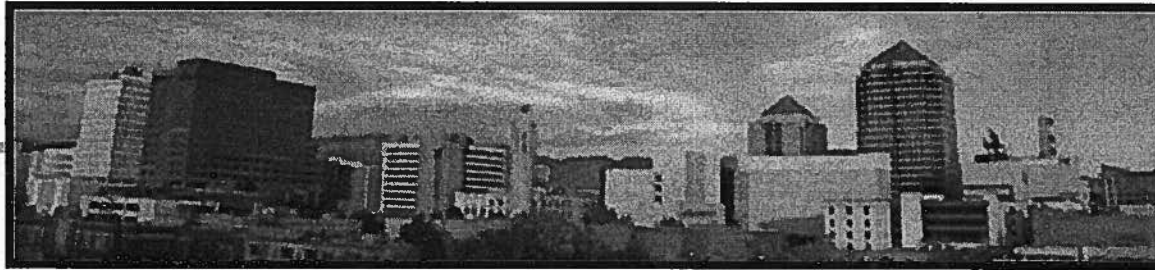


# Evaluation and Analysis of the Police Oversight Ordinance and Police Oversight System for the City of Albuquerque, New Mexico



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# The MGT Team

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- Bob Lauder, Project Director
- Bruce Mills
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# Background

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- Background of Police Oversight in Albuquerque
- Previous Reports
  - The Walker-Luna Report (1997)
  - The Jerome Report (2002)
  - The MGT of America Report (2006)
- Citizen Complaint Process
- Police Oversight Commission (POC)
- Independent Review Officer (IRO)
- Albuquerque Police Department (APD)

# Project Approach

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- Project began June 2011
- Based on Detailed Work Plan
- Data Collection
- Individual and group interviews with more than 30 Key Stakeholders
- Draft Report issued September 2011
- Final Report issued November 2011

# Tasks

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- Interview Police Oversight System participants
- Review and assess procedures and structure of Police Oversight Commission
- Review and assess procedures and duties of the Independent Review Officer
- Review and assess procedures and role of the appeals hearing process
- Analyze and evaluate the level and effectiveness of communications between the community and the police department and determine degree of accountability that exists
- Collect and review benchmark data for comparison with the Albuquerque Police Oversight System
- Review and analyze the success of recommendations implemented as a result of the Jerome Study
- Prepare draft and final reports; present recommendations and findings

# Findings and Recommendations

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## **Police Oversight Process**

### Finding:

- The public letter record sent to a complainant advising him/her of the findings of their complaint contains the technical/legal terms without any explanation of the meaning of the terms.

### Recommendation 4-1:

- Develop a brochure to include with the public letter record that defines in plain language the terms used to explain the outcome of the investigation of the CPC to the complainant.

# Findings and Recommendations

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## Police Oversight Process

### Finding:

- There are two ways police oversight can be achieved, either retroactively or proactively.

### Recommendation 4-2:

- **Provide analysis of meaningful data that will help to reveal systemic issues that may have given rise to the original complaints. Provide a summary of the details, including rate of mediation and sustained cases, both current and historical in clear and concise charts and tables.**

# Findings and Recommendations

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## **Police Oversight Process**

### Finding:

- Conciliation or mediation is the informal resolution of a dispute or complaint through face-to-face interaction between parties where a professional mediator typically is a neutral facilitator there to help the parties reach resolution. The mediation process is voluntary and emphasizes dialog in a safe environment where participants can air their views and develop a mutual understanding of their conflict. The mediation process in Albuquerque uses mediators that are police officers, rather than an independent third-party.

### Commendation 4-1:

- The continued use of mediation as a way to resolve police complaints in Albuquerque is commendable.

### Recommendations 4-3 and 4-4:

- Enhance outreach efforts to complainants and officers alike to encourage the use of mediation.
- Include “successfully mediated” as a complaint disposition category.



# Findings and Recommendations

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## **Police Oversight Process**

### Finding:

- Albuquerque's citizen police complaint process offers more opportunity for citizens to appeal than many other oversight systems.

### Recommendation 4-5:

- Extend the deadline for citizens to file appeals from 10 business days to 30 calendar days.

### Finding:

- The overall success of the police oversight process depends on a number of players, including the IRO, APD officials, POC members, and elected officials.

### Recommendation 4-6:

- City Council members must be fully engaged in the process. As such, each member must fulfill his/her duty to provide the Mayor with qualified nominees and maintain a level of oversight into the process by keeping in frequent communication with their appointee.

# Findings and Recommendations

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## **Police Oversight Process**

### Finding:

- The overarching purpose of citizen oversight is to ensure that the law enforcement agency of which it oversees remains accountable to the public it serves.

### Commendation 4-2:

- The ordinance provides an automatic review of the oversight process every four years.

# Findings and Recommendations

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## **Police Oversight Commission**

### Finding:

- Despite its role in the process, leadership by the POC is not adequate to achieve the objectives of the ordinance.

