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Justice Department Releases Investigative Findings on Albuquerque Police Department

Following a comprehensive investigation, today the Justice Department announced its findings that the Albuquerque Police Department (APD) has engaged in a pattern or practice of excessive force that violates the Constitution and federal law. The department delivered a letter setting forth these findings to Albuquerque Mayor Richard J. Berry and Police Chief Gorden Eden this morning.

The investigation was launched on Nov. 27, 2012, and was conducted jointly by the department's Civil Rights Division and the U.S. Attorney's Office for the District of New Mexico. The investigation examined whether APD engages in an unconstitutional pattern or practice of excessive force, including deadly force, as well as the cause of any pattern or practice of a violation of the law. This investigation did not assess whether any conduct violated criminal laws. Specific cases have been referred to the Criminal Section of the division for consideration.

The department found reasonable cause to believe that APD engages in a pattern or practice of excessive force in violation of the Fourth Amendment of the U.S. Constitution. The department specifically found three patterns of excessive force:

- APD officers too frequently use deadly force against people who pose a minimal threat and in situations where the conduct of the officers heightens the danger and contributes to the need to use force;
- APD officers use less lethal force, including electronic controlled weapons, on people who are passively resisting, non-threatening, observably unable to comply with orders or pose only a minimal threat to the officers; and

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- Encounters between APD officers and persons with mental illness and in crisis too frequently result in a use of force or a higher level of force than necessary.

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

The department's investigation involved an in-depth review of APD documents, as well as extensive community engagement. The department reviewed thousands of materials, including written policies and procedures, internal reports, data, video footage and investigative files. Department attorneys and investigators, assisted by policing experts, also conducted interviews with APD officers, supervisors and command staff, city officials, and with hundreds of community members and local advocates.

"We are very concerned by the results of our investigation and look forward to working with the city of Albuquerque to develop a set of robust and durable reforms," said Acting Assistant Attorney General Jocelyn Samuels for the Civil Rights Division. "Our work to assist police departments around the nation is intended to advance important principles. Holding police accountable for constitutional practices improves public confidence, promotes public safety and makes the job of providing police services safer, easier and more effective. Public trust has been broken in Albuquerque, but it can be repaired through this process."

"Today's groundbreaking announcement marks a critical milestone in addressing problems that have plagued our community and the Albuquerque Police Department for years," said Acting U.S. Attorney Damon Martinez for the District of New Mexico. "These findings come at a unique time for the city and the Albuquerque Police Department and provide a blueprint for changing the culture of the Albuquerque Police Department and for rebuilding broken relationships with the community it serves. Although there are difficult and systemic issues to resolve, we embrace these challenges and are very optimistic for the future of the Albuquerque Police Department."

The Justice Department looks forward to continued cooperation with the city and the Albuquerque Police Department to resolve these findings under mutually agreeable terms that will provide accountability to the public and accomplish the remedial measures within a fixed period of time.

The full report can be found at the department [website](#) and the U.S. Attorney's Office [website](#). For more information about the Justice Department's Civil Rights Division, please visit the division [website](#). Any comments or concerns regarding the report can be directed via [email](#) or to 1-877-218-5228.

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