



Summary and Analysis Seventeenth Independent Monitor Report

The independent monitoring team released its 17th Independent Monitor Report (IMR-17), on May 10, 2023, covering the period from August 1, 2022, through January 31, 2023. The report showed the City of Albuquerque, and the Albuquerque Police Department (APD) reached the highest level of compliance with the requirements mandated in 2014 Court Approved Settlement Agreement (CASA). APD maintained 100 percent primary compliance and continued at 100 percent secondary compliance while bringing operational compliance to 92 percent, up from 80 percent in IMR-16. Primary compliance refers to the establishment of all required policies. Secondary compliance indicates the extent to which training complies with those policies. Operational compliance is the extent to which personnel comply with CASA-required tasks and policies or, when they fail to do so, are appropriately corrected.

In order to fully comply with the CASA, the City must comply with all the material provisions of the CASA and maintain that compliance for two years. The City has publicly announced its plans to reach full compliance in 2024.

Success and Improvements

The Monitor highlighted several areas where the Albuquerque Police Department has experienced success in its reform efforts, including some that have posed difficulties in the past. Among them are the progress in training, improvements in the investigation of uses of force, including a pilot program to investigate Level 1 uses of force, and Internal Affairs Professional Standards Investigations.

APD has faced persistent difficulties in carrying out prompt and comprehensive investigations into uses of force. As a result, there accumulated a backlog of over six hundred cases that date back as far as January 2020. As a result of the time restrictions in the Collective Bargaining Agreement, disciplinary actions cannot be imposed in these backlog cases. In response to a series of highly critical Independent Monitoring Reports that highlighted the "malfeasance" within the Internal Affairs Force Division (IAFD), the City took steps to attempt to address the problems, including the involvement of the External Force Investigation Team (EFIT). The Monitoring Team reports that "The project with EFIT has been very successful, influencing the quality and timeliness of use of force investigations at APD." (p. 8) The Monitoring Team notes that IAFD's investigations are improving in terms of timeliness, thoroughness, and professionalism. Indeed, nearly all of IAFD's investigations during this reporting period complied with the Process Narrative established by EFIT. Additionally, during this reporting period, APD piloted a program to change its handling of Level 1 uses of force. The Monitoring Team reports generally good results from this pilot program.

Critical Issues

The Monitoring Team credits a significant portion of the progress seen at the Internal Affairs Force Division (IAFD) to the involvement of the EFIT personnel, who offer guidance, support, and supervision. Although this development is undoubtedly positive, it presents a challenge in assessing whether the

improvements at IAFD are sustainable in the long run, especially considering that the City's substantial financial investment in EFIT is temporary and will eventually come to an end.

Confidence that uses of force by APD officers will be investigated in a timely, thorough, and fair manner is at the heart of the reform process. If APD is going to embrace a culture of constitutional policing, it must have a functional IAFD. Ensuring the sustainability of the progress made at IAFD after the conclusion of the EFIT contract is one of the most pressing tasks facing the City as it seeks to embrace the reforms mandated by the CASA. The Monitoring Team outlines several areas and gives detailed recommendations to that end; among them are working diligently to stabilize turnover at IAFD, seeing to it that investigators in IAFD maintain and expand the core competencies required for their work, and developing processes to ensure a high standard of quality, timeliness, and thoroughness in IAFD investigations.

Conclusion

There are reasons to hope that APD's progress as reported in this IMR will be sustained past the life of the CASA. At the same time, there are far too many reasons to fear that these advances will be short-lived or will not translate into meaningful improvements in our community's experiences with the police. The Monitoring Team advises, "now is the time for the highest-level executives at APD to become hyper-focused in its CASA compliance efforts and not allow any degree of complacency to seep into its daily business practices." (p. 9)

Rather than implying that the reform efforts have concluded, the most recent report from the Independent Monitoring Team signifies that there is still substantial work to be done. The leaders within the Albuquerque Police Department (APD) and the City need to intensify their efforts in order to make long-lasting changes the result of the CASA and the reform process.