

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THE CITY OF ALBUQUERQUE,

No. CIV. 14-1025 JB\SMV

Defendant,

vs.

THE ALBUQUERQUE POLICE
OFFICERS' ASSOCIATION,

Intervenor.

**JOINT NOTICE OF THE PARTIES' AGREEMENT FOR
THE MONITOR TO REFRAIN FROM CONDUCTING
COMPLIANCE REVIEWS OF CERTAIN CASA REQUIREMENTS**

Pursuant to Paragraph 302 of the Second Amended and Restated Court-Approved Settlement Agreement (CASA), the Parties hereby notify the Court of their agreement that the Monitor shall refrain from conducting compliance reviews of certain CASA paragraphs as of August 1, 2022. Instead, the City will engage in self-monitoring and self-assessment for each of those paragraphs that require ongoing compliance reviews.

Paragraph 302 of the CASA states:

Where the Parties agree, the Monitor shall refrain from conducting a compliance review of a requirement previously found by the Monitor to be in sustained compliance for at least two years pursuant to audits or reviews, or where outcome assessments or other information indicate that the outcome intended by the requirement has been achieved.

Doc. 465-1 at 93.¹ The City has been in operational compliance² with the requirements of the following paragraphs of the CASA for at least two consecutive years, if not longer:

- Paragraphs 81-85, regarding the Multi-Agency Task Force, all in operational compliance since the Monitor's Fifth Report (IMR-5), Doc. 274;
- Paragraphs 91, 94-98, 100, and 102-109, regarding Specialized Units, all in operational compliance since the Monitor's Sixth Report (IMR-6), Doc. 313;
- Paragraphs 118 and 120-121, regarding Behavioral Health Training, all in operational compliance since IMR-5, Doc. 274;
- Paragraphs 155-161, regarding the Field Training Evaluation Program, all in operational compliance since IMR-6, Doc. 313;
- Paragraphs 164-168, regarding Public Information on Civilian Complaints, all in operational compliance since IMR-6, Doc. 313;
- Paragraphs 232-246, regarding Recruitment, Hiring, Performance Evaluations, and Promotions, all in operational compliance since the Monitor's Eighth Report (IMR-8), Doc. 399; and

¹ Page citations refer to ECF page numbering.

² Under the compliance levels created by the Monitor, operational compliance is the highest level of compliance the Albuquerque Police Department (APD) can achieve, and is defined as follows:

Operational compliance is attained at the point that the adherence to policies is apparent in the day-to-day operation of the agency e.g., line personnel are routinely held accountable for compliance, not by the monitoring staff, but by their sergeants, and sergeants are routinely held accountable for compliance by their lieutenants and command staff. In other words, the APD "owns" and enforces its policies.

See Monitor's Fifteenth Report (IMR-15), Doc. 910 at 9.

- Paragraphs 247-253, regarding Officer Assistance and Support, all in operational compliance since IMR-8. Doc. 399.

The Parties agree that the City has been “in sustained compliance for at least two years” for all the requirements in these paragraphs of the CASA as mandated by Paragraph 302.

Paragraph 119. The City was in operational compliance for Paragraph 119, which requires APD to provide certain behavioral health training for cadets, for nearly four years, from the Monitor’s Fourth through Eleventh Reports. In his Twelfth Report (IMR-12), the Monitor found that the City had fallen out of compliance with the requirements of Paragraph 119 because APD had reduced a two-hour training to a 30-minute video. Doc. 652 at 201-02. However, the Monitor’s Fourteenth Report (IMR-14) found the City back in operational compliance with Paragraph 119, *see* Doc. 872 at 166-67, and the City remained in operational compliance in the Monitor’s most recent Report (IMR-15). Doc. 910 at 173-74. Because the City has been in operational compliance with Paragraph 119 for eight out of the previous ten reporting periods, including the two most recent reporting periods, and the Monitor found that “the level and quality of behavioral health training developed and delivered by APD to be strong,” in his most recent Report, *id.* at 175, the Parties agree that the outcome intended by Paragraph 119 has been achieved.

Paragraph 204. Similarly, the Monitor found that the City was in operational compliance with Paragraph 204, requiring that APD conduct a comprehensive staffing study, from his Fourth through Twelfth Reports. In his Thirteenth Report (IMR-13), the Monitor downgraded the City to secondary compliance because the City had commissioned a new staffing study that had not yet been completed. Doc. 781 at 273. The City remained in only secondary compliance with this requirement in IMR-14, but in IMR-15 the City was again in operational compliance

because the Monitor deemed the most recent staffing assessment satisfactory. Doc. No. 910 at 251-52. Because Paragraph 204 does not require ongoing activities and its intended outcome has been achieved, the Parties agree that it is appropriate for the Monitor to refrain from conducting further compliance reviews for this requirement.

In lieu of the Monitor conducting reviews of the City's compliance with the requirements of CASA Paragraphs 81-85, 91, 94-98, 100, 102-109, 118-121, 155-161, 164-168, 204, and 232-253, the Parties agree that the City will self-assess its compliance with those paragraphs that have ongoing requirements.³ In conjunction with a Motion for Self-Assessment that the City filed in March 2020, *see* Doc. No. 556, the City submitted a First Self-Assessment Plan. *See* Doc. No. 556-1. Though the City later withdrew its Motion, *see* Doc. No. 619, the City will use the Self-Assessment Plan, updated to reflect the Parties' agreement here, to assess its own compliance with Paragraphs 81-85, 91, 94-98, 100, 102-109, 119-121, 155-161, 164-168, and 232-253 moving forward. The Parties will also seek the Monitor's review and input on the City's Self-Assessment Plan. The City will analyze and report on its compliance with these paragraphs to the United States, Intervenor, the Monitor, the Court, and the public in its biannual Progress and 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. *See* CASA ¶ 319, Doc. No. 465-1 (requiring that the City file biannual status reports).

* * * * *

³ Some paragraphs, like Paragraph 118, are factual and do not put forth requirements the City must fulfill. *See* CASA ¶ 118, Doc. 465-1 at 46 ("APD has undertaken an aggressive program to provide behavioral health training to its officers. This Agreement is designed to support and leverage that commitment."). As discussed above, other paragraphs, such as Paragraph 204, contain one-time requirements that do not involve ongoing obligations.

The ultimate goal of the CASA is “To ensure that [APD] delivers police services that comply with the Constitution and laws of the United States.” CASA ¶ 1, Doc. 465-1 at 3. Once the Monitor’s compliance reviews make clear that the City has either complied with the CASA for sufficient time to demonstrate durable reform or has achieved the intended outcomes of the CASA, Paragraph 302 provides a mechanism for the Parties to have the Monitor refrain from conducting compliance reviews of the relevant CASA requirements. For the CASA paragraphs listed in this notice, the City has also committed to assume monitoring and assessment of its compliance. This transition to self-assessment is a logical and necessary step toward ensuring that the City is able to sustain constitutional, lawful policing. For these reasons, the Parties agree that it is appropriate for the Monitor to refrain from conducting compliance reviews of Paragraphs 81-85, 91, 92-98, 100, 102-109, 118-121, 155-161, 164-168, 204, and 232-253 of the CASA, and for the City to assume the responsibility of monitoring and assessing its own compliance with those requirements.

The Monitor concurs with the Parties’ agreement.

Respectfully submitted this 15th day of September 2022,

Plaintiff UNITED STATES OF AMERICA:

ALEXANDER M.M. UBALLEZ
United States Attorney
District of New Mexico

RUTH F. KEEGAN
Civil Division Chief

/s/ Elizabeth M. Martinez
ELIZABETH M. MARTINEZ
Assistant U.S. Attorney
U.S. Attorney’s Office
District of New Mexico
P.O. Box 607

KRISTEN CLARKE
Assistant Attorney General
Civil Rights Division

STEVEN H. ROSENBAUM
Chief, Special Litigation Section

PAUL KILLEBREW
Deputy Chief
/s/ Jean M. Zachariasiewicz
JEAN M. ZACHARIASIEWICZ

P.O. Box 607
Albuquerque, NM 87103
Telephone: (505) 346-7274
Elizabeth.Martinez@usdoj.gov

PATRICK KENT
JARED D. HAGER
Trial Attorneys
Special Litigation Section
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530
Telephone: (202) 305-3229
Paul.Killebrew@usdoj.gov
Jean.Zachariasiewicz@usdoj.gov
Patrick.Kent@usdoj.gov
Jared.Hager@usdoj.gov

Defendant CITY OF ALBUQUERQUE:

Approved by Email
LAUREN KEEFE, CITY ATTORNEY
CARLOS F. PACHECO
Senior Managing City Attorney
TREVOR RIGLER
Assistant City Attorney
P.O. Box 2248
Albuquerque, NM 87103
(505) 768-4500
cpacheco@cabq.gov

INDEPENDENT MONITOR:

Approved by Email
JAMES D. GINGER, Ph.D.
Public Management Resources, Inc.
6877 Francis Marion Road
Pamplico, SC 29583
Telephone: (843) 493-6293
pmrinc@mac.com

CERTIFICATE OF SERVICE

I hereby certify that on September 15, 2022, I filed the foregoing pleading electronically through the CM/ECF system which caused all parties or counsel and the Independent Monitor to be served by electronic means as more fully reflected on the Notice of Electronic Filing.

/s/ Elizabeth M. Martinez
ELIZABETH M. MARTINEZ
Assistant United States Attorney



ALBUQUERQUE POLICE DEPARTMENT

August 1, 2022

FIRST SELF- ASSESSMENT PLAN

APD's Plan for Self-Assessing Compliance
with Requirements set forth in the Court-
Approved Settlement Agreement in the
Case of *United States v. City of
Albuquerque*, 14-CV-1025

HAROLD MEDINA
CHIEF OF POLICE

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LIST OF ACRONYMNS

AAR	After-Action Reports
COD	Compliance and Oversight Division
APD	Albuquerque Police Department
BSS	Behavioral Science Section
CASA	Court-Approved Settlement Agreement
CIT	Crisis Intervention Training
CIU	Crisis Intervention Unit
COAST	Crisis Outreach and Support Team
DOJ	Department of Justice
ECC	Emergency Communication Center
EOD	Explosive Ordnance Disposal
FRB	Force Review Board
FSB	Field Service Bureau
FTEP	Field Training Evaluation Program
FTO	Field Training Officer
HR	Human Resources
IA	Internal Affairs
IAPS	Internal Affairs Professional Standards
IMR	Independent Monitor Report
IMT	Independent Monitoring Team
MATF	Multi-Agency Task force
MHRAC	Mental Health Response Advisory Committee
MOE	Maintenance of Effort
MOU	Memorandum of Understanding
P1/C	Patrolman First Class
PMU	Performance Metrics Unit
RAM	Risk Assessment Matrices
SID	Specialized Investigative Division
SOD	Special Operations Division
SOP	Standard Operating Procedures
SWAT	Special Weapons And Tactics
UOF	Use of Force

BACKGROUND

On April 10, 2014, the Department of Justice (DOJ) released its findings after conducting a civil investigation into the Albuquerque Police Department (APD) for allegations of excessive force.¹ DOJ concluded that it had “reasonable cause to believe that APD engages in a pattern or practice of use of excessive force, including deadly force, in violation of the Fourth Amendment.”² The DOJ Investigative Findings Letter detailed eight areas in which APD needed to implement remedial measures to address the deficiencies identified during the investigation.³

Against this backdrop, on November 4, 2014, the Court-Approved Settlement Agreement (CASA) was entered into by the City of Albuquerque and DOJ,⁴ which was most recently updated in the Second Amended and Restated Court-Approved Settlement Agreement (Second Amended and Restated CASA) on July 30, 2019.⁵ The CASA is organized into nine broad categories,⁶ which are broken down into a total of 276 measurable compliance paragraphs, setting forth specific requirements with which APD must comply.⁷

The Parties selected an Independent Monitor, who was approved by and reports to the Court, to evaluate APD’s compliance with the CASA paragraphs.⁸ The Independent Monitor, along with a team of associate monitors, evaluates APD’s compliance through site visits, course of business documents, and field interviews. The Independent Monitoring Team’s (IMT) fieldwork and course of business documents review are essential components of the IMT’s assessment methodology.

