

I. Purpose

The purpose of this document is to provide the recommendations of the Police Oversight Task Force to the City Council, Mayor and public at-large. The Task Force has been working diligently for over five months. This document is furnished to help provide a better focus on the areas of police oversight which need revision. The Task Force has attempted to not censor any recommendations. This report contains: a background on how the process began; an overview of the existing system and the recommendations identified in the "Walker/Luna Report;" a review of other models of oversight; a summary of issues and consensus points reached by the Task Force; a series of proposed models for Albuquerque and a summary of recommendations and other materials submitted by individual Task Force members.

II. Background

In 1996, the City Council decided to initiate a process to independently review the City's mechanisms on police oversight. This decision was based on the fact that the oversight system had not been independently evaluated since the formation of a Police Commission Task Force in 1988, and the public was demanding a more effective oversight system for the police. The City Council formed an "Ad-hoc Committee on Public Safety" to carry-out this project.

The City Council commissioned the "Walker/Luna Report" which was completed and presented in February 1997. The report provided the first critical review of the oversight mechanisms of the police department since the inception of the existing oversight system. The City Council at that time made a public commitment to follow up on the recommendations outlined in the report and include community input throughout the process. The result was a commitment to hold a town hall on the "Walker/Luna Report" and report on the recommendations, progress made toward implementation, and allow the public to make comments and forward recommendations. The town hall was held in July 1997. The result was a commitment by the City Council to continue to evaluate the recommendations of the report and develop a plan to revise Albuquerque's oversight system.

The City Council Ad-Hoc Committee on Public Safety, consisting of Tim Cummins, Chairman, Alan Armijo and Sam Bregman, began meeting frequently to review the "Walker/Luna Report" in detail, study the existing oversight system and discuss the system with involved parties and begin to review other models of oversight for comparison. The Committee visited San Jose and Long Beach, and had telephone conferences with Minneapolis, Berkeley and Portland. The intent of the dialogue with peer cities was to gain information about various forms of police oversight in an effort to develop a new model for Albuquerque.

Once the Committee compiled this information, it was determined that a task force composed of a broad representation would be helpful to review this information and assist the Committee in making recommendations to the City Council on how to revise the existing oversight system. In November 1997, a task force consisting of Timothy Capron, Jennie Lusk, Andres Valdez, Shay Cozart, Alex Marentes, Pauline Gubbels, Charles Bennett, Tim Cummins, Alan Armijo and Sam Bregman began meeting. The "Task Force on Police Oversight" began meeting at least once a month to review and analyze information on this topic.

III. Overview of Albuquerque's Oversight Mechanisms

Albuquerque has a tripartite system of oversight for the police department. It consists of the Internal Affairs unit in the police department, the Independent Counsel and the Public Safety Advisory Board.

The Internal Affairs unit is charged with investigating citizen complaints against the police and internal police complaints. Investigators are sworn APD officers and are given a 10 day deadline for investigation of complaints. Each case is sent to the appropriate Area Commander for review and to recommend discipline. The case is then sent to the Independent Counsel for review within 5 days.

The Independent Counsel is charged with reviewing Internal Affairs investigations. Quarterly reports are submitted to the Mayor and City Council. The IC has the authority to make policy recommendations and conduct investigations with the authorization of the Public Safety Advisory Board Chair and the Chief Administrative Officer. The IC is an attorney under contract with the City Legal Department. The IC can only "concur" or "not concur" with the Internal Affairs findings; however, areas of concern can be discussed or submitted.

The Public Safety Advisory Board was designed to provide citizen oversight of the Albuquerque Police Department, Albuquerque Fire Department and the Corrections Department policies and procedures. It is composed of eleven members appointed by the Mayor with the advice and consent of the City Council. The Chairperson is designated by the Mayor. The enabling legislation sets no limits on what policies, practices or procedures the PSAB may investigate and forward recommendations to the Chief of Police, Mayor and City Council.

IV. Summary of the "Walker/Luna Report"

The report made recommendations in five areas, including the Independent Counsel, Public Safety Advisory Board, Internal Affairs, City Attorney and Risk Management and Elected Officials.

