

<p><i>suggested subcommittees</i>→</p> <p><i>Task Force member</i>↓</p>	<p>Police Oversight Commission (POC)</p>	<p>Independent Review Office (IRO)</p>	<p>APD/ Internal Affairs (IA)</p>	<p>Management and Drafting</p>	<p>Other</p>
<p>Andrew Lipman</p>	<ul style="list-style-type: none"> - POC's role in identifying systemic problems and making policy recommendations: <ul style="list-style-type: none"> o Should this be the central function of the POC rather than the task of a subcommittee? o Should the Long Term Planning Committee have the task of gathering and analyzing data with the help of IRO staff? - What should POC's role be with regard to complaint review? <ul style="list-style-type: none"> o Should they only review appeals? o What kind of reporting should they receive on complaints? o How can its role in the citizen complaint process be streamlined? - Selection and recruitment process -- How should 	<ul style="list-style-type: none"> - Division of labor between IRO and IA -- Should all citizen complaints be handled by the IRO and all internal APD complaints handled by IA? Should the IRO be mandated a higher number of staff positions to insure this? - Length of contract: should it be longer? Who hires the IRO and to whom should the IRO report? - Should IRO have staff dedicated to data gathering and analysis to facilitate the POC's systemic and policy review? <ul style="list-style-type: none"> o Are there any other kinds of positions that should staff the IRO beyond investigators? What kind of administrative support should it have? Trends nationally are for 	<ul style="list-style-type: none"> - Division of labor between IRO and IA -- Should all citizen complaints are handled by the IRO and all internal APD complaints handled by IA? - How and under what conditions can/should the IRO's conclusions about officer discipline be mandatory for the Police Chief? In its discussion on this topic, the 2011 MGT report says that some civilian review boards in other parts of the country have such a model. Obviously this would have to be explored within the framework of the CBA. What if this could only happen for select kinds of infractions to address systemic problems, like failure to use a video/belt recording device? What if the discipline was enforced through the Chief Administrative Officer? - Are there ways to improve the model for mediation so that it's used more regularly for certain kinds of complaints? Who and how should the mediator be selected so that it is seen by all as an independent party? 		<p>Concerning the entire Civilian Oversight Process:</p> <p>1) How should the process be funded to insure sufficient funding and an independent process? Suggestions might include tying the budget to a percentage of the APD budget or an "off the top" percentage of taxes collected.</p> <p>2) What measures can and should be taken to insure a public perception that the new process represents the public and will help improves relations between the public and APD?</p> <p>3) How can marketing and PR be improved to promote a positive image for the revised process? Who should be responsible for ensuring good marketing?</p> <p>4) Should the POC be renamed in new legislation to give the new law a new face: examples could include things like</p>

	<p>commissioners be selected, by what criteria? How many commissioners should sit on the POC? How can we ensure that the make up of the commission is properly balanced and represents the interested parties, including the public, the administration and APD perspectives? Should commissioners be paid for their service?</p> <ul style="list-style-type: none"> - Training <ul style="list-style-type: none"> o What training should POC commissioners receive: civil rights, 4th amendment issues (detentions, arrests, use of force), Police Ride Alongs, Police Civilian Academy etc? How should compliance be enforced? - What kind of subpoena power should the IRO/POC have? National trends are demanding complete open access to police records by IRO investigators. - How can POC be restructured to enable it to do formal reviews of new 	<p>the IRO to have an analyst position as part of the staff.</p> <ul style="list-style-type: none"> - How should the IRO structure its reports to best facilitate systemic and longitudinal analyses? - What kind of data is the IRO currently collecting and how could it expand data collection to test for racially disparate policing, proper use of Terry stops, compliance with video and belt recorder requirements, etc.? - How should the citizen complaint process integrate with the Early Warning System? - Should IRO and the POC recommended discipline when it upholds citizen complaints? Can those recommendations be enforced within the context of the CBA. - Are there ways to improve the model for mediation so that it's used more regularly for certain kinds of complaints? Who and how should the mediator 	<ul style="list-style-type: none"> - Should the chief be required to give formal explanation of why s/he does not concur with the IRO's findings? 		<p>Albuquerque Police Commission or Citizen Complaint Commission.</p>
