

United States of America v. the City of Albuquerque, 1:14-cv-01025

Paragraph 298:
Outcomes Assessment

Monitor's Report:

Outcome Assessments for APD's CASA Implementation
Response: A Quantitative and Qualitative Assessment and
Analysis
(Paragraph 298 Report)

Prepared for:

The Honorable Robert C. Brack, US District Court
For the District of New Mexico,
The City of Albuquerque Police Department
The Albuquerque Police Officers' Association
The United States Department of Justice, Civil Rights Division
The United States Attorney's Office, New Mexico

Prepared by:

James D. Ginger, Jr., PhD
Public Management Resources, Inc.

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1.0 Introduction

This report constitutes the monitor's "298 Report," a report required by Paragraph 298 of the CASA. The operative requirements are outlined in Paragraph 298 as:

"298. In addition to compliance reviews and audits, the Monitor shall conduct qualitative and quantitative assessments to measure whether implementing this Agreement has resulted in the outcomes expressed in Paragraph 294. These outcome assessments shall include collecting and analyzing the following outcome data trends and patterns:

- a) use of force measurements including:
 - i. number of uses of force overall and by force type, area command, type of arrest, and demographic category;
 - ii. number of force complaints overall, disposition of complaints, force type, area command, and demographic category;
 - iii. number of uses of force that violate policy overall and by force type, area command, type of arrest, and demographic category;
 - iv. number of use of force administrative investigations supported by a preponderance of the evidence;
 - v. number of officers who are identified in the Early Intervention System for which use of force is a factor, or have more than one instance of force found to violate policy;
 - vi. number of injuries to officers and members of the public overall and by type, area command, and demographic category; and
 - vii. ratio of use of force compared per arrest, force complaints, calls for service, and other factors that the parties deem appropriate;
- b) Specialized Units:
 - i. number of activations and deployments of specialized tactical units; and
 - ii. number of uses of force used overall and by force type, area command, and demographic category;
- c) crisis intervention measures, including the information outlined in Paragraphs 129 and 137;
- d) recruitment measurements, including number of highly qualified recruit candidates;
 - i. detailed summary of recruitment activities, including development and leveraging community partnerships;
 - ii. the number of recruit applicants who failed to advance through the selection process after having been identified as well qualified, grouped by the reason for the failure to advance (this provision does not apply to those who fail to pre-qualify through APD's online recruiting or other pre-screening system);

- iii. the number of well-qualified recruit applicants who were granted any exceptions to the hiring standards, grouped by exceptions granted, and the reasons exceptions were granted;
 - iv. the number of well-qualified recruit applicants with fluency in languages other than English, grouped by the specific languages spoken;
 - v. the number of well-qualified recruit applicants with previous law enforcement experience, grouped by former agencies and years of service; and
 - vi. the number of well-qualified recruit applicants grouped by educational level achieved or years of military service;
- e) force investigations indicating a policy, training, or tactical deficiency;
 - f) training data, including:
 - i. number of officers trained pursuant to this Agreement, by the type of training provided; and
 - ii. training deficiencies identified through use of force investigations, the Force Review Board, civilian complaints, internal complaints, the disciplinary process, and the Civilian Police Oversight Agency;
 - g) officer assistance and support measurements, including:
 - i. availability and use of officer assistance and support services; and
 - ii. officer reports or surveys of adequacy of officer assistance and support;
 - h) supervision measurements, including initial identification of policy violations and performance problems by supervisors, and effective response by supervisors to identified problems; and
 - i) civilian complaints, internal investigations, and discipline, including:
 - i. the number of misconduct complaints, and whether any increase or decrease appears related to access to the complaint process;
 - ii. number of sustained, not sustained, exonerated, and unfounded misconduct complaints;
 - iii. number of misconduct complaint allegations supported by a preponderance of the evidence;
 - iv. number of officers who are subjects of repeated misconduct complaints, or have repeated instances of sustained misconduct complaints; and
 - v. number of criminal prosecutions of officers for on- or off-duty conduct.

This report, as with all monitor's reports, is designed to be directly responsive to the requirements articulated in the CASA.

Effective on the 14th of November 2014, the United States of America, Department of Justice, Civil Rights Division, and the City of Albuquerque, with the Albuquerque Police Officers' Association as an included Party, The U.S. District Court approved implementation of a Court Approved Settlement Agreement (CASA). This agreement established 344 distinct requirements of the Parties (the USDOJ, APD, APOA, and the City of Albuquerque) that were to be attained over the life of the CASA. Among those 344 requirements was paragraph 298, which required, at page 88, completion of an "outcome assessment" designed to use "quantitative and qualitative assessments to measure whether implementing this Agreement has resulted in the outcomes expressed in Paragraph 294" (CASA p. 88). In effect, Paragraph 298 requires an overarching assessment of the effectiveness of the CASA in bringing about "reform" within the APD and related entities, as required by the CASA.

Specifically, Paragraph 294 of the CASA requires the monitor to determine if implementation of the CASA "is resulting in high-level, quality service; officer safety and accountability; effective constitutional policing; and increased community trust of APD." The monitor's 298 report, outlined below should provide the reader with some insight into the degree to which the CASA and APD are achieving those goals.

This report represents the monitor's response to the requirements of Paragraph 298. As with all official monitor's reports, this document is designed to be congruent with the individual requirements (expressed in the numbered paragraphs) of the CASA. Like the monitor's reports themselves, the "298 report" is a mostly quantitative assessment of APD's performance on the 279 specific requirements, accruing to the City and APD, of the CASA. The pages below depict the Monitor's assessment of APD's compliance efforts, effective as of June 1, 2017.

Development of an integrated report was no easy process. APD submitted a total of three different data sets (ostensibly covering the same data) to the monitor for use in crafting this report. Serious issues related to data validity and reliability were confronted by the monitoring team with both of the first two data sets, and finally, APD provided a third data set for the monitor's use in developing this report. We have also encountered critical issues with this third data set; however, given the importance of the "298 report" to the Parties and the CASA, we have moved forward with this reporting process with the caveat that we will identify critical issues within the report, and request that APD clarify, remediate, and/or correct the reporting methods prior to the due date of the next 298 report. As an example of the nature of these data difficulties, the third data set, contained data collected and created from June 29, 2017 through July 4, 2017. Each of the previous data sets contained *similar data* differently organized

and reported. No single database contained all data submitted to the monitor (in three separate pieces) in one consistent format.

We will work diligently with APD over the coming months to ensure that “298” data are submitted in a consistent manner that will allow consistent analytical methods and reporting. For this report, however, we find ourselves capturing data “where we can.” For example, the third data set contains no individual responses to paragraphs i and ii of 298’s requirements. In order to craft this report, we had to “interpolate” those data, using information previously submitted by APD. For the purpose of clarity, we will report the source of data used in developing this report’s findings.

2.0 298 Reporting Overview

2.1 The Issue of Overlooked Uses of Force

From the very early stages of this monitoring process, the monitor has noted that APD, as an organization, seems to have extreme difficulty recognizing “out of policy” uses of force, identifying them as such, and taking appropriate action that confronts the out of policy use of force and works to remediate officer-related, supervisory-related, policy-related, and training-related steps to identify, clarify, define, and respond to uses of force that are out of policy. In effect, APD seems to be simply unable to identify many improper, problematic or “out of policy” uses of force. They often fail to note them, identify them, and report them. To date we have issued five monitor’s reports dealing with APD’s compliance processes stipulated by the CASA. In each of the monitor’s five reports, we have noted as perhaps the most critical use-of-force-related issue: the APD’s general inability to identify, label, and respond appropriately to what, to the monitoring team, are obvious violations of then-established APD force protocols. Examples of these “unidentified” use of force issues were reported in IMR-1 (the first monitoring report), and again in IMR-2, IMR-3, IMR-4, and IMR-5, as well as a “Special Report” to the Court addressing one particular event. Despite these multiple notices that something is wrong with APD’s internal processes, the “unidentified” use of force continues to be a critical issue, with APD sergeants, lieutenants, commanders, majors and chiefs routinely missing violations of policy and training. Often, when notified by the monitor of such lapses—most of which are supported with clear video and written documentation of violation—APD’s normal response is denial-debate and defense¹, not analysis—response--testing, revision--repeat, as would be the near-universally recommended response.

2.1.1 IMR-1

As an example of “un-noted” force issues arise at APD, in IMR-1 we noted “An officer fired his electronic control weapon (ECW) or Taser...and struck [the

¹ We note, for example, that we are still debating Canine-Deployment and EIS triggers and thresholds, fully 25 months into the implementation phase of the CASA.

suspect] in the head.” The supervisor who “investigated” the use of force failed to identify the head strike as an issue, as did the entire chain of command that reviewed the supervisor’s investigation.”

We also noted in IMR-1 a second incident involving failures by supervisors and the chain of command to identify significant issues with Taser use and deployment of a probable neck hold. Neck holds are categorized as lethal force by APD, yet the incident was not reported as a use of lethal force by the officer, his supervisor, or any of the chain of command whose responsibility it was to review uses of force for compliance with policy. What followed were several months of resistance to the monitor’s insistence that the APD deal directly with the neck hold issue.

2.1.2 IMR-2

In IMR-2, the second monitor’s report, we noted APD’s difficulty in developing good policy guidance for its officers relating to uses of force, causing the monitor to write: [T]he inability to craft an acceptable use of force policy...is problematic on several levels. First, it highlights a general difficulty [of] the department in ... crafting effective, meaningful, trainable policy to guide [officers in the field]. Second, ... it delays the start of required department-wide training related to the appropriate use of force. As a result...use of force training will be [rushed] leaving little room for assessment... Similarly, training of supervisors in how to assess, evaluate and review officers’ use of force will be ... delayed.” Third, it compresses the timeline to a point that any unanticipated issues will be difficult to acknowledge, assess and overcome.”

2.1.3 IMR-3

In IMR-3, our warnings became a bit more specific and detailed, noting a serious use of force case that had been “missed” by every level of review at APD, from supervisory to command to IA. The failure to identify, label, and refer a serious use of force (a deliberate knee-strike to the head of a suspect, resulting in loss of consciousness) for appropriate investigation was seen as so serious and troubling that the Monitor put APD on notice of the lapse via special correspondence, and noted his intent to issue a “Special Report” intended to identify critical supervisory, command, and administrative issues. That report was scheduled to be released between IMR-3’s release and work on IMR-4’s site visit. In our notice, we stated:

“The issues that have thus far been identified are significant, systemic, and multi-faceted, and require focus and alacrity from APD in addressing and resolving each. The following represent a non-exhaustive list of initial findings:

- Across the board, the monitoring team has found that the components in APD’s system for overseeing (and holding officers accountable for) the use of

force, for the most part, have failed. Hence, the serious deficiencies revealed point to deeply-rooted systemic problems.

