Prepares written reports on compliance and outcomes
- **Provide written recommendations for areas not yet in compliance (Paragraph 308(d))**
- **“[M]aintain regular contact with the Parties in order to ensure effective and timely communication regarding the status of APD’s implementation of and compliance with this Agreement.” (Paragraph 310)**

Three Categories of Compliance

Primary
(Policy)

Secondary
(Training)

Operational
(Day-to-Day Processes)



Where We Are Today:

- **Currently Met All CASA Deadlines for Policies and Training**
- **37 New Policies Approved & Currently Being REVIEWED**

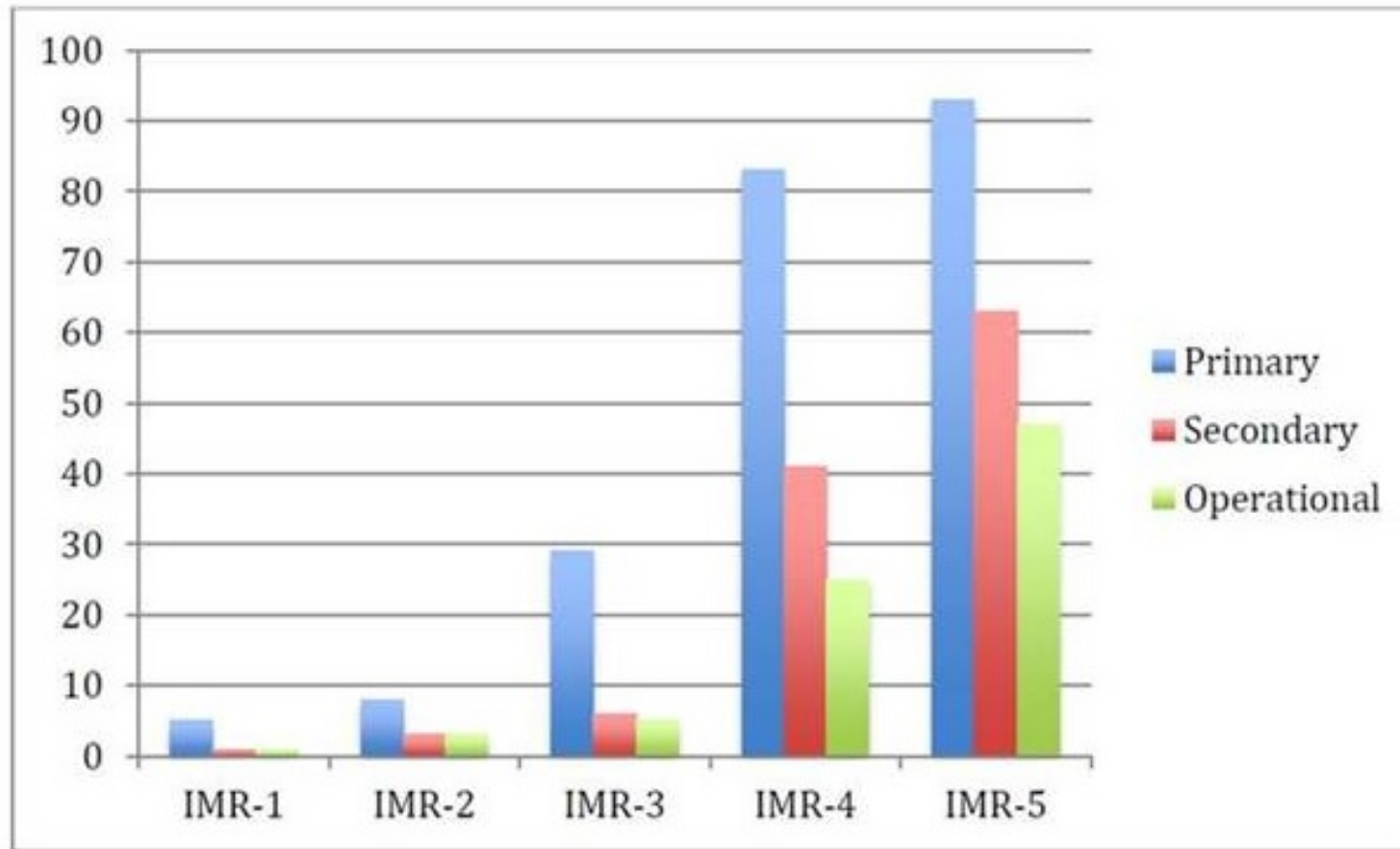
Find Policies Online:

<https://www.cabq.gov/police/our-department/standard-operating-procedures>

- **All CASA-Related Training Completed – Now Working on Updates**
- **In the Operational Phase**
- **Working to Implement Job Aides and New Technology**

Historical Compliance Levels (IMR-5)

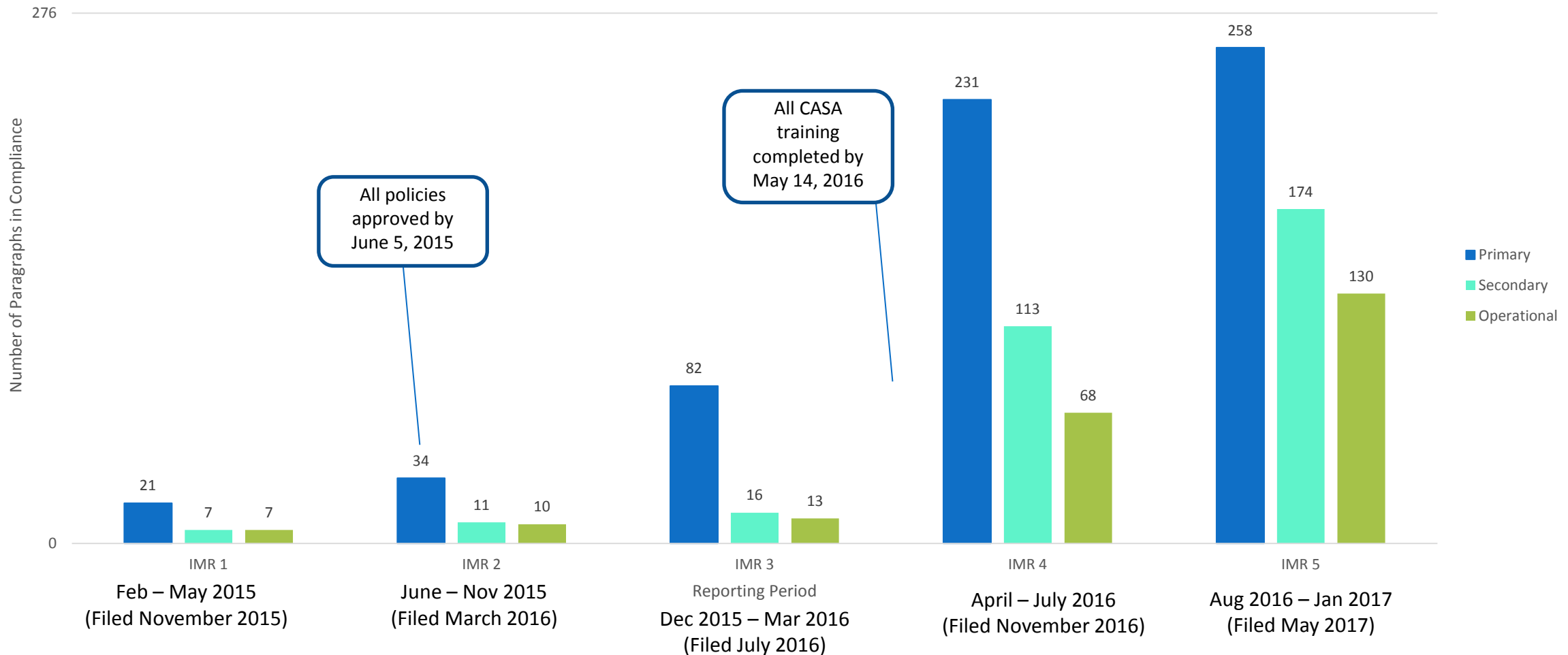
Figure 4.1.1 Percentage Compliance by Reporting Period



(Page 26 – Independent Monitor's Report)

Historical Compliance Levels (IMR-5)

Monitoring Team's Assessment of Compliance through Five Monitoring Reports (Total of 276)



Comments from DOJ at Public Hearing (May 10, 2017)

