



Southwest Area Command Community Policing Council
Agenda Date: January 8, 2020
Patrick J. Baca Library; 8081 Central Ave. NW

1. Call to Order
2. Pledge to the Flag
3. Introduction of CPC members and Guest Speakers
4. Approval of the November 6 and December 4, 2019 minutes
5. Approval of the January 8, 2020 Agenda

6:15 p.m. to 6:40 p.m – History of CASA and APD, DOJ Involvement

6. Presentation from Assistant U.S. Attorney Elizabeth Martinez
 - a. History of DOJ Involvement with APD
 - b. Explanation of the background and framework of the CASA

6:40 p.m. to 7:00 p.m – CABQ and the CASA

7. Presentation from Esteban Aguilar, Jr, CABQ Attorney
 - a. Explanation of CABQ involvement with the CASA

7:00 p.m. to 7:20 p.m – APD and the CASA

8. Presentation from Amir Chapel, APD Compliance Bureau, Policy and Procedure Division
 - a. Explanation of vision for CPCs
 - b. What an ideal CPC would look like

7:20 p.m. to 7:30 p.m. – SmartCASA and the Public

9. Presentation from Russ Biggs and Robert Heckman, creators of SmartCASA
 - a. Explanation of SmartCASA tool

7:30 p.m. to 7:50 p.m. – Old and New Business

10. Unfinished (old) Business
11. New Business
 - a. Scheduling of program topics for calendar through December 2020
12. APD Reports and other reports as needed
 - a. Crime statistics
 - b. Use of force report
 - c. Others reports, as necessary
13. Community comments/new community business/Community Announcements
14. Adjournment

1/8/20
SW cpc
US ATTY CLERK
MORRIS

Background on CRT Investigation
of the Albuquerque Police Department for CRS Entry

- Since 2010, APD has shot 37 individuals; 23 have been fatal.
- CRT opened a pattern or practice investigation of APD in November 2012. The investigation is focused on officers' use of force, including deadly force. The investigation is being conducted jointly with the U.S. Attorney's Office.
- The investigation is civil in nature. It is being conducted under the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141, which makes it unlawful for government entities to engage in a pattern or practice of civil rights violations by law enforcement officers. The statute authorizes the Department of Justice to file a civil suit to eliminate the pattern or practice of misconduct.
- The investigation is not focused on individual wrongdoing. The investigation looks at individual uses of force to determine whether there is a pattern or practice of civil rights violations and also seeks to identify the causes or factors contributing to the violations. A remedy would address the causes and contributing factors of the violations to prevent future misconduct. Typically, remedies under Section 14141 include developing new policies, improving training, implementing accountability systems, and strengthening oversight.
- CRT is not authorized to represent individuals. We review information provided by individuals about their experiences with APD, but we cannot provide advice or represent them in a private suit. We also cannot seek damages for individuals who may have been harmed by APD. Our focus is on preventing misconduct.
- The community has played a critical role in the CRT investigation. Many individuals have participated in our town hall meetings and others have contacted us with information. APD and City officials have also been cooperative.
- CRT is working to complete its investigation. If violations are uncovered, it will release the results of the investigation in a publicly-available letter to the City.
- If individuals would like to contact the investigation team with information about APD, they may email at <community.albuquerque@usdoj.gov> or call toll-free at 855-544-5134.

**CIVIL RIGHTS DIVISION
UNITED STATES ATTORNEY FOR THE DISTRICT OF NEW MEXICO**

**SUMMARY OF FINDINGS
ALBUQUERQUE POLICE DEPARTMENT**

INTRODUCTION

Following a comprehensive investigation, the Justice Department today announced its findings that the Albuquerque Police Department has engaged in a pattern or practice of excessive force, including deadly force. The pattern and practice is the result of serious systemic deficiencies in policy, training, supervision and accountability. The police department's failure to ensure that officers respect the Constitution undermines public trust. Constitutional policing increases the public's trust, ensures safety, and respects the rights of the city's residents.

DEPARTMENT OF JUSTICE INVESTIGATION

The Findings Letter marks the culmination of the Justice Department's comprehensive investigation of Albuquerque Police Department, which began on November 27, 2012, and was conducted jointly by the Civil Rights Division and the United States Attorney's Office for the District of New Mexico. The Justice Department investigation involved an in-depth review of police department documents, interviews with command staff and rank and file police officers. The Department reviewed thousands of pages of documents, including written policies and procedures, internal reports, data, video footage, and investigative files. The investigative team interviewed hundreds of community members and held four community meetings in which diverse members of the Albuquerque provided their accounts of encounters with officers.

FINDINGS

The Justice Department found reasonable cause to believe that the Albuquerque Police Department engages in a pattern or practice of excessive force in violation of the Fourth Amendment of the United States Constitution. The Justice Department specifically found three patterns of excessive force:

- Officers too frequently use deadly force against people who pose a minimal threat in situations where the conduct of the officers heightens the danger and contributes to the need to use force;
- Officers use less lethal force, including Tasers, on people who are passively resisting, non-threatening, observably unable to comply with orders, or pose only a minimal threat to the officers; and
- Encounters between Albuquerque Police officers and persons with mental illness and in crisis too frequently result in a use of force or a higher level of force than necessary.

The Justice Department also found systemic deficiencies of the police department, which contribute to these three patterns. The causes include deficient policies, failed accountability systems, inadequate training, inadequate supervision, ineffective systems of investigation and adjudication, the absence of a culture of community policing, and a lack of sufficient civilian oversight.

