



**CITY OF ALBUQUERQUE**  
Albuquerque, New Mexico  
Office of the Mayor

**EC-16-209**

Mayor Richard J. Berry

**INTER-OFFICE MEMORANDUM**

August 11, 2016

**TO:** Dan Lewis, President, City Council

**FROM:** Richard J. Berry, Mayor

**SUBJECT:** Quarterly reporting of expenditures by the Albuquerque Police Department related to the implementation of the Settlement Agreement negotiated with the United States Department of Justice

This Executive Communication submits a report of expenditures by the Albuquerque Police Department related to the implementation of the Settlement Agreement negotiated with the United States Department of Justice. The report is required by R-15-148. Expenditures are for Fiscal Year 2016 through the fourth quarter ending June 30, 2016.

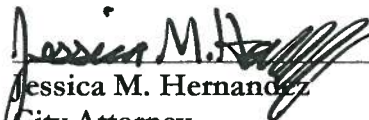
APD requests your acceptance of this Executive Communication.

Quarterly reporting of expenditures by the Albuquerque Police Department related to the implementation of the Settlement Agreement negotiated with the United States Department of Justice


Approved:

  
\_\_\_\_\_  
Robert J. Perry      10/10/16  
Chief Administrative Officer      Date

Approved as to Legal Form:

  
\_\_\_\_\_  
Jessica M. Hernandez      10/13/16  
City Attorney      Date

Recommended:

  
\_\_\_\_\_  
Gorden E. Eden, Jr.      8/12/16  
Chief of Police      Date

## **Cover Analysis**

**1. What is it?** This is an executive communication submitting expenditures for Fiscal Year 2016 by the Albuquerque Police Department (APD) related to the implementation of the Settlement Agreement negotiated with the United States Department of Justice.

**2. What will this piece of legislation do?** The submission of the quarterly expenditures related to the Settlement Agreement complies with resolution R-15-148.

**3. Why is this project needed?** The report is needed to inform Council of total APD expenditures related to the Settlement Agreement.

**4. How much will it cost and what is the funding source?** There is no additional cost related to the submission of this report.

**5. Is there a revenue source associated with this Plan? If so, what level of income is projected?** None

**FISCAL IMPACT ANALYSIS (Operating Funds)**

TITLE: Quarterly Reporting of APD Settlement Agreement Expenditures  
 Legislation Type: EC  
 Fund: 110  
 Department: Police

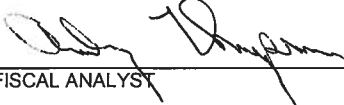
- No measurable fiscal impact is anticipated, i.e., no impact on fund balance over and above existing appropriations.
- (If Applicable) The estimated fiscal impact (defined as impact over and above existing appropriations) of this legislation is as follows:


		2016	Fiscal Years 2017	2018	Total
Base Salary/Wages					-
Fringe Benefits at	1.450%	-	-	-	-
Subtotal Personnel		-	-	-	-
Operating Expenses					-
Property				-	-
Indirect Costs	0.00%	-	-	-	-
<b>Total Expenses</b>		<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<input type="checkbox"/> Estimated revenues not affected					
<input type="checkbox"/> Estimated revenue impact					
Amount of Grant		-	-	-	-
City Cash Match		-	-	-	-
City In-kind Match		-	-	-	-
City IDOH		-	-	-	-
<b>Total Revenue</b>		<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>

Number of Positions created 0

**COMMENTS:** Quarterly reporting of APD expenditures related to the implementation of the Settlement Agreement as required by R-15-148

**COMMENTS ON NON-MONETARY IMPACTS TO COMMUNITY/CITY GOVERNMENT:**  
 (Enter all other comments)

REVIEWED BY:  
  
 FISCAL ANALYST

APPROVED:  
 8/12/16  
 DIRECTOR (date)

REVIEWED BY:  
  
 EXECUTIVE BUDGET ANALYST

  
 BUDGET OFFICER (date)

 for J.B.  
 CITY ECONOMIST

# APD EXPENDITURES RELATED TO THE IMPLEMENTATION OF THE SETTLEMENT AGREEMENT NEGOTIATED WITH THE UNITED STATES DEPARTMENT OF JUSTICE

## Fourth Quarter Fiscal Year 2016

For Fiscal Year 2016, the Albuquerque Police Department expended \$4,363,521 of the \$4,702,410 budgeted for implementation of the Settlement Agreement negotiated with the United States Department of Justice. Expenditures are for the twelve month period from July 1, 2015 through June 30, 2016 and are based on preliminary unaudited numbers.

