

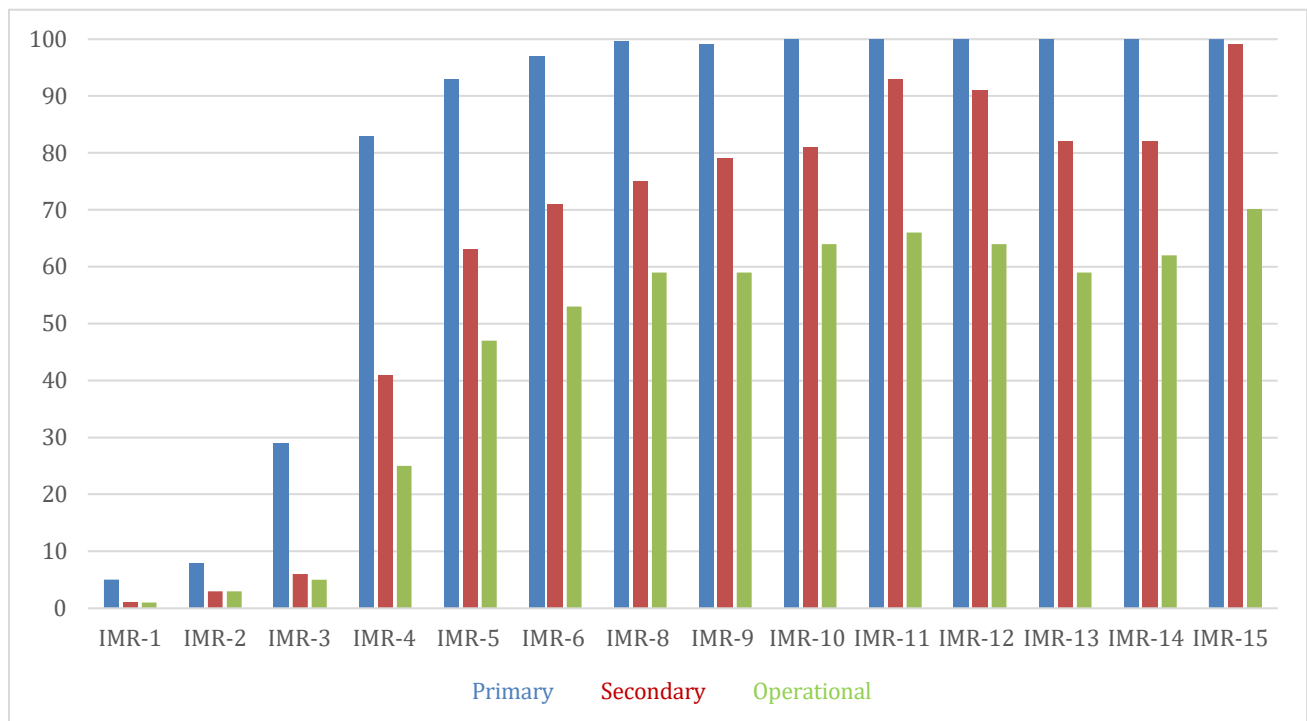


Summary and Analysis Independent Monitor's 15th Report

The 15th Independent Monitor Report (IMR-15) released May 11, 2022, shows the Albuquerque Police Department (APD) made significant improvements in its efforts to comply with the 2014 consent decree the City of Albuquerque (COA) entered into with the United States Department of Justice (DOJ). According to the more than 300-page report, the City's maintained primary compliance and enjoyed a sharp rise in secondary compliance from 82 percent in IMR-14 to 99 percent in IMR-15 that covers August 2021 to January 2022. Primary compliance measures whether the City has adopted the policies and procedures mandated by the CASA and secondary compliance gauges how well Albuquerque Police Department personnel are being trained to adhere to those policies.