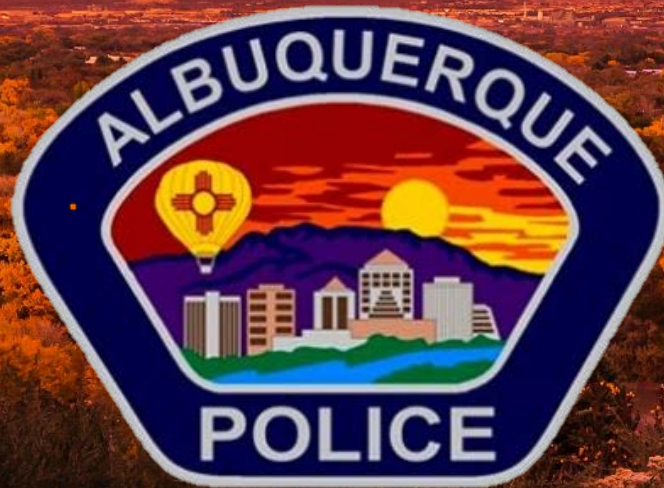
- “[T]he fifth report evidence[s] remarkable progress by APD.”
- “[T]he Monitor has found increased compliance in each compliance category: Primary, secondary and operational.”
- “The big picture presents a positive outlook for APD.”
- “The fifth report provides evidence that APD’s using [electronic control weapons (Tasers)] to apprehend suspects in a safer and more effective way. That’s an important achievement that we see from Dr. Ginger’s report.”
- “We’re also seeing continued improvement in the management and oversight of specialized tactical unit[s]. APD continues to make commendable progress in the management and oversight of these units.”
- “The Monitor also found many other paragraphs in other areas in full compliance related to recruitment, field training, performance evaluations, and civilian oversight by the [CPOA] and by the [POB].”

Comments from Independent Monitor (IMR-5)

- “APD has performed exceptionally well on its Electronic Control Weapons policies, training and practice.”
- “The Behavioral Sciences Unit also registers as a remarkably improved and compliant entity this reporting period We commend APD on its focus and commitment to this critical element.”
- “Further the eCIT “advanced” training also marks an exceptional improvement over previous CIT training, showing careful attention to clearly articulated learning objective[s], training methods, and implementation strategies.”
- “[T]he Special Operations Division continues to provide comprehensive records that demonstrate their commitment to providing services that meet or exceed APD policy, applicable law and best practices in law enforcement.”

APD Update

*A Closer Look at Primary,
Secondary, and Operational
Compliance*



Policy Development (Primary Compliance)

- Thirty-seven (37) Agreement-related policies have been approved by Monitor and DOJ
- Agreement establishes a process for approval of policies (Para. 147-148)
- Policies are reviewed six months after implementation and then every twelve months (ensures continuing re-evaluation of policies)

Policy Development (Primary Compliance)

37 CASA-related Policies Approved (original titles):

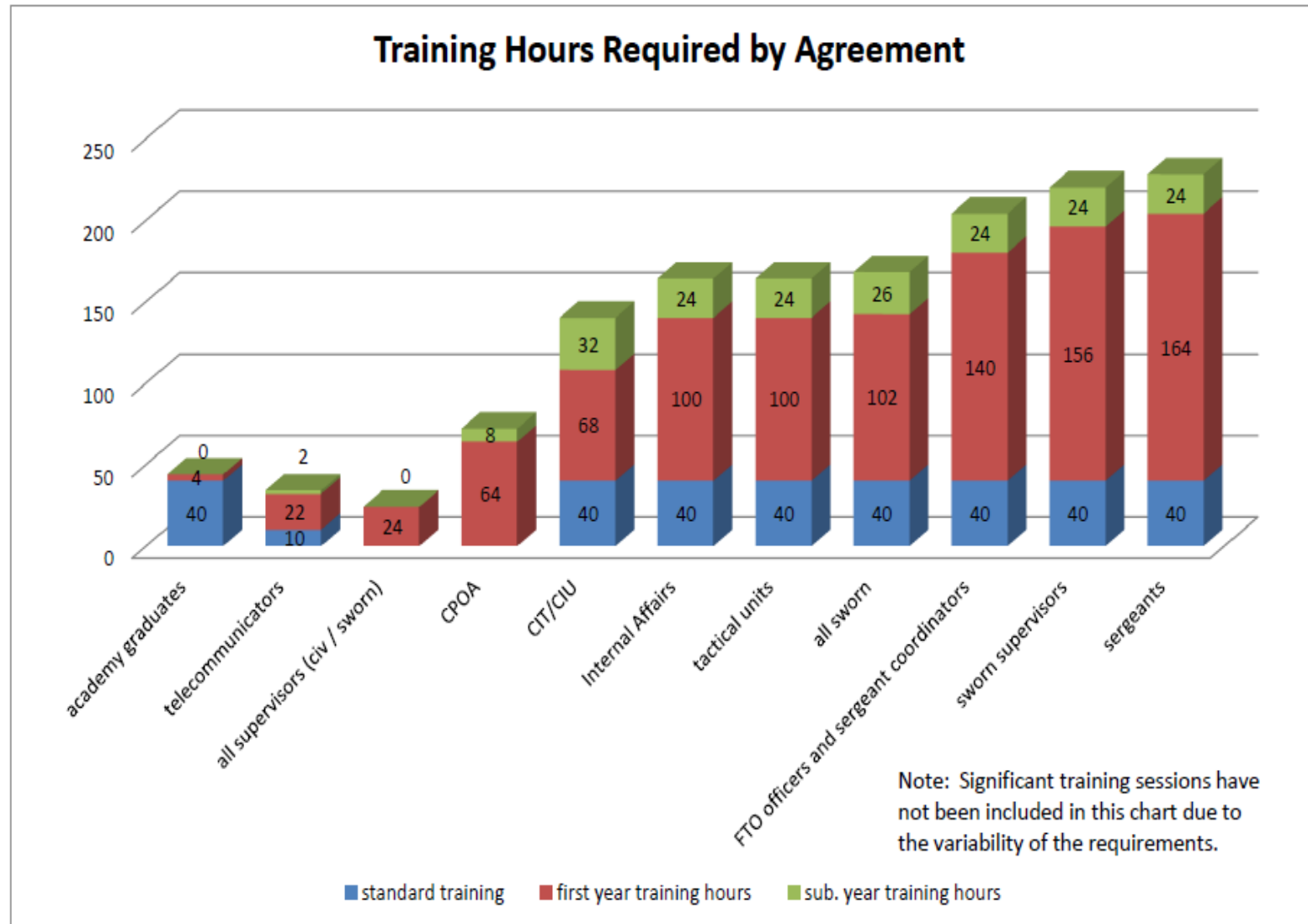
- 2- 52 Use of Force
- 2- 53 Electronic Control Weapons
- 2- 54 Use of Force Reporting and Supervisory Force Investigation Requirements
- 2- 55 Use of Force Appendix
- 3- 49 Early Intervention System
- 1- 39 On-Body Recording Devices
- COA Rules and Regulations/Promotions
- 2- 42 Hostage, Suicidal, Barricaded Subject, and Sniper Situations
- 2- 13 Response to Mental Illness
- 2- 05 Internal Affairs Division
- 2- 09 Investigative Response Team
- 2- 31 Investigation of Officer Involved Shootings, Serious Use of Force, and In-Custody Deaths
- 3- 67 Force Review Board
- 3- 26 Employee Work Plans/Performance Evaluations
- 1- 04 Personnel Code of Conduct
- 3- 43 Complaints Involving Department Policy or Personnel
- 1- 09 Discipline
- 1- 46 Emergency Response Team
- 3- 19 Response to Demonstrations
- 4- 04 Tactical
- 4- 03 Explosive Ordnance Disposal Unit
- 4- 12 K-9 Unit
- 3- 18 Supervisor's Responsibilities
- 1- 02 Officer's Duties
- 3- 45 Review of Completed Administrative Cases
- 2- 22 Firearms and Ammunition Authorization
- 4- 08 Operations Review
- 1- 14 Behavioral Sciences Division
- 3- 20 Department Orders
- 2- 04 Recruiting
- 3- 02 Assistant Chief/Deputy Chief/Major/Commander Responsibilities
- 3- 65 Policy and Procedures Review Board
- 1- 10 Peer Support Program
- 2- 06 Uniforms
- 2- 03 Training Division
- 3- 06 Criminal Investigations Division
- 3- 01 Special Investigations Division

Policy Development (Primary Compliance)