### USE OF FORCE: INTERNAL CONTROLS AND ACCOUNTABILITY

The department expended \$241,403 associated with **Use of Force** investigations, training and reporting. Paragraphs 61, 63, and 64 of the Settlement Agreement require APD to conduct criminal and administrative investigations of serious use of force. The Agreement also requires staff to be trained in investigation techniques prior to conducting investigations. Internal Affairs and the Critical Incident Review Team (CIRT) are responsible for the administrative investigation of a serious use of force. The criminal investigation of a serious use of force is the responsibility of the Investigative Response Team (IRT), formerly called the Force Investigation Team (FIT).

<b>Use of Force Investigations, Training and Reporting</b>		
Force Science (CIRT/IA)	\$	14,416
Use of Force & The United States Constitution		3,275
Officer Involved Shooting & the Fourth Amendment		2,730
Las Vegas Site Visit/Training		4,504
International Homicide Investigators		14,722
Canine Investigations		10,800
Officer Involved Shooting Investigations Training		17,480
Interview and Interrogation Training		18,393
Investigations, Policy and Analysis involving Body Cameras		17,436
Computers & Equipment for Use of Force Investigations and Reporting		28,472
Use of Force Investigations and Report Administrative Support Staff		109,175
<b>Use of Force: Internal Controls and Accountability Total</b>		<b>\$ 241,403</b>

**Force Science** – Member of the Critical Incident Review Team (CIRT) and Internal Affairs attended Force Science training at a cost of \$14,416. This training provided techniques to professionally investigate officer involved shootings and serious use of force.

**Use of Force & the United States Constitution and Officer Involved Shooting & the Fourth Amendment**  
 These courses provided members of the Investigative Response Team (IRT) with training necessary to conduct accurate and professional officer involved shooting and use of force investigations in accordance with federal law.

**Las Vegas Site Visit/Training** - Members of the Las Vegas Police Department provided a four day training course to CIRT to review processes and provide insight into effective administrative use of force investigations.

**International Homicide Investigators** – Members of the Investigative Response Team attended the International Homicide Investigators conference at a cost of \$14,722. This conference provided insight into behavioral-based interviewing techniques and homicide investigations.

**Canine Liability** - The Investigative Response Team attended Canine Liability training at a cost of \$10,800. This training provides evidence collection and retention, report writing, control and case law, courtroom and deposition testimony, and other topics needed to conduct thorough investigations on the deployment of canines as a use of force.

**Officer Involved Shooting Investigations Training** – Training on techniques in reviewing and evaluation of use of force incidents was provided to CIRT and IRT in Artesia, New Mexico by the Department of Homeland Security.

**Interview and Interrogation Training** – A two-day training held in Albuquerque for members of IRT to develop non-coercive interview and interrogation skills to conduct successful and unbiased investigations.

**Investigations, Policy and Analysis involving Body Cameras** – This training provided CIRT and IRT with an understanding of the use of video and the development of body camera protocols and policies in conducting investigations.

**Computers and Equipment** - The Department has expended \$28,472 for computers and equipment which includes a camera system for use of force interviews, video analysis software and equipment, and cables for quarterly download of Electronic Control Weapon (ECW) deployments.

**Use of Force Investigations and Reporting Administrative Support** – Paragraphs 79 and 80 of the Settlement Agreement require reporting and tracking of use of force by officers and the associated investigations. Costs of \$109,175 for three staff positions support these efforts.

## SPECIALIZED UNITS

There has been \$46,588 expended in **Specialized Units**.

<b>Policy and Procedure Compliance of Specialized Tactical Units</b>		
Tactical Administrative Support	\$	46,588
<b>Specialized Units Total</b>	<b>\$</b>	<b>46,588</b>

**Tactical Administrative Support** – The administrative support staff is responsible for maintaining detailed documentation and tracking of activities and deployments of specialized tactical units. This data will be used for annual reporting and analysis as required by paragraphs 96, 104, 105 and 109 of the Settlement Agreement.