Independent Counsel

Recommendations:

- The role of the IC should not be limited.
- The relationship between the IC and the City should not be defined as an attorney-client relationship.
- IC should fully utilize his present authority to oversee APD.
- IC should engage in an active community outreach program.
- IC should be selected in a competitive and open RFP process.
- IC should have a formal relationship with the PSAB.
- IC should become a more active participant in the citizen complaint process.

Public Safety Advisory Board

Recommendations:

- Establish a formal link between the PSAB and the IC where the PSAB oversees the IC.
- PSAB should make full use of its authority to conduct studies and make recommendations.
- PSAB should engage in a long-term planning process to identify major problems and establish a process to address these problems.
- PSAB should give special emphasis to hearing from citizens.
- PSAB must closely monitor APD to ensure implementation of PSAB recommendations.
- PSAB meeting agendas should address specific issues at designated times.

Internal Affairs

Recommendations :

- APD must take immediate steps to adequately inform the public about the complaint process.
- APD should widely disseminate the Internal Affairs Quarterly Reports.
- IA must take immediate steps to speed up the investigation of citizen complaints.
- IA should reorganize its citizen complaint filing system.
- APD should establish an Early Warning System to identify and track problem officers.

City Attorney and Risk Management

Recommendations :

- City Attorney can and should identify APD practices that need to be corrected through training and/or changes in APD policies.
- City Attorney should identify officers who seem to be involved in repeated law suits.
- City Attorney and Risk Management should monitor the excessively high annual tort claims involving APD officers and notify the City Council, Mayor and APD command structure.
- City Attorney and Risk Management should develop solutions to reduce tort claims payments.
- City Attorney should develop a policy of examining chronic problems in police behavior and provide appropriate feedback to APD command officers.

V. Peer City Models and Other Information

Independent Auditor Model (San Jose)

San Jose has an Independent Auditor Model wherein all complaints of police misconduct are investigated by Internal Affairs and reviewed by the Independent Auditor. The Auditor can also receive civilian complaints, however, she turns the complaints over to Internal Affairs for investigation. The Auditor and staff are government employees with four primary functions: (1) serve as an alternative forum where people may file a complaint; (2) audit investigations of

complaints conducted by Internal Affairs; (3) make recommendations with regard to Police Department policies and procedures; and (4) promote public awareness of a person's right to file a complaint.

There is no oversight board of any kind in San Jose and the Independent Police Auditor is appointed by the City Council according to Charter. The Chief of Police retains full disciplinary authority on all cases as well as full responsibility for Internal Affairs. There is a confidentiality agreement between the Auditor and the police on details of investigations.

Independent Counsel/Investigator Model (Long Beach)

Long Beach utilizes an Independent Counsel/Investigator Model wherein complaints are received and investigated by the Police Department's Internal Affairs unit and reviewed by the Independent Counsel/Investigator. There is a police oversight board that makes policy recommendations to the Chief, holds public hearings, and looks at specific issues. The Investigator/Counsel reviews all investigations and then briefs the Commission on the most important cases. The Investigator/Counsel has full authority under Ordinance to investigate complaints of misconduct when necessary.

The Chief of Police retains full disciplinary authority on all cases as well as full responsibility for Internal Affairs. There is a confidentiality agreement between the board, the investigator and the police on details of investigations. Neither the board nor the Investigator or Counsel have subpoena power. This model is similar to Albuquerque's current system.

Police Internal Investigations Auditing Committee (Portland)

In Portland, the auditor reports to a board (unlike San Jose) and a citizen group acts as advisors. The board consists of five City Councillors who monitor and review the internal investigations performed by the Police. The board has access to staff and also utilizes the assistance of a Citizen Advisory Committee composed of 13 members who examine IA investigations and appeals and make recommendations to the board. Upon an appellant's request, the board provides a review process for appellants who are dissatisfied with a police investigation. The board maintains discretion over which investigations they review. There is no automatic right to a full board review. The board has the power to compel the attendance and testimony of witnesses; administer oaths and compel production of documents and other evidence and publicly report its findings, conclusions and recommendations. Confidentiality as to details of the investigation is required and no names are used at public meetings. After reviewing the IA investigations and recommendations from the Citizen Advisors, the board informs the Police Chief in writing of their findings. The Chief of Police retains full disciplinary authority on all cases as well as full responsibility for Internal Affairs.

note : Although the information on Portland was obtained and reviewed by the Task Force, most members of the Task Force believe Portland's system would be difficult to replicate in Albuquerque.