Expanded Development Process

- Developed new internal review bodies including Office of Policy Analysis (OPA) and Standard Operating Procedure Review Committee (SOPRC)
 - OPA solicits input on policies from external stakeholders and the general public
 - Provides opportunity to have in-depth discussions about national policy trends, compare best practices, and involve subject matter experts
- Police Oversight Board, Civilian Police Oversight Agency, and Mental Health Response Advisory Committee have input on policies throughout entire process
- All APD employees have the opportunity to comment on proposed policies

Training (Secondary Compliance)



Training (Secondary Compliance)

- Seven-step Approach to Instruction:
 - Needs assessment
 - Curriculum development
 - Oversight/approval
 - Delivery
 - Implementation
 - Evaluation
 - Revision

Training (Secondary Compliance)

- Use of Force Training – 40 hours
 - De-escalation techniques
 - Firearms
 - ECW usage
- Supervisory Training – 32 hours
- Crisis Intervention Training (CIT) – 40 hours
- Enhanced Crisis Intervention Training (eCIT) – 8 hours
- Problem-Oriented Policing and Community Policing Training
- Six-Sigma Training

Day-to-Day Processes (Operational Compliance)

- **Focus areas that are largely in operational compliance:**
 - Electronic Control Weapon policy, training, and usage
 - Cooperation with the Multi Agency Task Force
 - Special Operations (Tactical) Units
 - All training specified in CASA completed in 18 months
 - Most Field Training Program directives
 - Many Behavioral Health training and processes
 - 47% of CASA paragraphs in operational compliance as of Jan. 2017 (IMR-5)

Day-to-Day Processes (Operational Compliance)

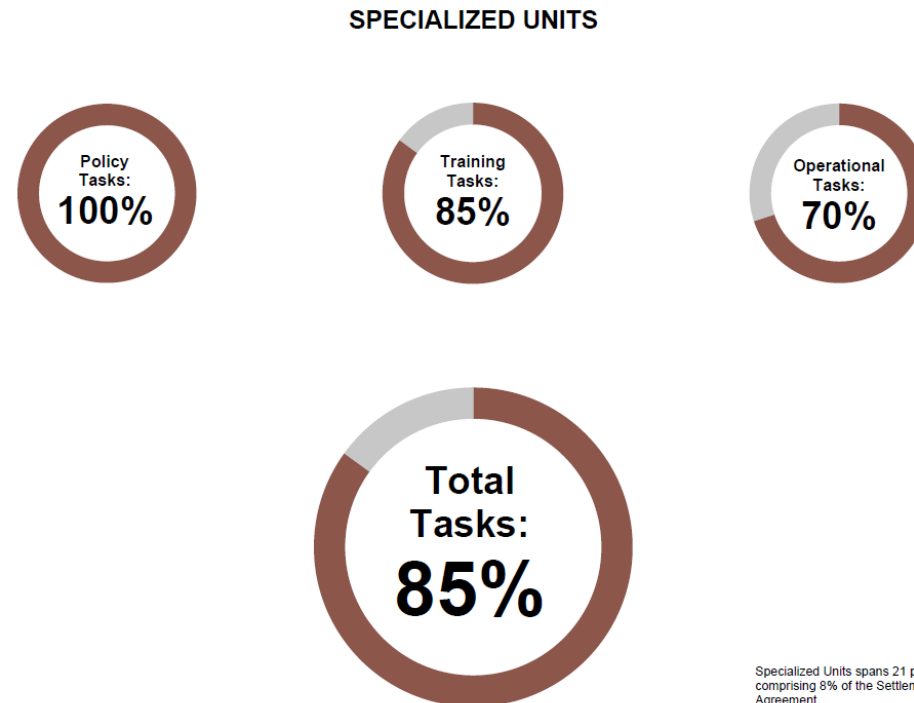
- **Focus areas Department is working on to gain compliance:**
 - Supervisory use of force investigations
 - Reviews by Force Review Board – implementation and follow up
 - Managing workload of increased supervisory investigations to improve timeliness while balancing with other responsibilities
 - Development of feedback mechanisms to better integrate all phases

The Department will continue working diligently to implement Monitor's recommendations.

Progress Measurements

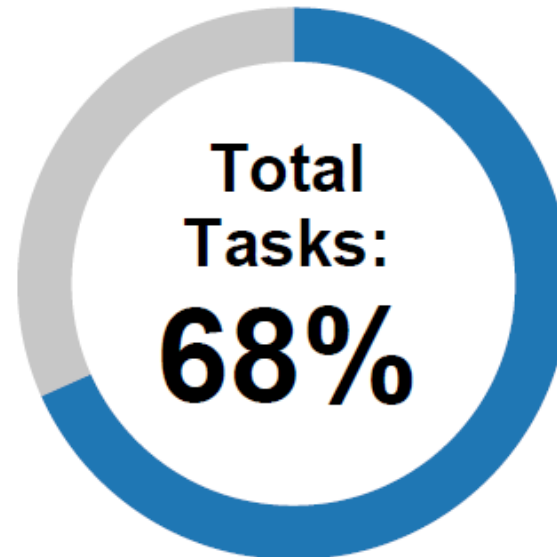
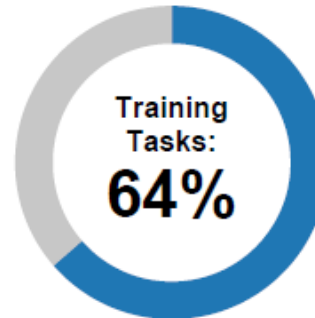
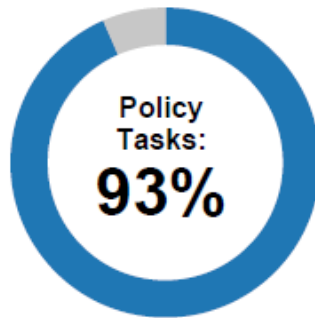
APD has developed measurements to determine progress in meeting the requirements of the CASA

(Measured by CASA section and CASA paragraph)



Specialized Units spans 21 paragraphs comprising 8% of the Settlement Agreement.

ALL SETTLEMENT AGREEMENT PARAGRAPHS





UPCOMING REPORTS

Reporting Period of February 2017 – July 2017

Agency Report 6 – Was Filed on September 2, 2017

Monitor Report 6 – Filing Date of November 2, 2017

Reporting Period of August 2017 – January 2018

Agency Report 7 – Filing Date of March 2, 2018

Monitor Report 7 – Filing Date of May 2, 2018

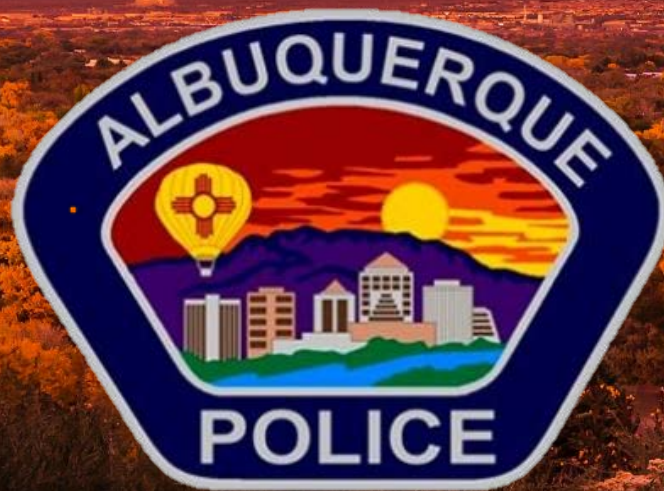
Reporting Period of February 2018 – July 2018