## CRISIS INTERVENTION

There has been \$249,829 expended for **Crisis Intervention** for the fiscal year.

<b>Crisis Intervention Training, Compliance and Research</b>		
Public Safety Psychology Group	\$	2,000
Enhanced CIT Curriculum		<u>5,000</u>
	\$	7,000
<b>Crisis Intervention Reporting and Analysis</b>		
Family Advocacy Center CIT Assistant & Data Manager	\$	43,982
CIU Data Collection and Analysis		<u>8,190</u>
	\$	52,172
<b>Crisis Intervention Certified Responders</b>		
Crisis Outreach Clinicians	\$	190,657
<b>Crisis Intervention Total</b>	<b>\$</b>	<b>249,829</b>

**Public Safety Psychology Group** – Paragraphs 118, 119, 120 and 121 of the Settlement Agreement require behavioral health and crisis intervention training to cadets, field officers and certain civilian staff. This training was required by the Agreement prior to the end of calendar year 2015. A majority of field officers were provided with 40 hours of basic crisis intervention training in Fiscal Year 2015. There was \$2,000 expended in the first quarter of Fiscal Year 2016 for civilian crisis intervention training. Moving forward, the department is developing in-house training curriculum to train both sworn and civilian personnel which should minimize the use of outside sources for basic crisis intervention training in the future.

**Enhanced CIT Curriculum** – The Department has entered into a contract to write, develop and implement an enhanced CIT Curriculum. Paragraphs 123 and 124 of the Settlement Agreement require APD to initially have 40% of field personnel trained as crisis intervention certified responders to respond to calls involving those in mental health crisis. This curriculum is expected to be completed and implemented by mid-November.

**Family Advocacy Center CIT Assistant and Data Manager** - There was also \$43,982 expended for a Family Advocacy Center CIT Assistant and Data Manager. Paragraphs 129 and 137 of the Settlement Agreement require the collection and analysis of data for crisis intervention responders to determine their effectiveness. This position assists with the gathering and collection of data.

**CIU Data Collection and Analysis** – The Settlement Agreement requires the establishment of a Mental Health Response Advisory Committee. Paragraph 115 requires the provision of data to the committee for the purpose of facilitating program guidance. APD has a contract for the collection, analysis and reporting of this data. The department spent \$8,190 on these efforts in Fiscal Year 2016.

**Crisis Outreach Clinicians** - There was also \$190,657 expended for two Crisis Outreach Clinicians for Fiscal Year 2016. Paragraphs 110 and 132 through 136 of the Settlement Agreement require APD to develop, implement and support more integrated, specialized responses to individuals with mental

health needs. Two Crisis Outreach Clinicians were added to provide additional support to the existing work performed by the Crisis Outreach Support Specialists in the Crisis Outreach and Support Team (COAST). The new positions have additional capabilities beyond basic behavioral health service referrals, and provide assessment, evaluation, short-term crisis intervention, and safety planning.

## POLICIES AND TRAINING

There has been \$516,814 expended in **Policies and Training** for Fiscal Year 2016.

<b>Policy Development, Review and Implementation</b>		
SOP Liaison	\$	41,874
SOP Support, Technical Writing and Development		<u>125,607</u>
	\$	167,481
<b>Officer and Supervisor Training</b>		
International Chiefs of Police	\$	47,907
Meggitt Training Systems, Inc. (Scenario Training Equipment)		64,400
Use of Force Scenario Training Officers		156,713
Reality Based Training Association		20,100
Training Coordinator/Support Staff		<u>60,213</u>
	\$	349,333
<b>Policies and Training Total</b>		<b>\$ 516,814</b>

**SOP Liaison** –During the second half of Fiscal Year 2016, significant efforts were directed towards getting the thirty-seven Settlement Agreement related SOPs revised, reviewed and approved by the Independent Monitor. There was \$41,874 for an SOP Liaison and \$125,607 for policy development and technical writing support for the fiscal year. Paragraphs 138 through 147 of the Settlement Agreement require the review, development and implementation of policies that are written clearly, indexed and maintained in an organized manner.