¹ Letter from Jocelyn Samuels, Acting Assistant Attorney General, Civil Rights Division and Damon P. Martinez, Acting U.S. Attorney for the District of New Mexico, U.S. Department of Justice, Civil Rights Division, to Mayor Richard Berry, City of Albuquerque, New Mexico (Apr. 10, 2014) (hereafter, “DOJ Investigative Findings Letter”). *United States v. City of Albuquerque*, 14-cv-1025 JB/SMV, Doc. 1, Exhibit A.

² The DOJ Investigative Findings Letter additionally cited to the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141 (“Section 14141”). *Id.*, Doc. 1, Exhibit A at p. 1.

³ DOJ identified the following eight areas for remediation: Use of Force Policies; Interacting with Individuals with Mental Illness and other Disabilities; Tactical Units; Training; Management and Supervision; Recruitment and Selection; and Community Policing and Oversight. DOJ Investigative Findings Letter, Doc. 1, Exhibit A at p. 1.

⁴ *Id.*, Doc. 9-1.

⁵ *Id.*, Doc. 465-1.

⁶ The nine areas are: Use of Force: Internal Controls and Accountability; Specialized Units; Crisis Intervention; Policies and Training Generally; Misconduct Complaint Intake, Investigation, and Adjudication; Staffing, Management, and Supervision; Recruitment, Selection, and Promotions; Officer Assistance and Support; and Community Engagement and Oversight.

⁷ *Second Amended and Restated CASA* Doc. 465-1.

⁸ *Id.*, Doc. 103.

Using this data, the Independent Monitor reports on APD's compliance in a three-level process: primary, secondary, and operational.⁹ In the most basic terms, primary compliance means that APD has developed satisfactory policies; secondary compliance means that APD has trained those policies; and operational compliance means that APD consistently applies its policies and training.¹⁰

The CASA provides for the suspension of monitoring, as to specific requirements of the CASA, when APD has shown that it is no longer required. In particular, Paragraph 302 of the CASA provides that:

Where the Parties agree, the Monitor shall refrain from conducting a compliance review of a requirement previously found by the Monitor to be in sustained compliance for at least two years pursuant to audits or reviews, or where outcome assessments or other information indicate that the outcome intended by the requirement has been achieved.

Under the CASA, and with the active oversight and guidance from the Independent Monitor and DOJ, APD has achieved and maintained operational compliance with certain paragraphs in the CASA for a period of two years or longer. Thus, the paragraphs subject to APD's self-assessing are those that have demonstrated prolonged CASA operational compliance.

Although the Monitor will refrain from conducting compliance ratings for these paragraphs, APD will still be required to abide by the CASA requirements. However, rather than being monitored by the Independent Monitor, APD will begin self-assessing its performance and report its findings to the Court, the Independent Monitor, the DOJ, and the community. Both DOJ and the Independent Monitor will continue to have access to APD in accordance with CASA Paragraphs 322 and 323.

The Independent Monitor will continue to monitor APD's compliance with other paragraphs, review all of APD's policies, and review any trainings that have been historically reviewed by the Independent Monitor.¹¹

For the paragraphs subject to the the Parties' agreement, the Performance Metrics Unit (PMU) of APD's Compliance and Oversight Division (COD) and an identified policing subject matter expert (SME), where applicable, will be responsible for conducting the self-assessment. The SME is a command-level or above sworn officer who has experience in the assessed area. To ensure objectivity, the SME will not be in the unit's direct chain of command in which they conduct the qualitative analysis.

The PMU is responsible for conducting independent and objective review of APD's procedures and practices to identify concerns so that they may be addressed proactively by APD. The

⁹ See, e.g., *Monitor's Tenth Report*, Doc. 493 at pp. 7-8.

¹⁰ *Id.* at 12.

¹¹ CIU training is the only exception because it will continue to be reviewed by the Mental Health Response Advisory Committee (MHRAC).

Independent Monitor repeatedly has lauded the ability of PMU. For example, in IMR-10 and IMR-14, the Independent Monitor stated:

[The PMU] continue[s] to demonstrate a superior understanding of their responsibilities and are building an auditing capacity that would exceed most sophisticated law enforcement agencies. As we noted in IMR-9, we are encouraged with the manner in which PMU is conducting audits, and we believe that those audits will bring better data to APD in order to make informed CASA compliance determinations. Doc. 493, p. 97.

[The PMU] has maintained momentum and expanded its scope of business throughout the IMR-14 reporting period. We have seen no evidence that PMU's efforts to self-evaluate APD operations are being impeded in any way. In fact, based on our personal observations and information provided by the PMU Manager, we remain confident that internal audits are being supported by the APD executive-level personnel. Doc. 872, p. 39.

DEVELOPMENT AND OUTLINE OF THE SELF-ASSESSMENT PLAN

Methodology for Developing the Self-Assessment Plan

The COD developed this plan based on the review of the practices established by the IMT. This plan identifies **objectives**, **data sources**, and **testing methodologies** for conducting self-assessments.

Objectives. For each CASA paragraph in this plan, the COD has developed a series of questions, drawn from the requirements of the CASA as objectives. To answer these questions, the COD or SME will examine the data sources and report on their results.

Data Sources. The COD identified data sources for each self-assessment task outlined in this plan by reviewing archives of prior data requests from the IMT and consulting with APD personnel who compile the data requests. These data sources are parallel to the data requested by the IMT used to determine operational compliance.

Testing Methodologies. The COD developed testing methodologies by reviewing the IMT's methodologies outlined in Independent Monitor Reports/appendices used to determine operational compliance. The methodology outlines how the data sources will be used to assess the APD's efforts to sustain operational compliance using the baseline established by the IMT. Each paragraph was analyzed to determine whether a quantitative analysis, qualitative analysis, or combination of both would be used. If quantitative analysis will be conducted, a sampling method¹² and a sample size is identified in the methodology. Quantitative analysis will be measured at 95% compliance or greater.

¹² Random samples will be generated using a random number generator.

Definition of Full and Effective Compliance

Full and Effective Compliance: “Full and Effective Compliance shall be defined to require sustained compliance with all material requirements of this Agreement or sustained and continuing in constitutional policing, as demonstrated pursuant to this Agreement’s outcome measures.”¹³

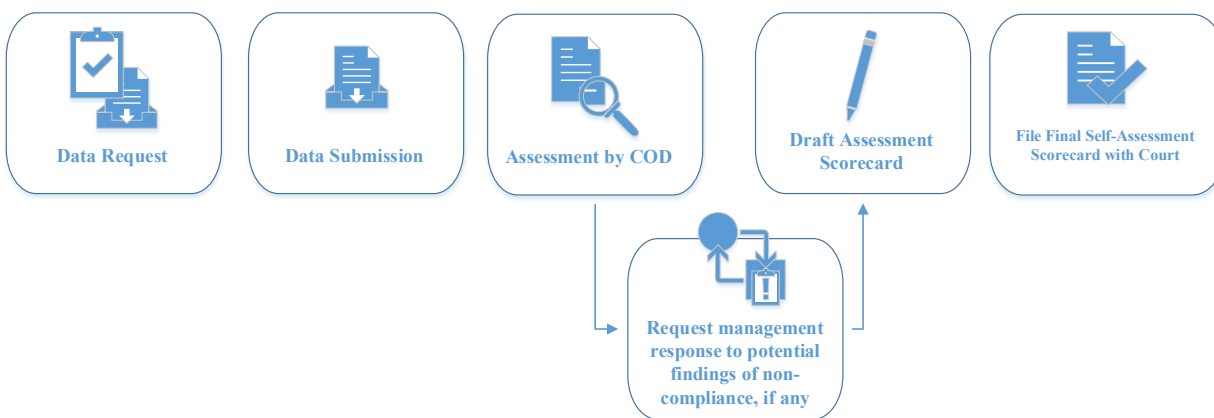
The Independent Monitor has assessed APD’s data quantitatively, qualitatively or both. For quantitative analysis, the Independent Monitor evaluated compliance when APD achieved a 95% success rate. For qualitative analysis, PMU, or an SME will evaluate the quality of data sources and processes in conjunction with quantitative outcomes. **APD will continue to measure full and effective compliance at the 95% success rate previously established by the Independent Monitor.**

Definition of Quantitative and Qualitative Data

Quantitative data are used to address the "what" or "how many" aspects of a research objective. It is data that can either be counted or compared on a numeric scale.

Qualitative data describes qualities or characteristics. It may be collected using questionnaires, interviews, or observation, and often is presented in narrative form. The data may be in the form of descriptive words that can be examined for patterns or meaning.

Structure of the Self-Assessment Process



Data Requests and Data Submissions:

¹³ *Second Amended and Restated CASA*, ¶ 342.

The COD will track each internal data request, allow time for a project lead¹⁴ to collect and respond to the request, and provide time for the PMU to evaluate and assess the data provided. Project leads must submit the data subject to the PMU's request. Project leads do not have discretion to deviate from the data request.

Self-Assessment:

PMU and, where identified, the SME will conduct the self-assessment for a section of paragraphs in this Self-Assessment Plan. By reviewing the initial data sources, PMU or the SME will answer the questions in the objectives. If PMU cannot answer the objectives with the initial data sources, PMU or the SME may request additional information, such as documentation and/or interviews with personnel (similar to an IMT site visit). Any additional sources used that are not listed in this Self-Assessment Plan will be documented in the Self-Assessment Scorecard.

Evaluating self-assessment outcomes are achieved by analyzing internal controls that enable reasonable assurance for sustained compliance. Internal controls are safeguards within a process that provides reasonable assurances for quality and consistent outcomes. PMU will evaluate policy to current processes and identify strengths or weaknesses within the process. These processes also have the IMT's approval.

If compliance falls below the 95% compliance rate, APD will report a finding in the self-assessment scorecard. In this plan, a "finding" is the result of non-compliance with the requirements of a paragraph.

Management Response to Potential Findings of Non-Compliance:

If a potential finding is discovered and poses a risk to full and effective compliance, the project lead will be notified during the self-assessment. The project lead must provide a management response within 15 calendar days¹⁵ to the PMU. The management response shall include a plan to address any findings identified by the PMU or the SME. The plan must include measurable goals designed to lead to compliance and an implementation date that defines when corrective action will be complete.

Draft Assessment Scorecard:

The COD will draft the Self-Assessment Scorecard that will summarize the outcomes of compliance for a set of paragraphs, which data sources were used, methodologies, all potential

¹⁴ The project leads are APD sworn personnel, unless otherwise noted by a particular paragraph, who are the designated points of contact and accountable for ensuring continued compliance with CASA paragraph requirements.

¹⁵ If the 15th calendar day falls on a weekend or holiday, the response will be due the next business day.

findings, management responses, and the outcomes of any actual findings. The draft Self-Assessment Scorecard shall be completed within 30 calendar days of completing the self-assessment.