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	<p>police programs like the “Smart Policing” initiative, the use of license plate scanners, training requirements, drones, etc. and their impact on citizens’ privacy and safety?</p>	<p>be selected so that it is seen by all as an independent party?</p>			
Peter Simonson	<ul style="list-style-type: none"> - POC’s role in identifying systemic problems and making policy recommendations: <ul style="list-style-type: none"> o Should this be the central function of the POC rather than the task of a subcommittee? o Should the Long Term Planning Committee have the task of gathering and analyzing data with the help of IRO staff? - What should POC’s role be with regarding to complaint review? <ul style="list-style-type: none"> o Should they only review appeals? o What kind of reporting should they receive on complaints? o How can its role in the citizen complaint process be streamlined to allow it to devote more 	<ul style="list-style-type: none"> - Division of labor between IRO and IA - Length of contract: should it be longer? - Should IRO have staff dedicated to data gathering and analysis to facilitate the POC’s systemic and policy review? <ul style="list-style-type: none"> o Are there any other kinds of positions that should staff the IRO beyond investigators? What kind of administrative support should it have? - How should the IRO structure its reports to best facilitate systemic and longitudinal analyses? - What kind of data is the IRO currently collecting 	<ul style="list-style-type: none"> - Division of labor between IRO and IA - How and under what conditions can/should the IRO’s conclusions about officer discipline be mandatory for the Police Chief? In its discussion on this topic, the 2011 MGT report says that some civilian review boards in other parts of the country have such a model. Obviously this would have to be explored within the framework of the CBA. What if this could only happen for select kinds of infractions to address systemic problems, like failure to use a video/belt recording device? What if the discipline was enforced through the Chief Administrative Officer? - Are there ways to improve the model for mediation so that it’s used more regularly for certain kinds of complaints? - Should chief be required to give formal explanation of why s/he does not concur with the IRO’s 		

	<p>time to other duties?</p> <ul style="list-style-type: none"> - Selection and recruitment process - Training <ul style="list-style-type: none"> o What civil rights training should POC commissioners receive beyond 4th amendment issues (detentions, arrests, use of force, etc.)? - What kind of subpoena power should the IRO/POC have? - How can POC be restructured to enable it to do formal reviews of new police programs like the “Smart Policing” initiative, the use of license plate scanners, training requirements, drones, etc. and their impact on citizens’ privacy and safety? 	<p>and how could it expand data collection to test for racially disparate policing, proper use of Terry stops, compliance with video and belt recorder requirements, etc.?</p> <ul style="list-style-type: none"> - How can the IRO expand the citizen complaint process so that it ensures the APD’s compliance with the Inspection of Public Records Act, laws against employment discrimination, and 1st amendment prohibitions on religious establishment, among other non-policing issues? - How should the citizen complaint process integrate with the Early Warning System? - Should IRO offer recommended discipline when it upholds citizen complaints? 	<p>findings?</p>		
<p>Nancy Koenigsburg</p>	<p>I believe t it would benefit our work to hear from the whole Police Oversight Commission to get their perspective on their work, what is effective, what is not working, and what kinds of things they think would make a better citizen</p>	<p>LONG TERM PLANNING: There MUST be good data There MUST be tracking and trending Thus, need to appropriately staff the IRO office with an analyst with the skill and ability</p>	<p>POLICE BEHAVIOR AND TRAINING NEEDS: Use of cameras a must. An officer should not be allowed to go into the field without an operating camera, anymore than s/he would without an operating fire arm or radio. Need training on community policing</p>		<p>The POC process as currently implemented appears to be designed to thwart each and every element of its mission statement. 1. The oversight process is</p>