Civilian Police Review Authority (Minneapolis)

The Minneapolis model consists of a board and independent city agency. Key elements of the Minneapolis model are civilian investigators and community members who review evidence and make findings of fact on civilian complaints. The Minneapolis Civilian Review Authority receives complaints and conducts investigations. After an investigation is completed, the Authority may dismiss the complaint or hold an evidentiary hearing. If probable cause is found, a panel is appointed by the Chairperson to conduct the hearing. The panel makes findings on the facts and makes a determination as to whether the complaint is sustained. When sustained, the findings and the determination are then submitted to the Chief of Police who has full disciplinary authority.

The board may compel the presence of witnesses and/or documents via subpoena. There is also a requirement of cooperation by the Minneapolis Police Department and all other city employees and officials with the Authority.

Police Review Commission (Berkeley)

Berkeley utilizes a Civilian Review Board Model where the board receives complaints of police misconduct, investigates the complaints and makes recommendations to the City Manager. The board sits as a policy advisory body and adjudicator on Boards of Inquiry. The board has full subpoena power, but due to a mandatory agreement with the police to cooperate the board has never used this tool. The board's Investigator and the Internal Affairs Unit both investigate the complaint. The Investigator will complete an investigation report and a copy of the report will immediately be sent to the complainant and officer involved. A Board of Inquiry composed of three board members will meet unless mediation is agreed upon by the citizen and officer.

The complainant, police officer and witnesses all testify under oath at the Board of Inquiry which is held at a public meeting. Both the complainant and officer may be represented by an attorney or representative. The board's decision will be announced at the hearing which is then followed by written findings. Findings may be appealed to the full board for rehearing.

The board does not recommend discipline, but the City Manager imposes discipline after reviewing both the board's findings and the findings made by Internal Affairs. The board may also vote to initiate an investigation on its own and designate a person to act as the complainant in cases involving the death of a person when no aggrieved person is able to make a complaint. Also, any citizen or commissioner may request that the board hear a policy issue when there is no allegation of individual officer misconduct.

John Crew, ACLU Staff Attorney, Police Practices Project

At the request of several members of the Task Force, the City Council hired a consultant to videotape John Crew. Mr. Crew answered questions forwarded by the Task Force and discussed numerous aspects of police oversight.

- There are three basic police oversight models: auditor, review board and review agency. Mr. Crew believes the auditor model is the least effective, least open and least independent.

- Mr. Crew's experience suggests that a fair and open process generally decreases attention to police complaints because lesser complaints are no longer news worthy. Whereas with a closed process, even minor issues receive attention and/or suspicion because of a veil of secrecy.
- Mr. Crew believes the auditor model is the weakest of all the models since the auditor may accept complaints but must hand them over to the police to actually investigate. He used the example of the Rodney King incident to point out that even if every officer in LAPD was interviewed and stated that the officers involved in the incident acted correctly, the auditor system would be unable to change the finding.

The following are the ACLU's 11 essential ingredients for successful police accountability:

(1) Independence.

(2) Investigative power.

(3) Mandatory police cooperation.

(4) Adequate funding.

(5) Ability to conduct and initiate hearings.

(6) Reflect the diversity of the community.

(7) Ability to initiate review of current police policies.

(8) Statistical analysis component.

(9) A role in the disciplinary process.

(10) Community outreach and public information.

(11) Separate offices.

- The Independent Counsel model is only a "twist" on the auditor model as it is still only a review of Internal Affairs investigations.
- All civilian review models should only include complaints from civilians and not from officers.
- He does not feel that subpoena power is needed. What is needed is a mandate for the police to cooperate with the process. It is his opinion that any process must have access to data and persons in order to find facts. Most successful models have a Mandatory Cooperation Agreement, which is better and not as combative as subpoena power.