The COD will conduct follow-ups and report on the outcomes for all management responses that have corrective action. The COD will issue a follow-up report on the specific outcomes prior to the next Self-Assessment Scorecard.

Review of Draft Self-Assessment Scorecard by DOJ and the Independent Monitor:

The draft Self-Assessment Scorecard by APD will be provided to DOJ and the Independent Monitor for review. The Independent Monitor and DOJ will have 10 calendar days¹⁶ to provide feedback and a response regarding the draft Self-Assessment Scorecard and may request to view data sources used to determine whether compliance has been sustained.

File Final Self-Assessment Scorecard, including Independent Monitor Response, with Court:

The COD will finalize the Self-Assessment Scorecard for the section of paragraphs in review and the City will then file its Self-Assessment Scorecard with the Court.

The Self-Assessment Scorecard will include the Independent Monitor's responses, if any.

Self-Assessment Scorecards with compliance rates below 95% will be addressed during ReformStat, along with detailed action plans to track compliance efforts until the next self-assessment is conducted. ReformStat is an internal, executive-level oversight meeting to assess progress and action items assigned to personnel for compliance improvements. ReformStat will include close monitoring during regular update meetings to regain a compliance rate or 95% or above.

Self-Assessment Schedules

APD will implement a self-assessment schedule to review distinct areas of the CASA. Each area contains a number of CASA paragraphs. The schedule of self-assessments will be evaluated regularly and is subject to change.

SELF-ASSESSMENT TASKS

¹⁶ If the 10th calendar day falls on a weekend or holiday, the DOJ and Monitor response will be due the next business day.

MULTI-AGENCY TASK FORCE (MATF)

Paragraph 81 – Quantitative

“APD shall continue to participate in the Multi-Agency Task Force for as long as the Memorandum of Understanding continues to exist. APD agrees to confer with participating jurisdictions to ensure that inter-governmental agreements that govern the Multi-Agency Task Force are current and effective. APD shall ensure that the inter-governmental agreements are consistent with this Agreement.”

Objective:

Does APD continue to participate in the Multi-Agency Task Force (MATF)?

Data Sources:

- MATF MOU; and
- MATF case ledger.

Testing Methodology & Analysis:

Review the MATF MOU and Ledger to determine if APD is participating in MATF. What findings, if any, were identified? What actions did APD take to address these findings in order to maintain full and effective compliance?

Conclusion:

Is full and effective compliance maintained? Explain the compliance outcomes based on the results of the self-assessment.

Unit(s) responsible for analysis:

MATF and PMU

Paragraph 82 – Quantitative

“APD agrees to consult with participating jurisdictions to establish investigative protocols for the Multi-Agency Task Force. The protocols shall clearly define the purpose of the Multi-Agency Task Force; describe the roles and responsibilities of participating agencies, including the role of the lead investigative agency; and provide for ongoing coordination among participating agencies and consultation with pertinent prosecuting authorities.”

Objective:

Do MATF protocols clearly establish the roles and responsibilities of participating agencies, including the role of the lead investigative agency, and are there mechanisms to address any known, identified, and described problems with MATF operations?

Do MATF protocols provide for ongoing coordination among participating agencies and consultation with pertinent prosecuting authorities?

Data Sources:

- MATF MOU;

- MATF case ledgers; and
- Case Declination Letter, when applicable.

Testing Methodology & Analysis:

Review the MATF MOU to verify it has the roles and responsibilities of the participating agencies.

Review the MATF ledger for case entries where the APD was the lead agency to determine whether they were submitted to prosecutorial agencies.

What findings, if any, were identified? What actions did APD take to address these findings in order to maintain full and effective compliance?

Conclusion:

Is full and effective compliance maintained? Explain the compliance outcomes based on the results of the self-assessment.

Unit(s) responsible for analysis:

MATF and PMU

Paragraph 83 – Quantitative

“APD agrees to consult and coordinate with the Multi-Agency Task Force on the release of evidence, including video recordings of uses of force, and dissemination of information to preserve the integrity of active criminal investigations involving APD personnel.”

Objective:

Has APD consulted and coordinated with MATF regarding release of evidence?

Data Sources:

- MATF MOU;
- MATF case ledger; and
- Correspondence related to the release of evidence and dissemination of information.

Testing Methodology & Analysis:

Review the MOU, case ledger for all cases where APD is the lead agency and evidence was released, and review whether there was correspondence related to the release of evidence and dissemination of information prior to releasing evidence.

What findings, if any, were identified? What actions did APD take to address these findings in order to maintain full and effective compliance?

Conclusion:

Is full and effective compliance maintained? Explain the compliance outcomes based on the results of the self-assessment.

Unit(s) responsible for analysis:

MATF and PMU

Paragraph 84 – Quantitative

“APD agrees to participate in all briefings of incidents involving APD personnel that are investigated by the Multi-Agency Task Force.”

Objective:

Has APD participated in all briefings of incidents involving APD personnel investigated by MATF?

Data Sources:

- MATF case ledger; and
- MATF briefing sign-in sheets.

Testing Methodology & Analysis:

Compare all MATF briefing sign-in sheets to all MATF case ledgers to determine whether APD participated in all briefings of incidents involving APD personnel who were investigated by MATF. What findings, if any, were identified? What actions did APD take to address these findings in order to maintain full and effective compliance?

Conclusion:

Is full and effective compliance maintained? Explain the compliance outcomes based on the results of the self-assessment.

Unit(s) responsible for analysis:

MATF and PMU

Paragraph 85 – Quantitative

“If the Memorandum of Understanding governing the Multi-Agency Task Force expires or otherwise terminates, or APD withdraws from the Multi-Agency Task Force, APD shall perform all investigations that would have otherwise been conducted pursuant to the Memorandum of Understanding. This Agreement does not prevent APD from entering into other investigative Memoranda of Understanding with other law enforcement agencies to conduct criminal investigation of officer-involved shootings, serious uses of force, and in-custody deaths.”

Objective:

If the MATF MOU has been terminated or APD has withdrawn from it, does APD continue to investigate cases that would have been conducted under the MATF MOU?

Data Sources:

- MATF MOU and
- MATF case ledger.

Testing Methodology & Analysis:

Review the MATF ledger and MOU to determine whether APD continues to participate in the MATF.

What findings, if any, were identified? What actions did APD take to address these findings in order to maintain full and effective compliance?

Conclusion:

Is full and effective compliance maintained? Explain the compliance outcomes based on the results of the self-assessment.

Unit(s) responsible for analysis:

MATF and PMU

BEHAVIORAL HEALTH TRAINING

Paragraph 118 – N/A

“APD has undertaken an aggressive program to provide behavioral health training to its officers. This Agreement is designed to support and leverage that commitment.”

Objective:

This is a statement without measurable requirements and therefore the Parties agree that there is nothing to report.

Paragraph 119 – Quantitative

“APD agrees to continue providing state-mandated, basic behavioral health training to all cadets in the academy. APD also agrees to provide 40 hours of basic crisis intervention training for field officers to all academy graduates upon their completion of the field training program. APD is also providing 40 hours of basic crisis intervention training for field officers to all current officers, which APD agrees to complete by July 15, 2016.”

Objective:

Does APD provide the required state-mandated behavioral health training to all cadets?
Does APD provide an additional 40 hours of basic Crisis Intervention Training (CIT) for all of its field officers not more than six months before graduation or two years post-graduation from the Academy?

Data Sources:

- Cadet rosters for state-mandated basic behavioral health training;
- Lesson plans and tests for basic behavioral health training and basic CIT; and
- Basic CIT and basic behavioral health training rosters.

Testing Methodology & Analysis:

Review all cadet rosters to determine whether APD has provided cadets the state-mandated basic behavioral health training.

Review all basic CIT training rosters to determine whether APD provided the 40 hours of basic CIT for all its field officers not more than six months before graduation or two years post-graduation from the Academy.

Compare the objectives in the lesson plans to a random sample of 10% of test questions to determine whether the questions relate to the objectives in the lesson plans.¹⁷

Determine whether the Academy reviewed the state-mandated guidelines and compared it to the lesson plans to ensure training complies with state-mandates.

What findings, if any, were identified? What actions did APD take to address these findings in order to maintain full and effective compliance?

Conclusion:

Is full and effective compliance maintained? Explain the compliance outcomes based on the results of the self-assessment.

Unit(s) responsible for analysis:

CIU and PMU

Paragraph 120 – Quantitative

“The behavioral health and crisis intervention training provided to all officers will continue to address field assessment and identification, suicide intervention, crisis de-escalation, scenario-based exercises, and community mental health resources. APD training shall include interaction with individuals with a mental illness and coordination with advocacy groups that protect the rights of individuals with disabilities or those who are chronically homeless. Additionally, the behavioral health and crisis intervention training will provide clear guidance as to when an officer may detain an individual solely because of his or her crisis and refer them for further services when needed.”

Objective:

Does APD coordinate with the Mental Health Response Advisory Committee (MHRAC) for their input in the development of Crisis Intervention Training?

Data Sources:

- Current lesson plans for CIT;
- List of newly developed and revised CIT(s); and
- MHRAC training sub-committee meeting minutes and correspondence to/from MHRAC.

Testing Methodology & Analysis:

Review all CIT-related lesson plans to determine whether all topics are included as required in Paragraph 120.

¹⁷ The PMU will conduct solely a quantitative analysis because, pursuant to CASA Paragraph 111, APD submits all behavioral health-related trainings to the Mental Health Response Advisory Committee (MHRAC), which is comprised of individuals who are SMEs in the field of behavioral health, to review the quality of trainings and ensure the trainings comport with “best practices” (as defined in CASA Paragraph 12(k)). Pursuant to CASA Paragraph 117, MHRAC publishes an annual report, which includes “recommendations for improvement [and] training priorities.” Because these paragraphs create a mechanism for SMEs to conduct qualitative reviews of behavioral health training, PMU will not conduct such a review. Additionally, all behavioral health-related trainings must undergo the Academy’s 7-Step Process, a practice the IMT recommended.

Review all MHRAC Training sub-committee meeting minutes and correspondence to verify APD sent the training to MHRAC for its input.

What findings, if any, were identified? What actions did APD take to address these findings in order to maintain full and effective compliance?

Conclusion:

Is full and effective compliance maintained? Explain the compliance outcomes based on the results of the self-assessment.

Unit(s) responsible for analysis:

CIU and PMU

Paragraph 121 – Quantitative

“APD shall ensure that new telecommunicators receive 20 hours of behavioral health training. This training shall include: telephonic suicide intervention; crisis management and de-escalation; interactions with individuals with mental illness; descriptive information that should be gathered when tele-communicators suspect that a call involves someone with mental illness; the roles and functions of COAST, crisis intervention certified responders, and CIU; the types of calls that should be directed to particular officers or teams; and recording information in the dispatch database about calls in which mental illness may be a factor.”

Objective:

Does APD provide 20 hours of behavioral health training to all new telecommunicators that covers the topics as required in Paragraph 121?

Data Sources:

- List of all new telecommunicator hires and their hire dates;
- Lesson plans for behavioral health-related training for telecommunicators; and
- Telecommunicator class roster.

Testing Methodology & Analysis:

Review all behavioral health-related lesson plans to determine whether the topics as required in Paragraph 121 are addressed in the lesson plans; and

Review all class rosters for newly hired Emergency Communication Center (ECC) telecommunications to determine if they received training within six months of hire date.