- The deficiencies, in part, indicate a culture of low accountability is at work within APD, particularly in chain of command reviews.
- The system often failed to properly address reporting deficiencies and other policy violations, including vehicle pursuits, use of OBRDs, and the use of profanity.
- Despite issuing multiple alerts, the Department's EIS failed to result in appropriate, effective reviews. The follow-up actions taken were based upon incomplete data and were of little effect in changing the officer's underlying behavior.
- Because most incidents addressed by APD were regarded as discrete, stand-alone events, prior cases were disregarded or overlooked, and no case [did] integration occur. This resulted in significant, developing patterns being missed in the case of at least two involved officers.
- Mistakes or misconduct led to reporting failures, delayed investigations, and the loss of potential evidence, including key statements.
- In at least one case, three months elapsed from the issuance of the first EIS Alert until the time that any sort of intervention took place. Intervening uses of force were not discovered, though additional EIS Alerts were issued over the course of the investigation.
- During the IAS investigation, *Garrity* protections were extended in all witness interviews. Critical information was not shared with an IRT investigator charged with the responsibility of determining criminal liability.
- The IRT investigation was deficient and resulted in a page and a half memo, with no interviews being conducted. The investigation appears based, for the most part, upon review of the original case reports, which, we note, are seriously deficient. The DA's Office was not consulted.
- The monitoring team underscores that operational compliance cannot be properly assessed unless reliable data are generated by APD's use of force oversight and accountability system. Based upon previous case reviews and this case, we have major reservations about the system's ability to produce high-quality, trustworthy data.
- APD, at multiple levels and stages, missed significant opportunities to catch problems early, remediate and resolve them quickly, reinforce good practice, and provide invaluable feedback to the policy and training functions.

In the monitor's opinion, nothing could be more clear. In IMR-3, we clearly articulated our concerns that APD's "force management" system was broken and needed thorough and immediate review and remediation.

2.1.4 IMR-4

Again, in IMR-4 we found use of force problems to persist. An issue first noted in IMR-1 regarding a problematic use of force had gone unresolved for more than a year. By the fourth report, submitted in November of 2016, we noted serious problems with APD's oversight of its officers' use of force practices. First among those were issues with APD's planning, development and delivery of its initial use of force training.

We noted in IMR-4: "First, there appear to be multiple definitions of use of force in the training processes, which we note, again, are not currently integrated well with existing policy, more likely than not because of the lack of clear definitions of "show of force." Second, APD is currently engaged in the planned six-month review and assessment of its use of force policy. We strongly suggest that the monitoring team's assessment of that policy, as it relates to "show of force," be included in that policy review."

We further suggested: "The monitoring team's review of training records indicates that APD trained 98.7 percent of its officers using the new Use of Force training materials. Nonetheless, we find four separate and distinct issues requiring further training: 1. vague use of "show of force" definitions; 2. use in the training of two Supreme Court cases that do not align completely with APD use of force policy; 3. lack of policy control on distraction strikes; and 4. unclear definitions of "un-resisted handcuffing."

Our work for the fourth report indicated clear and specific lapses in the original supervisory training related to use of force investigations. Specifically, we emphasized several critical issues relating to APD's ability to note, identify, and respond to use of force practices that were in contradistinction to the CASA. We noted: "Again, the monitoring team express serious concerns about APD's *supervisory and managerial response* to issues of use of force. For example, we reviewed 20 use of force cases for the fourth monitor's report, and found 20 problematic factors²" (emphasis in the original). "Work remains to be done in training supervisors to assess effectively officers' execution of policy and training in the field."

In addition to problems with the training provided to APD's supervisors related to use of force supervision, we also reiterated in IMR-4 specific and concerning issues with APD's "response to investigations of officer-involved shootings (OIS)". These included issues of timeliness, thoroughness, accuracy, and a failure to use or rely on the APD Early Intervention System (a system about which APD and the monitor remain in disagreement to this day).

² Some use of force cases had multiple problematic factors.

Chief among our concerns voiced in IMR-4 about APD's internal use of force assessment protocols were observed practices of APD's systematic and frequent deployment of "carefully worded excuses, apparently designed not to find fault with officer actions (for example, in at least one case the force was "excused" by stating that CIRT found no internal documentation directing APD to follow the provisions of the CASA— despite the fact that the City was a signatory to the settlement agreement!)" (emphasis in the original). This finding was only one of 18 specific, critical, and clearly articulated monitor-delineated issues in IMR-4 related to APD's internal systems for finding, assessing, and correcting errant uses of force by its personnel. We further noted: "***This is a critical issue calling for immediate, forceful, and effective remediation***" (emphasis in the original).

After having noted a recurring issue with APD's responses (or lack thereof) to the monitor's reports, we noted clearly in IMR-4: "***It is incumbent on APD to develop effective assessment and response protocols to the monitor's reports. These processes must clearly and effectively address the issues noted in each monitor's report if APD is to move forward...***" (emphasis in the original).

Finally, we developed APD-specific recommendations for a "way forward" for APD if it indeed intended to comply with the CASA:

"Finally, we cannot emphasize enough the need for APD to 'dissect' carefully each monitor's report and to develop strong, clear, specific guidance from the executive level to the operational level about:

1. What problems were noted in the monitor's reports?
 2. What priorities exist for rectifying issues noted in the monitor's reports?
 3. What mechanisms are best suited for addressing identified problems?
 4. What measurement and assessment mechanisms will best identify if progress is being made in addressing those issues?
 5. Who is responsible for design, assessment, implementation and evaluation of the modalities selected to respond to the monitor's concerns?
 6. How will those assessment processes be communicated to command and executive personnel and the community? and
 7. How will APD know when an identified problem has been "corrected?"
- " (Emphasis in the original).

We noted: "At the present time, it appears that no such 'after-action' assessment process occurs, despite our repeated efforts to engender same."

“Without tight, executive-level ‘command and control’ it appears that these steps will not be taken. If this is so, the final result will be monitor report after monitor report that identify over and over the same issues preventing compliance. We see this as a critical issue.” (emphasis in the original).

2.1.5 Monitor’s Special Report

In September 2016, the monitor filed with the Court a “Special Report” entitled “The Concept of Systemic Failure and APD’s Existing Use of Force Oversight and Accountability System.” In that special report, we noted:

“Operational compliance cannot be properly assessed unless reliable data is generated by APD’s use of force oversight and accountability system. Based upon previous case reviews and this case, we have major reservations about the system’s ability to produce high-quality, trustworthy data. This will impede operational compliance significantly. We see this as a critical issue,” (emphasis in the original).

We note here that based on our reporting in IMR-5, where we noted a 25 percent failure rate of APD’s force oversight and accountability system, the inherent inability of APD’s force oversight and accountability system has yet to be adequately addressed. See “IMR-5,” below.

2.1.6 IMR-5

Again, in IMR-5 we were clear and detailed in our review and comments on APD use of force practices and review processes. For example, we noted:

“As the monitoring team noted in its first four reports, and a Special Report submitted to the Court in September of 2016, fostering the constitutional use of force is the primary goal of this entire effort, and every provision of the CASA is aimed, directly or indirectly, at achieving that goal.”

“IMR-5 was the first of what will be several “data oriented” reports, in which we relied on tabular data created by the monitoring team based on review of APD use of force reports and assessments. For IMR-5 we reviewed exhaustively 16 use of force events and compared APD’s handling of those events with the specific requirements of the CASA. We found a 19 percent failure rate “in the field,” with only 81 percent of the actual use of force processes conforming to policy and the CASA. More disturbing, however, is that for that 19 percent of cases that were handled improperly in the field, we found a 100 percent failure rate among supervisor, commander, and executive-level reviews. We also found a 25 percent failure rate for secondary officers reporting improper procedure by the primary officer. More concerning, we found that supervisors, commanders, and executive level reviewers missed 100 percent of these issues.”

“Overall, in IMR-5, we found:

- A 14 percent error rate for the requirement that officers using force provide a written or recorded narrative to their supervisor describing the event;
- A 19 percent error rate for the requirement that the officer include a detailed written account of the facts necessitating a use of force;
- A 25 percent error rate for providing a description of the facts leading to a use of force;
- A six percent error rate for providing a detailed description of the levels of resistance encountered;
- A 31 percent error rate for the requirement that officers describe and justify each use of force; and
- A 25 percent error rate prohibiting the use of “boilerplate” language.”

“This constituted a 38 percent overall error rate for the sample in terms of compliance to the requirements for “acceptable” use of force reporting. More concerning was the fact that supervisory and/or command personnel failed to catch any of these errors (a 100 percent error rate for supervisors and commanders).”

“Further, we noted in IMR-5 that APD officers achieved only a 75 percent compliance rate in reporting IMR-5’s data for injuries to suspects and/or prisoners. Officers failed to report four of sixteen injuries. In all cases, supervisors and commanders failed to note these failures. This constitutes a 100 percent error rate for supervisors and commanders. Similarly, we noted 3 cases in which officers failed to activate their OBRDs as required by APD policy, a 19 percent error rate. Supervisors and command-level personnel failed to note any of these cases, a 100 % failure rate.”

“More concerning were IMR-5’s articulated results on “Supervisory Force Investigations,” investigations of uses of force that do not rise to the level of IA, CIRT, or other administrative investigations. Of the 16 events reviewed for compliance, only two of sixteen events were even marginally investigated by supervisors regarding policy-compliance issues. This constitutes an 87 percent failure rate among supervisors. Overall, command oversight was equally problematic. We were able to label as “effective” only six percent of the command level “reviews” in terms of their requirement to order additional investigation where appropriate. Command level performance was better than supervisor performance, but still “failing” regarding the requirement to take some form of “corrective action,” doing so only 19 percent of the time when it would have been appropriate to do so.”

“Similarly, we reviewed Force Review Board activities for IMR-5. The FRB is required to review serious uses of force to ensure compliance by supervisory and command personnel. It is the “lessons learned” component of APD’s force-control strategy. Even at this level we found overall compliance at only 25 percent, and component compliance at 33% (sampling completed investigations and ordering additional investigations where appropriate) and 50% (using the

preponderance of the evidence standard and referring use of force violations to the Chief of Police).”

2.1.6.1 IMR-5: APD Use of Force Management Effectiveness

To date, APD has been demonstrably ineffective in:

- Training officers and supervisors in policy, procedure and process related to use of force reviews and assessments;
- Identifying at the supervisory level improper uses of force when they occur;
- Identifying at the command level improper supervisory reviews of use of officer use of force when they occur;
- Analyzing use of force data to identify issues and craft meaningful remedial organizational responses; and
- Implementing necessary changes in policy, training, supervision and management designed to affect positively officer behavior in the field.

2.2 Conclusions re: Overlooked Uses of Force

In short, in the monitor's opinion, force continues to be a masked factor in APD's management calculus. Based on the data collected and analyzed to date, use of force by APD line personnel is frequently not reported, and when reported it is often under-reported. In effect, significant portions of use of force "data" remain effectively invisible to APD supervisory and command staff. We have a reasonable concern that, since supervision and command have such high internal failure rates, failing to note and report policy violations by line personnel, the numbers on which this report are based are less than reliable. This can only be remediated by redoubled command effort designed to train, supervise and discipline the management and supervisory cadres of APD to ensure that force is accurately reported, analyzed, and controlled.

Despite these concerns, we do note that reporting rates of use of force and the accuracy of those reports is improving, though they are well below what could reasonably be expected at this point in the project, based on the monitor's experience in other agencies.

3.0 Paragraph Compliance Assessments

The data reported below depict the measurable results of APD's compliance efforts for the years 2014 (pre CASA), 2015 (partial CASA implementation) and 2016 (full-year CASA implementation).

3.1 Use of Force Compliance Data and Monitor's Assessments

This section of the 298 report reflects data related to Paragraph 298's use of force reporting requirements for APD. APD self-reported data and data collected and analyzed by the monitor are the focus of the data analysis that are part of this first 298 report (2015 and 2016). Data for 2014 serve as the best available "baseline" against which operational data are compared.

3.1.1 2014 APD Use of Force Data

APD has reported use of force data for three years in response to Paragraph 298's data requirements. Data were provided for 2014, before the CASA was implemented, as well as for 2015 and 2016. The CASA was effective November 14, 2014, and became operational on June 2, 2015, thus data for 2015 were, in effect for a "partial year" of APD's compliance efforts. Data for 2016 represent the first full year of compliance activity for the agency.