- He states that he does not see any problems with Fifth Amendment rights and civilian review as most civilian review systems do not operate on the criminal side. Most complaints against officers are not criminal in nature. Officers should be required to give answers to questions that are not of a criminal matter. He does believe that officers cannot be forced to give statements that may be self-incriminating. Officers should be allowed to have an attorney or representative present and be told about the complaint against them.
- There has not been one legal case to indicate that civilian review is inconsistent with Fifth Amendment rights.
- Discipline should be vested with the Police Chief. If discipline is vested with anyone other than the Chief, it erodes the management ability of the Chief and is destructive to the department.
- An oversight board should accurately reflect the diversity of the community and should be appointed rather than elected.
- Civilian complaints should be sorted out first. Not all cases require a full blown hearing as some complaints can be mediated successfully.

Peer City Police Oversight Models

Locations	Action	Jurisdiction
<p>SAN JOSE, CALIFORNIA Population: 782,248 Sworn Officers: 1,350 Complaints Alleging Police Misconduct (1996):</p> <ul style="list-style-type: none"> • 581 (internal and civilian) <p>Budget: \$300,000 Staff: 4 IA Budget: \$1,338,724</p>	<p>INDEPENDENT POLICE AUDITOR</p> <p>Established: 1993 by Charter</p> <p>Independent: Yes</p> <p>Board: No</p> <p>Outreach: Yes, by Auditor</p> <p>Selection of Auditor: Appointed by the City Council & Mayor after an extensive search.</p> <p>Background of Auditor: Criminal Attorney & former private investigator.</p> <p>Internal Affairs Relationship: Excellent.</p>	<p>JURISDICTION: Access to all police investigations, audits all excessive force investigations, makes policy recommendations to Mayor and Council. No authority regarding discipline. Confidentiality required for details of all officer investigations.</p>

IA Staff: 14		
<p>ALBUQUERQUE, NEW MEXICO</p> <p>Population: 384,736</p> <p>Sworn Officers: 891</p> <p>Complaints Alleging Police Misconduct (1996):</p> <ul style="list-style-type: none"> • 81 (civilian) • 166 (internal) <p>Budget: \$80,000</p> <p>Staff: 1 (contract - part time)</p> <p>IA Budget: \$602,999</p> <p>IA Staff: 11</p>	<p>PUBLIC SAFETY ADVISORY BOARD and INDEPENDENT COUNSEL</p> <p>Established: 1987 & 1989 by City Ordinance.</p> <p>Independent: Yes</p> <p>Outreach: No</p> <p>Selection of Independent Council: Appointed by the Mayor with the advice and consent of the City Council.</p> <p>Background of Independent Counsel: Attorney.</p> <p>Internal Affairs Relationship: Good.</p>	<p>JURISDICTION: The IC has authority under Ordinance to direct the overall manner in which IA investigations are conducted; shall review all I/A investigations for the purpose of making recommendations to the Police Chief as to whether disciplinary action should be taken. The PSAB is authorized to conduct studies, receive information and make recommendations regarding public safety policies, practices and procedures. Confidentiality required for details of all officer investigations.</p>
<p>LONG BEACH, CALIFORNIA</p> <p>Population: 429,433</p> <p>Sworn Officers: 859</p> <p>Complaints Alleging Police Misconduct (1997):</p> <ul style="list-style-type: none"> • 255 (civilian) • 144 (internal) <p>Budget : \$320,000</p>	<p>CIVILIAN POLICE COMPLAINT COMMISSION</p> <p>Established: 1991 by Charter</p> <p>Independent: Yes</p> <p>Outreach: Yes. By CPCC Members.</p> <p>Selection of Commission: Executive Director appointed by the City Manager.</p> <p>Background of Executive Director: Former criminal investigator.</p>	<p>JURISDICTION: Staff reviews all investigations and then briefs CPCC Members on the most important cases. Board only makes recommendations. No authority regarding discipline. Confidentiality required for details of all officer investigation</p>