What findings, if any, were identified? What actions did APD take to address these findings in order to maintain full and effective compliance?

Conclusion:

Is full and effective compliance maintained? Explain the compliance outcomes based on the results of the self-assessment.

Unit(s) responsible for analysis:

CIU and PMU

FIELD TRAINING EVALUATION PROGRAM (FTEP)**Paragraph 155 – Quantitative**

“APD shall supervise and manage its field training program to ensure that new officers develop the necessary technical and practical skills required to use force in accordance with APD policy and applicable law. The field training program should reinforce, rather than circumvent, the agency’s values, core principles, and expectations on use of force and engagement with the community. Field Training Officers should demonstrate the highest levels of competence, professionalism, impartiality, and ethics.”

Objective:

Does APD manage and evaluate its field training program for new officers?

Data Sources:

- FTEP Packet and
- Completed critiques by recruit officers.

Testing Methodology & Analysis:

Review a random sample of 20% of the FTEP packets for Field Training Officer(s) (FTO) to determine whether the FTEP coordinator is evaluating the FTOs’ performance management documents and the FTO applicants’ Internal Affairs (IA) files; and

Review whether the FTEP coordinator evaluated the completed critiques by recruit officers. What findings, if any, were identified? What actions did APD take to address these findings in order to maintain full and effective compliance?

Conclusion:

Is full and effective compliance maintained? Explain the compliance outcomes based on the results of the self-assessment.

Unit(s) responsible for analysis:

PMU

Paragraph 156 – Quantitative

“APD shall revise the policies applicable to its field-training program to provide that academy graduates will receive 16 weeks of field training following the training academy and that recruits will not be released from the field training program early.”

Objective:

Does APD ensure that Academy graduates receive 16 weeks of field training following the Academy and that recruits are not released from the field training program early?

Data Sources:

- APD SOP 1-46 (formerly 6-1) FTEP and
- Field Service Bureau (FSB) Special Orders.

Testing Methodology & Analysis:

Evaluate FSB Special Orders to determine whether recruit officer assignments, through all phases, meet the 16-week training requirement; and
Review APD SOP 1-46 (formerly 6-1) to ensure the requirements pursuant to Paragraph 156 are memorialized in the policy.

What findings, if any, were identified? What actions did APD take to address these findings in order to maintain full and effective compliance?

Conclusion:

Is full and effective compliance maintained? Explain the compliance outcomes based on the results of the self-assessment.

Unit(s) responsible for analysis:

PMU

Paragraph 157 – Quantitative/Qualitative

“APD shall revise the qualifications for Field Training Officers to require three years of non-probationary experience as a sworn police officer and to ensure that Field Training Officers have a demonstrated commitment to constitutional policing, ethics, and professionalism.”

Objective:

Does APD require that its FTOs have three years of non-probationary experience as a sworn police officer and that those FTOs have a demonstrated commitment to constitutional policing, ethics, and professionalism?

Data Sources:

- Email from APD Human Resources (HR) with Patrolman First Class (P1/C) date; and
- FTO files.

Testing Methodology & Analysis:

Review a random sample of 10% of FTO files to verify the email from APD HR is part of the file and the date of hire to a P1/C meets the three-year requirement.

SME will review a random sample of 10% of FTO files to determine whether there is a process to evaluate that FTOs have demonstrated a commitment to constitutional policing, ethics, and professionalism.

What findings, if any, were identified? What actions did APD take to address these findings in order to maintain full and effective compliance?

Conclusion:

Is full and effective compliance maintained? Explain the compliance outcomes based on the results of the self-assessment.

Unit(s) responsible for analysis:

PMU and SME

Paragraph 158 – Quantitative/Qualitative

“New Field Training Officers and Area Sergeant Coordinators shall receive at least 40 hours of initial supervisory-level training and annual in-service training in the following areas: management and supervision; constitutional, community-oriented policing; de-escalation techniques; and effective problem-solving techniques. Field Training Officers and Area Sergeant Coordinators shall be required to maintain, and demonstrate on a regular basis, their proficiency in managing recruits and subordinates, as well as practicing and teaching constitutional, community-oriented policing; de-escalation techniques; and effective problem solving. APD shall maintain records of all evaluations and training of Field Training Officers and Area Sergeant Coordinators.”

Objective:

Has APD provided the initial 40-hour supervisory-level training to new FTOs and Area Sergeant Coordinators covering the topics required by Paragraph 158?

Does the FTEP Coordinator address recruit critiques that gives a substandard rating of the FTO?

Data Sources:

- List of all current FTOs and Sergeant Coordinators;
- FTO and Sergeant Coordinator training lesson plans;
- Rosters and test/evaluation questions; and
- Recruit critiques.

Testing Methodology & Analysis:

Review all lesson plans to determine whether all topics required by Paragraph 158 are addressed. Compare the objectives in the lesson plans to a random sample of 10% of test/evaluation questions to determine that the questions relate to the objectives in the lesson plans.

Review rosters to determine that each FTO and Sergeant Coordinator completed the training.

Evaluate the process in which the FTEP Coordinator addresses substandard ratings of FTOs from recruit critiques.

What findings, if any, were identified? What actions did APD take to address these findings in order to maintain full and effective compliance?

Conclusion:

Is full and effective compliance maintained? Explain the compliance outcomes based on the results of the self-assessment.

Unit(s) responsible for analysis:

PMU

Paragraph 159 – Quantitative

“Recruits in the field training program shall be trained in multiple Area Commands and shifts and with several Field Training Officers.”

Objective:

Does APD train its recruits in the field training program in multiple Area Commands and shifts with several Field Training Officers?

Data Sources:

- FSB Special Orders.

Testing Methodology & Analysis:

Review all FSB Special Orders related to recruit officer assignments, for the most recent roster of recruits who completed the field training program, and evaluate whether recruits were trained in multiple Area Commands and shifts and with several FTOs.

What findings, if any, were identified? What actions did APD take to address these findings in order to maintain full and effective compliance?

Conclusion:

Is full and effective compliance maintained? Explain the compliance outcomes based on the results of the self-assessment.

Unit(s) responsible for analysis:

PMU

Paragraph 160 – Qualitative

“APD shall provide a mechanism for recruits to provide confidential feedback regarding the quality of their field training, including the extent to which their field training was consistent with what they learned in the academy, and suggestions for changes to academy training based upon their experience in the field training program. APD shall consider feedback and document its response, including the rationale behind any responsive action taken or decision to take no action.”

Objective:

Does APD offer a mechanism for recruits’ confidential feedback?

Data Sources:

- Recruit Officer critiques and
- Response to critiques via inter-office memorandum by FTET Lieutenant

Testing Methodology & Analysis:

Evaluate the process from the onset of a recruit officer submitting their critique to the FTET Coordinator’s response to the critiques, to include any program improvements made or not made as a result of the feedback.

What findings, if any, were identified? What actions did APD take to address these findings in order to maintain full and effective compliance?

Conclusion:

Is full and effective compliance maintained? Explain the compliance outcomes based on the results of the self-assessment.

Unit(s) responsible for analysis:

PMU

Paragraph 161 – Qualitative

“The City shall provide APD with the necessary support and resources to designate a sufficient number of Field Training Officers to meet the requirements of this Agreement.”

Objective:

Does the City provide APD with the necessary resources to designate a sufficient number of Field Training Officers to meet the requirements of this Agreement?

Data Sources:

- List of all current FTOs and Sergeant Coordinators;
- FTO files;
- Recruit Officer critiques and
- Response to critiques via inter-office memorandum by FTEP Lieutenant

Testing Methodology & Analysis:

Evaluate the number of FTO's to the number of recruits to determine if there is an adequate number of FTO's. Determine if the City is maintaining any incentives for officers to become FTO's.

What findings, if any, were identified? What actions did APD take to address these findings in order to maintain full and effective compliance?

Conclusion:

Is full and effective compliance maintained? Explain the compliance outcomes based on the results of the self-assessment.

Unit(s) responsible for analysis:

PMU

RECRUITMENT, SELECTION, AND PROMOTIONS

Paragraph 232 – Qualitative

“To maintain high-level, quality service; to ensure officer safety and accountability; and to promote constitutional, effective policing, APD shall develop a comprehensive recruitment and hiring program that successfully attracts and hires qualified individuals. APD shall develop a recruitment policy and program that provides clear guidance and objectives for recruiting police officers and that clearly allocates responsibilities for recruitment efforts.”

Objective:

Does APD use a recruitment policy and program that attracts and hires qualified individuals, provides objectives for recruiting police officers, and allocates responsibilities for recruitment efforts?

Data Sources:

- APD Police Recruiting Program website and materials;
- Annual Strategic Recruitment Plan;
- Recruiting Annual Report; and
- APD SOP 1-85 Recruiting Unit (formerly 6-2).

Testing Methodology & Analysis:

Review the APD Recruitment materials, including the website and other promotional materials, for accessibility to APD's recruitment opportunities.

Compare the Annual Strategic Recruitment Plan to the Recruiting Annual Report to determine if the unit strived to meet its strategic goals.

Review the APD SOP 1-85 Recruiting Unit (formerly 6-2) to determine whether the policy is up to date and to determine whether the policy includes clear objectives, roles, and responsibilities. What findings, if any, were identified? What actions did APD take to address these findings in order to maintain full and effective compliance?

Conclusion:

Is full and effective compliance maintained? Explain the compliance outcomes based on the results of the self-assessment.

Unit(s) responsible for analysis:

PMU

Paragraph 233 – Qualitative

“APD shall develop a strategic recruitment plan that includes clear goals, objectives, and action steps for attracting qualified applicants from a broad cross section of the community. The recruitment plan shall establish and clearly identify the goals of APD's recruitment efforts and the duties of officers and staff implementing the plan.”

Objective:

Does APD use a strategic recruitment plan that includes clear goals, recruiting efforts, objectives, and action steps for attracting diverse, qualified applicants from a broad cross section of the community?

Data Sources:

- Annual Strategic Recruitment Plan

Testing Methodology & Analysis:

Review the Annual Strategic Recruitment Plan to determine whether there are clear goals, recruiting efforts, objectives for attracting diverse, and action steps for attracting qualified applicants from a broad cross section of the community.

What findings, if any, were identified? What actions did APD take to address these findings in order to maintain full and effective compliance?

Conclusion:

Is full and effective compliance maintained?

Unit(s) responsible for analysis:

PMU

Paragraph 234 – Qualitative

“APD’s recruitment plan shall include specific strategies for attracting a diverse group of applicants who possess strategic thinking and problem-solving skills, emotional maturity, interpersonal skills, and the ability to collaborate with a diverse cross-section of the community.”

Objective:

Does the Annual Strategic Recruitment Plan address specific strategies for attracting a diverse group of applicants who possess strategic thinking and problem-solving skills, emotional maturity, interpersonal skills, and the ability to collaborate with a diverse cross-section of the community?

Data Sources:

- Annual Strategic Recruitment Plan.

Testing Methodology & Analysis:

Review the Annual Strategic Plan for specific strategies to attract a diverse group of applicants who possess the requirements in Paragraph 234.

What findings, if any, were identified? What actions did APD take to address these findings in order to maintain full and effective compliance?

Conclusion:

Is full and effective compliance maintained? Explain the compliance outcomes based on the results of the self-assessment.

Unit(s) responsible for analysis:

PMU

Paragraph 235 – Quantitative

“APD’s recruitment plan will also consult with community stakeholders to receive recommended strategies to attract a diverse pool of applicants. APD shall create and maintain sustained relationships with community stakeholders to enhance recruitment efforts.”