	<p>complaint process and long term planning process. After all, they are doing the work. I recall our original intent was to have the chair and co-chair speak to us. I request that all the Commissioners be invited to our October 30th meeting to be available to offer their perspectives. If that is not enough lead time, then November 4th.</p> <p>MEDIATION: Develop criteria for cases appropriate for mediation and encourage mediation in those instances, after establishing the complaint was timely filed Use outside mediators – a police officer as a mediator is NOT neutral Add “successfully mediated” to list of outcomes</p> <p>POC Should be independent of the executive and city council. The (now) IRO should report to the oversight commission.</p> <p>Given the amount of work commissioners do, they should be compensated.</p> <p>Should be representative of community – diverse and broad spectrum– now seems to be almost entirely professionals (just like POTF which is NOT representative of community; also must include an</p>	<p>to perform this work and to work with the POC and IRO to identify issues that should be tracked and trended. Need to track/trend “obstructing police officer” charges: which officer, what shift, for type of interactions. How many police shootings have occurred when picking up a person for evaluation at a psychiatric hospital? I am aware of only two since 1995. Check to see how many have been done to learn trend. What works here that may be used in other situations?</p> <p>Check tracking/trending for behavior of female officers vs. male officers. My guess is that there are far fewer excessive use of force instances with female officers than male officers. Data would illuminate this. If true, what do female officers do that males don’t?</p> <p>Tracking and trending should be linked to early warning system</p> <p>Must be able to review “Reactive Force Model” for citizen interactions and learn about Other models for citizen interactions</p> <p>Must be able to do an annual review of the APD disciplinary system, looking at individual</p>	<p>Attitude adjustment about how treat persons who are homeless: Should not keep person’s ID If arrested, person’s possessions should not be confiscated or trashed by APD -relatedly, MDC must return ID and possessions when person is released Should not stop person for whom there is no probable cause that person has acted illegally List of excessive citations as per Karen Navarro</p> <p>Pre-screening at police academy re; temperament</p> <p>All officers should be taught Mental Health First Aid.</p> <p>Support and expand APD’s COAST services</p> <p>Need to assure there are CIT officers available 24/7 and that there are enough officers CIT trained to be available city wide when necessary.</p> <p>Failures to record required interactions are per se violations.</p> <p>OUTREACH: Whether at community centers, housing developments or other centers that serve the public, there should be trainings conducted by the police in conjunction with someone trained in civil rights, to teach what to do when approached by a police officer.</p>		<p>not independent</p> <p>2. There does not appear to anything in the process that strengthens the relationship between the community and APD</p> <p>3. The City Attorney, through John DuBois, undercut the Long Term Planning Subcommittee, prohibiting discussion of its current work and recommendations.</p> <p>4. Little is known about its review of officer involved shootings</p> <p>5. The City Attorney, through John DuBois, undercut the work of the Outreach committee, prohibiting discussion of its current work and recommendations.</p> <p>In other words, in this writer’s opinion the POC holds its meetings but is prohibited from fulfilling its mission.</p> <p>IRO/POC/CITY COUNCIL/ EXECUTIVE INTER-RELATIONSHIPS: The City Attorney’s office should not be in the business of telling the POC what it can and can’t do. That is another instance of</p>
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	<p>attorney with 5 years of criminal defense experience and one who had been a prosecutor.</p> <p>Should investigate all uses of force, allegations of abuse of authority, discourtesy, offensive language</p> <p>Notify a citizen who makes a complaint when his/her case will be considered by the POC, 10 business days before case is heard.</p> <p>Agendas need to be published 72 hours ahead (open meetings act) and if police shooting is on agenda, list name of person shot and officer(s) involved.</p> <p>City Councilors should be required to attend at least 2 POC meetings per year to understand and evaluate process.</p> <p>Complainant should be able to speak for 5 minutes, or longer at the chair's discretion, at POC when case is heard</p> <p>POC should be able to see complaint individual filed rather than relying on IRO summary.</p> <p>Each Councilor should have opportunity to appoint a person with preference for own district, if no volunteer, should be allowed to go</p>	<p>officer fact patterns, whether discipline imposed an reasons why/why not. Propose the budget for itself and the IRO.</p> <p>CITIZEN COMPLAINT PROCESS : Amend the ordinance so that is an Independent Civilian Oversight Commission to make clear it should and will be an autonomous body.