

Frequently Asked Questions

Who should I contact to report a crime?

If you have an emergency please call 911. For all other reports please call 242-COPS for immediate assistance. If you would like to file a police report for crimes within the city of Albuquerque by telephone, call 505-768-2030, 7 a.m. - 5 p.m. Mon.-Fri.

What is the Police Oversight Commission (POC)?

The Police Oversight Commission is a citizen's body created by the City Council which meets publicly on the second Thursday of every month and seeks to:

- 1) Promote a spirit of accountability and communication between the citizens and the Albuquerque Police Department (APD), while improving community relations and enhancing public confidence;
- 2) Oversee the full investigation and/or mediation of all citizen complaints filed against APD employees, including police officers;
- 3) Audit and monitor all investigations and/or police shootings under investigation by APD's Internal Affairs;
- 4) Review all work of the IRO with respect to quality, thoroughness, and impartiality of investigations;
- 5) Submit a quarterly report to the Mayor and City Council;
- 6) Submit all findings to the Chief of Police. The Chief of Police has the final authority to discipline APD employees; and
- 7) Engage in a long-term planning process through which it identifies major problems and establishes a program of policy suggestions and studies each year.

The POC is made up of 9 citizens with no connection to APD, representing (one each) the nine Council Districts of the City. The citizens are nominated by their Councilors, appointed by the Mayor after review, and then are confirmed by the City Council. They serve without pay.

What is the Independent Review Office (IRO) of the Police Oversight Commission?

The Independent Review Office, under the direction of the POC:

- 1) Receives and fairly and thoroughly investigates all citizen complaints against the Albuquerque Police Department;

- 2) Makes recommendations of findings on citizen complaints and officer involved shooting cases to the Police Oversight Commission for approval;
- 3) Submits recommendations regarding APD policy and procedures to APD, the POC, City Council and the Mayor;
- 4) Plays an active role in the community, and whenever possible, provides appropriate outreach to the community.

Is the Independent Review Office of the Police Oversight Commission part of the Albuquerque Police Department (APD)?

No. The Independent Review Office is a completely separate entity from APD. It consults with APD, and answers to the citizens on the POC.

APD has its own investigative division. The APD Internal Affairs Department (IA) is comprised of sworn police officers who investigate APD employees based on complaints generated from the command staff at APD. The APD Internal Affairs Department cooperates with and provides information on many cases to the IRO and the POC, as required by City Ordinance.

Should I trust the Independent Review Office of the Police Oversight Commission?

We think so! The Independent Review Office of the Police Oversight Commission is not part of the police department. The IRO answers to the Police Oversight Commission, the Mayor and the City Council. There are rules and laws which prohibit anyone from retaliating against a witness or someone who files a complaint.

Should I fear retaliation if I file a complaint?

No. There are rules and laws which prohibit anyone from retaliating against a witness or someone who files a complaint. If you believe you have been retaliated against, you should file a second complaint with the IRO.

It is important to file a complaint. Failure to file a complaint could lead to a misconduct not investigated.

Will I have more problems with the police if I file a complaint?

No. The Albuquerque Police Department has policies and procedures in place to prevent retaliation against complainants. In fact, any retaliation would cause problems for the officer involved, not you.

How can the Independent Review Office of the Police Oversight Commission help?

The Independent Review Office of the Police Oversight Commission has the staff and resources to investigate and address resolutions to citizen complaints. The Independent Review Office

brings the concerns of citizens to the Police Oversight Commission and to the Albuquerque Police Department. Through the citizen's complaint process, the Independent Review Office is given full legal authority to investigate allegations of police misconduct. The Chief of Police imposes discipline on officers who have been found to have violated Standard Operating Procedures.

The Commission oversees the full investigation and mediation of citizen complaints to ensure that investigations are fair and thorough. The Commission receives the cooperation of the Albuquerque Police Department and solicits public input through open meetings and forums.

What can I do if I think an Albuquerque Police Officer did something wrong?

You can file a complaint online or by writing out your complaint on a form delivered to the Independent Review Office of the Police Oversight Commission. The Independent Review Office will fairly and thoroughly investigate your complaint.

What if an officer did a good job and I want to give a compliment?

If you would like the Independent Review Office of the Police Oversight Commission and the Albuquerque Police Department Chief to know that an officer did a good job, you may file a Job-Well-Done report on-line at <http://www.cabq.gov/iro/report-a-job-well-done> , or send a letter to be mailed/fax 505-924-3775 at 600 2nd Street NW Room 8113 or PO Box 1293. Compliments can also be forwarded to Internal Affairs at 400 Marquette NW, Old City Hall (1st Floor).