### Recommendations 5-1, 5-2, 5-3 and 5-4:

- **Create a training program that ensures all members of the POC are fully informed of their responsibilities and have a level of knowledge regarding police operations to allow each member of the POC to accomplish his or her role as a commissioner.**
- **Monitor and track POC member attendance at all training and ride-along events to ensure compliance with the ordinance. To ensure proper oversight, the city ordinance should be amended to require the annual report to contain an account of the annual training undertaken by members of the POC commission. For those members who fail to comply with annual training requirements, the ordinance should be amended to provide for the removal of a non-compliant POC member.**

# Findings and Recommendations

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## **Police Oversight Commission**

### Recommendations (Cont'd):

- Monitor and track POC member attendance at monthly meetings and require adequate proof for excused absence by members.
- All city councilors should ensure their respective position on the Commission is filled with a qualified appointee who will be mindful of the overall mission of the POC.

# Findings and Recommendations

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## Police Oversight Commission

### Finding:

- A citizen review process, if implemented properly and given the necessary resources, is a powerful tool for data gathering, analysis, and sharing, with regard to misconduct in the department and management issues.

### Recommendations 5-5, 5-6:

- **Being one of its expressed objectives, the POC should identify major problems and identify a program of policy suggestions and studies through the use of its LTPC.**
- In addition to identifying major systemic problems by and between the APD and the community, Section 9-4-1-11 of the Police Oversight Ordinance should be amended to require the LTPC to monitor the status of recommendations resulting from those evaluations required by ordinance through regular updates to the full commission and designated city staff and/or agencies.

# Findings and Recommendations

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## **Police Oversight Commission**

### Finding:

- Many members of the POC suggested that they had not reviewed a quarterly or annual report from the IRO in some time. The IRO's office recently completed a software change and as a result, impeded the office's ability to produce timely quarterly reports.

### Commendation 5-1:

- Before the annual 2010 report, the IRO's annual reports did not provide detail on discipline for sustained complaints; however, the most recent annual report does provide discipline for approximately 85 percent of all sustained complaints.

### Recommendations 5-7, 5-8, and 5-9:

- **Amend the language of the ordinance to require the POC, through the IRO, to consider the published chart of sanctions and recommend discipline for all sustained complaints, separate from the discipline imposed by the APD.**

# Findings and Recommendations

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## **Police Oversight Commission**

### Recommendations (Cont'd):

- **Amend the language of the ordinance to require additional analysis and data, including specific disciplinary outcomes of sustained complaints and long-term trend analysis.**
- **The APD's Standard Operating Procedures (SOP) provide a standard range for discipline for violations of each SOP. The language of the ordinance should be amended to require the reporting of this to further provide the highest level of accountability.**

### Finding:

- Although the Chief of Police and/or many of his executives often attend the POC monthly meetings, there is very little public interaction, either private or public, between the POC and police executives.

### Recommendation 5-10:

- The POC and the Albuquerque Chief of Police should hold joint public sessions bi-annually to discuss policy issues and concerns and allow for public input.

# Findings and Recommendations

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## Independent Review Officer (IRO)

### Finding:

- The 2006 review of the police oversight process revealed an increasing number of citizen complaints being referred to the IA for investigation due to insufficient staff to handle the workload.

### Recommendations 6-1 and 6-2:

- For the few citizen complaints referred to the IA's office, the process for final disposition should be streamlined to avoid undue burden on the actors. This could be accomplished by requiring IA to make a finding and disciplinary recommendation for claims sustained.
- **The IRO and IA should work toward a complete separation of responsibility, where IA handles only internal cases (I) and the IRO handles all citizen complaints (CPC).**



# Findings and Recommendations

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## **Independent Review Officer (IRO)**

### Finding:

- The IRO has not established formal criteria for the referral of CPCs to IA. With the addition of an investigator, the IRO handles a majority of the citizen complaints, only referring a small percentage of the annual citizen complaints to the IA.

### Recommendation 6-3:

- Establish criteria for CPCs that will be handled by the IRO and those that will be referred to IA.

# Findings and Recommendations

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## **Independent Review Officer (IRO)**

### Finding:

- The IRO's efforts to play an active role in the community and provide outreach are limited.

### Recommendations 6-4 and 6-5:

- Develop a strategic plan for community outreach in collaboration with the long-term planning committee (LTPC) and city staff.
- Conduct complainant and police officers satisfaction surveys on an on-going basis, and seek ways to increase the number of citizen responses and increase the depth of analysis.

# Findings and Recommendations

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## Independent Review Officer (IRO)

### Finding:

- As a result of a recent study conducted by Police Executive Research Forum (PERF) in response to the high number of officer involved shootings, the APD has *agreed to allow* the IRO to personally monitor the crime scene of the shooting.

### Commendation 6-1:

- The department's willingness to involve the IRO in its initial investigation of an officer involved shooting reveals a commitment to reversing the upward trend.

### Recommendation 6-6:

- While the APD has agreed to allow the IRO to monitor the crime scene of an officer involved shooting, the police oversight ordinance should be amended to require that the IRO or his/her representative be present at all officer involved crime scenes and be required to conduct a concurrent, independent investigation of each officer involved shooting.

# Findings and Recommendations

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## Independent Review Officer (IRO)

### Finding:

- The IRO by law, is required to deliver quarterly and annual reports on behalf of the POC.