Table 298-1a, shown on page 14 below, was constructed using APD supplied information regarding use of force modalities for 2014. One should note that Table 298-1a, below, is considered "baseline" data--data collected for the year 2014, before the intervention of the CASA in June of 2015. APD in 2015 set a "baseline" use of force measure of 756 separate incidents. More importantly, the top 23 use of force modalities, from among the 45 reported, were responsible for more than 95 percent of all uses of force, leaving only such force processes as "Spit Socks" (fabric devices place over suspect's head to prevent them from spitting on officers while they are under arrest) and "Headgear" (protective gear to prevent subjects from injuring themselves during transport and processing) and other more questionable tactics (such as "motor vehicle" and "flashlight") to fill in the final five percent of uses of force by APD officers.

The reader should note that the data reported in Table 298-1a were "self-reported" data, developed by APD based on their individual reporting databases designed and implemented prior to development of the CASA. These databases were normal "course of business" databases, and as such, were not directly reflective of the requirements of the CASA (which was not operational in 2014). The data in Table 298-1a were, as a result, somewhat different in format and scope than the data that were eventually reported in direct response to the requirements of the CASA. The reader will note specific changes within the data tables presented for paragraph 298a-i over the years 2014 (pre CASA), 2015 (the first year of CASA implementation) and 2016 (the latest full-year reporting period). Use of force methods for 2014 are reported in full on the following pages, beginning with Table 298-ia.

Strangely enough, APD's *ad hoc* listing of "Self-Reported Use of Force Methods" for 2014, reported specifically by APD for the purposes of this reporting process,

failed to include any reported firearms discharges at suspects for 2014. Records available to the monitor from sources outside the APD show a total of at least five incidents involving shootings by APD personnel in 2014, including five deaths (James Boyd, Alfred Redwine, Mary Hawkes, Armand Martin, and Ralph Chavez). APD's proffered data are shown below, absent data on the five known shootings by APD for 2014. We have no explanation as to how APD overlooked these deadly shootings in its reporting processes for 2014, which were provided to the monitor in 2017. We consider the omission a serious lapse. Further, given the *ad hoc* nature of the monitor's process on these shootings, APD should ensure that it reliably captures and reports all APD-involved shootings (and other reportable uses of force) in materials presented to the monitor, and by extension, the Court.

APD's use of force data for 2014 shows 45 reported modalities of APD's use of force continuum, ranging from the most severe (use of vehicles to strike subjects) to relatively minor applications of force, such as "orders and words," Taser sparking or application of handcuffs. See Table 298i, on page 15, below.

3.1.2 2015 APD Use of Force Data

For 2015, APD's Use of Force data became much more clear and easier to understand and track. The previous years 46 "force types" were condensed into a more understandable and workable 14 categories of "force type." Interestingly, the reported incidences of use of force were reduced by a notable number of incidents, from 756 in 2014 to 274 by the monitor's count (272 by APD's count, which missed 2 instances of "solo takedowns" due to inaccurate classifications of that modality as both "Solo Takedown" and "Takedown-Solo"). The reduction in reported uses of force was 63.7 percent, a more than notable number. A review of APD use of force data for 2015 shows a pattern in use of force tactics, with fully 34.5 percent of uses of force being "takedowns" of one form or another, and the next highest category being Taser use. The highest category remains "empty hand" control techniques, as would be expected. Those two categories takedowns and empty hand control techniques, account for 33 percent of all uses of force reported by APD in 2015. The highest single category reported for 2015 is "Empty Hand" control techniques. The top eight use of force categories comprise 95 per cent of all uses of force for 2015. Data for these use of force modalities are reported in Table 298a-ii, page 17.

We note that APD went for the better part of 2015 without an approved (by the monitor and Parties) use of force policy. The observed change in use of force rates is explained in part by APD's move from its 2014 force reporting modalities, which included 45 force modalities, to a new reporting process specified by the CASA, which included 13 force modalities. APD transitioned to reporting only those uses of force required by the CASA (13 force types) instead of its earlier practice of reporting more widely on uses of force (45 force types). Distribution of uses of force by type are reported in Table 298i-b, on the following page. We

note that such substantial changes in reporting processes and rules can confuse comparison across time. For example, in 2014 APD included several officer response modalities in its “use of force” data that were clearly not uses of force, e.g., “verbal commands,” “Directed Subject Against the Wall,” “Orders and/or

Table 298-ai Self-Reported Use of Force Methods, 2014

Rank	Force Modality	No. of Uses	%
1	Handcuffs	184	24.3
2	Empty Hand Tech	72	9.5
3	Other Restraints ³	69	9.1
4	Orders and/or Words	54	7.1
5	Takedowns	40	5.3
6	Arm/Leg	38	5.0
7	Taser	35	4.6
8	Taser-Air (Sparking)	35	4.6
9	Solo Takedown ⁴	35	4.6
10	Overcoming Resistance	28	3.7
11	Team Takedown	28	3.7
12	Hands or Feet Impact	20	2.6
13	Pursuit	14	1.9
14	K-9 Apprehension	14	1.9
15	Takedown	9	1.2
16	Impact Weapon	7	<1.0
17	Taser (Drive-Stun)	7	<1.0
18	OC Spray	7	<1.0
19	Press Technique	7	<1.0
20	12 Gauge Bean Bag	6	<1.0
21	PRS	6	<1.0
22	Bean Bag	5	<1.0
23	Impact Method	5	<1.0
24	"Spit-Sock"	4	<1.0
25	Chemical Agent	3	<1.0
26	Head Gear	3	<1.0
27	K-9 Warning	2	<1.0
28	Leg Restraints	2	<1.0
29	Display of a Weapon	1	<1.0
30	Flashlight	1	<1.0
31	Motor Vehicle	1	<1.0
32	Directed Subject Against Wall	1	<1.0
33	Non-Lethal	1	<1.0
34	Verbal Commands	1	<1.0
35	PT 7/7	1	<1.0
36	Arm Bar	1	<1.0
37	Vehicle Used to Block/Strike	1	<1.0
38	Pepper Balls	1	<1.0
39	Officer Body Weight	1	<1.0
40	Headgear	1	<1.0
41	Triceps' Pain Compliance	1	<1.0
42	Muzzle of Rifle	1	<1.0
43	Show of Force (Taser)	1	<1.0
44	OC Spray	1	<1.0
45	40mm Foam Projectiles	1	<1.0
Total	--	756 ⁵	100%

³ APD does not clarify what is included the category “other restraints.”

⁴ We note the use by APD of several categories of “takedowns,” including “Solo Takedowns,” “Team Takedowns,” and “Takedowns.”

⁵ This number should be 762 if one includes the six APD shootings in 2014 that were not reported in this table (see page six, above).

Words.” Such events are not the type of actions that most law enforcement agencies, or the monitor, consider use of force, and could result in misleading information if they are removed from the force reporting rubric in following years (which proved to be the case with APD’s reporting modalities for 2015 and 2016). More than 31 percent of 2014’s use of force data were these types of events for 2014.

Table 298a-ii APD Self-Reported Use of Force Methods, 2015

Rank	Force Modality	No. of Uses	%
1	Empty Hand	87	25.7
2	Team Takedown	65	19.3
3	Taser	63	18.8
4	Takedown	47	14
5	K-9 Apprehension	17	5.1
6	Hands/Feet Impact	16	4.8
7	Impact Bean Bag	14	4.2
8	OC Spray	9	2.7
9	Other	7	2.1
10	Firearm (OIS)	6 ⁶	1.8
11	Solo Takedowns	4	1.2
12	40mm Impact Rnds	1	<1
13	ECW “Painting”	1	<1
	Total	336	--

3.1.3 2016 APD Use of Force Data

APD’s reported data for 2016 show similar category results, with empty hand techniques, Takedowns and “Other” leading the list substantially (See Table 298i-c, below). Also, for 2016, use of force overall appears to be significantly higher than in 2014 or 2015, with a total of 867 recorded incidents reported for 2016. While to some this might seem alarming, in the monitor’s opinion it is simply the CASA at work. In the monitor’s opinion, by 2016 all APD officers and supervisors had been trained in use of force reporting, and reporting became more “accurate” in terms what constitutes use of force and what has to be reported as such. Overall numbers of uses of force jumped to 867 for 2016, up from 336 in 2015. These numbers continue the pattern seen for 2014 and 2015, with Empty Hand Control Techniques and Takedowns constituting the most frequent use of force actions reported by APD (471 of 867 force events, a total of 54.3 percent, were reported as Empty Hand Techniques and Team Takedowns).

⁶ Again, records available to the monitoring team from non-APD sources show only one OIS for 2015, not six as reported by APD in this Table.

Table 298i-aiii APD 2016 Use of Force Methods, 2016

Rank	Force Modality	No. of Uses	% of Total
1	Empty Hand Techniques	340	39.2
2	Takedowns (Team)	131	15.1
3	Other	125	14.4
4	Takedowns (Solo)	120	13.8
5	ECW	61	7.0
6	Hand-Foot Impact	42	4.8
7	K-9 Apprehension w/ Bite	10	1.2
8	OC Spray	9	1.0
9	Firearm (OIS)	8 ⁷	<1
10	Display of Firearm	6	<1
11	40 mm Impact	6	<1
12	ECW Painting	5	<1
13	Bean Bag Impact	4	<1
Total		867	---

We do not view the obvious jump in numbers as alarming. The increased numbers may well be due to the fact that APD is moving into implementation processes required by the CASA related to officer-reporting of use of force. Based on our experience, this, in turn it appears, has substantially increased the *percentage of reported* uses of force, while the underlying numbers, we hypothesize, have remained relatively constant. The numbers reported, more likely than not, more accurately reflect the reporting of more (if not most) of the actual uses of force that APD experienced in 2016. Force modalities 1 through 7, “Empty Hand Techniques” through “Canine Apprehension with Bite,” account for more than 95 per cent of APD’s uses of force for 2016.

A summary of Use of Force Reporting (2014-2016) shows that groupings of non-force events appear to have been used to “load” data for 2014, e.g., verbal commands, “orders and/or words,” and “directed a subject against the wall.” Intentional or not, this phenomenon, when coupled with the same non-force events being dropped from the 2015 and 2016 data, may falsely inflate comparative numbers in 2015 and 2016 when compared to 2014. Further, as will become clear in the Paragraphs below on Officer Involved Shootings (OIS) the number of such events in the data reported in Tables ai-aiii, above, appear to be inaccurate.