Objective:

Does APD consider the suggestions of community stakeholders’ recommended strategies to attract a diverse pool of applicants?

Data Sources:

- Annual Strategic Recruitment Plan and
- Quarterly Community Stakeholder memorandum.

Testing Methodology & Analysis:

Review the Annual Strategic Recruitment Plan to verify that the unit consulted with community stakeholders and considered the recommendations for strategies.

Review the quarterly community stakeholder memorandum prepared by the Recruiting Unit sergeant to ensure stakeholder relationships are sustained. Are there specific strategies in the memorandum that can be identified in the plan?

What findings, if any, were identified? What actions did APD take to address these findings in order to maintain full and effective compliance?

Conclusion:

Is full and effective compliance maintained? Explain the compliance outcomes based on the results of the self-assessment.

Unit(s) responsible for analysis:

PMU

Paragraph 236 – Quantitative/Qualitative

“APD shall develop and implement an objective system for hiring and selecting recruits. The system shall establish minimum standards for recruiting and an objective process for selecting recruits that employs reliable and valid selection devices that comport with best practices and anti-discrimination laws.”

Objective:

Does APD have a policy for hiring and selecting recruits that has established standards and a process for selecting recruits?

Data Sources:

- APD Recruitment website;
- APD Recruitment Plan;
- APD SOP Recruiting Unit 1-85 (formerly 6-2); and
- Cadet files.

Testing Methodology & Analysis:

Review a 10% random sample of cadet files that have been seated into the Academy classes within the review period and determine if they met criteria for disqualification.

SME will review the recruitment website and APD Recruiting Unit 1-85 (formerly 6-2) for minimum standards for recruiting and selection and compare that to the selection process to determine whether there is an objective system, which comports with anti-discrimination laws, for hiring and selecting recruits.

SME will review applicants who have been disqualified to determine whether the applicant was correctly disqualified.

What findings, if any, were identified? What actions did APD take to address these findings in order to maintain full and effective compliance?

Conclusion:

Is full and effective compliance maintained? Explain the compliance outcomes based on the results of the self-assessment.

Unit(s) responsible for analysis:

PMU, SME, Recruitment and Backgrounds Unit

Paragraph 237 – Quantitative

“APD shall continue to require all candidates for sworn personnel positions, including new recruits and lateral hires, to undergo a psychological, medical, and polygraph examination to determine their fitness for employment. APD shall maintain a drug testing program that provides for reliable and valid pre-service testing for new officers and random testing for existing officers. The program shall continue to be designed to detect the use of banned or illegal substances, including steroids.”

Objective:

Does APD require all candidates for sworn personnel positions to undergo a psychological, medical, drug testing program, and polygraph examination to determine their fitness for employment?

Data Sources:

- Applicant Background File;
- Random Drug Testing Report;
- City’s substance abuse policy; and
- Memorandum from the City Substance Abuse Program Manager with random drug testing results.

Testing Methodology & Analysis:

Review a 10% random sample of cadet and lateral hires who have been seated into the Academy classes within the review period and determine if documentation is in the file in accordance with Paragraph 237.

What findings, if any, were identified? What actions did APD take to address these findings in order to maintain full and effective compliance?

Conclusion:

Is full and effective compliance maintained? Explain the compliance outcomes based on the results of the self-assessment.

Unit(s) responsible for analysis:

PMU

Paragraph 238 – Quantitative/Qualitative

“APD shall ensure that thorough, objective, and timely background investigations of candidates for sworn positions are conducted in accordance with best practices and federal anti-discrimination laws. APD’s suitability determination shall include assessing a candidate’s credit history, criminal history, employment history, use of controlled substances, and ability to work with diverse communities.”

Objective:

Does APD conduct background investigations, including credit, criminal and employment history, use of controlled substances, and ability to work with diverse communities?

Data Sources:

- APD SOP 1-85 Recruiting Unit (formerly 6-2) and
- Cadet Files.

Testing Methodology & Analysis:

Review a 10% random sample of cadet files that have been seated in the Academy classes within the review period and evaluate that the background investigations meet the provisions of Paragraph 238.

Review the APD SOP 1-85 Recruiting Unit (formerly 6-2) to determine whether it addresses anti-discrimination measures.

SME will review the cadet files and determine whether the process of background investigations of candidates for sworn positions are thorough, objective, timely, and comport with federal anti-discrimination laws.

What findings, if any, were identified? What actions did APD take to address these findings in order to maintain full and effective compliance?

Conclusion:

Is full and effective compliance maintained? Explain the compliance outcomes based on the results of the self-assessment.

Unit(s) responsible for analysis:

PMU and SME

Paragraph 239 – Quantitative/Qualitative

“APD shall complete thorough, objective, and timely pre-employment investigations of all lateral hires. APD’s pre-employment investigations shall include reviewing a lateral hire’s history of using lethal and less lethal force, determining whether the lateral hire has been named in a civil or criminal action; assessing the lateral hire’s use of force training records and complaint history, and requiring that all lateral hires are provided training and orientation in APD’s policies, procedures, and this Agreement.”

Objective:

Does APD conduct a pre-employment investigation of lateral hires?

Are all lateral hires who are seated into a lateral Academy class provided training and orientation in APD’s policies, procedures, and the CASA?

Data Sources:

- Chief’s Selection Report;
- Training Schedule and rosters for the lateral Academy; and
- Lateral Hire Packets.

Testing Methodology & Analysis:

Review a random 10% sample of lateral hires who were seated into a lateral Academy class within the review period and review their lateral hire packets to verify that a background check meeting the requirement of Paragraph 239 was conducted.

Review the training schedule to verify the topics relate to APDs policies, procedures, and the CASA, as well as class rosters to verify the lateral hire attended training.

SME will review the lateral hire packets and determine whether the process of pre-employment investigations of lateral hires are thorough, objective, and timely by comparing policy to the current process.

What findings, if any, were identified? What actions did APD take to address these findings in order to maintain full and effective compliance?

Conclusion:

Is full and effective compliance maintained? Explain the compliance outcomes based on the results of the self-assessment.

Unit(s) responsible for analysis:

PMU and SME

Paragraph 240 – Quantitative/Qualitative

“APD shall annually report its recruiting activities and outcomes, including the number of applicants, interviewees, and selectees, and the extent to which APD has been able to recruit applicants with needed skills and a discussion of any challenges to recruiting high-quality applicants.”

Objective:

Does APD annually report on its recruiting activity and outcomes as outlined in Paragraph 240?

Data Sources:

- Recruiting Annual Report

Testing Methodology & Analysis:

Review the Recruiting Annual Report to determine whether it reports the number of applicants, interviewees, and selectees and their recruiting outcomes.

Review the Recruiting Annual Report to determine if it addresses to what extent APD has been able to recruit applicants with needed skills and a discussion of any challenges to recruiting high-quality applicants.

What findings, if any, were identified? What actions did APD take to address these findings in order to maintain full and effective compliance?

Conclusion:

Is full and effective compliance maintained? Explain the compliance outcomes based on the results of the self-assessment.

Unit(s) responsible for analysis:

PMU

Paragraph 244 – Quantitative

“APD shall develop and implement fair and consistent practices to accurately evaluate the performance of all APD officers in areas related to constitutional policing, integrity, community policing, and critical police functions on both an ongoing and annual basis. APD shall develop objective criteria to assess whether officers meet performance goals. The evaluation system shall provide for appropriate corrective action, if such action is necessary.”

Objective:

Does APD continue to conduct both ongoing and annual performance evaluations related to constitutional policing, integrity, community policing, and critical police functions?

Data Sources:

- PeopleSoft;
 - APD SOP 3-32 Employee Work Plan;
 - Performance document for sworn personnel; and
 - Close-out memorandum.
-

Testing Methodology & Analysis:

Review the performance document for sworn personnel to determine whether the evaluation criteria are in accordance with the requirements of Paragraph 244.

Review the evaluation system to verify there is a mechanism to address corrective action.

Review APD SOP 3-32 Employee Work Plan to determine whether it addresses assessment criteria regarding officers' performance goals.

Review the close-out memoranda from each quarterly evaluation period to ensure supervisors are completing evaluations.

What findings, if any, were identified? What actions did APD take to address these findings in order to maintain full and effective compliance?

Conclusion:

Is full and effective compliance maintained? Explain the compliance outcomes based on the results of the self-assessment.

Unit(s) responsible for analysis:

PMU

Paragraph 245 – Quantitative

“As part of this system, APD shall maintain a formalized system documenting annual performance evaluations of each officer by the officer's direct supervisor. APD shall hold supervisors accountable for submitting timely, accurate, and complete performance evaluations of their subordinates.”

Objective:

Does APD hold supervisors accountable from submitting timely, accurate and complete performance evaluations of their subordinates as outlined in policy?

Data Sources:

- APD SOP 3-32 Employee Work Plan;
 - Close-out memorandum; and
 - Documents of the Internal Affairs Professional Standards (IAPS) referrals.
-

Testing Methodology & Analysis:

Review the close-out memorandum to determine who was non-compliant and any documents showing that IAPS referrals were submitted for those who were in non-compliance.

What findings, if any, were identified? What actions did APD take to address these findings in order to maintain full and effective compliance?

Conclusion:

Is full and effective compliance maintained? Explain the compliance outcomes based on the results of the self-assessment.

Unit(s) responsible for analysis:

PMU

Paragraph 246 – Quantitative

“As part of the annual performance review process, supervisors shall meet with the employee whose performance is being evaluated to discuss the evaluation and develop work plans that address performance expectations, areas in which performance needs improvement, and areas of particular growth and achievement during the rating period.”

Objective:

Are supervisors meeting with their evaluated employees?

Data Sources:

- Close-out memorandum.
-

Testing Methodology & Analysis:

Review the close-out memorandum to determine whether APD evaluated that supervisors completed the three quarterly checkpoints and the final performance evaluation.

What findings, if any, were identified? What actions did APD take to address these findings in order to maintain full and effective compliance?

Conclusion:

Is full and effective compliance maintained? Explain the compliance outcomes based on the results of the self-assessment.

Unit(s) responsible for analysis:

PMU

SPECIALIZED TACTICAL UNITS

Paragraph 91 – Quantitative

“APD’s specialized tactical units shall be comprised of law enforcement officers who are selected, trained, and equipped to respond as a coordinated team to resolve critical incidents that exceed the capabilities of first responders or investigative units. The specialized tactical units shall consist of SWAT, Canine, and Bomb Squad/EOD.”

Objective:

Are specialized tactical units comprised of officers who are selected, trained, and equipped to respond as a coordinated team to resolve critical incidents?

Data Sources:

- Officer Testing Packet;
- Officer Handbook;
- Officer Position Circulars (internal position vacancy announcement); and
- Tactical Training Ledger for units.

Testing Methodology & Analysis:

Review a 10% random sample of SOD officers and review their testing packet to determine whether the officers meet the requirements listed in the Officer Position Circulars.

Review the SOD Officer Handbook for the officer and trainer's signatures demonstrating that the officer has been trained on the material.

Review the SOD training log and ensure that the officers have complied with the training requirements.

What findings, if any, were identified? What actions did APD take to address these findings in order to maintain full and effective compliance?

Conclusion:

Is full and effective compliance maintained? Explain the compliance outcomes based on the results of the self-assessment.