Agency Report 8 – Filing Date of September 2, 2018

Monitor Report 8 – Filing Date of November 2, 2018

APD Update

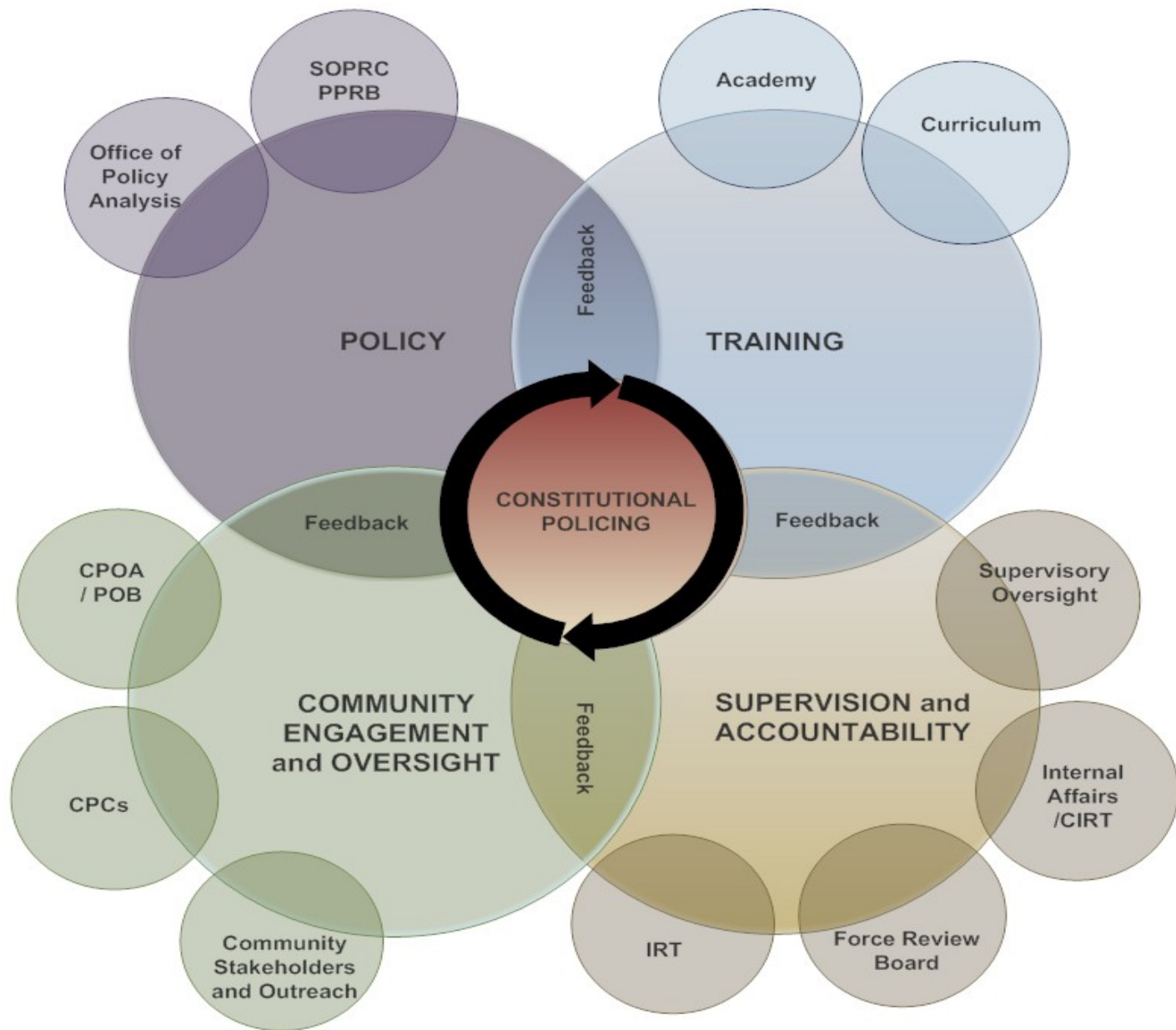
Constitutional Policing and Community Engagement



APD Constitutional Policing Diagram

July, 2016

Constitutional policing is comprised of four major elements: Policy, Training, Supervision and Accountability, and Community Engagement and Oversight. The flow of the process is generally clockwise, with the consideration of feedback for proper evaluation and assessment. Each major element is comprised of sub-elements that add to the effectiveness of the entire cycle. A generalized description of the sub-elements has been included for reference. Although not depicted, a substantial amount of overlap between elements and sub-elements occurs as groups shown often provide varying input based on department need.



Community Policing Councils:

- **Established by Mayor Berry Prior to CASA**
- **Written into the CASA**
- **Independent of City and APD**
- **Goals: Help Improve Communication between Community and APD**
- **Create Actionable Recommendations - Sent to Chief of Police**
- **Address Community Concerns**
- **Review Policy and Law Enforcement Priorities**
- **Define and Further Community Policing**

Community Policing Councils:

- **Website Development:**
<https://www.cabq.gov/police/community-policing-council>
- **Publicizing Meeting Information/Recruitment**
 - **Water Bill Insert**
 - **Eye on New Mexico Segment**
 - **Brochures**
 - **Business Cards**
 - **Banners**
- **Formalized Recommendation Process (on website)**
- **Finalizing Independent Guidelines**

Civilian Police Oversight Agency/ Police Oversight Board:

- **Replaced Police Oversight Commission (Pre-CASA)**
- **Independent from City Administration and City Council**
- **CPOA – Executive Director Edward Harness**
- **POB – Nine civilian members appointed by City Council**
- **Investigate civilian complaints**
- **Review serious uses of force**
- **Make recommendations on disciplinary matters**
- **Participate in policy-making process and provide input**

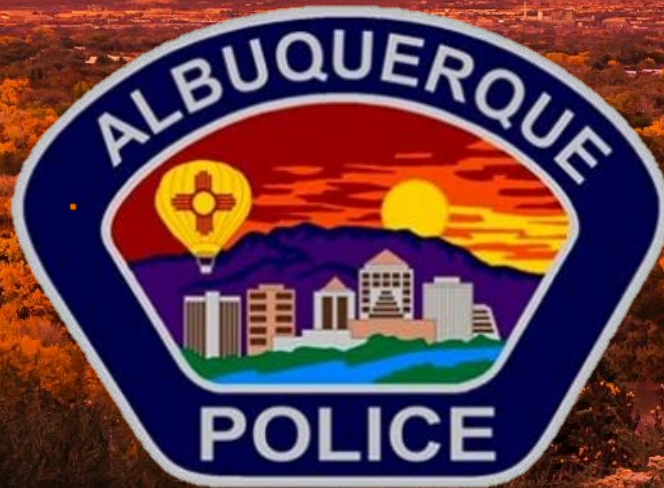
Mental Health Response Advisory Committee:

- **Created through CASA**
- **Independent from City (but staff support provided)**
- **Co-chairs: Danny Whatley and former Rep. Rick Miera**

- **Brings together subject matter experts in mental health field**
- **Participate in policy-making process and provide input**

APD Update

Outcomes



Outcomes

- **Officer Involved Shootings Decreased 53% from 2010**

2010 - 13 | 2011 - 7 | 2012 - 6 | 2013 - 8 | 2014 - 7 | 2015 - 5 | 2016 - 6

- **Overall Firearm Discharges Have Decreased 72% from 2010**

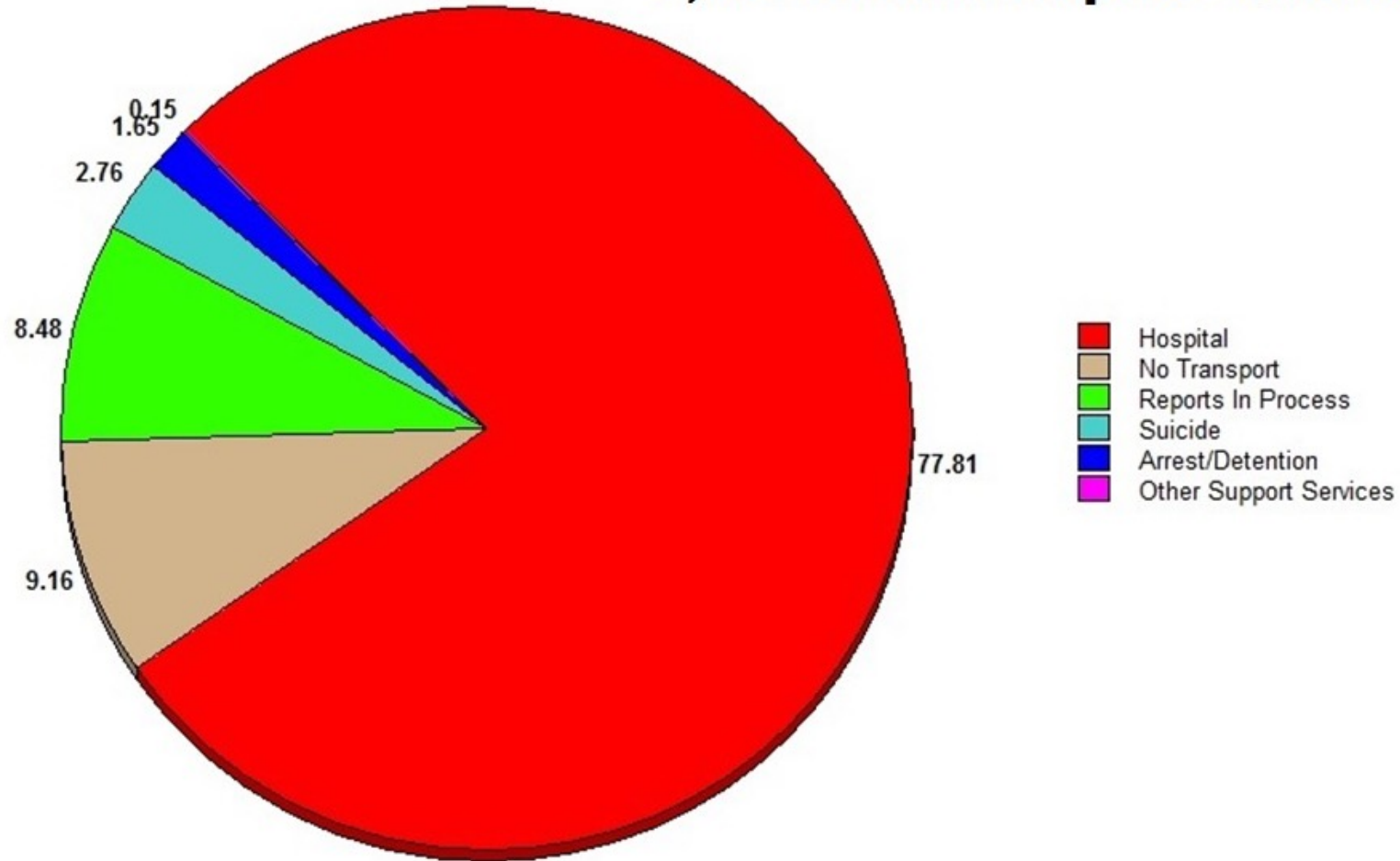
2010 - 25 | 2014 - 11 | 2015 - 10 | 2016 - 7

