

## IRO SUBCOMMITTEE MAJORITY REPORT

### Finding 1

The mayor's control over the IRO—the powers to hire and fire, most importantly—is a limit on the IRO's independence. The mayor directly controls both the police department (through selection of the chief of police) and the IRO. This creates a perception that the IRO is not independent of the line of command of the police department. The IRO's dependence on the mayor for reappointment after his or her short term also creates pressure—even if not acted upon by the IRO—to consider the political impact of the IRO's work.

### Recommendation 1

The IRO should be hired, fired, and supervised by the POC in the same way that a corporate board hires, fires, and supervises its executive officers. This arrangement would remove the IRO from direct influence—real or perceived—of those in or controlling the police department's line of command. This change may require changes to the composition of the POC and the eligibility requirements of its members. However, the POC members need not have the same qualifications of the IRO. Corporate boards, for example, need not comprise individuals all of whom are capable of running the organization. The POC members need only be capable of setting policies for the organization and evaluating the executive officer's ability to carry out those policies.

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### Finding 2

The current practice whereby the IRO confers with the police department prior to presenting the findings of an investigation to the POC is an inappropriate intrusion into the POC/IRO's independence.

### Recommendation 2

The IRO should share its investigation and findings with the POC and the public in that order. The IRO should not be required or permitted to share its findings with the police department unless failing to do so would prevent the police department from taking disciplinary action within the timeline imposed by its internal personnel regulations. If the findings must be shared prior to review by the POC or release to the public, the IRO should merely disclose its findings rather than confer with the police department. This change will limit the appearance that the police department has a role in shaping the IRO's findings and recommendations.

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### Finding 3

The IRO lacks capacity to investigate all complaints within its jurisdiction, and some complaints must be forwarded to Internal Affairs for investigation. Investigation by non-civilian investigators is contrary to the purpose of the IRO.

### Recommendation 3

The IRO's staff of investigator's should be increased by at least one investigator, and the total number of investigators should be fixed at a minimum relative to the number of officers in the police department.

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### Finding 4

Complaints resolved through mediation use police officer mediators. It is a basic principle of mediation that the mediator be an disinterested third party.

### Recommendation 4

The mediators assigned to mediate complaints should be taken from a pool of professional mediators who are not connected with the police department or the IRO.

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### Finding 5

The IRO lacks capacity to provide meaningful tracking, trending, and analysis of external and internal complaints, civil suits against the city and its officers, and other areas of interest to the POC in its policy-making role.

### Recommendation 5

The IRO's staff of analysts should be increased by one or two so that the POC can more completely and proactively monitor data it needs to make informed and original policy recommendations. Currently, the IRO's analyst works full time to prepare periodic reports based on civilian complaints. Analysis of civilian complaints is extremely important, but does not provide a complete picture of relationship between the police and the community. For example, many of the most serious complaints are resolved through litigation rather than the complaint process. The IRO's analysts should monitor those cases through public access to court information at least. At best, the IRO could be given some access to information about lawsuits against the city and its officers through the city's risk management operation. Additionally, the IRO's analysts should be available to respond to requests from the POC for information and analysis needed for specific policy initiatives.

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#### Finding 6

The IRO has no authority to investigate matters that are not initiated by civilians, even if the IRO or members of the POC would like to investigate a matter within their own knowledge or concern.

#### Recommendation 6

The POC or its members should be given the authority to initiate an investigation, either on their own initiative or upon recommendation by the IRO.

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#### Finding 7

Chapter 29, Article 14 of New Mexico Statutes sets forth what is allowed under state law concerning interrogation of a law enforcement officer in an administrative proceeding. The state and federal constitutions set forth requirements for notice and hearing. However, to ensure appropriate POC supervision over the IRO, it may be necessary either at random times or during specifically selected investigations for a member or members of the POC to participate directly in the interrogation of an Albuquerque Police Department Officer concerning administrative matters within the purview of the POC and IRO.

#### Recommendation 7

Provided that the statutory and constitutional requirements for interrogation of law enforcement officers in administrative matters are met, the IRO should be required to facilitate any request by a member or members of the Police Oversight Commission to participate in an interrogation by either arranging for participation in an already scheduled interrogation session or arranging a specially scheduled interrogation session.

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#### Finding 8

The POC cannot appropriately evaluate the quality of the work of the IRO unless the POC can evaluate whether the summaries of officer testimony prepared by the IRO are unbiased and accurate. To accomplish this evaluation requires at least the ability to compare some summaries with the full testimony.

#### Recommendation 8

The IRO should be required to provide the POC, on a randomized basis, with a limited number of full transcriptions of testimony – with sufficient redactions to eliminate any confidential information – to allow POC comparison of full transcriptions of testimony with the IRO-prepared summaries of the testimony.