Unit(s) responsible for analysis:

SOD and PMU

Paragraph 94 – Quantitative

“APD policies and procedures on specialized tactical units shall include the following topics:

- a) team organization and function, including command relationships with the incident commander, Field Services Bureau, other specialized investigative units, Crisis Negotiation Team, Crisis Intervention Unit, crisis intervention certified responders, and any other joint or support elements to ensure clear lines of responsibility;
- b) Coordinating and implementing tactical operations in emergency life-threatening situations, including situations where an officer's view may be obstructed;
- c) Personnel selection and retention criteria and mandated physical and tactical competency of team members, team leaders, and unit commanders;
- d) training requirements with minimum time periods to develop and maintain critical skills to include new member initial training, monthly training, special assignment training, and annual training;
- e) Equipment appropriation, maintenance, care, and inventory;
- f) Activation and deployment protocols, including when to notify and request additional services;
- g) Conducting threat assessments to determine the appropriate responses and necessary resources;
- h) Command and control issues, including a clearly defined command structure; and
- i) Documented after-action reviews and reports.”

Objective:

Do APD policies and procedures on specialized tactical units include the requirements of Paragraph 94?

Data Sources:

- APD SOP 1-92 Specialized Tactical Units (formerly 6-8) and special orders and
- SOD handbooks.

Testing Methodology & Analysis:

Evaluate APD SOP 1-92 Specialized Tactical Units (formerly 6-8) and special orders to verify the topics in Paragraph 94 are included.

What findings, if any, were identified? What actions did APD take to address these findings in order to maintain full and effective compliance?

Conclusion:

Is full and effective compliance maintained? Explain the compliance outcomes based on the results of the self-assessment.

Unit(s) responsible for analysis:

SOD and PMU

Paragraph 95 – Quantitative

“The policies and standard operating procedures of specialized tactical units shall be reviewed at least annually and revisions shall be based, at a minimum, on legal developments, training updates, operational evaluations examining actual practice from after-action reviews, and reviews by the Force Review Board or other advisory or oversight entities established by this Agreement.”

Objective:

Is APD conducting annual reviews of SOD-related policies and topics in Paragraphs 95?

Data Sources:

- SOD Annual Review.

Testing Methodology & Analysis:

Review the SOD Annual Review to ensure the review includes legal developments, training updates, operational evaluations examining actual practice from After-Action Reviews (AAR), and reviews by the Force Review Board (FRB), and policy revisions.

What findings, if any, were identified? What actions did APD take to address these findings in order to maintain full and effective compliance?

Conclusion:

Is full and effective compliance maintained? Explain the compliance outcomes based on the results of the self-assessment.

Unit(s) responsible for analysis:

SOD and PMU

Paragraph 96 – Quantitative/Qualitative

“In addition to Use of Force Reports, APD shall require specialized tactical units to document their activities in detail, including written operational plans and after-action reports created after call-outs and deployments to critical situations. After-action reports shall address any areas of concern related to policy, training, equipment, or tactics.”

Objective:

Are SOD personnel completing high-quality AAR after call-outs and deployments?

Data Sources:

- SOD activation ledgers; and
 - AARs.
-

Testing Methodology & Analysis:

Review a 10% random sample of tactical activations to determine if there is an AAR for each activation. If force was involved, ensure that a use of force report was completed.

SME will review a 10% random sample of AAR to assess the quality of the AARs and evaluate how SOD made changes to the AAR to determine whether they identify and fully address concerns related to policy, training, equipment, and tactics. SME will review FRB referrals related to the AAR and determine whether SOD applied recommendations.

What findings, if any, were identified? What actions did APD take to address these findings in order to maintain full and effective compliance?

Conclusion:

Is full and effective compliance maintained? Explain the compliance outcomes based on the results of the self-assessment.

Unit(s) responsible for analysis:

PMU and SME

Paragraph 97 – Qualitative

“APD shall require specialized tactical units to conduct mission briefings before an operation, unless exigent circumstances require an immediate deployment. APD shall also ensure that specialized tactical team members designate personnel to develop and implement operational and tactical plans before and during tactical operations.”

Objective:

Are specialized tactical units developing high-quality operation plans and conducting mission briefings before operations, unless immediate deployments under exigent circumstances exist? Are SOD team members designated to develop and implement the operational and tactical plan before and during tactical operations?

Data Sources:

- Operational plans;
 - SOD activation ledgers; and
 - AAR to pre-planned search warrants.
-

Testing Methodology & Analysis:

SME will review all pre-planned tactical activations from the SOD ledgers to determine whether they fully describe team member responsibilities and assess team resources. SME will review the operational plan to ensure personnel are identified to implement the plan and determine whether SOD conducted mission briefings before the operation.

SME will review tactical activation AAR to verify whether exigent circumstances were present requiring an immediate deployment, in accordance with the RAM.

What findings, if any, were identified? What actions did APD take to address these findings in order to maintain full and effective compliance?

Conclusion:

Is full and effective compliance maintained? Explain the compliance outcomes based on the results of the self-assessment.

Unit(s) responsible for analysis:

SME

Paragraph 98 – Quantitative

“All specialized tactical units shall wear uniforms that clearly identify them as law enforcement officers.”

Objective:

Do specialized tactical units have inspection protocols to inspect uniforms that clearly identify them as law enforcement officers?

Data Sources:

- SOD monthly line inspections.

Testing Methodology & Analysis:

Select a 10% random sample SOD monthly line inspections to determine if SOD identified officers meeting this requirement.

What findings, if any, were identified? What actions did APD take to address these findings in order to maintain full and effective compliance?

Conclusion:

Is full and effective compliance maintained? Explain the compliance outcomes based on the results of the self-assessment.

Unit(s) responsible for analysis:

SOD and PMU

Paragraph 100 – Quantitative

“APD shall establish eligibility criteria for all team members, team leaders, and supervisors assigned to tactical units and conduct at least annual reviews of unit team members to ensure that they meet delineated criteria.”

Objective:

Does APD maintain documents establishing that all SOD personnel assigned to the division met the required criteria?

Does APD conduct at least annual reviews of team members' eligibility?

Data Sources:

- APD SOP 1-92 Specialized Tactical Units (formerly 6-8) with eligibility requirements;
 - SOD personnel line-up; and
 - Officer files.
-

Testing Methodology & Analysis:

Select a 10% random sample of SOD personnel from the line-up, and review the officers' files to determine if the officers met the criteria in APD SOP 1-92 Specialized Tactical Units (formerly 6-8).

What findings, if any, were identified? What actions did APD take to address these findings in order to maintain full and effective compliance?

Conclusion:

Is full and effective compliance maintained? Explain the compliance outcomes based on the results of the self-assessment.

Unit(s) responsible for analysis:

SOD and PMU

Paragraph 102 – Quantitative/Qualitative

“APD shall continue to require the Canine Unit to complete thorough post-deployment reviews of all canine deployments.”

Objective:

Does APD complete high-quality post-deployment reviews of all canine deployments?

Data Sources:

- Post-deployment canine reviews;
 - Monthly canine bite ratios documentation; to include any memoranda for ratios over the threshold; and
 - SOD canine deployment ledger.
-

Testing Methodology & Analysis:

SME will review a 10% random sample of canine deployments from the SOD canine deployment ledger and determine if a post-deployment review was completed and is of high-quality that identifies and fully addresses concerns related to canine deployments.

SME will review FRB referrals related to canine bite apprehensions and determine whether SOD applied recommendations.

What findings, if any, were identified? What actions did APD take to address these findings in order to maintain full and effective compliance?

Conclusion:

Is full and effective compliance maintained? Explain the compliance outcomes based on the results of the self-assessment.

Unit(s) responsible for analysis:

SME

Paragraph 103 – Quantitative

“APD shall continue to track canine deployments and canine apprehensions, and to calculate and track canine bite ratios on a monthly basis to assess its Canine Unit and individual Canine teams.”

Objective:

Does APD track canine deployments and apprehensions?

Does APD track canine bite ratios on a monthly basis for the Canine Unit and individual Canine teams?

Data Sources:

- SOD canine deployment ledger;
 - Monthly canine bite ratios documentation; to include any memorandums for ratios over the threshold.
-

Testing Methodology & Analysis:

Review the canine deployment ledger to verify the deployments are being tracked.

Review all monthly canine bite ratio documentation to verify SOD is calculating and tracking bite ratios monthly.

What findings, if any, were identified? What actions did APD take to address these findings in order to maintain full and effective compliance?

Conclusion:

Is full and effective compliance maintained? Explain the compliance outcomes based on the results of the self-assessment.

Unit(s) responsible for analysis:

SOD and PMU

Paragraph 104 – Quantitative/Qualitative

“APD shall include canine bite ratios as an element of the Early Intervention System (EIS) and shall provide for the review, pursuant to the protocol for that system, of the performance of any handler whose bite ratio exceeds 20 percent during a six-month period, or the entire unit if the unit’s bite ratio exceeds that threshold, and require interventions as appropriate. Canine data and analysis shall be included in APD Use of Force Annual Report.”

Objective:

Does SOD use canine bite ratios to create an alert for ratios exceeding the threshold?
Was there an intervention for handlers whose bite ratio exceeds 20 percent during a 6-month period?
Was there an intervention for the unit when the unit's bite ratios exceed the threshold?
Are canine data and analysis part of the APD Annual Use of Force Report?

Data Sources:

- APD Annual Use of Force Report;
- SOD-related policies; and
- Bite ratio memorandums exceeding threshold.

Testing Methodology & Analysis:

Review the APD Annual Use of Force Report to determine whether the data and analysis is included.

Review all bite ratio memoranda that exceeded the threshold to determine whether a meeting occurred and any additional intervention.

Review SOD-related policies and bite ratio memorandums to determine if there are different interventions for the number of occurrences a handler exceeds the threshold.

What findings, if any, were identified? What actions did APD take to address these findings in order to maintain full and effective compliance?

Conclusion:

Is full and effective compliance maintained? Explain the compliance outcomes based on the results of the self-assessment.

Unit(s) responsible for analysis:

SOD and PMU

Paragraph 105 – Quantitative

“APD agrees to track and analyze the number of specialized tactical unit deployments. The analysis shall include the reason for each tactical deployment and the result of each deployment, to include: (a) the location; (b) the number of arrests; (c) whether a forcible entry was required; (d) whether a weapon was discharged by a specialized tactical unit member; (e) whether a person or domestic animal was injured or killed; and (f) the type of tactical equipment deployed. This data analysis shall be entered into the Early Intervention System and included in APD's annual reports.”

Objective:

Does APD track and analyze the requirements outlined in this paragraph?
Is the data analysis included in APD annual reports?

Data Sources:

- SOD activation ledgers;
- SOD annual report; and
- APD Use of Force Annual Report.

Testing Methodology & Analysis:

Review a random 10% sample of tactical activations from the activation ledger and determine the criteria for Paragraph 105 are being tracked.

Review the SOD annual report and APD's Annual Use of Force Report to determine whether the data analyses are included.

What findings, if any, were identified? What actions did APD take to address these findings in order to maintain full and effective compliance?

Conclusion:

Is full and effective compliance maintained? Explain the compliance outcomes based on the results of the self-assessment.

Unit(s) responsible for analysis:

SOD and PMU

SPECIALIZED INVESTIGATIVE UNITS

Paragraph 106 – Quantitative

“Each specialized investigative unit shall have a clearly defined mission and duties. Each specialized investigative unit shall develop and implement policies and standard operating procedures that incorporate APD's agency-wide policies on use of force, force reporting, and force investigations.”

Objective:

Do the specialized investigative unit's policies, SOPs and handbooks incorporate APD's agency-wide policies on use of force?