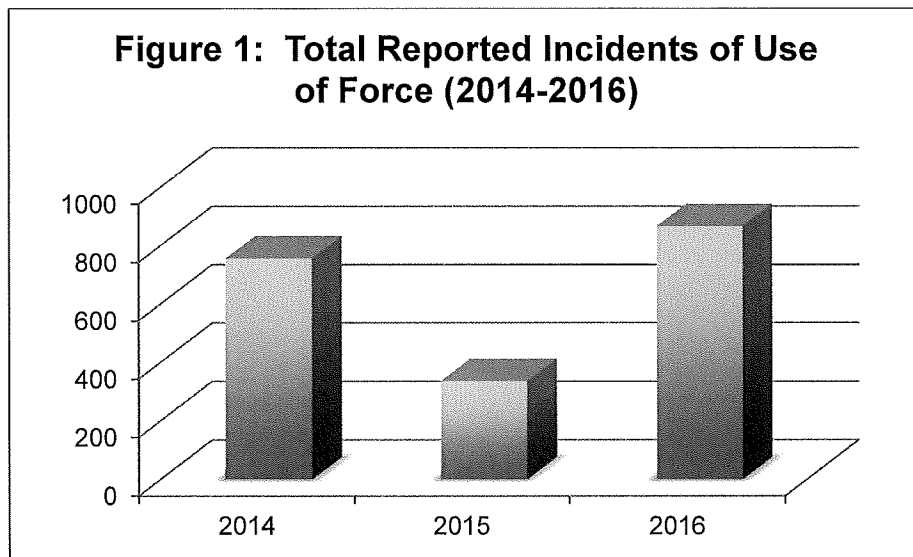
3.1.4 Use of Force Incidents Reported by APD 2014-2016

Based on the data provided by APD, reported policy violations related to officer use of force comprised only 10 incidents over the 2014-2016 timeframe, with one

⁷ Again, we are unsure of the validity of this number, as the monitoring team cannot account for all eight reported OIS events articulated here.

such event in 2014, two in 2015 and seven in 2016. 2014 are pre-CASA data, with 2015 representing the first year of implementation and 2016 representing the second year of implementation. If these data are correct, APD reported 700 percent more alleged policy violations in 2016 than in 2014. Given the small numbers involved, however, we caution against making assessments on such a small sample. Nonetheless, the data show marked increases in the number of reported policy violations at APD from 2014-2016. These data would tend to indicate a more frequent reporting of officer uses of force over time.

Data for Figure 1, below, indicate to the monitoring team a “normal progression” of implementation of the CASA. The reduction in reported use of force incidents in 2015 more likely than not reflect a reduction in the number of use of force categories reported by APD, down to 13 from the previous year’s 45. The increase in reported uses of force from 2015 to 2016, to the monitor, reflects a refined and more CASA-compliant use of force *reporting* process.

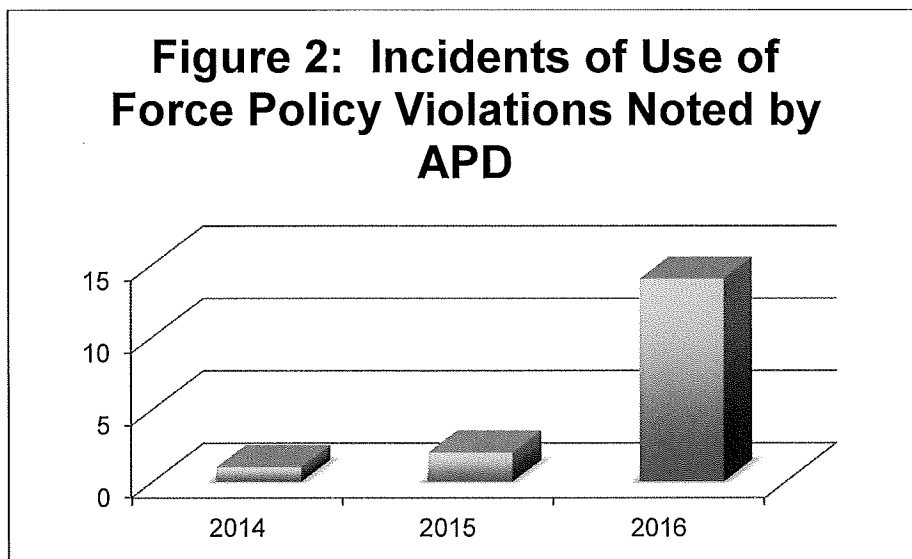


The anomalies noted in Tables ai-aiii above are evident in Figure 1. Inflated numbers of “uses of force,” such as “orders and words” in 2014 have distorted APD’s relative use of force rates for the following years.

3.2: Number of Force Complaints Overall

The next measurable requirement of APD’s and the City’s compliance efforts is 298a-ii, which requires reporting of “number of force complaints overall, disposition of complaints, force type, area command, and demographic category.” APD’s reporting modalities for paragraph 298a-ii report the data required; however, there are no summative tables designed to report totals as required by 298a-ii. For example, while APD’s 298a-ii data identify which area command and specific unit was responsible for each use of force violation, there is no ranked, “command-specific” summative information that informs the reader

of the rank order of “commands” responsibilities for uses of force. This deficiency makes interpretation of the data much more difficult, and turns it into a user-task, not a reporting task completed by the APD’s information system’s reporting formats. Thus, the readers (supposedly APD command and executive staff) are faced with the task of identifying the fact, for example, that for 2014-2016⁸, the most uses of force that violated APD policy were reported by Field Service Bureau’s Southeast Command (five incidents of the total ten violations reported by APD’s system for those years). More importantly, however, APD’s reporting modalities for 2014, 2015, and 2016 appear to change from year to year, making consistent comparisons virtually impossible. For example, in 2014, the “Area Command Summary” fails to list the Area Command responsible for the one use of force reported that year (that violated policy), making data validation extremely difficult. Figure 2, below, depicts APD’s 2014-2016 “history” with reported and investigated policy violations. We note that the “jump” in policy violations is, more likely than not, a positive indicator of increased force-review effectiveness, attributable, at least in part to APD responding to the requirements of the CASA. More remains to be done, however.



We recommend the following:

1. APD’s data collection, analysis, and reporting processes should be reconfigured from “reporting” to processes that require clear and accurate reporting, supported by analytic processes that control for such issues as: workload (calls for service (cfs), arrests per cfs; relative “violence” and “resisting” factors per cfs, mean use of force modalities, “out of policy” force application indexes, and relative citizen complaint “indexes” among the Area Commands. APD command staff may have other data points they believe important in

⁸ Data for 2014 were not available.

tracking, analyzing, and controlling use of force events that should be added to this list.

2. These data points should be normed for each Area Command, over time to build a “force matrix” for each Area Command (and potentially shifts within Area Commands).
3. The force matrix should be monitored carefully by APD command staff for changes over time, both positive and negative, that may reasonably be determined to be due to verifiable changes in command and supervisory oversight.
4. Changes related to improved and/or degraded command and supervisory effectiveness should result in clear and effective recognition and response on the part of APD executive staff, with successes touted and slated for implementation elsewhere in the department, and “failures” noted, analyzed, and subjected to a critical failure analysis leading to renewed and situationally revised command and supervisory training.

In short, APD should become a Learning Organization⁹, one which plans-implements-assesses-corrects-repeats based on hard data and careful analyses of failures and successes. We cannot emphasize enough the criticality of this model if APD is to make progress in CASA compliance over the coming months and years.

On a positive note, it appears that APD oversight was much improved for 2016 with APD self-detecting 14 policy violations relative to use of force by its officers. This is up from one in 2014, and two in 2015. Interestingly, APD has a self-developed “trigger,” it appears, of “more than one” use of force policy violation before an errant use of force or other significant event is reported in the data for Paragraph 298a. The monitor contends that all incidents of use of force violations are critical, not just the incidents with “more than one.” Such a review trigger, quite conceivably could lose a significant issue because it was “only” one use of force. We recommend immediate revision of this trigger, so that Paragraph 298 data will deal with all policy violations, not just multiple violations¹⁰.

From a management perspective, we found the Tables provided by APD supporting Paragraph 298 extremely difficult to read and dissect, thus fostering, in our opinion, a high probability for managers to miss data that should stand out. More importantly, the APD use of force data tables apparently missed one of the most critical out-of-policy use of force incidents in APD’s recent history, failing to

⁹ See for example, *Harvard Business Review*, March 2008, “Is Yours a Learning Organization,” David Garvin, et al.

¹⁰ We are aware of Paragraph 298a-v requirement regarding “more than one” triggers for Early Intervention System reporting; however, using it here presents issues.

report an event that caused a serious injury to an APD officer as a result of what is commonly referred to as a “Blue-on-Blue” shooting. This event, a narcotics “buy” gone bad, resulted in one officer shooting another. The event occurred in January 2015, and, if one reads the APD 298a-iii use of force tables for “Type of Force Used,” for 2015, there are no entries for “firearm,” which was the weapon used by the actor, a police lieutenant, to shoot the victim, a police undercover officer. Even allowing APD the benefit of the doubt of waiting until the case investigation was complete (2016) prior to updating its database, we note no entry for “firearm” in the 2016 tables supporting that contention. Unless APD placed the shooting in the catch-all category “Other,” which appears only on the 2016 report, it should have been noted and dealt with somewhere in the data reports for either 2015 (date of incident) or 2016 (completion of the investigation). We find no such entries in the Paragraph 298 databases. This, in effect, means that one of the most critical and significant “errors” in APD’s recent history went un-reported in the very database that should be designed, structured, and reported to easily and quickly note without fail such events in APD operations.¹¹

3.2.1 Violations Reported by APD by Command and Year (2014-2016)

A review of data tables for this 298 requirement indicates another problem with APD’s databases. As we note elsewhere, reporting raw data without considering such external factors as number of calls for service per individual “work unit,” e.g., FSB SE, NE, E, W, Administrative Support, Special Services, Investigations, and “unknown,” make it difficult for APD to recognize and identify “outliers.” For example an analysis of the raw data indicates that APD’s SE Area Command is responsible for fully 50 percent of reported uses of force in some years, exceeding other individual area commands by at least 600 percent! Southeast Area Command’s use of force events constitute a total of half of all reported uses of force included in 298a-iii’s reporting requirements for 2016. As we note above, without analyses reported by workload factors, e.g. calls for service per work unit, arrests per work unit, etc., APD is “flying blind” when it comes to assessing and controlling uses of force. A portion of this difference among area commands is obviously explicable by the nature of calls for service, violent crime rates, and other issues. Without reporting these geographic differences, APD risks overlooking important trends and issues. Such data should be reported at a minimum as ratios, e.g., uses of force per 100 arrests, etc. Raw data seldom tell the whole story, in the monitor’s experience, and it is critical that these data be meaningful when they are published. Tables and figures for these data are virtually impossible to construct, given the ineffectual reporting modalities of APD over the years involved (2014-2016).

¹¹ We note that these data *were* apparently reported in an unknown—to the monitor—“special database,” not included or referenced in Paragraph 298’s reporting modalities.

3.2.2: Uses of Force in Violation of APD Policy

The next measurable requirement of APD and the City's compliance efforts in 298a-iii, requires reporting of the numbers of uses of force that violate APD policy, by type of force, area command, type of arrest, and demographic category. APD reporting protocols report these data for the years 2014, 2015, and 2016. Data reported were included in APD's "Paragraph 293A3-A5 UOF Report" for 2014, 2015, and 2016. Paragraph 298a.iii requires reporting (and an implied analysis) of "number of uses of force that violate policy overall and by force type, area command, type of arrest and demographic category (CASA p. 88-89, 298 a-iii). In its "report" for 2014, APD identifies one incident that indicated a "Policy Violation." Again, 2014 was prior to implementation of the CASA, and in some ways serves as a baseline. Classification and reporting differences, however, often make direct year-to-year comparisons difficult if not impossible. Based on available APD records, the agency recorded only one "out of policy" use of force during 2014. That event involved a use of five separate force mechanisms, including use of: empty hand control technique, handcuffs, hand or foot impact, orders/words, and "overcame resistance." *No Area Command information was included for the 2014 event.* APD's report for 2014 identified the number of policy violations (1), the number of types of force used (5), gender of officer and citizen, type of arrest, and demographic status of the subject and the officer, as well as other data not required by paragraph 298a.