<p>Staff: 2 City Employees</p> <p>IA Budget: \$1,028,000</p> <p>IA Staff: 12</p>	<p>Internal Affairs Relationship: Good.</p>	
<p>MINNEAPOLIS, MINNESOTA</p> <p>Population: 368,383</p> <p>Sworn Officers: 922</p> <p>Complaints Alleging Police Misconduct (1996):</p> <ul style="list-style-type: none"> • 711 (civilian) • 87 (internal) <p>Budget: \$470,661</p> <p>Staff: 7</p> <p>IA Budget: \$546,154</p> <p>IA Staff: 7</p>	<p>CIVILIAN POLICE REVIEW AUTHORITY</p> <p>Established: 1990 by City Ordinance. Formed Task Force to design their system.</p> <p>Independent: Yes</p> <p>Board: Yes</p> <p>Outreach : No</p> <p>Selection of CPRA: Board appoints Executive Director. No current or former Minneapolis Police Department employees may serve on the Board.</p> <p>Background of Executive Director: Attorney.</p> <p>Internal Affairs Relationship: Excellent.</p>	<p>JURISDICTION: Investigation of police misconduct complaints regarding use of excessive force, inappropriate language or attitude, harassment, discrimination in provision of police services, theft, failure to provide police protection. Confidentiality required for details of all officer investigations. All Board Meetings are closed hearings. Police Chief disciplines officers.</p>
<p>BERKELEY, CALIFORNIA</p> <p>Population: 102,724</p> <p>Sworn Officers: 191</p> <p>Complaints Alleging Police Misconduct</p>	<p>POLICE REVIEW COMMISSION</p> <p>Established: 1973 by City Ordinance after voter initiative (due to riots at the University).</p> <p>Independent: Yes</p> <p>Board: Yes.</p>	<p>JURISDICTION: PRC has authority to investigate complaints and to review police policies and practices. There is a mandatory agreement with the police to cooperate with the Commission; therefore, subpoena power has never been utilized. The PRC does not make disciplinary recommendations, but holds public hearings on complaints which include cross-examination of police officers. The details of the hearings are public, as this info is not considered a</p>

<p>(1996):</p> <ul style="list-style-type: none"> • 93 (civilian) • 60 (internal) <p>Budget: \$256,000</p> <p>Staff: 5</p> <p>IA Budget: \$275,000</p> <p>IA Staff: 3</p>	<p>Outreach: Very little due to under staffing problem.</p> <p>Selection of Commission: Each Council member appoints 1 member to the Commission. Senior staff appointed by PRC.</p> <p>Senior Staff Background: Attorney.</p> <p>Internal Affairs Relationship: Good.</p>	<p>personnel issue.</p> <p>Commission makes findings; however, the City Manager imposes all discipline.</p>
<p>PORTLAND, OREGON</p> <p>Population: 437,319</p> <p>Sworn Officers: 963</p> <p>Complaints Alleging Police Misconduct (1997):</p> <ul style="list-style-type: none"> • 357 (civilian and internal) <p>Budget : Included in Mayor's budget (salary of Examiner - \$45,000)</p> <p>Staff: 1</p> <p>IA Budget: \$508,840</p> <p>IA Staff: 7</p>	<p>POLICE INTERNAL INVESTIGATIONS AUDITING COMMITTEE (PIIAC)</p> <p>Established: 1982 by City Ordinance after voter initiative.</p> <p>Independent: Yes</p> <p>Board: Yes</p> <p>Outreach: Yes. By Committee Members.</p> <p>PIIAC composed of five members of the City Council. Committee can utilize 13 Citizen Advisors to assist with duties and responsibilities. Citizen Advisors make recommendations to the Committee.</p> <p>Internal Affairs Relationship: Good</p>	<p>JURISDICTION: Review investigations of alleged police officer misconduct. Prepare quarterly reports, review Internal Affairs complaint files and statistics.</p> <p>Confidentiality of investigations required. Police Chief handles all officer discipline, and has final word on how to handle it.</p>

VI. Consensus Points

1. The Task Force believes civilian complaints should be accepted at police and non-police or neutral sites throughout Albuquerque to support an open, convenient and non-threatening environment to file complaints.
2. The Task Force unanimously recommends the establishment of a uniform system to monitor and track all complaints (civilian and internal) alleging police misconduct. The tracking system will allow the City to produce reports with basic statistical information about every case as well as provide status reports on all cases. This will improve the City's ability to perform comprehensive analyses of complaints alleging police misconduct and may help improve the timeliness of investigations.
3. The Task Force recommends the implementation of a comprehensive Early Warning System.
4. There is unanimous consent for the establishment of a civilian board or commission to provide oversight only for police matters. The current Public Safety Advisory Board oversees the Police, Fire and Corrections departments.
5. The commission should be composed of citizens not employed in law enforcement for at least two years and the commission should reflect the true diversity of Albuquerque.
6. The Task Force strongly recommends that an active program of community outreach be included in whatever model is adopted by the City Council.
7. The Task Force endorses the establishment of full time staff and adequate funding for the purposes of providing civilian oversight of the police.