Data Sources:

- Unit Handbooks;
- APD SOP 2-52 – 2-57 Use of Force policy suite; and
- APD SOP 1-90 Special Investigations Division (formerly 5-1).

Testing Methodology & Analysis:

Review APD SOP 1-90 Special Investigations Division (formerly 5-1) to determine whether a defined mission and duties are included.

Determine whether SID-related policies and/or handbooks either incorporate or reference agency-wide requirements on use of force, force reporting, and force investigations.

What findings, if any, were identified? What actions did APD take to address these findings in order to maintain full and effective compliance?

Conclusion:

Is full and effective compliance maintained? Explain the compliance outcomes based on the results of the self-assessment.

Unit(s) responsible for analysis:

Special Investigations Division (SID) and PMU

Paragraph 107 – Quantitative

“APD shall prohibit specialized investigative units from providing tactical responses to critical situations where a specialized tactical unit is required. APD shall establish protocols that require communication and coordination by specialized investigative units when encountering a situation that requires a specialized tactical response. The protocols shall include communicating high-risk situations and threats promptly, coordinating effectively with specialized tactical units, and providing support that increases the likelihood of safely resolving a critical incident.”

Objective:

Does SOD, rather than SID, respond to critical situations that dictate a SOD response?

Data Sources:

- Risk Assessment Matrices (RAM);
- Operation Plans;
- RAM-related special orders;
- APD SOP 1-90 Special Investigations Division (formerly 5-1); and
- APD SOP 1-92 Specialized Tactical Units (formerly 6-8).

Testing Methodology & Analysis:

Review a 10% random sample of operational plans from pre-planned search warrants and determine whether SID does not respond to an incident with a RAM score that would require a SOD response.

Review SID-related policies to ensure prohibition from responding to an incident that requires a SOD response.

What findings, if any, were identified? What actions did APD take to address these findings in order to maintain full and effective compliance?

Conclusion:

Is full and effective compliance maintained? Explain the compliance outcomes based on the results of the self-assessment.

Unit(s) responsible for analysis:

SID, SOD, and PMU

Paragraph 108 – Quantitative

“Within three months of the Operational Date, APD shall conduct an inspection of specialized investigative units to determine whether weapons and equipment assigned or accessible to specialized investigative units are consistent with the units’ mission and training. APD shall conduct re-inspections on at least an annual basis.”

Objective:

Does SID conduct annual weapons and equipment inspections?

Data Sources:

- Weapon/Equipment inspection documents;
- SID Unit Handbook and;
- APD SOP 1-90 Special Investigations Division (formerly 5-1).

Testing Methodology & Analysis:

Review the weapon/equipment inspection documents to determine whether inspections of all weapon and equipment inventory occurred.

Review APD SOP 1-90 Special Investigations Division (formerly 5-1) or handbook to determine whether annual inspections are included.

What findings, if any, were identified? What actions did APD take to address these findings in order to maintain full and effective compliance?

Conclusion:

Is full and effective compliance maintained? Explain the compliance outcomes based on the results of the self-assessment.

Unit(s) responsible for analysis:

SID and PMU

Paragraph 109 – Quantitative/Qualitative

“APD agrees to track and analyze the number of specialized investigative unit responses. The analysis shall include the reason for each investigative response, to include: (a) the location; (b) the number of arrests; (c) the type of evidence of property seized; (d) whether a forcible entry was required; (e) whether a weapon was discharged by a specialized investigative unit member; (f) whether the person attempted to flee from officers; and (g) whether a person or domestic animal was injured or killed. This data analysis shall be entered into the Early Intervention System and included in APD’s annual reports.”

Objective:

Does APD track and analyze the requirements outlined in this paragraph?

Is the data analysis included in APD annual reports?

Does APD develop high-quality operational plans?

Data Sources:

- Call-out ledger (SharePoint);
- Operational plans; and
- APD’s Annual Use of Force Report.

Testing Methodology & Analysis:

Review a random 10% sample of the operational plans from the call-out ledger and determine the criteria for Paragraph 109 are being tracked.

Review the APD’s Annual Use of Force Report to ensure the data analysis are included.

SME will review the operational plans from the call-out ledger and assess the quality of the plans and the process in which SID improves upon operation plans based on their analysis of the criteria outlined in Paragraph 109.

What findings, if any, were identified? What actions did APD take to address these findings in order to maintain full and effective compliance?

Conclusion:

Is full and effective compliance maintained? Explain the compliance outcomes based on the results of the self-assessment.

Unit(s) responsible for analysis:

PMU and SME

PUBLIC INFORMATION ON CIVILIAN COMPLAINTS**Paragraph 164 – Quantitative**

“Within six months of the Operational Date, APD and the Civilian Police Oversight Agency shall develop and implement a program to ensure the Albuquerque community is aware of the procedures to make civilian complaints against APD personnel and the availability of effective mechanisms for making civilian complaints. The requirements below shall be incorporated into this program.”

Objective:

Does APD and CPOA have a program and make available to the Albuquerque community the procedures to make civilian complaints?

Data Sources:

- APD SOP 1-62 Internal Affairs Professional Standards (formerly 7-1);
 - APD SOP 3-41 Complaints Involving Department Policy or Personnel;
 - City of Albuquerque Municipal Ordinance Section 9-4-1 through 9-4-14;
 - Promotional and community engagement events hosted by the CPOA; and
 - City websites regarding civilian complaint processes.
-

Testing Methodology & Analysis:

Review APD SOP 1-62 Internal Affairs Professional Standards (formerly 7-1) and APD SOP 3-41 Complaints Involving Department Policy or Personnel to determine whether the policies clearly outline the complaint filing process.

Review the CPOA ordinance to determine whether the ordinance clearly enables the authority to the CPOA to investigate complaints.

City websites to determine whether it informs/makes accessible to the public about the civilian complaint process.

Identify how often CPOA hosted events that informs the community about the process of filing complaints.

What findings, if any, were identified? What actions did APD or CPOA take to address these findings in order to maintain full and effective compliance?

Conclusion:

Is full and effective compliance maintained? Explain the compliance outcomes based on the results of the self-assessment.

Unit(s) responsible for analysis:

PMU and CPOA Executive Director

Paragraph 165 – Quantitative

“APD and the Civilian Police Oversight Agency shall make complaint forms and informational materials, including brochures and posters, available at appropriate government properties, including APD headquarters, Area stations, APD and City websites, City Hall, public libraries, community centers, and the office of the Civilian Police Oversight Agency. Individuals shall be able to submit civilian complaints through the APD and City websites and these websites shall include, in an identifiable and accessible form, complaint forms and information regarding how to file civilian complaints. Complaint forms, informational materials, and the APD and City websites shall specify that complaints may be submitted anonymously or on behalf of another person. Nothing in this Agreement prohibits APD from soliciting officer commendations or other feedback through the same process and methods as above.”

Objective:

Does CPOA allow filing of anonymous complaints?

Does APD have complaint forms and informational material outlined in this paragraph available at government properties identified in Paragraph 165?

Does APD and City websites include complaint materials and directions how to file civilian complaints?

Data Sources:

- PMU scorecards related to complaint forms which are evaluated twice per year;
 - City websites regarding civilian complaint processes;
 - CPOA Complaint Intake data; and
 - CPOA Semi-Annual Reports.
-

Testing Methodology & Analysis:

Conduct on-site inspections of 100% of identified government properties semi-annually and report on the results.

Review City websites to determine whether it informs/makes accessible to the public about the civilian complaint process and that the submission is anonymous.

Review complaint intake data from the CPOA and the CPOA Semi-Annual Reports to identify what data is tracked related to the number of complaints filed online, complaints filed anonymously, or filed on behalf of another person.

What findings, if any, were identified? What actions did APD and CPOA take to address these findings in order to maintain full and effective compliance?

Conclusion:

Is full and effective compliance maintained? Explain the compliance outcomes based on the results of the self-assessment.

Unit(s) responsible for analysis:

PMU and CPOA Executive Director

Paragraph 166 – Quantitative

“APD shall post and maintain a permanent placard describing the civilian complaint process that includes relevant contact information, such as telephone numbers, email addresses, and Internet

sites. The placard shall specify that complaints may be submitted anonymously or on behalf of another person. APD shall require all officers to carry complaint forms, containing basic complaint information, in their Department vehicles. Officers shall also provide the officer's name, officer's identification number, and, if applicable, badge number upon request. If an individual indicates that he or she would like to make a misconduct complaint or requests a complaint form for alleged misconduct, the officer shall immediately inform his or her supervisor who, if available, will respond to the scene to assist the individual in providing and accepting appropriate forms and/or other available mechanisms for filing a misconduct complaint."

Objective:

Does APD post a permanent placard describing the civilian complaint process and are complaint forms printed in both English and Spanish?

Does APD conduct inspections to ensure officers carry required complaint forms in their APD vehicles?

Do APD officers immediately notify their supervisors when an individual wants to make a complaint?

Data Sources:

- Monthly line inspections;
- On-site observations of APD and City facilities for civilian complaint materials; and
- Report on closed Civilian Police Complaint cases with an allegation pertaining to the policy sections relating to the requirements of Paragraph 166.

Testing Methodology & Analysis:

Inspect all on-site government properties semi-annually and report these results.

Select a 10% random sample of monthly line inspection forms and determine whether officers were inspected for Spanish and English complaint forms in their police vehicles.

Review all closed civilian complaints cases with an allegation relating to the requirements of Paragraph 166 to determine whether there were any sustained violations.

What findings, if any, were identified? What actions did APD take to address these findings in order to maintain full and effective compliance?

Conclusion:

Is full and effective compliance maintained? Explain the compliance outcomes based on the results of the self-assessment.

Unit(s) responsible for analysis:

PMU and CPOA Executive Director

Paragraph 167 – Quantitative

"APD agrees to accept all civilian complaints and shall revise any forms and instructions on the civilian complaint process that could be construed as discouraging civilians from submitting complaints."

Objective:

Does APD have a policy that ensures it will accept all civilian complaints?

Data Sources:

- APD SOP 1-62 Internal Affairs Professional Standards (formerly 7-1);
- APD SOP 3-41 Complaints Involving Department Policy or Personnel; and
- CPOA case files.

Testing Methodology & Analysis:

Review APD SOP 1-62 Internal Affairs Professional Standards (formerly 7-1) and APD SOP 3-41 Complaints Involving Department Policy or Personnel to determine whether the policies incorporate the provisions of Paragraph 167.

Review forms to ensure that civilians are not discouraged from filing complaints.

What findings, if any, were identified? What actions did APD take to address these findings in order to maintain full and effective compliance?

Conclusion:

Is full and effective compliance maintained? Explain the compliance outcomes based on the results of the self-assessment.

Unit(s) responsible for analysis:

PMU and CPOA Executive Director

Paragraph 168 – Quantitative

“Complaint forms and related informational materials shall be made available and posted in English and Spanish.”

Objective:

Does APD and CPOA ensure that complaint forms and related informational materials are available in English and Spanish?

Data Sources:

- On-site observations of APD and City facilities; and
- City websites regarding civilian complaint processes.

Testing Methodology & Analysis:

Conduct on-site inspections of 100% of identified government properties semi-annually to determine whether civilian compliant materials are available in English and Spanish, and report on the results.

Review City websites to determine whether the information is made available in English and Spanish.

What findings, if any, were identified? What actions did APD take to address these findings in order to maintain full and effective compliance?