- Of the 112 SWAT activations in 2015, 2016 and so far in 2017, only 9% of them resulted in force being utilized and no fatalities.

Outcomes - Focus on Mental Health

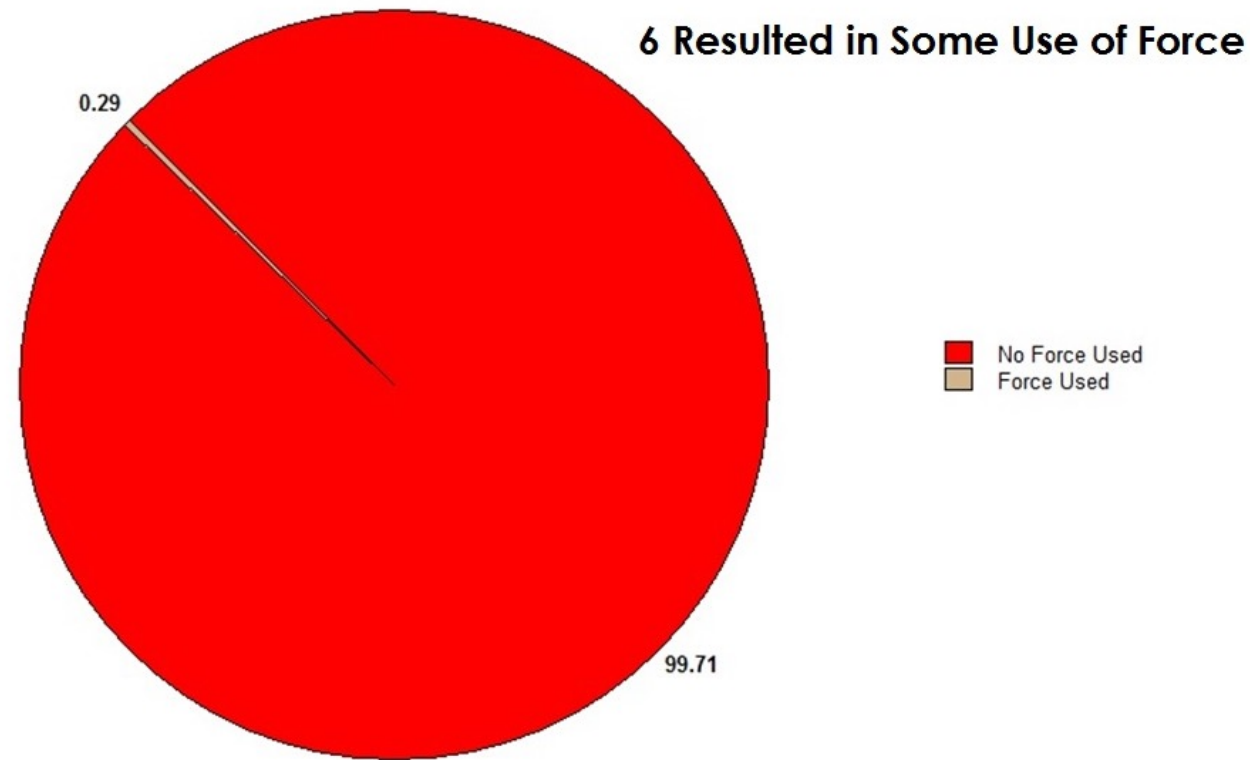
CIT- Related Reports Jan-Oct 2016

2,064 CIT-Related Reports - Outcomes



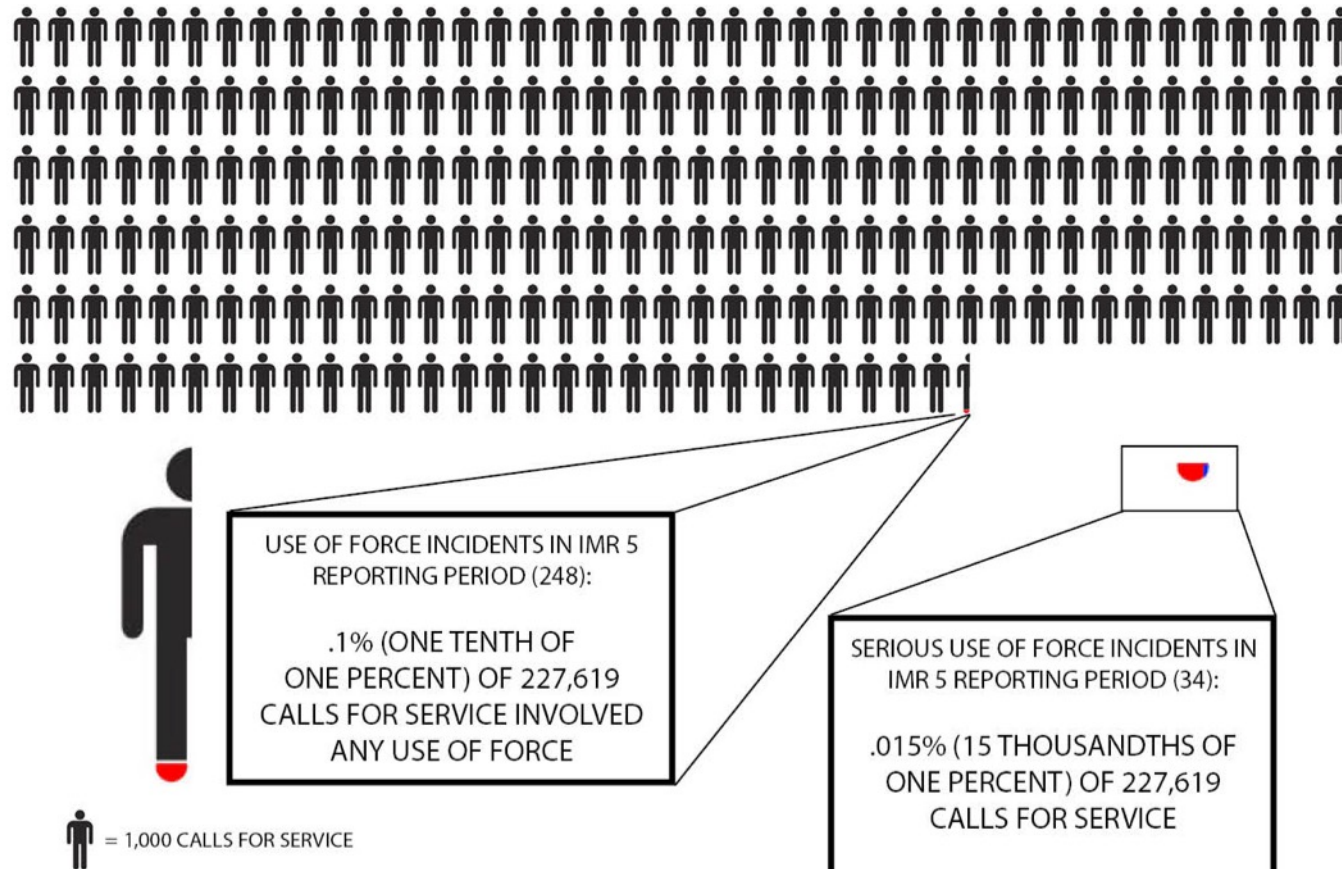
Outcomes - Focus on Mental Health

Use of Force - 2,064 CIT- Related Reports Jan-Oct 2016



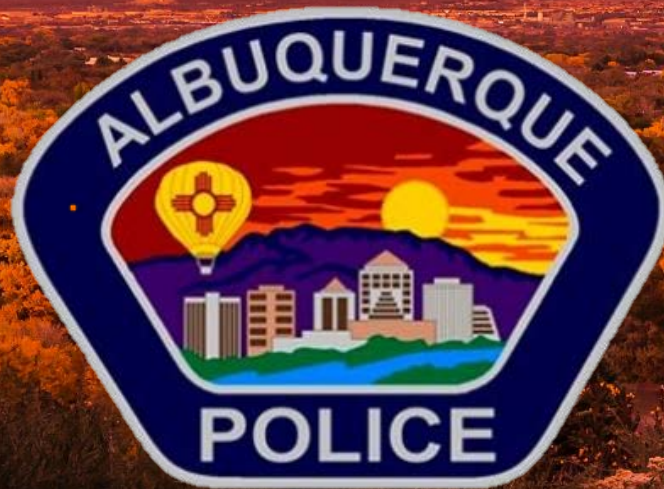
Frequency of Use of Force Occurrences

IMR 5 REPORTING PERIOD (August 2017 - January 2017)
CALLS FOR SERVICE VS. USE OF FORCE INCIDENTS



APD Update

Staffing and Officer Recruitment



ALBUQUERQUE POLICE DEPARTMENT
COMPREHENSIVE STAFFING ASSESSMENT
AND RESOURCE STUDY



ALEXANDER WEISS
CONSULTING

FINAL DRAFT REPORT
December 11, 2015

Based on the analysis by
Alexander Weiss
Consulting:

APD will be
adequately staffed at
the level of **1,000**
sworn personnel.



Staffing Study and Plan

ALBUQUERQUE POLICE DEPARTMENT
COMPREHENSIVE STAFFING ASSESSMENT
AND RESOURCE STUDY

- CASA requirement
 - Dr. Alex Weiss completed Comprehensive Staffing Assessment and Resource Study in December 2015
 - Workload-Based Approach for Patrol Functions
