

POC Subcommittee recommendations 12-4-13

Retention of Police Oversight Commission (POC)

Finding: The POC is a vital component of the civilian oversight structure because, as a representative of the community, it bolsters public trust in the Albuquerque Police Department (APD). However, we also find that the POC, as currently constituted, is not fully qualified to perform this key role.

Recommendation: The Albuquerque City Council should retain the POC as a key element of its civilian oversight model.

(passed 4-0)

Primary function of the POC

Findings: The legislative findings of the Police Oversight Ordinance state that the POC should act as a representative of the Albuquerque Community to review the policies, procedures and practices of APD. The POC should also offer a place for citizens to file complaints against the APD.

Recommendations: The POC should primarily focus on and address systemic problems in the APD, and should delve into individual Citizen Police Complaints at their discretion for the purpose of driving a policy agenda and assessing systems implications. We recommend that APD should be required to provide written response to the POC's recommendations for policy and procedural changes, including but not limited to an explanation of why the recommendations were not followed.

(passed 4-0)

Relationship of POC to Independent Review Office (IRO)

Finding: The IRO and the POC must be independent of any branch of city government. In a model in which the POC primarily addresses systemic issues, it is strongly dependent upon the resources and capabilities of the IRO.

Recommendation: The POC should oversee the IRO and supervise the Independent Review Officer. The qualifications of the POC must be improved to perform this function (see the next recommendation).

(passed 3-1, Armijo opposed)

Selection of POC members

Finding: The current POC is not fully qualified to perform the duties assigned to it.

Recommendation: Based on select criteria, the POC should consist of 9 residents of the City of Albuquerque, including 4 “expert” positions (criminal defense lawyer, prosecutor, public policy expert, and a police officer not affiliated with APD or BCSO) and 5 “at-large” positions (i.e. business owner, community activist, etc.). The City Council should appoint those positions and the selection process should be subject to the Open Meetings Act.

(passed 3-0, Perea absent)

Relationship of POC to city government

Finding: In its operations, the POC should be entirely independent of any branch of government.

Recommendation: In order to ensure adequate funding, the POC ordinance should tie the POC/IRO budget directly to that of the APD and set the budget at no less than 1% of the APD’s total budget.

(passed 4-0)

Administrative changes

Recommendation: POC members should be compensated for their service.

(passed 3-0, Perea absent)

Outstanding issues:

- 1) What powers and capacities does the POC require to carry out its primary function? How does the POC rely on the IRO to exercise these powers?
 - Subpoena power
 - Access to police records
 - Data gathering and analysis
 - Disciplinary authority
- 2) In light of the POC’s primary function, what training should commissioners receive?
- 3) What should be the term and participation requirements for Commissioners?
- 4) What criteria should govern the selection of Commissioners?