Conclusion:

Is full and effective compliance maintained? Explain the compliance outcomes based on the results of the self-assessment.

Unit(s) responsible for analysis:

PMU, IAPS and CPOA Executive Director

STAFFING

Paragraph 204 – Quantitative

“In order to successfully implement the provisions of this Agreement, APD shall assess the appropriate number of sworn and civilian personnel to perform the different Department functions necessary to fulfill its mission. APD therefore shall conduct a comprehensive staffing assessment and resource study. The study shall be the predicate for determining appropriate staffing and resource levels that are consistent with community-oriented policing principles and support the systematic use of partnerships and problem-solving techniques. The study shall also consider the distribution of officers to patrol functions as opposed to specialized units, as well as the distribution of officers with less than three years of experience across shifts and Area Commands. This staffing assessment and resource study shall be completed within one year of the Operational Date. Within six months of the completion of the staffing assessment and resource study, the Parties shall assess its results and jointly develop a staffing plan to ensure that APD can meet its obligations under this Agreement.”

Objective:

Did APD conduct a staffing study and develop a staffing plan?

Data Sources:

- Weiss Staffing Study; and
- Staffing Plan.

Testing Methodology & Analysis:

Review the Weiss Staffing Study and APD’s Staffing Plan to determine whether APD conducted a staffing study and developed a staffing plan.

What findings, if any, were identified? What actions did APD take to address these findings in order to maintain full and effective compliance?

Conclusion:

Is full and effective compliance maintained? Explain the compliance outcomes based on the results of the self-assessment.

Unit(s) responsible for analysis:

PMU

PROMOTIONS

Paragraph 241 – Quantitative

“APD shall develop and implement fair and consistent practices that comport with best practices and federal anti-discrimination laws. APD shall utilize multiple methods of evaluation for promotions to the ranks of Sergeant and Lieutenant. APD shall provide clear guidance on promotional criteria and prioritize effective, constitutional, and community-oriented policing as criteria for all promotions. These criteria should account for experience, protection of civil rights, discipline history, and previous performance evaluations.”

Objective:

Do the City's Rules and Regulations, Chapter 2, Part 3 Testing and Examinations and APD memorandum for the promotional process include the requirements of Paragraph 241?

Data Sources:

- City Rules and Regulations, Chapter 2, Part 3 Testing and Examinations; and
- APD memorandum announcing a promotional process.

Testing Methodology & Analysis:

Review City's Rules and Regulations for Police Testing and Examinations and APD memorandum announcing a promotional process to determine whether the requirements of this paragraph were met.

What findings, if any, were identified? What actions did APD take to address these findings in order to maintain full and effective compliance?

Conclusion:

Is full and effective compliance maintained? Explain the compliance outcomes based on the results of the self-assessment.

Unit(s) responsible for analysis:

PMU

Paragraph 242 – Quantitative

“APD shall develop objective criteria to ensure that promotions are based on knowledge, skills, and abilities that are required to perform supervisory and management duties in core substantive areas.”

Objective:

Do the City's Rules and Regulations, Chapter 2, Part 3 Testing and Examinations and the promotional process follow the requirements of Paragraph 242?

Data Sources:

- City Rules and Regulations, Chapter 2, Part 3 Testing and Examinations; and
- APD memorandum announcing a promotional process.

Testing Methodology & Analysis:

Review City's Rules and Regulations for Police Testing and Examinations and APD memorandum announcing a promotional process to determine whether the process is based on knowledge, skills, and abilities.

What findings, if any, were identified? What actions did APD take to address these findings in order to maintain full and effective compliance?

Conclusion:

Is full and effective compliance maintained? Explain the compliance outcomes based on the results of the self-assessment.

Unit(s) responsible for analysis:
PMU

Paragraph 243 – Quantitative

“Within six months of the Operational Date, APD shall develop and implement procedures that govern the removal of officers from consideration from promotion for pending or final disciplinary action related to misconduct that has resulted or may result in a suspension greater than 24 hours.”¹⁸

Objective:

Does the City’s Rules and Regulations, Chapter 2, Part 3 Testing and Examinations govern the removal of officers from consideration from promotion for suspension equal to or greater than 40 hours?

Data Sources:

- Promotional List for Sergeants and Lieutenants;
- City Rules and Regulations, Chapter 2, Part 3 Testing and Examinations; and
- Promotional HR packets.

Testing Methodology & Analysis:

From the promotional list, select a 10% random sample of APD HR files for personnel on the promotional list for the ranks of Sergeant and Lieutenant to determine whether the promoted officer does not have a suspension equal to or greater than 40 hours.

What findings, if any, were identified? What actions did APD take to address these findings in order to maintain full and effective compliance?

Conclusion:

Is full and effective compliance maintained? Explain the compliance outcomes based on the results of the self-assessment.

Unit(s) responsible for analysis:
PMU

OFFICER ASSISTANCE AND SUPPORT

Paragraph 247 – N/A

“To maintain high-level, quality service; to ensure officer safety and accountability; and to promote constitutional, effective policing, APD agrees to provide officers and employees ready access to mental health and support resources. To achieve this outcome, APD agrees to implement the requirements below.”

¹⁸ This requirement was changed by Court Order on August 13, 2018, when the Court approved APD’s promotional policy establishing that candidates for promotion are ineligible if they have “sustained disciplinary action, equal to or greater than a forty-hour suspension, within the twelve-month period immediately preceding the written examination,” and directing the City to make the section discretionary “to accommodate the needs of both the City and the APOA.” [Doc. 395, pp. 4-5]

Objective:

This is a statement without measurable requirements and therefore the parties agree that there is nothing to report.

Paragraph 248 – Quantitative

“APD agrees to develop and offer a centralized and comprehensive range of mental health services that comports with best practices and current professional standards, including: readily accessible confidential counseling services with both direct and indirect referrals; critical incident debriefings and crisis counseling; peer support; stress management training; and mental health evaluations.”

Objective:

Does APD offer a centralized and comprehensive range of mental health services including readily accessible confidential counseling services with both direct and indirect referrals?

Does APD conduct critical incident debriefings and crisis counseling?

Does APD offer programs for peer support, stress management training, and mental health evaluations?

Data Sources:

- Handbook and accreditation;
- Electronic database records;
- Lists of providers and of referral sources;
- Correspondence demonstrating critical incident debriefing availability;
- Peer support electronic database records and any or all meetings minutes;
- Class rosters for CIT, basic CIT for cadets, and ECC trainings;
- Lesson plans for stress management training; and
- De-identified ledgers of personnel who completed mental health evaluations.

Testing Methodology & Analysis:

Review all documents listed above to determine whether APD has offered the comprehensive range of mental health services required by Paragraph 248.

What findings, if any, were identified? What actions did APD take to address these findings in order to maintain full and effective compliance?

Conclusion:

Is full and effective compliance maintained? Explain the compliance outcomes based on the results of the self-assessment.

Unit(s) responsible for analysis:

BSS and PMU

Paragraph 249 – Quantitative

“APD shall provide training to management and supervisory personnel in officer support protocols to ensure support services are accessible to officers in a manner that minimizes stigma.”

Objective:

Does APD provide training to management and supervisors to ensure support services are accessible and in a manner that minimizes stigma?

Data Sources:

- Officer support lesson plans for newly promoted sergeants;
- Class rosters; and
- Promotional list for new sergeants.

Testing Methodology & Analysis:

Review a 10% random sample of sergeants on the promotional list and determine whether they attended officer support training.

Review the officer support lesson plans to determine whether the training topics include support services that are accessible to officers.

What findings, if any, were identified? What actions did APD take to address these findings in order to maintain full and effective compliance?

Conclusion:

Is full and effective compliance maintained? Explain the compliance outcomes based on the results of the self-assessment.

Unit(s) responsible for analysis:

BSS and PMU

Paragraph 250 – Quantitative

“APD shall ensure that any mental health counseling services provided to APD employees remain confidential in accordance with federal law and generally accepted practices in the field of mental health care.”

Objective:

Does APD have a process in place to ensure that employees’ mental health counseling service records remain confidential?

Data Sources:

- On-Site visit of Behavioral Sciences Section (BSS) facilities.

Testing Methodology & Analysis:

Conduct a site visit to determine whether files are properly secured and located with limited access.

What findings, if any, were identified? What actions did APD take to address these findings in order to maintain full and effective compliance?

Conclusion:

Is full and effective compliance maintained? Explain the compliance outcomes based on the results of the self-assessment.

Unit(s) responsible for analysis:

BSS and PMU

Paragraph 251 – Quantitative

“APD shall involve mental health professionals in developing and providing academy and in-service training on mental health stressors related to law enforcement and the mental health services available to officers and their families.”

Objective:

Does APD utilize mental health professionals when developing Academy and in-service training and that mental health services are available to officers and their families?

Data Sources:

- Training lesson plans;
- Documentation of personnel who assisted in training development; and
- Class rosters.

Testing Methodology & Analysis:

Review 100% of the lesson plans for mental health stressors and services available to officers and determine whether there is documentation that mental health professionals assisted in the development of the lesson plans.

What findings, if any, were identified? What actions did APD take to address these findings in order to maintain full and effective compliance?

Conclusion:

Is full and effective compliance maintained? Explain the compliance outcomes based on the results of the self-assessment.

Unit(s) responsible for analysis:

BSS and PMU

Paragraph 252 – Quantitative

“APD shall develop and implement policies that require and specify a mental health evaluation before allowing an officer back on full duty following a traumatic incident (e.g., officer-involved shooting, officer-involved accident involving fatality, or all other uses of force resulting in death) or as directed by the Chief.”

Objective:

Does APD require a mental health evaluation, following a traumatic incident, for all officers before officers’ return to work?

Data Sources:

- APD SOP 1-20 Behavioral Sciences Section (formerly 1-11);
- MATF case ledger;
- BSS Handbook; and

- Redacted correspondence from BSS to APD regarding return-to-duty.

Testing Methodology & Analysis:

Review 100% of officers involved in an officer-involved shooting (OIS) from the MATF ledger to determine whether there is correspondence that the officer received a mental health evaluation prior to returning to duty.

Review APD SOP 1-20 Behavioral Sciences Section (formerly 1-11) and handbook to determine whether BSS requires an officer to receive a mental health evaluation after a traumatic incident. What findings, if any, were identified? What actions did APD take to address these findings in order to maintain full and effective compliance?

Conclusion:

Is full and effective compliance maintained? Explain the compliance outcomes based on the results of the self-assessment.

Unit(s) responsible for analysis:

BSS and PMU

Paragraph 253 – Quantitative

“APD agrees to compile and distribute a list of internal and external available mental health services to all officers and employees. APD should periodically consult with community and other outside service providers to maintain a current and accurate list of available.”

Objective:

Does APD maintain a current and accurate list of internal and external mental health providers, and is that list distributed?

Data Sources:

- External First responders resource list (non-City contracted providers);
- Internal list of providers to whom BSS refers;
- APD website; and
- Correspondence to/from or MHRAC meeting minutes.

Testing Methodology & Analysis:

Review the APD website and a selection of 3 APD substations (all 6 area commands will be reviewed annually) to determine whether available mental health services information has been distributed.

Review MHRAC meeting minutes or correspondence to/from to determine whether community and outside service providers have reviewed the list of available providers annually.

What findings, if any, were identified? What actions did APD take to address these findings in order to maintain full and effective compliance?

Conclusion:

Is full and effective compliance maintained? Explain the compliance outcomes based on the results of the self-assessment.

Unit(s) responsible for analysis:

BSS and PMU