 - $(\text{Number of Calls} \times \text{Time Required} \times \text{Shift-Relief Factor}) / \text{Total Number of Hours Average Officer can Work Per year} = \text{Number of Officers Required}$
 - Selected workload-based method over other methodologies
 - **Final Recommendation = 1,000 Officers**
 - Staffing Plan
 - Allocates resources
 - Provides projections
 - Released June 2016



ALEXANDER WEISS
CONSULTING

FINAL DRAFT REPORT
December 11, 2015

Recruiting

How We Get to 1,000 Officers

Robust Recruiting

Return to Work
Legislation

Other Initiatives

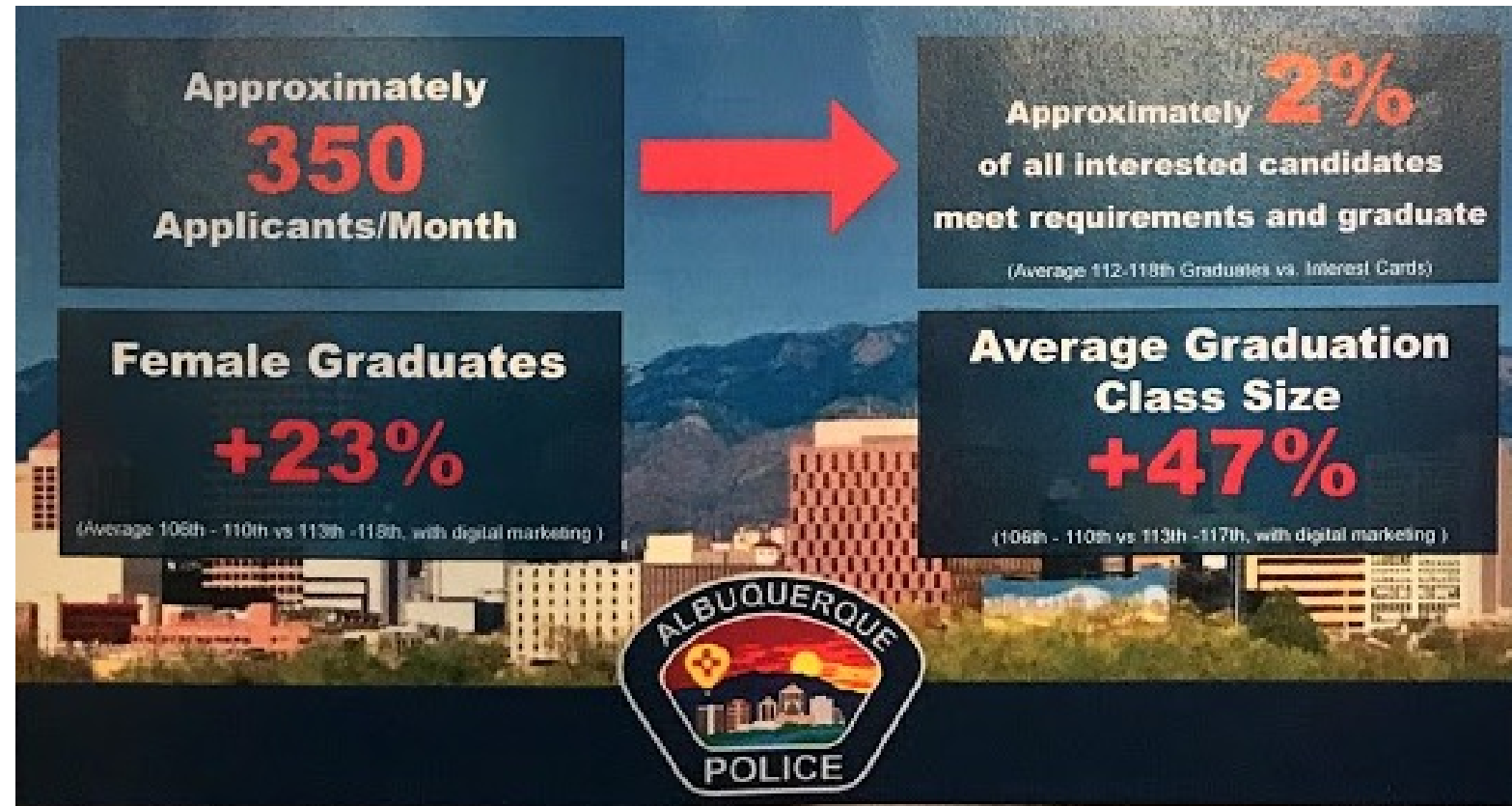
Staffing and Recruiting

- **Increased Graduation Rate from Academy by More than 400% - 2010 to Present**
- **Graduated 93 Recruits 2016 - Most in More than a Decade**
- **Police and Community Together Teams (PACT TEAMS)**
- **Created a New Property Crime Specialist**
 - **New classification of Police Service Aide (PSA 2)**
 - **Can respond to calls more quickly (focus on reports/collecting evidence)**
 - **Frees up officers for Priority I Calls**

Recruiting

- Since CASA Implementation:

- Cadet Class #113 - 16
- Cadet Class #114 - 36
- Cadet Class #115 - 27
- Cadet Class #116 - 30
- Cadet Class #117 - 24
- Cadet Class #118 - 42