For 2015, the same data are reported in APD's "Uses of Force in Violation of APD Policy" report. For 2016, the same data types are reported as were reported in 2014 and 2015. We note, not surprisingly, that 2016 showed a substantial increase in uses of force reported, from 2 in 2015 to seven in 2016. See Figure Two, page 20. This fits with the monitor's experience in other agencies that introduce improved policies and training regarding use of force. In the monitor's experience this represents not so much an increase in uses of force, but an increase in review, assessment and reporting rates. Parenthetically, the report contains virtually no information that would allow APD to identify the nature of policy violations. This would seem to be critical for training, supervision, command review, and general oversight functions. We recommend a change to the reporting modes to capture these data. We also note that for this CASA paragraph, for the years 2014-2016, the dates the reported incidents were received and the dates they occurred were removed from the accessible data in the files provided to the monitor. APD should note that this removes an important "fact checking" ability from the monitoring team. We recommend APD both explain the need for removing these data classes from their first "298 report," and include them in all future data reports related to 298a.iii.

3.3: Number of Use of Force Administrative Investigations Supported by a Preponderance of the Evidence Standard

This CASA paragraph requires reporting regarding the “number of use of force administrative investigations supported by a preponderance of the evidence.” The data provided identify the number of cases sustained by APD for 2014, 2015, and 2016. While the data provided are technically appropriate, we note that, to date, APD has not met this requirement in terms of the quality of its internal investigations (see Section 2.1, above). For example, We noted in IMR-5, the most recent monitor’s report available, that APD’s internal investigations often fail to meet a preponderance of the evidence standard, with only 12 of 16 investigations reviewed by the monitoring team adhering to the “preponderance of the evidence standard.” This constitutes 75 percent compliance rate, far short of the required 95 percent for compliance. At this stage of the reform process, the fact that APD classifies a given IA investigation as “sustained” is not a sign that the preponderance of the evidence standard was used. APD “sustained” eleven cases in 2014, three in 2015, and five in 2016. We also note that APD failed to provide case numbers for finished cases in 2015 and 2016. All “file numbers” for these cases were obscured. We are unaware of any reason why these identifiers would need to be obscured in an official police report to the monitor. From a monitoring perspective, we view with suspicion any event in which official reports contain obscured case identifiers, dates, or other critical information related to the audit process. We view this as a critical issue that should be resolved immediately (internally) and before data for the second 298 assessment is collected for transmission to the monitor. The monitor handles confidential information from the City on a daily basis. Reports provided to the monitoring team for use in responding to Paragraph 298 (and all other Paragraphs) should include necessary “identifiers” to allow the monitoring team to assess, analyze and report outcome variables as required by the CASA. The current data reporting modality was not always the case for APD’s “298” data submissions.

3.4: Number of Officers who are Identified in the Early Intervention System

This paragraph requires APD to identify the number of officers identified by the Early Intervention System (EIS) for incidents in which use of force is a factor, or have more than one instance of force found to violate policy. APD’s EIS is still under development, and no data were produced from that system for the monitor’s use in this report.

3.5: Number of Use-of-Force Related Injuries to Officers and Members of the Public

APD reported data responsive to this subsection of Paragraph 298 in their standard Force Reporting system. In 2014, the baseline year, APD’s systems reported 28 incidents in which citizens were injured. The most frequent 2014 injury class was “abrasion,” accounting for 69 percent of all citizen arrestees.

The most frequent 2015 injury class was also “abrasion,” with 93 of 202 injuries, or 46 percent. For 2016 “abrasion” was again the top reported injury, at 38 percent. “Gunshot” was reported twice as an injury class in 2015, and five times in 2016. Citizen injuries were reported most frequently in the Southeast Area Command, with 54 reported injuries in 2015, followed in 2016 with the Southeast Area Command reporting 77 citizen injuries. The Southeast Area Command ranked first in citizen injuries in 2015, with 34 percent of APD’s citizen injuries reported in that command. In 2016 Southeast Area Command also ranked first in citizen injuries, with 30 percent of APD’s citizen injuries for the year. Again, as with some data categories reported above, APD has obscured the dates that injury reports were received and the dates when the incidents occurred.

Table Three, below reports these data in tabular form for 2014 through 2016, inclusive.

Table Three: Use of Force Related Injuries to Officers and Members of the Public

Year	No. of Incidents w/ Citizen Injuries	No. of Officers Involved	No. of Citizens Injured	% Injuries
2014	28	46	28	100%
2015	157	217	157	100%
2016	255	385	260	102 ¹² %

These data indicate a substantial increase in the number of reported incidents with citizen injuries from 2014 through 2016 (from 28 in 2014 to 260 in 2016, an increase of 232. We do not know if this is an artifact of better reporting of citizen injuries or an artifact of more serious uses of force from 2014 to 2016. We do note that it *may be* an issue of more careful reporting on officers’ part, based on upgraded APD training on use of force. We suggest this is an item APD may want to visit independently of paragraph 298 data. The data, as reported by APD, make it difficult to determine whether the percentage of injuries reflects duplicated or unduplicated information (i.e., one citizen – one injury OR one citizen – multiple injuries).

3.6: Ratio of Use of Force to Arrests, Force Complaints, Calls for Service

Subsection 298a-vii requires APD to report ratios of uses of force by arrest, force

¹² There were 260 injuries reported for 255 events, which means some incidents resulted in multiple injuries.

complaints, calls for service, and other factors deemed appropriate. APD routine reports depict uses of force by arrest, by number of police “dispatches,” and by “all” APD Computer Assisted Dispatch records. Obviously, some of these numbers are more meaningful than others. The monitoring team deems uses of force per arrest to be the most meaningful, as per CAD analyses would count the number of uses of force per burglary report, theft report, etc. Here we report only the “per arrest” and “per dispatches with BOLOs” (Be On the Look Out). The reader is reminded that “use of handcuffs” is considered a use of force by APD.

In 2014, on average, based on APD self reporting, APD used force 1.2 times per arrest. Assuming that all arrestees are handcuffed, a valid assumption based on our observations, that constitutes 0.2 times per arrest that a modality of force other than handcuffing is used. Also for 2014 citizens’ complaints filed with APD related to use of force (those actually captured by the system) were low, with only seven complaints in a reported (by APD) 162 arrests made in which APD used force.

However, in 2015, the first year of the CASA, the data show APD reporting 1.32 uses of force per arrest (.32 times per arrest, after “handcuffing” is removed from the equation). APD reports four citizens’ complaints from 143 arrestees. Use of force rates for 2015 were reported at 1.32 uses of force per arrestee, slightly higher than the 2014 rates.

In 2016, APD reported an average use of force rate of 1.16 uses of force per arrest, only 0.16 uses per arrest after “handcuffing” is excluded. Strangely enough, however, the number of complaints went up markedly, from four in 2015 to 26 in 2016. This may have been attributable to increased media coverage related to the CASA and APD reporting modalities, or to better record keeping by APD. The number of arrested citizens rose markedly in 2016, as well, with the number of arrests, jumping from 143 in 2015 to 469 in 2016. Based on our knowledge and experience, we suggest that this was simply an improvement in reporting rates, which we consider a meaningful improvement, and a positive outcome.

The monitoring team will continue to observe and report these data as the CASA implementation process continues.

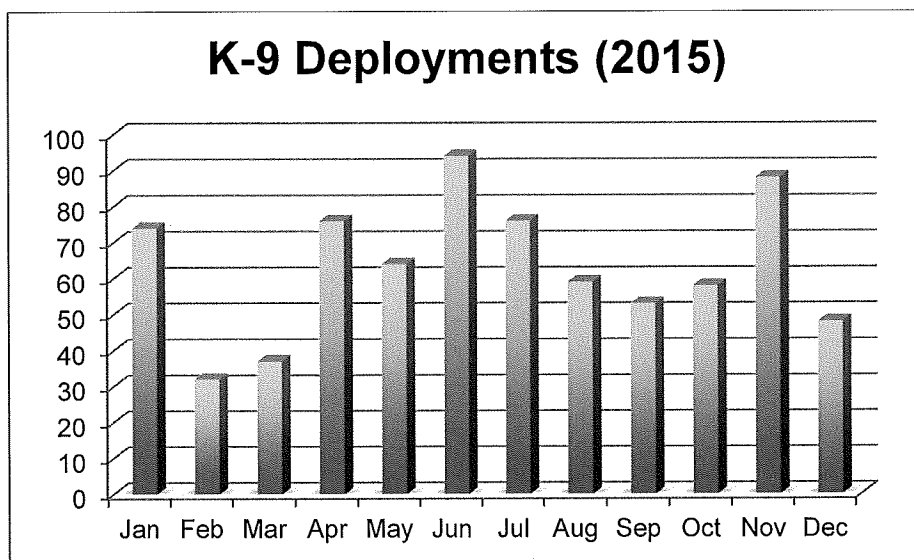
3.7: Number of Activations and Deployments of Specialized Tactical Units

298b-i requires APD to report the number of deployments of specialized tactical units. Data were available for 2015 and 2016 only, as the CASA was not signed and implemented until after the close of the 2014 reporting year. Data for specialized tactical unit deployments for 2015 and 2016 are reported below

2015 Special Operations Deployments (Canine Deployments)

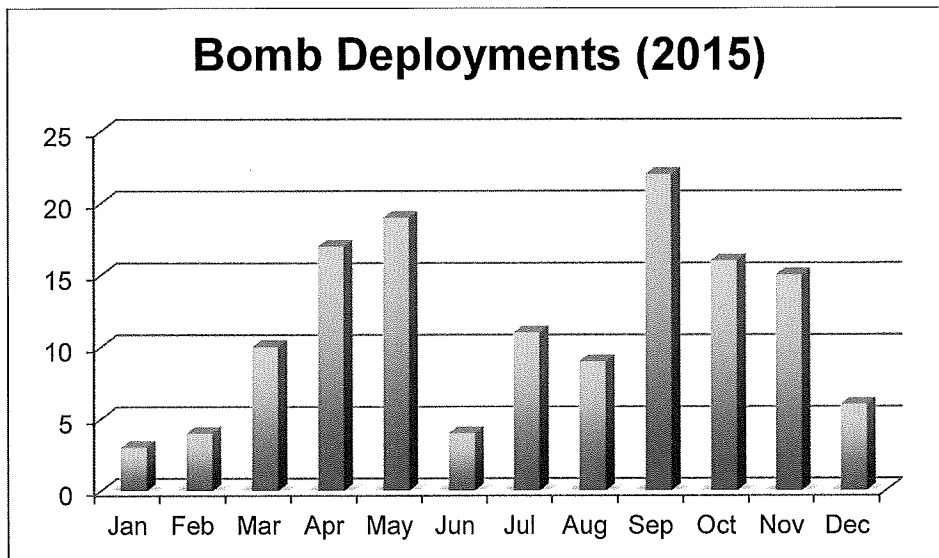
The monitor used APD self-reported data regarding Special Operations unit deployments (Canine, Bomb, and SWAT deployments) which show an average

of 63.25 canine deployments per month, with figures peaking in June and slowing markedly in December of 2015. Data from APD for 2015 deployments are depicted in the table below. By June of 2015, the monitoring team was on-site and reviewing deployment and tactical data for canine deployments. We noted that canine usage appeared to be well supervised, and had some of the best supervisory processes we observed within APD's operational ranks. That performance continued throughout the year, based on our observations. The monitor did note, however, specific issues of analyzing bite ratios for APD canine deployments. Those issues were brought to APD's attention, and proposals are currently being considered regarding collection, analysis and reporting of canine's bite ratios. Canine deployments are depicted graphically, below.