VII. Proposed Models

After meeting for several months, discussing various elements of police oversight and reviewing different systems; the Task Force offers five models of police oversight for the City Council's review and consideration. Following are definitions of terminology used in the five models and a brief summary and flow chart outlining the basic concepts of each of the models.

Definitions

Police Oversight Commission - A citizen board reflecting the diversity of the city charged with broad responsibility to (1) monitor police department policies, practices and procedures (2) review complaints alleging police misconduct (3) hold hearings, conduct studies, receive information, commission reports and authorize special investigations (4) make recommendations to the Chief of Police, Mayor and City Council. Some models give the Police Oversight Commission the power to determine discipline for police officers in cases involving civilian complaints of police misconduct.

Independent Counsel/Auditor - An individual or staff responsible for monitoring and reviewing Internal Affairs investigations of complaints alleging police misconduct. The Independent Counsel may participate in the actual investigation process or request Internal Affairs to perform additional or further investigations.

Independent Review Office - An independent agency staffed by professional non-police investigators responsible for investigating civilian complaints. The investigators will receive the full cooperation of the police and will conduct all investigations without bias.

Citizen/Civilian Complaints - Any complaint made by a civilian alleging police misconduct. Civilian complaints will be received at all police sites as well as neutral sites throughout the city. These complaints will be investigated by an independent agency in some models and by Internal Affairs in other models.

Internal/Departmental Complaints - Any complaint made by police personnel alleging police misconduct. These complaints will be investigated by Internal Affairs in all models.

Internal Affairs - The police unit charged with investigating complaints alleging police misconduct. Internal Affairs will only investigate internal/departmental complaints in several of the proposed models. Internal Affairs is staffed by sworn officers.

Findings - The results or outcomes of investigations of complaints alleging police misconduct. Investigations will generally produce one of the following findings: (1) sustained (2) not sustained or (3) exonerated/charges unfounded.

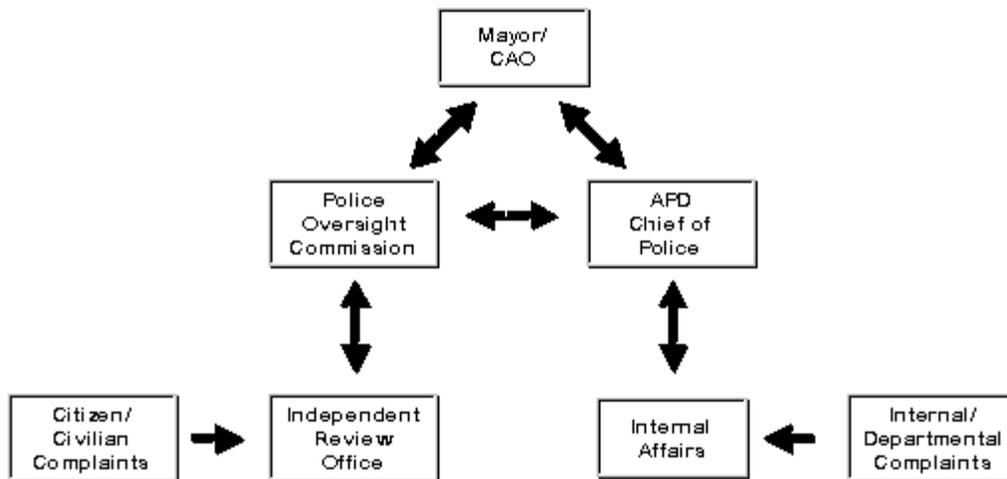
Model A

This model was proposed by Jennie Lusk, ACLU of New Mexico Executive Director and attempts to capture many of the elements advocated by the ACLU at the national level. A crucial element of Model A is the Independent Review Office (IRO), which provides a mechanism for professional and independent investigations of civilian complaints. The IRO will enter complaints into a uniform tracking system, conduct an initial review and recommend mediation or a full scale investigation (mediation will be used to settle minor complaints).