POLICE OFFICER STARTING PAY

2017
\$58,240/y
\$28/h

2009
\$48,152/y
\$23.15/h

21%
Increase



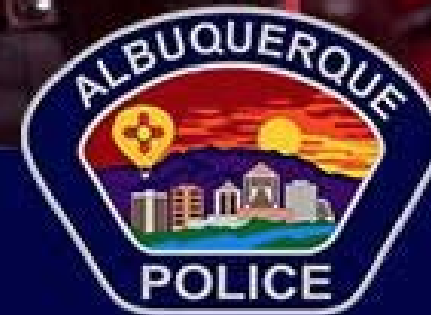
WE'RE HIRING

Join the Albuquerque Police Department

Starting Salary:
\$58,240

\$88,450

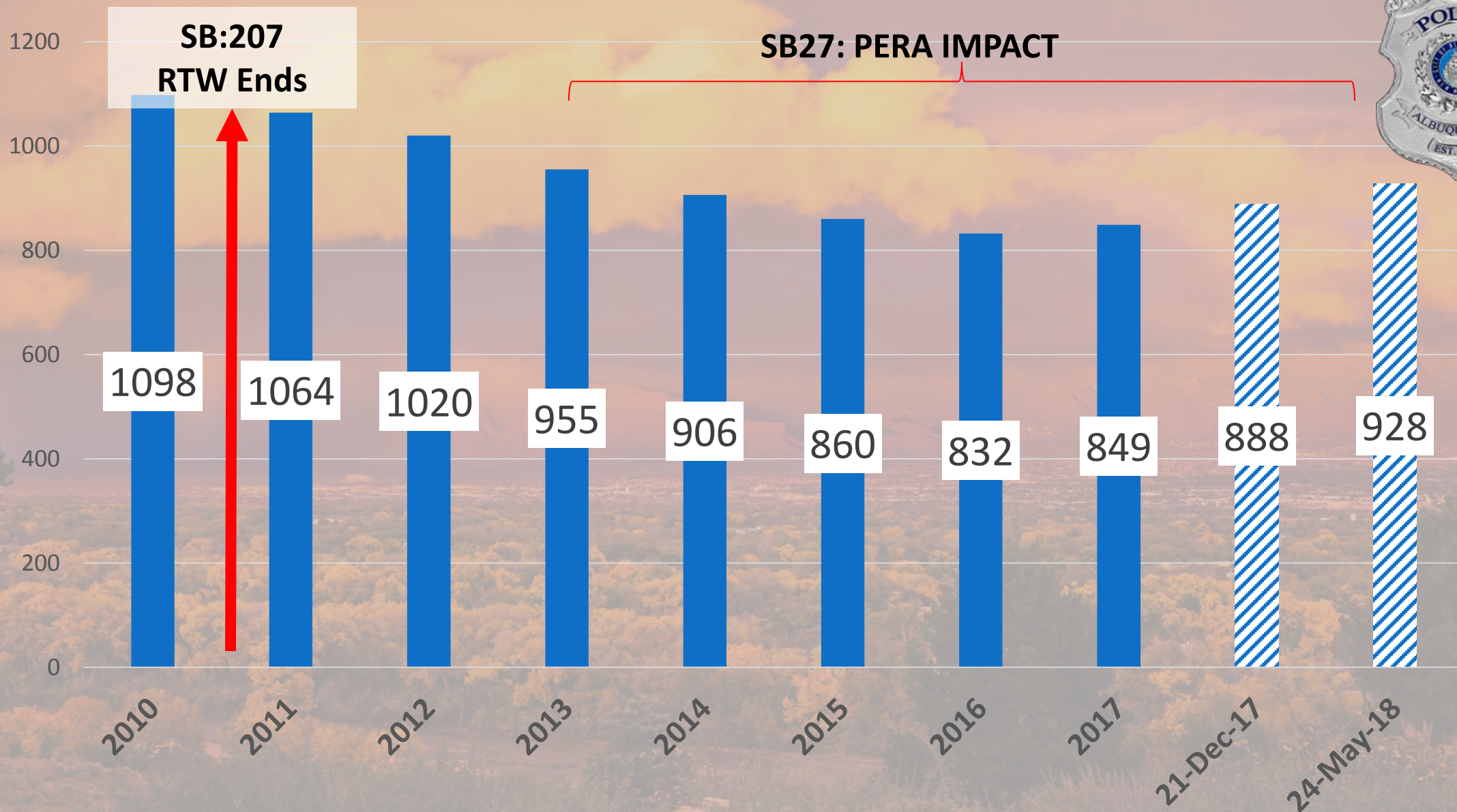
Starting Salary with Benefits:



Legislation Impacting Police Staffing: Ending Return to Work

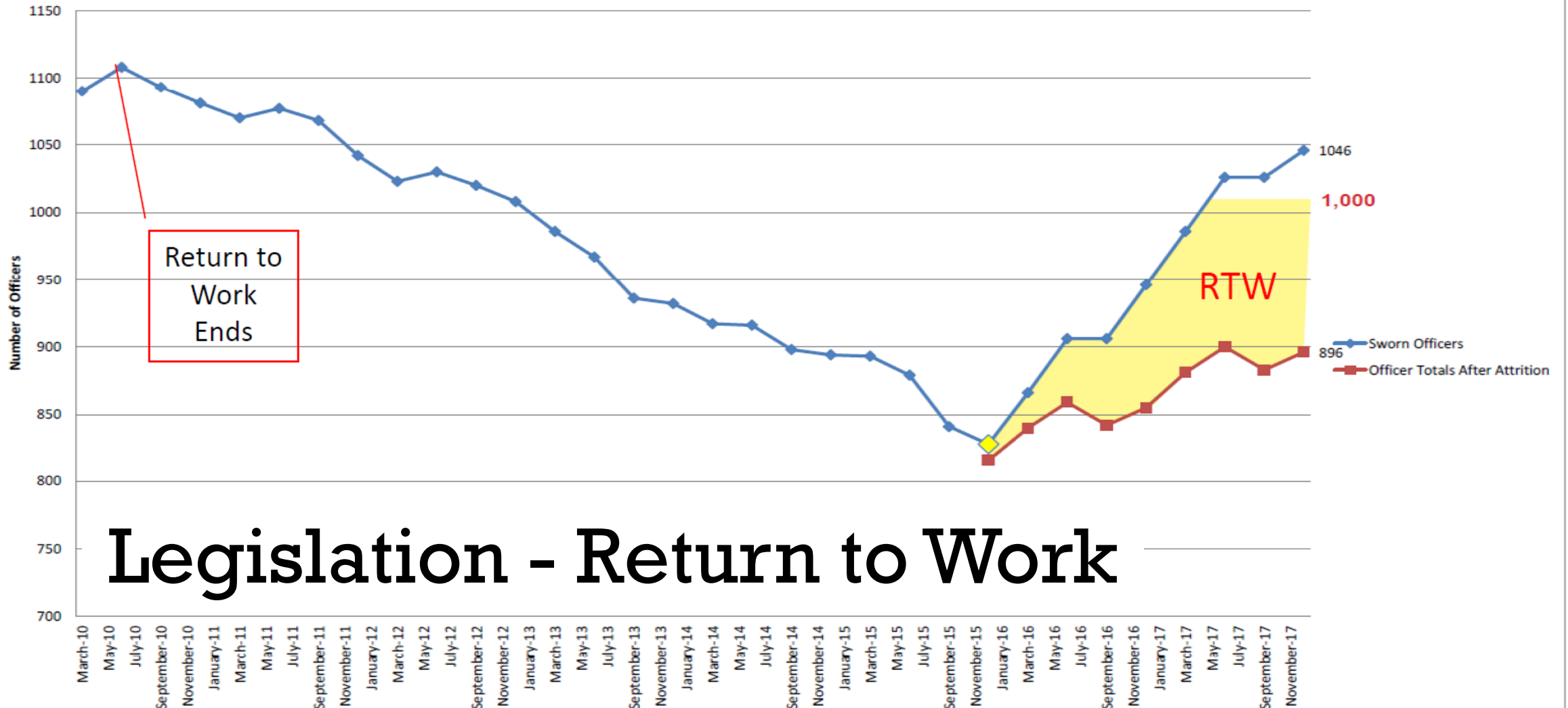
- **SB207 - PUBLIC EMPLOYEES RETURNING TO WORK**
(2010 Regular Session)
- Took away return-to-work for law enforcement and stopped cities and law enforcement from replacing some of those retirees with seasoned law enforcement professionals.
- **SB27 - PUBLIC EMPLOYEE RETIREMENT CHANGES**
(2013 Regular Session)
- Incentivized retirements due to COLA freezes for retirees.