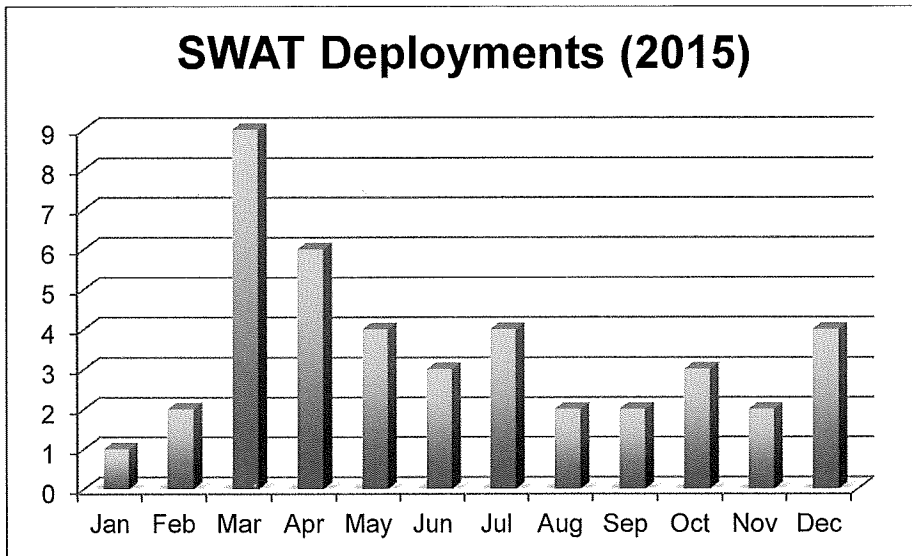
2015 Bomb Deployments

For calendar year 2015, APD self-reported data regarding specialized unit deployments (Canine, Bomb, and SWAT deployments) show an average of 8.4 Bomb Squad deployments per month, with figures peaking in August of 2015. Data from APD for 2015 deployments are depicted in the table on the following page. By June of 2015, the monitoring team was on-site and reviewing deployment and tactical data for bomb deployments. We note that canine usage appeared to be well supervised, and had some of the best supervisory processes we observed within APD's operational ranks. That performance continued throughout the year, based on our observations. Data for 2015 Bomb Squad are depicted in the Figure below.



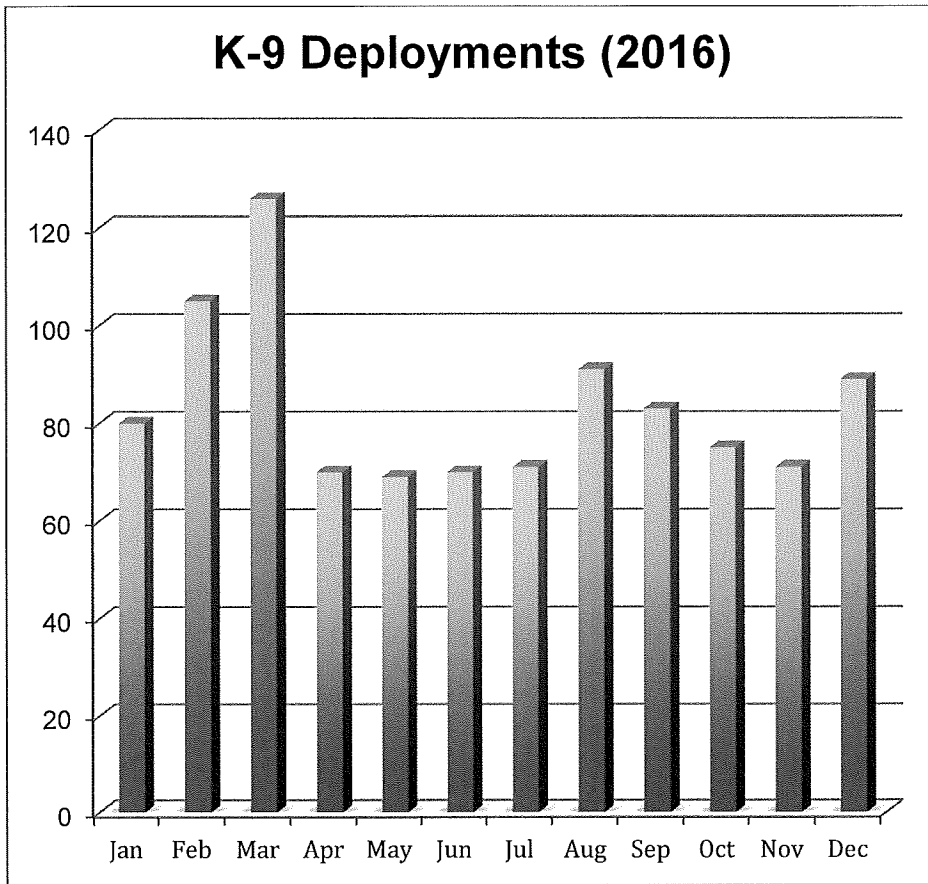
2015 SWAT Deployments

For calendar year 2016, APD self-reported data regarding SWAT deployments show an average of 3.5 deployments per month, for a total of 42 deployments for the year. SWAT deployments peaked in March of that year. Data from APD for 2015 deployments are depicted in the table below. During 2016, the monitoring team was on-site and reviewing deployment and tactical data for SWAT deployments. The monitoring team noted that SWAT practices appeared to be well supervised, and had some of the best supervisory processes we observed within APD's operational ranks. That performance continued throughout the year, based on our observations. Graphic data for 2015 SWAT deployments are depicted below.



2016 Special Operations Deployments (Canine Deployments)

APD self-reported data regarding Special Operations unit deployments (Canine, Bomb, and SWAT deployments) show an average of 83.33 canine deployments per month, with figures peaking in March 2016. We note, again in 2016 that canine usage appeared to be well supervised, and had some of the best supervisory processes we observed within APD's operational ranks. That performance continued throughout the year, based on our observations. We did note, however, specific issues of analyzing bite ratios for APD canine deployments. Those issues were brought to APD's attention, and proposals are currently being considered regarding collection, analysis and reporting of canine's bite ratios. Canine deployments are depicted graphically, below.

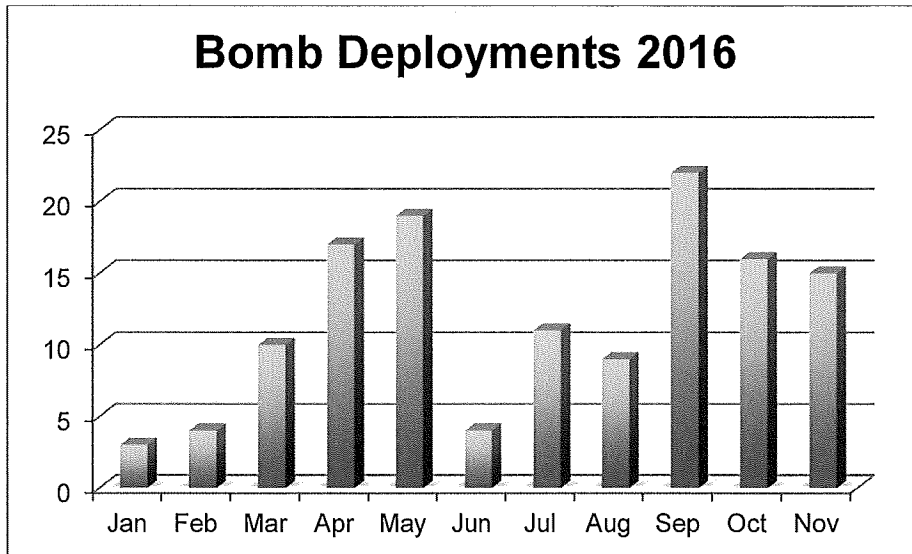


APD self-reported data regarding Special Operations unit deployments (Canine, Bomb, and SWAT deployments) show an average of 83.3 canine deployments per month for 2016, with figures peaking in March (12.6 %) and slowing markedly in for the remainder of the year (never rising above 8.3 percent). Data from APD for 2016 canine deployments are depicted in the table above. By June of 2015, the monitoring team was on-site and reviewing deployment and tactical data for canine deployments. We noted that canine usage appeared to be well supervised, and had some of the best supervisory processes we have encountered at APD.

2016 Special Operations Deployments (Bomb Deployments)

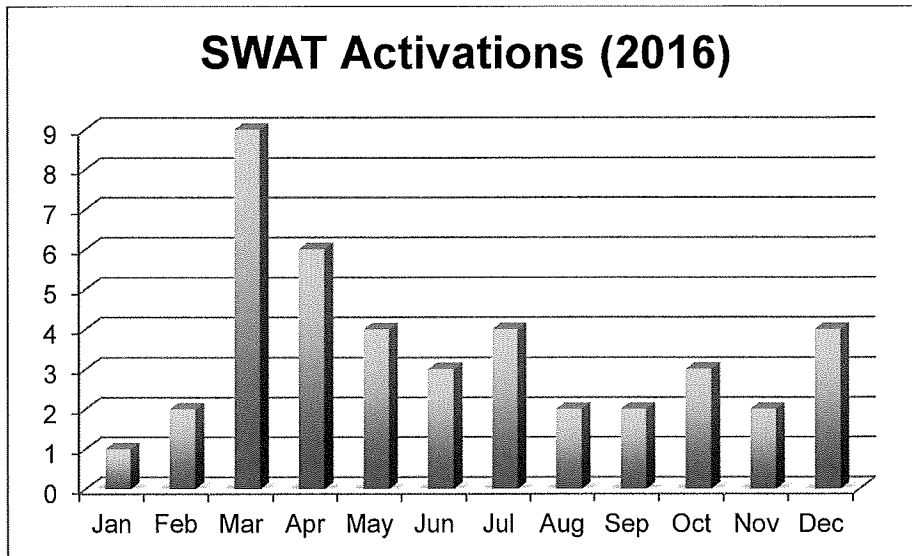
For calendar year 2016, APD self-reported data regarding specialized unit deployments (Canine, Bomb, and SWAT deployments) show an average of 11.3 Bomb Squad deployments per month, with figures peaking in September of 2016. Data from APD for 2016 deployments are depicted in the table below. By June of 2015, the monitoring team was on-site and reviewing deployment and tactical data for Bomb Squad deployments. We note that Bomb Deployments appeared to be well supervised, and had some of the best supervisory processes we observed within APD’s operational ranks. That performance continued throughout the year, based on our observations. Data for 2016 Bomb Squad are

depicted in the Figure below.



2016 SWAT Deployments

For calendar year 2016, APD self-reported data regarding specialized unit deployments (Canine, Bomb, and SWAT deployments) show an average of 3.5 SWAT deployments per month, with figures peaking in March of 2016. Data from APD for 2016 deployments are depicted in the table below. By June of 2015, the monitoring team was on-site and reviewing deployment and tactical data for canine deployments. We continue to note that SWAT usage appeared to be well supervised, and had some of the best supervisory processes we observed within APD's operational ranks. That performance continued throughout the year, based on our observations. Data for 2016 SWAT deployments are depicted in the Figure on the following page.