**International Chiefs of Police** – In compliance with paragraph 211 of the Settlement Agreement, sergeants were provided 32 hours of in-service management training called “Leadership in Police Organizations (LPO)”. The International Chiefs of Police, Inc. conducted a total of three one-week training sessions at the Albuquerque Police Academy over the summer of Calendar Year 2015.

**Meggitt Training Systems and Use of Force Scenario Training Officers** – The department purchased training simulators and hired temporary use of force scenario training officers for the purpose of providing use of force training to all field officers by the June 2, 2016 deadline. The commencement of training was dependent on the independent monitor’s approval of the use of force policy in early Calendar Year 2016. This requirement is outlined in paragraphs 86 and 89 of the Settlement Agreement.

**Reality Based Training Association** – This provided a five day Reality Based Training Instructor School for APD instructors to provide use of force training to all APD officers. Forty hours of use of force training is a requirement of paragraph 86 of the Settlement Agreement. The course covers advanced scenario training principles, officer psychological factors and how to safely utilize simulation products.



**Training Coordinator/Support Staff** – Paragraphs 151 and 153 of the Settlement Agreement require the development of a comprehensive training plan within the first six months of the Agreement. This comprehensive training plan is to have initial training delivered within the first 18 months of the Agreement and a schedule for annual training thereafter. These paragraphs also require the maintenance of complete and accurate records of training provided to APD personnel. The department expended \$60,213 for administrative support for the APD Academy to support these efforts.

**MISCONDUCT COMPLAINTS AND INVESTIGATIONS**

There was \$138,218 expended in **Misconduct Complaints and Investigations** in Fiscal Year 2016.

<b>Establishment of Civilian Complaint Tracking Software (IAPro)</b>		
POD Associates, Inc. (Data Migration Validation and Analysis for IAPro)	\$	74,995
CI Technologies (Implementation of IAPro and associated training)		60,200
IAPro and Blue Team Users Conference		3,023
<b>Misconduct Complaints and Investigations Total</b>		<b>\$ 138,218</b>

**Establishment of Civilian Complaint Tracking Software (IAPro)** – There was \$74,995 expended on POD Associates, Inc. for data migration validation and analysis and \$60,200 expended on CI Technologies for implementation and associated training. Internal Affairs, in coordination with the Civilian Police Oversight Agency (CPOA), developed and implemented a centralized numbering and tracking system for all misconduct complaints. This is a requirement of paragraphs 176, 177 and 180 of the Settlement Agreement. Staff also attended an **IAPro and Blue Team Users Conference** for the new misconduct complaint tracking software at a cost of \$3,023.

**STAFFING AND SUPERVISION**

In **Staffing and Supervision** there was \$82,874 expended for Fiscal Year 2016.

<b>Staffing Study and Implementation Plan</b>		
Alexander Weiss (Assessment of Staffing Levels)	\$	40,000
Ronal W. Serpas, Phd (Staffing Implementation Plan)		19,998
	\$	59,998
<b>On-Body Recording Systems for Documenting Police Activities</b>		
UNM Regents (On-Body Camera Study)	\$	22,876
<b>Staffing and Supervision Total</b>		<b>\$ 82,874</b>

**Staffing Study and Implementation Plan** – Paragraph 204 of the Settlement Agreement requires a comprehensive staffing assessment and resource study to be completed within one year of the Settlement Agreement. Once the study is complete, the City will have six months to assess the results

and coordinate with the DOJ in developing a staffing implementation plan. The staffing study has been completed and the City expended \$40,000 with **Alexander Weiss** in Fiscal Year 2016. APD worked with **Ronal W. Serpas** to develop an implementation plan for the staffing study and expended \$19,998 for the fiscal year.

**On-Body Camera Study** – The City expended \$22,876 for an on-body camera study. The study conducted by the University of New Mexico, Institute of Social Research assisted APD in developing and implementing a body-worn camera policy and program. The use of body-worn cameras is a requirement of paragraphs 220 through 231 of the Settlement Agreement.

## RECRUITMENT AND PROMOTIONS

In **Recruitment and Promotions**, there was \$192,608 for the fiscal year.