What constitutes making an official complaint?

You file a written complaint (electronically or in writing on the appropriate form which we can furnish to you). You must sign your complaint, either electronically or in writing. A complaint is a statement from you explaining why you think an APD Officer acted inappropriately, and requesting that the officer's conduct be investigated.

How do I file a complaint?

Website: <http://www.cabq.gov/iro>

Complaint Form: <http://www.cabq.gov/iro/documents/CPCForm2.pdf>  complete the attached form and an investigator will follow up with you;

Forms are available at the following locations:

- *Mayor's Office 1 Civic Plaza(11th Floor)*
- *all police substations:*
 - *Foothills Area Command* *12800 Lomas NE*
 - *Northeast Area Command* *8201 Osuna NE*
 - *Northwest Area Command* *10401 Cibola Loop NW*
 - *North Valley Area Command* *5408 2nd Street NW*

- Southeast Area Command 800 Louisiana Blvd SE
- Southwest Area Command 6404 Los Volcanes Rd NW
- Coronado Mall Community Substation 6600 Menaul Blvd NW
- James Dwyer Memorial Substation 12700 Montgomery NE
- La Cueva Community Substation 7520 Corona NE
- Old Town Community Substation 2060 Central Avenue SW
- South Broadway Community Substation 1501 Broadway Blvd SE
- Triangle Mini-substation 2901 Central Avenue NE
- Albuquerque Police Department 400 Roma Avenue NW(5th Floor)
- Internal affairs at city hall 400 Marquette NW, Old City Hall (1st Floor)
- All public libraries

By Phone: call the Independent Review Officer of the Police Oversight Commission at 505-924-3770 and request that a Complaint Form be mailed to you.

Submit: Forms can be submitted either by fax transmittal at 505-924-3775 or mailed to: PO Box 1293 Albuquerque, New Mexico 87103 or any of the locations listed above

In person:

- visit the Independent Review Office of the Police Oversight Commission

600 2nd Street NW Room 813 Albuquerque, New Mexico 87103

- APD: any substation or headquarters

Our legal authority to investigate a complaint is limited if a complaint is unsigned. The Complaint must be signed, either electronically or in writing.

We have no legal authority to investigate complaints filed more than 90 days from the date of the incident.

Does it matter whether I file a complaint?

Yes, it does matter. The effectiveness of APD and the oversight of APD by the Police Oversight Commission relies upon citizens speaking out about a possible problem. The more information that is gathered, the better the Police Oversight Commission can identify patterns and trends to study in order to make sound recommendations to the Albuquerque Police Department. Officers with multiple violations face increasingly severe penalties.

Do I need to know what rule or Standard Operating Procedure the officer violated?

No. Albuquerque Police Department officers are expected to follow a prescribed code of conduct and to act responsibly while on and off-duty. This code of conduct is called the Standard Operating Procedures or SOPs. There are many SOPs officers have to follow and you don't need to know them. If you feel you have been wrongly treated, you only need to truthfully

report the facts of your complaint and the IRO staff will review the evidence to determine which Standard Operating Procedures are applicable.

Do I need to know the officer's name or badge number?

No. You do not need to know the name or badge number of the subject officer(s). While it is useful, you can still file a complaint without this information. You can file a complaint with as little or as much information as you may have about an incident. More information is always helpful. The IRO investigator will attempt to speak with you and ask for the date, time, location and a detailed description of the incident and of the officers involved. Other useful information includes: license plate numbers, an arrest number, a court docket number (if applicable), and names and telephone numbers of witnesses. The IRO often receives complaints against unidentified officers and is usually able to identify the officer using police documents and other evidence. Keep in mind that in such cases, we will frequently have to re-interview you so that you can view officer photographs in order to assist with the identification process. But you do not need this information to file a complaint. Identifying the subject officer(s) is the investigator's job.

Will my name be widely known to my friends and neighbors, or to the public if I file a complaint?

Not usually. The names of complainants are kept from the public during the hearing process. However, there is an important law having to do with public records, called the Inspection of Public Records Act (IPRA). Anyone can file an IPRA request with the City Clerk, through that and can find out your name and also the Officer's name(s). This is not commonly done; most complaints remain anonymous.

What types of complaints does the Independent Review Office of the Police Oversight Commission investigate?