3.8: Crisis Intervention Measures

Paragraph 298c requires APD to report accurately crisis intervention measures responsive to CASA paragraphs 129 and 137. Paragraph 129 requires:

APD shall collect data on the use of crisis intervention certified responders and CIU. This data will be collected for management purposes only and shall not include personal identifying information of subjects or complainants. APD shall collect the following data:

- . a) date, shift, and area command of the incident;
- . b) subject's age, race/ethnicity, and gender;
- . c) whether the subject was armed and the type of weapon;
- . d) whether the subject claims to be a U.S. military veteran;
- . e) name and badge number of crisis intervention certified responder or CIU detective on the scene;
- . f) whether a supervisor responded to the scene;
- . g) techniques or equipment used;
- . h) any injuries to officers, subjects, or others;
- . i) disposition of the encounter (e.g., arrest, citation, referral); and
- . j) a brief narrative of the event (if not included in any other document).

3.8.1 2014 Data Assessment

APD provided no data for CIT responses for 2014, as the process was not fully fielded at that time.

3.8.2: 2015 Data Assessment

Data collected by APD's reporting system for Paragraph 298c are virtually un-useable. Rather than taking the time to build a meaningful data system that would allow conclusions to be drawn, it appears that the system simply draws a narrative portion of officer reports into a "database." Unstructured comments are cut from officer reports and pasted into the 298 data reports. We saw no evidence that APD remotely attempted to design and field a workable database on CIT use of force topics. For example, under "Type of Force Used," instead of a drop-down menu for "Type of Force Used" that presented reporting officers a fixed set of responses, e.g., "Empty Hand Techniques," "OC Spray," "Headgear," "Handcuffs," etc., that would allow generation of meaningful data, the APD 298c reporting system is a collection of self-generated narrative "descriptions," including such "data" as "attempted to talk to subject who refused"... [and] "locked himself in the bathroom"; "Subject always makes his way back to a residence located at" [parsed by monitor]. "Subject is in a delusion that his wife lives there..." or "Subject resisted when a pat down was conducted." This results in an un-useable data organization that does not permit any meaningful supervisory or command assessment and/or review. The most frequently reported entry into the database was "NA" used 381 times. A total of 571 CIT "responses" were reported for 2015. Given the poor nature of organization of the "report" as a whole, no reasonable conclusions could be drawn concerning how CIT was being implemented in the field in 2015.

3.8.3 2016 Data Assessment

The data "reported" by APD for 2016 was similarly deficient. While the number of deployments of CIT-trained officers jumped dramatically, from 571 in 2015, to 1,634 in 2016, that is about all of the useable information that can be gleaned from the 2016 report without detailed, case by case analysis that no field manager or executive should be expected to conduct. The most frequently reported "category of response" found was "No Data Available," at 737 entries, followed by "NA" at 585 entries. Most other incidents were reported only once.

Comments

As currently delivered and used by APD, the CIT reporting "system" is not useable to identify successes, failures, liability exposures, or any other meaningful management detail. The CIT reporting system appears to be an "orphan," not useable, and undoubtedly not used except on the reporting end. Significant and substantial work is needed to move this system to the point that it is even remotely useful as a management, supervision, or oversight tool.

3.9: Reporting re: CIT/COAST Operations

The data required under Paragraph 137 in paragraph 298c related to CIT deployments and usage, specifically requiring delineation of:

- a) number of individuals in the COAST and CIU case loads;
- b) number of individuals receiving crisis prevention services;
- c) date, shift, and area command of incidents or follow up encounters;
- d) subject's age, race/ethnicity, and gender;
- e) whether the subject claims to be a U.S. military veteran;
- f) techniques or equipment used;
- g) any injuries to officers, subjects, or others;
- h) disposition of the encounter (e.g., arrest, citation, referral); and
- i) a brief narrative of the event (if not included in any other document).

3.9.1 2014 Data Reporting for COAST/CIU Activity

Reports provided by APD for 2014 contained no data, as the CASA did not become "effective" until November 2014.

3.9.2 2015 Data Reporting for COAST/CIU Activity

Data reported by APD for 2015 identify 100 individual clients served by Crisis Intervention Teams (CIT) that year. Those 100 clients generated 571 calls for service by either CIT or Crisis Outreach and Support Team (COAST) personnel for 2015. Some clients, as one would expect, are frequent contacts for APD's CIT/COAST units, with some registering a contact with either CIRT or CIT personnel 134 times during the course of the year. Most CIRT/CIU contacts were processed only once. Nearly half of all "contacts" by APD's mental health units were made by COAST personnel, who made 48.6 percent of all contacts. CIU made just over 10 percent of all mental health contacts. The remainder of contacts reported were made by other personnel, thus COAST and CIU conducted nearly 59 percent of all APD mental health contacts in 2015.

3.9.3 2016 Data Reporting for COAST/CIU Activity

Data for 2016 saw a marked increase in COAST and CIU activity, with 1,635 "interventions," compared to 571 the year before, according to data provided by APD. Similar distributions were observed in 2016 as in 2015, with some clients receiving as many as 176 COAST/CIU contacts and most others receiving

contact tallies in the single digits. For 2016, COAST and CIU handled less than half of APD's mental health-related clients (563) with the remaining 1072 handled by individual Area Command teams. As is often the case with such units, the largest numbers of COAST/CIU calls for assistance came in November and December, during the Thanksgiving-Christmas holiday season. Again the "type of force used" was not aggregated well in APD reporting, ranging from "Gave him a cigarette," to "good ol' CIT," and the more traditional "leg sweep" and "handcuffs." Such classifications, while colorful, make meaningful data analysis difficult. Such reporting modalities indicate a lack of policy and reporting training that should be immediately rectified. We strongly suggest APD move to a series of "drop-down" menus, giving officers choices from a group of well-thought out "type of force" modalities.

3.10 Reporting re: Training Activities

Training data for APD Training Activities varies markedly from many of the processes reported earlier in this document. The documentation supplied was surface-level information. For example, for 2014, APD lists a total of nine recruiting events, identified by topic of the event, and noting the number of recruiters who attended. No outcome measures were discussed, e.g., how many recruits were signed, expressed interest, asked for more information, asked for testing dates, etc. "Measures of Effectiveness" are simply listed as the number of recruiters attending each event, which ranged from "1" to "2." No conclusions or "highlights" are discernable for 2014. The reporting is just that: reporting. We note no analyses, no assessments, no critical evaluations, no "ways to improve" discussion. We find this lack of analysis often to be the case with APD data.

3.10.1 Reporting re: Recruitment Activities for 2014 and 2015

No data were reported for 2014's or 2015's "d-i" activities. Obviously, given the lack of data for 2015 training activities, we were not surprised by the lack of analyses, assessments, critical evaluations, or "ways to improve" discussion.

3.10.2 Reporting re: Recruitment Activities for 2016

For 2016, APD's recruiting "report" simply lists 65 potential recruiting events and a series of 13 "notes," such as "Might be cancelled this month" and "CNM Main Campus." No activity levels are documented, and there is no way to identify the numbers of potential candidates contacted, the number of potential candidates expressing an interest, etc. Only three of the events apparently had an APD recruiter assigned.

3.11 Overall Analysis of Academy Recruitment and Training Operations

No conclusions can be drawn from the provided data except to say that recruiting, as reflected in the record available to the monitor, is not routinized, and appears not to be guided by goals, objectives, and operational milestones,

e.g., there seems to be no strategic or operational plans (inputs, methods, processes, outcome measures) to guide recruiting, based on the information provided to the monitoring team at this time.

3.11.1 Analysis of Recruitment Failure Rates and Causes

Data responsive to paragraph dii of APD's 298-related processes provide a "failure analysis," designed to identify critical failure points in the training process. The highest failure rate component was failure of the background investigation (61). The second highest failure rate was "physical abilities," accounting for 26 failures among the two recruit classes covered by APD's data for this report. Polygraph failure was the third highest ranking failure point. Based on the monitor's experience and knowledge, the three most frequently noted failure reasons identify issues APD has in common with most modern police agencies.

Over two recruit classes (117 and 118), a total of 205 recruits entered APD's academy and 119 left due to a failure to pass an entrance requirement such as (in order of most to least frequent) Background Investigation (61), Physical Agility (26), Polygraph (15), and Psychological Testing (5). These numbers compare roughly to the monitor's experience in such processes.

3.11.2 Recruits Granted Exemptions

Based on records provided by APD no recruits for the 117th and 118th classes were granted exemptions from established APD recruit requirements.

3.11.3 Applicants with Language Proficiencies other than English

Based on records provided by APD, 52 "applicant" recruits for the 117th and 118th classes were proficient in languages other than English, with Spanish being the largest group among those. No comparative or baseline data were available. Nor is data relative to the number of "seated applicants."

3.11.4 Applicants with Former Police Experience

Based on records provided by APD, five recruits in the 117th class were former police officers (3) or sheriff's deputies (2). No comparative or baseline data were available.

3.11.5 Applicants with Military Experience

Based on records provided by APD, 154 candidates in the 117th class were ex-military and 19 candidates in the 118th class were ex-military. No comparative or baseline data were available.

Given the lack of baseline data, we draw no conclusions based on these numbers, except to note their superficial relationship to the CASA requirements.

3.11.6 Training Summary

Overall, we found Academy documentation related to Paragraph 298 to be highly routinized and uncritical. Based on the record available to us (provided by APD), the academy functions in a highly reactive manner, and is not supported or guided by assertive data management and analysis practices that function in an organized, analytical way. Though they may exist, we have seen no indicators of a goal-driven organization: e.g., no strategic planning modalities; no outcome and/or unit goals, or defined, measurable objectives; no failure analyses; nor any “lessons learned” or assessments of past practice and results. We have no doubt that the academy is understaffed (based on our experience with other agencies involved in CASA-like projects). This lack of a clear focus on future-oriented goals, objectives, measures, and analytical assessment of results is, in our experience, highly reflective of the nature of the (under) staffing levels at the Academy.

3.12: Reporting related to Number of Force Investigations Indicating a Need for Policy, Training or Tactical Deficiencies

3.12.1 2014-2015

Data were provided by APD from its automated tracking systems addressing Force Review Board cases resolved for 2016. No data were reported by APD for 2014 or 2015, as FRB was not functional in those years (prior to, and immediately after implementation of the CASA).

3.12.2 2016

For case data provided to us for 2016, we note the following:

APD reviewed five force-related cases via FRB processes in 2016. Of the five cases reviewed, APD noted training deficiencies in four, Tactical deficiencies in four, and equipment deficiencies in two. All cases reviewed by FRB for 2016 were Critical Incident Review Team (CIRT) investigated cases. All of the four cases exhibited at least one serious uses of force. APD data are mute regarding the nature, severity, and culpability for the errors and failures made in these four cases, i.e., other than policy, training, tactical, or equipment failures, no causal links or relationships were found with APD policy or process. The only “perfect” category reported from among these review was “supervision,” which was not found culpable in any of the reported uses of force. This stands in sharp contradistinction to the monitor’s experience and articulated findings related to the effectiveness of APD’s supervisory processes related to serious uses of

force, and may tend to indicate a serious disconnect between what the monitoring team observes and reports and what APD believes to be true.

We note this perfection of APD's assessment of its supervisory cadre with a measure of surprise. As a careful reader of the monitor's reports would note, this represents a serious flaw in FRB practice. A substantial portion of force cases reviewed by the monitoring team that had issues with procedure involved issues relating to sergeants' supervisory processes: either failing to note policy, practice or tactical failures or failure to report same to Area Command lieutenants or commanders and, if they constitute a "serious use of force" as defined by the CASA, to report them to Internal Affairs. These failures noted by the monitor seem not to have been noticed by APD's 2016 FRB processes. During two monitor's reports covering portions of the year 2016, IMR-4 (April-July, 2016) and IMR-5 (August, 2016-January 2017), the monitor gave APD specific and written notice of potential use of force issues related to APD and the CASA. No data were provided to the monitoring team, for this report regarding paragraph 298, that dealt with these specific cases within APD's current management information systems. We highlight them here to give the reader an understanding of what types of use of force and supervisory practices the monitor feels should have been addressed in APD's 298 report data submissions, but were, somehow, missing.