<b>Recruitment Plan and Marketing</b>		
Edit House Productions LLC	\$	192,608
<b>Recruitment and Promotions Total</b>		<b>\$ 192,608</b>

**Edit House Productions LLC** – There was \$192,608 expended for recruitment and marketing. Paragraphs 232, 233 and 234 of the Settlement Agreement require the development of a comprehensive recruitment and hiring program to attract qualified applicants from a broad section of the community.

## COMMUNITY ENGAGEMENT AND OVERSIGHT

In **Community Engagement and Oversight**, there was \$13,820 expended in the second half of the fiscal year.

<b>Establishment of Community Policing Councils</b>		
SER and Associates (Establishment of CPCs)	\$	13,820
<b>Community Engagement and Oversight Total</b>		<b>\$ 13,820</b>

**SER and Associates** – There was \$13,820 expended for technical assistance in establishing Community Policing Councils (CPCs) in each of the six area commands. The technical assistance includes management and operations of the CPCs, community outreach and community strategies to both disseminate and capture information from community stakeholders. Paragraph 266 of the Settlement Agreement requires the establishment of a CPC in each of the six area commands.

## IMPLEMENTATION, MONITORING AND ENFORCEMENT

In **Implementation, Monitoring and Enforcement**, APD expended \$2,881,367 for the fiscal year.

<b>Establishment of Independent Monitor</b>		
Public Management Resources (Dr. Ginger)	\$	1,460,711
<b>Compliance Reviews and Audits</b>		
Compliance Auditors	\$	274,971
Law Enforcement Inspections/Audit Training		<u>13,224</u>
	\$	288,195
<b>APD Implementation Unit</b>		
Executive Director	\$	160,641
New Jersey State Police Site Visit		12,872
Records Specialists		208,223
Implementation Support Staff		<u>349,939</u>
	\$	731,675
<b>Tort and Other Expense</b>		
Transfers to the Risk Management Fund	\$	400,786
<b>Implementation, Monitoring and Enforcement Total</b>	<b>\$</b>	<b>2,881,367</b>

**Public Management Resources (Dr. Ginger)** – The department expended \$1,460,711 for the Court appointed Monitor for the fiscal year. Paragraphs 294, 295, 296, 327, 328, 329 and 330 require the selection of an independent monitor to assess and report on policies, training, curricula and programs developed and implemented under the Agreement.

**Compliance Auditors** - APD expended \$274,971 for compliance auditors and \$13,224 in associated training for the year. Paragraphs 297, 298 and 318 require compliance reviews and audits to determine if the City complies with the requirements of the Agreement.

**Executive Director** - There was \$160,641 expended for the Executive Director who oversees the APD Implementation Unit. Paragraph 317 requires the establishment of a unit to serve as a liaison between the USDOJ, the Monitor and the City to facilitate implementation of the Agreement. The unit ensures the City maintains and provides data, documents, and materials required to demonstrate compliance to the Monitor. The unit also works with the Chief in assigning implementation and compliance related tasks to APD personnel as needed.

**New Jersey Site Visit** – At the request of the Monitor, members of the Implementation Team conducted a site visit with the New Jersey State Police to gather insight into how the monitoring process worked for them and how the requirements of their Settlement Agreement were implemented. The cost of this visit was \$12,872 for six staff members.

**Records Specialists** – Paragraph 318 of the Settlement Agreement requires the City to collect and maintain all data and records necessary to document implementation and compliance, including data to allow the Monitor to conduct outcome assessments, compliance reviews and audits. This collection and

maintenance of data will also allow the City to conduct on-going quality assurance reviews. APD expended \$208,223 for the fiscal year.

**Implementation Support Staff** – There are additional implementation support staff in the form of a Management Analyst within the APD Planning Division to assist with record keeping and reporting; temporary systems support staff within APD’s Information Technology Section to ensure systems are in place and supported to meet the terms of the Agreement; and legal support to ensure policies, procedures and reports developed are in line with the Settlement Agreement. A total of \$349,939 was expended for implementation support staff.

**Transfer to the Risk Management Fund** - Also in the expenditures is \$400,786 expended as a Transfer to Risk for Tort and Other expense. This recovers the costs incurred in the Risk Management Fund in developing and implementing the Settlement Agreement.