</p> <p>IRO should not work for the executive as it essentially means this officer works for the police dept. S/he should work for either the POC or the City Council. In fact, according to the current ordinance, the IRO reports to and works under the direction of the POC. Yet, the city attorney's office undercuts this:</p> <p>Consider extending length of time for filing a CPC, possibly to 120 days. Once a CPC filed, notice to APD to preserve any and all evidence, tapes, etc.</p> <p>IRO "shall perform all duties under the direction of the POC" 9-4-1-6 B and 7 D - the IRO shall report directly to the POC". This indicates the intent is the IRO reports to the POC. This is the ordinance's express intent and</p>			<p>the Executive telling this supposedly independent body how to function. It should have counsel independent of city government.</p> <p>OTHER Need to explore the interrelationship between the Inspection of Public Records Act and, the APD union contract to assure transparency.</p> <p>ALL CITY OFFICIALS, including IRO and Council, must comply with IPRA.</p>
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	<p>out of district.</p> <p>The Mayor should not be in the business of selecting POC members.</p> <p>Must be provided notice and copies of updated SOPs and performance directives.</p> <p>When there's a vacancy on the POC, the city councilor should be able to nominate someone from out of their district if there isn't someone in the district. The Council should appoint, not the mayor.</p> <p>The POC should be able to create committees to do work, not just the chairperson.</p> <p>Not have been employed by ABQ or Bernco law enforcement, and if law enforcement elsewhere, not for at least a year prior to being on the Commission.</p> <p>Stagger terms so that 3 commissioners per year have terms expire, rather than up to 5, so that there is some continuity.</p> <p>APD Chief should not be allowed to bypass POC review process on any citizen complaint.</p> <p>Commission can hear testimony by witnesses in executive session, compel officer to testify, statements</p>	<p>makes more sense than having him/her work for the executive.</p> <p>IRO hired by the POC, possibly confirmed by the city council</p> <p>Investigations to be completed within 90 days of complaint being filed.</p> <p>Why does the IRO confer and discuss the recommendation with the chief before issuing its findings to the POC? This makes no sense as it gives the appearance that the IRO reports to the chief/executive, and is not independent at all.</p> <p>As it appears the IRO is under the executive and beholden to the chief, how often does the IRO actually find against an officer? What is data on this/</p> <p>***Way to immunize police statements to POC so that POC has full information about incident and does not have to rely on summaries of IRO which POC may see as flawed or incomplete.</p> <p>It along with Commission shall make recommendations on specific training for APD or changes in SOPs, changes will be up for public comment before adoption.</p>			
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	<p>cannot be used against officer. This is necessary because relying on summaries is ineffective and does not allow for fact finding or independent assessment and decision making.</p> <p>Commission shall have power to subpoena witnesses, take testimony under oath and require production of records</p> <p>Chief has final discipline authority, but must go through Commission process first, except in emergencies. If chief decides differently than commission, must explain why (criteria to be developed).</p> <p>Commission gets outside counsel, not CABQ counsel.</p> <p>Reports of the POC and IRO need to include statistical information about complaints by people with disabilities and people whose primary language is not English.</p> <p>Training needs: Current training as per ordinance seems adequate. Attend annual civil rights training conducted by ACLU or civil rights attorney.</p>	<p>Instances in which IRO findings and POC recommendations are not the same and POC wants IRO to change them:</p> <p>Consider whether discipline against officer should be considered public information rather than confidential personnel action.</p> <p>Budget must include enough money to; Staff IRO office well enough that all citizen complaints are investigated by the IRO and NOT internally by the police dept.</p> <p>Staff IRO office with a person who is knowledgeable in data collection and analysis – not the IRO him/herself.</p> <p>IRO’s office to submit quarterly and annual report to include at least number of incidents investigated, track and trend types, discipline recommended and outcomes, successful mediations, information about outreach...</p> <p>Also track percentage per officer “obstructing police officer” charges issued by female officers as compared with male officers</p>			