NUMBER OF APD SWORN OFFICERS OVER TIME




APD Sworn Officers

(Actual through December 2015; Projected through December 2017)



Legislation - Return to Work

 Return to Work opportunities (approx. 104 officers)

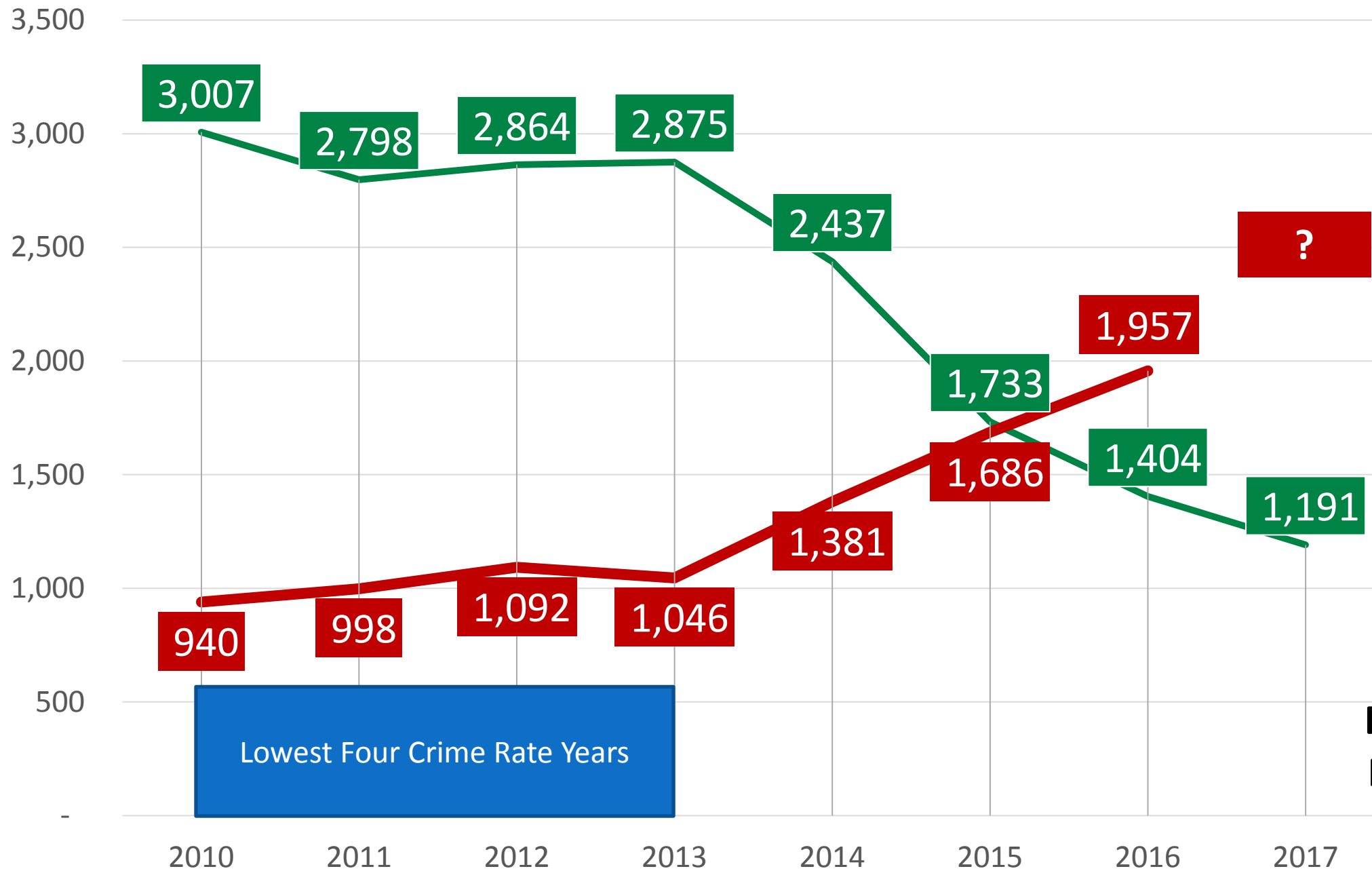
Legislative Solutions Impacting Police Staffing: Return to Work

- **HB171 – LAW ENFORCEMENT OFFICERS RETURNING TO WORK (2016 Regular Session)**
- Had neutral or positive impact on PERA – per actuarial study and confirmed by PERA.
- Returning officers would contribute to PERA without receiving additional PERA benefits.
- Applied only to law enforcement.
- Would have allowed retired officers to return for up to five years, subject to screening process for quality.
- Returning officers would be in patrol positions for APD, but could serve in leadership positions in smaller counties.
- Mayor Berry supported
- Sponsored by Rep. Larranaga, Rep. Rehm, and Sen. Ingle
- Support:
 - 39 mayors
 - All NM County Sheriffs
 - NM State Police
 - NM Municipal Police Chiefs Association
- Passed House (38-29)
- Did not receive a vote in Senate.

INCREASING POLICE OFFICER STAFFING LEVELS IS AN IMPORTANT GOAL, BUT IT IS ONLY A PIECE OF THE BIGGER PICTURE.

What's different?



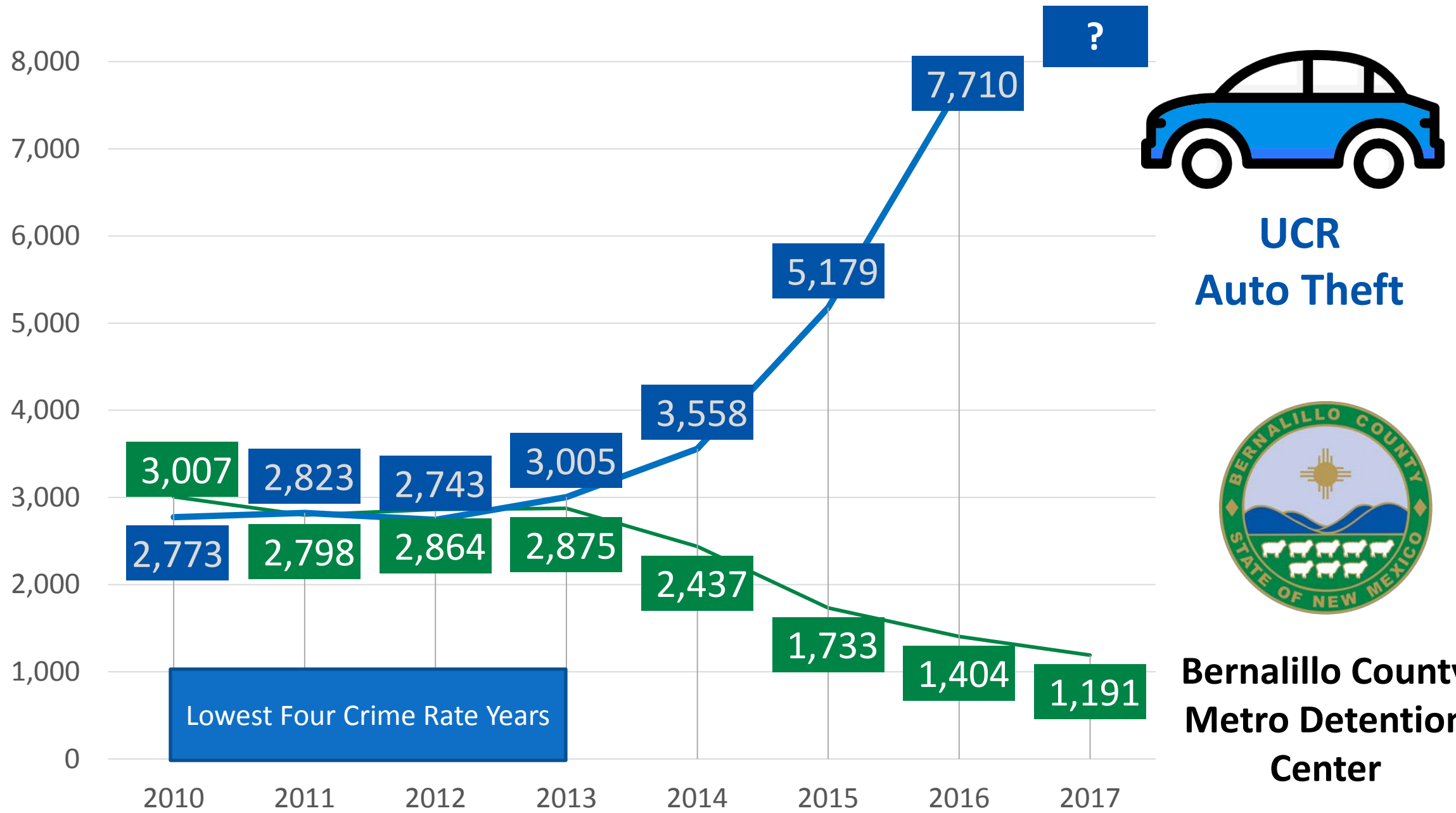


**UCR
Robbery**



**Bernalillo County
Metro Detention
Center**

Lowest Four Crime Rate Years



APD Update

Overview of Reforms

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