Complaints about APD Officer and employee conduct or actions are investigated. Complaints received are about all matters great and small: officers' actions in a public setting, concerns about rudeness or inappropriate behavior, any violation of the law; violation of the City ordinances, policies, or regulations by the department or its personnel; violation of departmental policies, rules, regulations, procedures, or orders; negligence; unfavorable conduct; any other conduct specified in Albuquerque Police Department Procedural Orders. When in doubt, contact the Independent Review Office of the Police Oversight Commission for advice. However, we may be able to refer you to the correct place to lodge a complaint against another agency.

Examples of allegation(s), include but are not limited to: use of force; inappropriate language or attitude; harassment; discrimination; abuse of power; failure to provide adequate or timely police protection; retaliation; criminal misconduct; improper stops and searches.

It is the policy of the Independent Review Office, and the Police Oversight Commission to investigate all valid complaints and take whatever action is necessary to maintain the integrity of the department.

Who can file a complaint with the Independent Review Office of the Police Oversight Commission?

Any member of the public can file a complaint about an APD officer. You can file a complaint about something that happened to you, or about something that happened to someone else.

- Resident of Albuquerque or visitor to Albuquerque
- Citizen of the United States or non-citizen of the United States (with papers or without papers)
- English speaking or not, (a translator will be provided as needed).

It is the policy of the Albuquerque Police Department to respect and protect the constitutional rights of all individuals regardless of individual's race, color, national origin or ancestry, citizenship status, language spoken, religion, gender, gender identity, sexual orientation, age, disability, or economic status.

What if I think that the police should have to pay me money because of what an officer/department did to me? Can the Independent Review Office help me with this?

No. Contact an attorney for representation on any legal matters or remedies you would like to pursue.

The complaint process for the Independent Review Office only investigates complaints against the [Albuquerque Police Department](#) employees for the purpose of discipline.

What happens when a complaint is submitted?

Citizens are encouraged to bring any question or concern about procedures to the Independent Review Office of the Police Oversight Commission (IRO/POC). A citizen who wishes to file a formal complaint should complete a complaint form through the website, or in written form within **90 days** from the date of the incident (see § 9-41-8 Police Oversight Commission Rules and Regulations and <http://www.cabq.gov/iro> for the Citizen Police Complaint Process).

1. Upon receipt of the citizen complaint (by email at the IRO, mail, fax, phone, or in person), the Complaint is reviewed by the Independent Review Officer and is assigned a Citizen Police Complaint number. The citizen is informed of the status of the complaint, whether the investigation has moved forward or the case is inactivated. You will be sent a certified letter after the approval by the Police Oversight Commission for the reason of the inactivation. Valid complaints are assigned to an IRO investigator or an APD investigator, depending on the qualifying criteria of each case. Some cases are resolved by informal resolution -mediation between officer and civilian involved.
2. When a complaint is successfully mediated and approved by POC, the complaint is inactivated and a certified letter is sent to the complainant and a copy of the letter is sent to APD. Otherwise, non-mediated complaints proceed for further investigations.

3. Further investigation of a non-mediated complaint is forwarded to the Independent Review Officer for approval and draft of the Public Record Letter. This process can take up to 120 calendar days.
4. The case is sent to the Albuquerque Police Department's Chain of Command for review. After the review, the Chief of Police may agree or disagree with the proposed finding. In either event, the case will be heard by the Citizen-based POC in a public hearing.
5. The Police Oversight Commission may agree, disagree or request to modify the findings of the IRO. A final Public Record Letter is sent to the complainant by certified mail.
6. If the Officer(s) has been found to have violated policies, the Chief of Police will decide on the disciplinary action or measures to take against each APD employee or office. The IRO will be notified and a Public Record Letter is sent to the Police Oversight Commission with the decision.
7. If you disagree with the findings of the IRO, you may appeal the decision to the POC within ten days of receipt of the certified letter.
8. If a citizen appeals the findings of the IRO, a public hearing is scheduled before the POC, and you will be allowed to testify to explain your position and your understanding of the facts.
9. If Citizen is dissatisfied with the POC upon appeal, the citizen may forward his appeal to the Chief Administrative Officer.

Why was the Independent Review Office of the Police Oversight Commission created?

The Commission was necessary to promote accountability of the police force and its officers, to protect the rights of civilians, to promote community relations, and to enhance public confidence. In 1998 the Albuquerque City Council created the Police Oversight Commission and the Independent Review Office. The Commission continues to provide a means for prompt, impartial, and fair investigation of all citizen complaints against the Albuquerque Police Department.