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Frances Armijo	<p>The flowchart that we received made me think, is anything like a flowchart provided to new POC members? What kind of literature/training do they receive prior to beginning work on the POC?</p> <p>Why can't POC members be selected by an outside source. As an example, a retired judge could review applications, with no name attached to the application.</p> <p>Keep it at two years service, but add some kind of monetary assistance for POC members, particularly if we</p>	<p>Does the IRA department provide APD Training with any stats? Do these two departments interact at all?</p> <p>I'm not quite sure, but I don't remember the IRA officer telling the POC whether the incident was the first, second, etc. complaint filed against an officer within a 12 month period. I think this information needs to be shared with the POC.</p>	<p>IRA investigation - lapel camera</p> <p>I heard two cases where the lapel camera "malfunctioned." The investigator had no way of verifying this actually happened. It would appear to me that there should be a requirement that if a camera "malfunctions," the officer either gives the camera to his immediate supervisor or tech department so it can be replaced or repaired, and a record kept of that interaction.</p> <p>Why doesn't APD Training provide yearly mandatory training when they can see that there are persistent problems that</p>		<p>Is each city councilman/woman provided with criteria for selecting a POC member or do they just pick a friend/constituent?</p>

	<p>expect them to be better trained .</p> <p>Do we really need nine POC members?</p>		<p>they should address?</p> <p>Does disciplinary action include an officer having to go through some sort of "sensitivity" training?</p>		
Alan Wagman	<p>As part of the proposed ordinance, provision for retention of an attorney to represent and advise the POC who does not owe a duty of loyalty to the mayor, the council, or other city officials or bodies.</p> <p>POC has final say upon appeal, not the CAO.</p> <p>Extensive training for POC members</p> <p>More stringent participation requirements</p> <p>Remuneration for POC members (to accommodate the time commitment for training and make it possible for community members to become involved on the POC and facilitate retention of POC members).</p> <p>POC and/or IRO recommend discipline and require Chief to explain any failure to follow recommendation.</p> <p>Reconciling POC time needs for determination of complaints vs. police contract limits on time for determination.</p> <p>Some mechanism to allow POC to</p>	<p>IRO staff to be hired/supervised/terminated by POC, not by the Mayor or other municipal body.</p> <p>POC and/or IRO recommend discipline and require Chief to explain any failure to follow recommendation.</p>		<p>I would like 11 minutes added to the agenda at every meeting (starting with 11/6) to allow each task force member 1 minute (strictly enforced) to say anything he or she wishes to say about anything he or she wishes to address.</p> <p>Retention of an attorney to represent and advise the Task Force who does not owe a duty of loyalty to the mayor, the council, or other city officials or bodies.</p>	<p>Exploring agreement with the District Attorney's Office to immunize police officers' compelled statements in response to citizen complaints. I believe that if the District Attorney's Office would agree, this would take those statements out of the reach of the <i>Garrity</i> decision and allow the POC access to the actual statements of the officers. If I am misinterpreting the reach of <i>Garrity</i>, the I believe POTF should be addressing what, if any, reforms or adjustments could be made in the process to make officers' statements available to the POC.</p>

	<p>determine whether IRO is providing accurate summaries of compelled officer statements.</p> <p>POC involvement in IA matters that goes beyond “monitoring”.</p> <p>POC investigating all citizen complaints.</p> <p>Explicit requirement as part of “policy review” and “policy recommendations” that POC address APD’s use of force protocols and report to City Council.</p>				
Hans Erickson	<p>POC members should be appointed by several stakeholders, each of which would have an interest in seeing that its appointee and the POC in general is effective. The stakeholders might be the city council (3), APD (2), and the mayor (2). The city council members should be forced to compromise over the appointees so that a single council member's appointee is not a drag on the POC, and factions of the city council will work to hold every POC member to account.</p> <p>The POC should review complaints where the investigator recommends substantiation in order to make a recommendation as to discipline. The POC should audit a selection of other complaints, in panels, or</p>	<p>The IRO or executive director should be an agent of the POC. The POC should have sole authority to hire and fire the IRO/ED. This will make the investigative function of the POC more independent from city government and APD. It should be enough that the mayor and APD appoint members of the POC. This would improve the perceived lack of independence of the POC.