REMEDIAL MEASURES

The Justice Department seeks critical remedial measures to address these deficiencies. These measures are in eight areas:

- Use of Force Policies
- Interacting with Individuals with Mental Illness and other Disabilities
- Tactical Units
- Training
- Internal Investigations and Civilian Complaints
- Management and Supervision
- Recruitment and Selection
- Community Policing and Oversight

NEXT STEPS

The Justice Department looks forward to working with the city and Albuquerque Police Department and the community to timely resolve these findings. Change will not occur overnight, and effective reform of the Albuquerque Police Department requires a durable and sustainable blueprint for reform which will provide the structure, transparency, and accountability necessary to achieve success.

UNITED STATES DEPARTMENT OF JUSTICE

SUMMARY OF SETTLEMENT AGREEMENT WITH THE CITY OF ALBUQUERQUE REGARDING ALBUQUERQUE POLICE DEPARTMENT

INTRODUCTION

The Department of Justice has reached a settlement agreement with the city of Albuquerque (“the city”) to reform the Albuquerque Police Department (“APD”). The settlement agreement resolves the department’s civil investigation into use of force by APD. In April 2014, the department concluded that APD engages in a pattern or practice of use of excessive force in violation of the Fourth Amendment. The department and the city have agreed to file the settlement agreement in the United States District Court for approval and entry as an order. An independent monitor will oversee the implementation of reforms to ensure that the city complies with the settlement agreement and that compliance is maintained for at least two years.

PROVISIONS OF THE SETTLEMENT AGREEMENT

The settlement agreement covers nine substantive areas and the implementation process. The measures in these sections are designed to ensure constitutional and effective policing, promote officer and public safety, and foster greater trust among officers and the communities they serve. The areas covered by the settlement agreement are:

Use of force: This section emphasizes the use of de-escalation techniques, when appropriate, to minimize the use of force. The settlement agreement requires APD to revise and develop new use of force policies; provide additional training to officers on use of force; conduct thorough, objective, and timely investigations of all uses of force; prohibit firing at moving vehicles; limit the use of electronic control weapons; and ensure that officers use on-body recording devices and discipline officers who fail, without justification, to do so.

Specialized units: This section is designed to increase the likelihood of safely resolving critical incidents and high-risk situations, provide for effective command-level accountability, and restrict specialized investigative units from engaging in tactical responses. The settlement agreement requires APD to eliminate its repeat offender project within three months; develop clearly defined missions and duties for specialized tactical and investigative units; develop eligibility criteria and selection devices for assignments to specialized units; document all specialized tactical deployments; and review all deployments to identify policy, training, equipment, or tactical concerns.

Crisis intervention: This section requires that APD consider specialized responses to incidents involving individuals in mental health crisis to minimize the need for using force, when appropriate, and for facilitating access to community-based treatment, supports, and services. The settlement agreement requires APD to establish a mental health response advisory committee; provide crisis intervention training to all officers; provide behavioral health training to dispatchers; expand the number of officers certified in crisis intervention; expand the number of detectives assigned to the crisis intervention unit; and collect and analyze data on crisis intervention to improve APD’s response to these calls.

Policies and training: This section requires that APD develop and revise policies and training programs to ensure compliance with the settlement agreement.

Misconduct complaints and investigations: This section requires that the city and APD fully and fairly investigate all allegations of officer misconduct and take corrective and disciplinary action, when warranted, in an effective and consistent manner. The city and APD agree to accept third-party and anonymous complaints; implement a public information program on civilian complaints; and prohibit all forms of retaliation against those reporting misconduct.

Staffing and supervision: This section requires that APD conduct a staffing study and develop a staffing plan to ensure close and effective supervision of officers in the field. The settlement agreement sets supervision levels; strengthens supervisor training; improves the early intervention system; and requires officers to use on-body recording systems.

Recruitment and promotions: This section requires that APD develop recruitment and hiring programs that support ethical and professional policing. The city and APD agree to develop a strategic recruitment plan; ensure that candidates for sworn personnel positions, including lateral hires, undergo psychological, medical, and polygraph examinations; maintain a drug testing program; and conduct pre-employment investigations of lateral hires, including their history of using force.

Officer assistance and support: This section is designed to ensure that officers are provided ready access to mental health and support services, including providing mental health evaluations before an officer is allowed back on full duty following a traumatic incident.

Community engagement and oversight: This section is designed to sustain reforms by supporting strong community participation and creating formal and informal mechanisms that facilitate ongoing communication between APD and Albuquerque's many communities. The city and APD agree to promote community and problem-oriented policing; conduct outreach to inform the public of APD's progress toward compliance; develop community policing councils; and maintain a civilian police oversight agency that conducts meaningful, independent investigations of all citizen complaints, and reviews serious uses of force and officer-involved shootings, while also tracking long-term trends and assessing APD's policies and training.

Implementation, monitoring, and enforcement: This section ensures that the settlement agreement is implemented fully and transparently. The parties will select a monitor to assess APD's compliance. The monitor will complete regular compliance reviews that measure APD's progress and file written, public compliance reports every four months, and after two years, every six months. The settlement agreement will not be terminated until APD has maintained substantial compliance for two consecutive years.

NEXT STEPS

The mayor has agreed to execute the settlement agreement after the city council has an opportunity to review and endorse the agreement during the week of Nov. 3, 2014. After Nov. 10, 2014, the parties intend to file the settlement agreement with the United States District Court for approval and entry as an order. The parties will identify and evaluate candidates to select the independent monitor. The parties will also conduct community outreach to inform the public about the terms of the settlement agreement.