How long does an investigation take to complete?

The process can take up to 120 calendar days from the time the complaint is received, assigned to an investigator, evidence is gathered, and findings have been drafted. But this time varies according to the number of alleged victims, witnesses, and officers in your case. Throughout the investigation, your investigator will keep you update of the status of the case. Upon completion, the IRO will send you a certified letter after its findings are approved by the Albuquerque Police Department Chief of Police and the Police Oversight Commission.

How will I be notified of the outcome of the investigation?

A certified letter will be sent on two occasions:

1. If a citizen complaint is determined to not merit further investigation, the complainant will be notified of that determination by certified mail (this may take up to 90 days);

2. Otherwise, if a complaint moves further to investigation, the citizen will receive a public record letter after the approval of the Police Oversight Commission and the citizen will have an opportunity to appeal the case within 10 days of receipt of the letter.

(see § 9-4-1-8 Citizen Complaint Procedures)

What is the standard for the Independent Review Officer to make a finding?

The officer's conduct will be reviewed based on the preponderance of evidence as follows:

Sustained: The Albuquerque Police Department Member is determined to have committed the violation.

Not Sustained: It cannot be determined by a preponderance of evidence whether the member did or did not commit the alleged violation.

Unfounded: Member did not commit the alleged violation.

Exonerated: Member was justified in taking the course of action alleged and/or member was operating within the guidelines of the Standard Operating Procedure(s).

Inactivated: The complaint was determined to not merit further investigation (including, but not limited to: failure to allege facts that may constitute a violation of SOPs; submitting a complaint over 90 days after the incident; complaint is not against APD members; the APD member cannot be identified; or the case was successfully mediated).

What happens to the officer as a result of a complaint?

The nature and extent of the disposition is determined by the chief of police. Findings of the IRO Investigation become a part of the officer's personnel file.

Can I file a complaint with the Independent Review Office of the Police Oversight Commission against an officer who is not in the Albuquerque Police Department?

No. The Independent Review Office of the Police Oversight Commission can only investigate a complaint against Albuquerque Police Department personnel. Complaints against officers employed by other law enforcement agencies should be filed with the appropriate agencies.

Will filing a complaint affect me if I have been charged with a crime?

No. Regardless of the outcome of your criminal case, the Citizen Police Complaint is investigated and handled separately from any pending criminal charges. The Independent Review Office of the Police Oversight Commission cannot represent or advise you on any legal matter.

However, you should consult with an attorney.

As a community member, how can I be supportive of the Independent Review Office of the Police Oversight Commission?

The Independent Review Office of the Police Oversight Commission appreciates your involvement. You can help us spread the word by inviting us to give presentations in your communities. Please visit the Independent Review Office of the Police Oversight Commission website to learn more about our services and how you can get involved. You may also come to our hearings and may testify publicly during a Public Comment period at the beginning of each hearing.

What else does the Police Oversight Commission and the IRO do?

The Commission listens to public input at every hearing. The Commission reviews APD policies and offers input to the Police on adjusting their policies. The Commission strives to reach out to public groups upon request for informational presentations around the community.

Who are the members of the City of Albuquerque Police Oversight Commission?

The Police Oversight Commission is composed of nine members who broadly represent the diversity of the community, and who reside within the City of Albuquerque. Each member represents one City Council district.

- Council District 1: Richard Shine
- Council District 2: Jonathan Siegel
- Council District 3: Jennifer Barela
- Council District 4: Jeffrey Peterson
- Council District 5: *vacant*
- Council District 6: David Cameron
- Council District 7: *vacant*
- Council District 8: Dr. Carl Foster
- Council District 9: William Barker

Who is the Independent Review Officer of the Police Oversight Commission?

The Independent Review Officer is Robin Hammer, Esq.

Ms. Hammer has a staff of five people:

- Chearie J. Alipat, Analyst
- Christopher Davidson, IRO Investigator
- Francisca Garcia, Senior Administrative Assistant
- Diane McDermott, IRO Investigator
- Paul Skotchdopole, IRO Investigator

If you have any questions, you are encouraged to contact the Independent Review Office of the Police Oversight Commission:

Independent Review Office

Phone: (505) 924-3770 Fax: (505) 924-3775

600 2nd NW Room 813 Albuquerque, NM 87102

PO Box 1293 Albuquerque, NM 87103