</p> <p>There should not be a separate office or department charged with the investigation of complaints. The IRO and her staff should be employees of the POC. This should be a largely administrative change, but it will clarify the mission and role of</p>	<p>The APD should be bound, at least within a certain range or type of discipline, by the POC's determination of disciplinary action. A significant number of citizens have said that the POC is or appears to be powerless without disciplinary authority.</p>		<p>The process for receiving complaints should be tailored to maximize the number of complaints that are received by the POC. The city government, APD, and other area law enforcement agencies should coordinate to insure that all citizen complaints are immediately referred to the POC for investigation. A citizen wishing to make a complaint should be able to do so easily and quickly in person, on the phone, or by e-mail, and whether they are directing the complaint to the city (311, city council staff, etc.),</p>

	<p>where the complainant appeals the investigator's findings.</p> <p>The POC or any member should be permitted to file a complaint, and there should be a policy to do so where the POC or any member becomes aware of possible misconduct not otherwise being investigated.</p> <p>The POC should liaise with the DA's office to monitor officers whose misconduct frustrates prosecution. When evidence is suppressed because of illegal searches or seizures, or where prosecution is abandoned or affected by improper police activity, the POC should at least be engaged in tracking those instances and officers.</p> <p>The POC should liaise with APD's IA to independently monitor alleged criminal conduct, even if the conduct is not within the POC's investigative jurisdiction.</p> <p>The POC's mission should emphasize tracking and policy-making roles. The fact-finding mission of the POC should largely be delegated to the investigators and the IRO/executive director.</p> <p>The POC should have access to full reports, including transcripts of officer interviews, unless prohibited</p>	<p>what is now the IRO. The POC should be the one-stop-shop for police oversight in terms of complaint-making, complaint-investigating, or policy-making.</p> <p>Third-party mediation should be an option to resolve complaints. Complaints not containing allegations of criminal conduct or force resulting in injury should be eligible for mediation. The mediator should be a professional not associated with the POC or the APD. The process should be voluntary for the complainant and the officer. If either party is unsatisfied with the mediation, the complaint should be investigated.</p> <p>Every complaint within the POC's jurisdiction should be investigated by a POC investigator, even if some other agency is also investigating the same complaint.</p> <p>The number of POC investigators should be increased and subsequently tied to the number of APD officers.</p> <p>The timeline imposed on the investigative process by the CBA should be eliminated or significantly increased. The current timeline results in a</p>			<p>APD, other area law enforcement, or the POC. The signature requirement should be abolished.</p>
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	<p>by law or at the DA's request due to active or planned criminal prosecution. The CBA imposes a level of secrecy on the POC's investigation that is not required by law and serves to protect officers' reputations at the expense of the POC's integrity and its goal of accountability. The law already immunizes officers who have given compelled statements, whether to IA or an administrative investigator. However, there is a difference between privileged or inadmissible statements and confidential statements. Only the CBA requires confidentiality. The POC's investigations should not be independent but secret</p>	<p>situation where the police chief imposes discipline before the POC ever receives the investigative report and makes the process of POC review and citizen appeal meaningless. The timeline is especially unreasonable given that the CBA doesn't permit the POC to impose any sanctions. If the CBA cannot be changed, the POC should simply ignore the timelines and publicize the substantiated complaints and the police chief's disciplinary action or lack thereof.</p> <p>The policy of presenting the investigation and its recommendations to the APD prior to the POC should be eliminated. That the police have a the first say on the results of the investigation is contrary to the work of an independent investigative body. APD could be given an opportunity to comment publicly on the investigation when the POC makes its public ruling.</p> <p>POC investigators and staff should be at-will employees. There are so few people in the IRO that without freedom to staff the office it could easily be prevented from operating fairly and effectively due to personnel entrenchment.</p>			
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