The department also saw its operational compliance increase nearly 10 percent from 62 percent in the previous report to 70 percent in the current report. Operational compliance gauges whether field personnel routinely perform tasks as required by the CASA or that when they fail, supervisory personnel note and correct out-of-policy behavior. Throughout the lengthy report, the monitor attributes the department's success to changes at the academy¹ and the expertise of the court ordered External Force Investigation Team (EFIT).²

APD Compliance Levels, IMR-1 through IMR-15



While APD and the City should be lauded for the recent progress, there is still a substantial amount of work to be done before the department reaches full operational compliance.

Success and Improvements

In addition to realizing a fair amount of success maintaining compliance with policy development and meeting

¹ APD hired new Academy Director and Assistant Director during IMR-14. Both hires have extensive supervisory and leadership experience.

² The COA and the DOJ negotiated a stipulated order in February 2021 that requires the City to contract with an External Force Investigative Team to guide and oversee Internal Affairs Force Division use of force investigations.

the requisite training goals, the department has made progress in much less visible areas. APD's Performance Metric Unit (PMU) continues to make substantial progress and have "expanded its organizational impact," (p. 41). Members of the Force Review Board (FRB) benefited from that impact first hand this reporting period when PMU staff developed a system to help Board members "captures votes regarding the appropriateness of force," (p. 41). The FRB continues to show promise largely attributed to the quality of investigations they received from APD Internal Affairs Force Division (IAFD) thanks to the EFIT oversight and guidance. The improve investigations allow the FRB to operate more efficiently and spend less time "addressing misconduct and investigative failures," (p. 110).

Again, thanks to the oversight of the EFIT, APD has completely reversed the trend of completing level two and level three use of force investigations.³ Unlike in past reporting periods, 60 percent of all the 169 level two and 80 percent of 43 level three use of force investigations were completed within the time frame, 90 days, for discipline to be imposed if it is uncovered during the investigation (p. 78 and 79). However, we can anticipate the gains to be short lived unless, department finds a way to institutionalize the complete overhaul of APD's use of force review and investigations brought about third-party EFIT team. Further, there was a dramatic decline in the Internal Affairs Requests (IAR) for case review (usually due to an alleged policy violation) since IMR # 12. Specifically, the number of IARs has steadily dropped from 534 (IMR #12) to 90 in IMR #15 (Table 4.7.28a). The reason for this dramatic decline is currently unknown and the Monitoring Team has requested that APD conduct an analysis to better understand this pattern (p. 50).

Critical issues

The compliance success realized this reporting period could be short lived, if department leadership can't find sustainable ways to improve supervision among the rank and file. These supervision issues were more apparent when the monitoring team reviewed level one use of force investigations. Only 58 percent of the 79 investigated were completed within the time frame to impose remedial discipline, 30 days. The monitoring team believes the department must improve in this area if "APD is ever going to meaningful control improper use of force". The persistent "inability or unwillingness," to flag and initiate corrective action to address misconduct and other out-of-policy violations creates unnecessary risk for both individual officers and the department as a whole (p.55).

Along with supervision, the monitor highlighted consistently disciplining officers according to policy as a key component to achieving CASA compliance. Like in past reports, the monitoring team uncovered evidence that discipline isn't being imposed based on "offense and prior history," facilitating disparate treatment among officers. Of the eight disciplinary cases the monitoring team reviewed only three or 63 percent adhered to APD policy.

Conclusion

After several reporting periods of the taking three steps backwards for every one step forward, the City and APD appears on be moving in the direction of compliance. Improvements in Academy leadership and the oversight and expertise of the EFIT offers a ray of hope and provides clear evidence that the mandates outlined in the CASA can be achieved. However, that hope will become a dream deferred if APD and City leadership fail to capitalize on the lessons learned and develop a sustainable plan to institutionalize the improvements realized this reporting period. City leaders and APD leadership must also increase its commitment to hold officers accountable for misconduct. Powerful work is being done by the Academy leadership as well as by the EFIT and IAFD investigators. As mentioned in previous monitoring team reports, "APD's ability to police itself," is at the heart of the reform process.

³ Level 1 is causes only slight pain, disorientation or discomfort or pointing a firearm or less lethal weapon at an individual; Level 2 causes injury or intending to cause injury through less lethal weapons and hand strikes; and Level 3 results in serious physical injury, hospitalization or death.