### Recommendations 6-7 and 6-8:

- **The IRO's office should be provided an auditor/analyst whose task it is, not to investigate complaints, but rather enjoy open access to the police department's records and given wide-ranging authority to report on all aspects of departmental policy and advocate for systemic reform, where necessary.**
- The IRO's office should be allowed full, real-time access to the APD's early warning system (EWS).

# Findings and Recommendations

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## **Independent Review Officer (IRO)**

### Finding:

- The IRO is selected by the city council based upon a nomination by the mayor. The position is a full-time contractual city employee.

### Recommendation 6-9:

- Revise the ordinance to extend the IRO contract time-period to more than a two-year contract as currently required.

### Finding:

- APD's new records management system (RMS) is not fully functional. IRO investigators note that they are often unable to locate police reports, which creates undue hardship and possible delays in the investigation.

### Recommendation 6-10:

- The IRO should work with the Chief of Police and department officials to reduce the delays in obtaining case information from the police department's records system.

# Findings and Recommendations

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## **Independent Review Officer (IRO)**

### Finding:

- Currently, the system allows for third party complaints by concerned citizens, including city staff, regarding perceived wrongs or injustices perpetrated by the APD to other citizens or the citizenry at-large.

### Recommendation 6-11:

- The IRO's office should develop a truncated review process by which third party complaints can be addressed, when appropriate, without the full use of resources to conduct a full investigation.

### Commendation 6-2:

- In response to the recent recommendations from the PERF report, and in-line with MGT's previous recommendations, the Albuquerque Chief of Police acknowledged that the IRO will now be permitted to conduct an investigation of an un-signed and/or anonymous complaint.

# Findings and Recommendations

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## **Albuquerque Police Department – Internal Affairs**

### Finding:

- The IA lieutenants tend to rotate out of this assignment after a short period of time. Many law enforcement agencies establish a minimum and maximum number of years that a person may work in special assignments.

### Recommendation 7-1:

- Develop criteria that establish the minimum and maximum length of time the IA commander may work in that assignment.

### Finding:

- The IA lieutenant indicates the IA Sergeant assignment is the only "exempt" position in the department.

### Recommendation 7-2:

- Develop job criteria for sergeants selected to work in IA that requires experience as a supervisor.

# Findings and Recommendations

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## **Independent Review Officer (IRO)**

### **Finding:**

- In 2010, the IRO shifted 41 of its 272 complaints (CPCs), approximately 15 percent, to the IA for investigation.

### **Recommendation 7-3:**

- Consider limiting IA's investigations to Is only.

### **Finding:**

- Internal Affairs currently generates three different reports: an annual EWS (early warning system), a UOF (use of force) report, and a report on all IA investigations.

### **Recommendation 7-4:**

- Modify the quarterly and annual report format to address all IA reporting requirements as delineated in SOPs.



# Findings and Recommendations

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## **APD Accountability Mechanisms – Early Warning System**

### Finding:

- The APD's new Multi-Relational Internal Affairs Database (MRIAID) program was developed to track UOF and IA data for the department's EWS system.

### Recommendations 8-1 and 8-2:

- Use software that assists with the comprehensive analysis of data, especially trends, and the generation of reports.
- Include the tracking of resisting arrest and assault on police officer data in the EWS.

# Findings and Recommendations

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## **APD Accountability Mechanisms – Early Warning System**

### Finding:

- The APD's EWS review panel, as described in SOP 3-49-2, has not been used as intended.

### Recommendation 8-3:

- Review the function of the EWS review panel (SOP 3-49) to ensure it is being used as required by the SOP.

### Finding:

- The use of a set number of entries or "hits" in the EWS as a threshold for intervention requires reconsideration.

### Recommendation 8-4:

- **Modify the number of EWS entries which an officer may receive before recommending intervention from an arbitrary set number to more a statistically valid number based on the deviation from a standard or norm for the area and the shift each officer works.**

# Findings and Recommendations

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## **APD Accountability Mechanisms – Use of Force Reporting**

### Finding:

- Use of force reporting continues to be inconsistent.

### Commendation 8-1:

- In response to recent events, Internal Affairs has increased its efforts to help ensure 100 percent compliance on UOF reporting.

### Recommendation 8-5:

- Issue the “APD Sergeant Reference Guide” in training for all lieutenants and sergeants and task the Training Committee to ensure training requirements in this guide are met.

# Findings and Recommendations

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## **APD Accountability Mechanisms – Risk Management**

### Finding:

- Tort claim and lawsuit data related to alleged officer misconduct are being collected and entered into the EWS but are not being analyzed to identify SOP or training needs.

### Recommendation 8-6:

- Work with City Attorney's Office, IRO, and IA to develop a process and/or implement software by which the monitoring and analysis of claims data can be accomplished.

# Findings and Recommendations

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## **APD Accountability Mechanisms – Policy Review Board**

### Finding:

- Interviews with the IRO and APD personnel revealed considerable confidence in the policy review board process.

### Recommendation 8-7:

- Distribute SOP's electronically and automate the process to automatically notify all employees of any SOP changes.