For the monitor's fourth report, we noted: "... the monitoring team expressed serious concerns about APD's supervisory and managerial response to issues of use of force. For example we reviewed a sample of 20 use of force cases for the fourth ... report, and found 20 problematic factors... For APD's part, they note via their internal management processes, only five use of force events for 2016. Remarkably, APD notes no supervisory deficiencies in their internal reviews of those five cases. This stands in sharp contradistinction to the monitor's findings."

As we note above, APD's supervisory practices have been at the center of most issues we have had with APD use of force practice. We began noting these in IMR-3, which allowed most of 2015 for APD to form and implement new supervisory and use of force protocols. In IMR-3, we noted three use of force cases with which we had substantial and carefully articulated issues. One of those cases involved an APD sergeant. We found five cases that were investigated by line supervisors or lieutenants, not, as required at the time, investigated by IA (see IMR-3 pp. 75-87). At the time IMR-3 was written, APD's change-over to new CASA stipulated processes was relatively new, and such confusions and exceptions could be expected. We are unaware, however, of any corrective actions, e.g., counseling, verbal reprimand, retraining, etc. that were initiated by APD regarding supervisory practices that led to these failures.

In IMR-4 we continued our review of APD's use of force responses, noting that "to date we have seen little evidence of a coherent 'command and control' function establishing clear, attainable, and reasonable processes for supervisory

and command review of officers' in-field actions relating to policing practices, particularly use of force" (emphasis in the original). We further noted "At this point, it appears that the monitoring team is the only systemic overseer of on-street activities of APD's officers. Past notifications by the monitor to the APD of problematic behavior have resulted in piecemeal, uneven, or, in some cases no, responses by APD, even after questionable incidents have been brought to APD's attention by the monitoring team." We note that a coherent use of force policy that was approvable by the monitor and DOJ did not occur until IMR-4, which covered April 2016 through July 2016.

In IMR-4's overview of use of force policy, pattern and practice at APD we noted that "supervisors may have left [the supervisory use of force] training confused relative to both Use of Force and Show of Force events. Based on past experience, the monitoring team feels that it cannot trust or rely upon basic APD data related to uses of force, as the agency seems to have internal difficulty defining, recognizing, classifying, recording, and responding to use of force events". Thus, we are somewhat suspect of the validity of APD's 2016 reporting on uses of force. Given the lack of case numbers in APD's Paragraph 298e data report, we are unable to link issues we noted to direct findings of the FRB.

In short, we are not yet convinced that APD screens, evaluates, and classifies use of force incidents in a manner consistent with the CASA. Adding to our unease about APD's treatment of officer use-of-force practices is the fact that data provided by APD for this component of the Paragraph 298 data analysis was heavily edited. Unlike other paragraphs, APD's provided data for this component of Paragraph 298 showed "obscured" or "hash tagged (#####) data for factors that would have allowed the monitor a modicum of evaluative review of APD's use of force review processes. If the monitor cannot identify specific case numbers, dates, and or outcomes of these APD use-of-force practices, there is virtually no way to follow up or assess the efficacy of APD actions related to supervisory and or command follow up.

3.13: Officer Assistance and Support Measurements

Paragraph 298g requires APD to track and report officer assistance measures, such as therapy services, responses to critical incidents involving subjects in crisis, and training of APD personnel. No data were reported by APD for 2014 or 2015. Data for 2016 are discussed briefly, below.

Beginning in August of 2016, APD's Behavioral Services Unit began implementing applicable sections of the CASA's officer and community support that included therapy services, training services, and response to critical incidents that may have required technical advise from a mental health professional. In August through December of that year, BSD provided 119 separate service units, including mandated and non-mandated training to APD personnel, mandated and non-mandated therapy, and response to critical

incidents. The data provided for this segment of paragraph 298 were provided in a format that did not allow sorts, counts, or other tallies, but indicate that service was provided for both sworn and non-sworn personnel, and for families, as requested by involved personnel or mandated by APD. Sessions provided by BSD personnel ranged from one hour to four hours, depending on need. Based on data provided, all services were provided between the hours of six am and seven am, which seems unusual, and more than likely indicates a reporting problem rather than a service delivery problem. Until we are provided more specific data, we have no way of knowing.

BSD provided, according to its records, technical support for eleven critical incident deployments, 94 individual sessions of therapy services and fourteen separate training events, for a total of 119 individual service units. The unit was implemented and functional beginning in August 2016.

3.14: Supervision Measurements

APD "Blue Team" personnel management system became operational in March of 2016. No data for this paragraph were available prior to that time in a useable format. A review of reported Blue Team data reveals some issues of concern. For example, from March through July, data indicated that both incidents and "problems" were relatively sparse. For example in March 1 through July, only 28 incidents were reported, while for April through December 400 incidents were reported. This may or may not be a function of using a smaller number of data reports while testing was being implemented. APD should take sufficient care with its data systems to explain such anomalies to the systems' final consumers, including the monitoring team. These disparities were observable March-July and August-December across all system tallies: incidents, incidents with no problems, number of problems detected, number of transactions, and participants. More likely than not, March-July were test data months and August-September were actual data from the field. Additionally, these data were poorly labeled, with some columns lacking clarity as to exactly what they were reporting.

Data appeared to cover 428 "incidents" between March and December for 2016. The format in which APD reported data from the "Blue Team" assessment made data manipulation all but impossible, due to poor layout of column sizes, errant column or row counts, and imprecise definitions of data elements. We will work with APD in the coming months to build data which can be tested, counted, verified, and otherwise "proofed" for future "Blue Team" production reports. Based on data we could use, it appears that by December 2016 almost all operational APD personnel were being tracked by the system.

3.15: Civilian Complaints, Internal Investigations, and Discipline

APD provided three datasets for this component of Paragraph 298, one dataset for 2014, 2015, and 2016 respectively. Officer IDs for all three sets of data were

“hashed,” making it impossible to compare or contrast year-to-year data, and impossible to verify some elements of the reports, e.g., officers with repeated complaints. With this process, a typical officer’s identification was reported as: “0xa1b9a3deea7d061fc9234368c05a4ffd,” not a format that leads one to be able to identify officers with multiple complaints and or to verify data across data elements. According to tabular data for 2014 through 2016, some officers had between 2 and 3 complaints filed in 2014, 2015, and between 2 and 5 complaints filed in 2016. Rates of sustained complaints ranged from incalculable with the current data for 2014 and 2015 to 24.0 percent in 2016. Hiding officer’s identification makes these reports virtually useless for the purposes of this paragraph. We will work with APD to remove officer “masking” for future assessments. Other elements of these reports were masked, either as noted above, or with repetitive “hash tags” (#####). We note that the monitoring team deals with confidential data from APD almost daily. We see no reason for this obfuscation, as it makes the data virtually useless for the purposes of some 298 reporting. For example, identifying and noting officers with “repeated complaints” is virtually impossible with such processes. The same holds true for officers with repeated sustained complaints.

4.0 Summary and Conclusions

As APD’s “Paragraph 298” data responses stand at the present time, serious work remains to be done to move the existing system forward to the point that the data can be used reliably to assess “outcomes” of APD’s compliance processes. These include:

1. Remove all vestiges of obscured data from routine reporting processes;
2. Identify critical process data points and report them in the same manner and process over time;
3. Carefully review and identify by means of a “serial number” all uses of force reported by APD personnel, including development of *ad hoc* “lessons learned” documents that can be used in future training for supervisors, lieutenants and command-level officers;
4. Ensure that data included in APD reports pursuant to Paragraph 298 are reviewed for accuracy, completeness, and timeliness;
5. Where the monitor has noted discrepancies or concerns, see for example the noted incongruity between known and reported firearms discharges in 2014, ensure that data collection, analysis and reporting are, in every instance accurate, clear and understandable.

6. Explain reporting process in any instance in which it is not clear, i.e., APD should include a “methodology” section in each of the nine individual “298” topics and for each of the subsections of those nine topics.
7. Generate quarterly Paragraph 298 progress reports in a data-rich format similar to the monitor’s reports that identify systems brought on line to comply with 298 requirements, e.g., policy, training, supervision, and oversight functions;
8. Track results of those (item 7 above) systems’ impacts over time.
9. Ensure that these quarterly reports are data-based, identify specific measurable goals and objectives, and report on progress toward meeting those goals and objectives.
9. Implement an internal APD “Red Team” process to vet and assess the APD’s Paragraph 298 process reports to ensure accuracy, timeliness, and veracity before the reports are provided to senior level staff and the monitor;
10. Subject every 298 process report to a “lessons learned” analysis, and link that analysis to policy, training, supervision and remediation processes;
11. Consider the purpose and function of APD’s 298 data reporting function, and choose a format and process that matches purpose and function, e.g., a “lessons learned” component with recommendations for improvement in the reporting, review, and analysis of use of force designed to report more effectively, analyze more carefully, and build internal systems that learn and adapt;
12. As with most data reporting from APD, there is very little analysis by the agency when it reports its data. Data simply are reported without noting trends, issues, problems or solutions. APD should consider developing summative, data-driven responses to issues noted in their aggregate data. We view this as a critical deficiency for all aspects of 298-reporting. Findings, assumptions, and recommendations should replace reporting of raw data in the APD’s data-driven reports. The most critical issue to answer is “why,” and APD has proven to be neither curious about, nor to collect data that will address that issue.

Eventually, the monitor will no longer be engaged to provide an oversight function for APD. That role will need to be provided by supervisory, command and executive personnel. APD should give careful and methodical thought to what should be included in the oversight function, how data should be collected, organized and reported to assist that function, and how the executive level can ensure effectiveness of that function. At the current time, such oversight is sorely

absent, except from the monitoring team. APD needs to revisit its reporting modalities thoroughly. We recommend reporting data in that manner gives rise to the power or the ratio: e.g., number of effective force investigations per number of uses of force reviewed; number of injuries per 100 arrests, etc. Those ratios should be tracked over time and become a daily metric for assessing organizational, supervisory, and management effectiveness. Raw data are seldom meaningful from a managerial standpoint.

4.0.1 Accuracy of APD's Paragraph 298-Specific Data

As we have noted above, we have noted frequent and sometimes chronic problems relating to the accuracy of data provided by APD in response to the monitor's requests relating to Paragraph 298. Most critically, we noted a clear and recurring difference between what we knew (from the course of our routine monitoring processes) and what APD reported regarding officer-involved shootings (one of the most critical use-of-force factors relating to policing). The City's proffered OIS data (provided to the monitor based on specific requests) proved to be substantially inaccurate. Discovery of a "new database" reporting OIS activities may explain part of differences. However, as we note above the internal 298-based reporting and analysis present at APD need significant and targeted upgrades. The City's contention that 298 data are specific only to the requirements of Paragraph 298, and are not applicable to the City's "normal" management systems is moot. Since the 298 data reportedly are drawn from active APD databases (apparently with the exception of Officer Involved Shooting data), the poor data in 298 must, by the City's definition, also be contained in the city's "other" databases, unless the City is keeping two separate sets of records. The potential for "two sets" of use of force data is an issue the monitoring team will examine in detail during its next site visit.