If mediation is not accepted by all parties (civilians and officers), the IRO will conduct a full scale investigation. After completing the investigation within a prescribed time period, the IRO will forward its findings and discipline recommendations to the Police Oversight Commission. The Commission will review the IRO's findings and recommendations and forward a final recommendation to the Chief of Police. The Chief of Police retains full disciplinary authority on all cases.

The Independent Review Office is also responsible for tracking complaints, reviewing police procedures, recommending policy changes and engaging in an active program of community outreach. The IRO reports to the Police Oversight Commission.

The Police Oversight Commission oversees the Independent Review Office, submits findings and disciplinary recommendations to the Chief of Police, receives and hears appeals from civilians regarding the findings and/or discipline recommendations of the IRO, recommends policy changes regarding police issues, monitors police compliance with the recommendations and reports to the Mayor and City Council on a regular basis.



INDEPENDENT REVIEW OFFICE

1. Receive civilian complaints
2. Investigate civilian complaints
3. Submit findings with disciplinary recommendations to the Commission
4. Submit quarterly reports with policy recommendations to the Commission
5. Engage in an active program of community outreach

INTERNAL AFFAIRS

1. Receive internal complaints
2. Investigate internal complaints
3. Submit findings to the Chief of Police
4. Submit quarterly reports to the Commission

APD/CHIEF OF POLICE

1. Oversee Internal Affairs
2. Final responsibility for all disciplinary action

POLICE OVERSIGHT COMMISSION

1. Oversee the Independent Review Office
2. Submit findings with disciplinary recommendations on civilian complaints to the Chief of Police
3. Receive/Hear appeals from civilians (findings and/or discipline)
4. Recommend policy changes regarding police issues
5. Monitor APD's compliance with policy recommendations

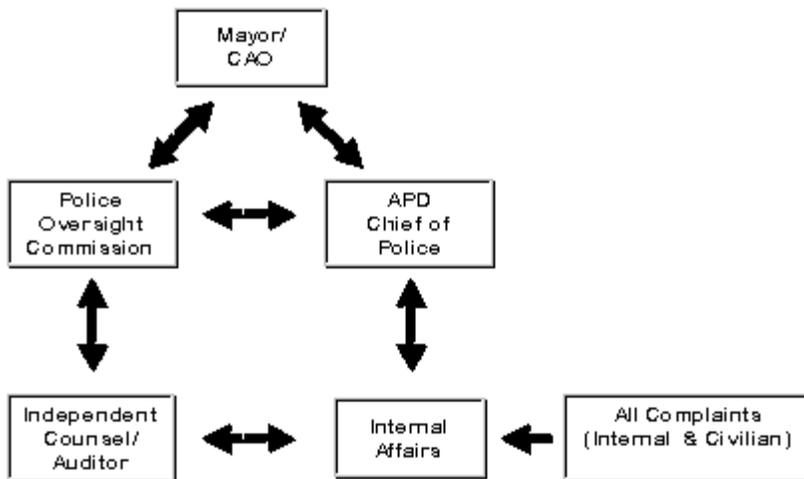
6. Submit quarterly reports to the City Council and Mayor

Model B

Model B was proposed by Tim Capron and assumes there will be a full time Independent Counsel who will take an active role in the investigation process as well as actively participate in community outreach. All investigations are conducted by Internal Affairs.

Internal Affairs receives all complaints alleging police misconduct, completes investigations, submits findings to the Chief of Police and submits quarterly reports to the Police Oversight Commission. The Chief of Police retains full disciplinary authority on all cases.

The Independent Counsel is also responsible for tracking complaints, reviewing police procedures and recommending policy changes. The Police Oversight Commission oversees the Independent Counsel, recommends policy changes regarding police issues, monitors compliance with the recommendations and reports to the Mayor and City Council on a regular basis.



INDEPENDENT COUNSEL/AUDITOR

1. Review/Monitor/Audit all complaints and investigations (internal and civilian)
2. Submit findings with disciplinary recommendations to the Commission
3. Submit quarterly reports with policy recommendations to the Commission
4. Engage in an active program of community outreach

INTERNAL AFFAIRS

1. Receive all complaints (internal and civilian)
2. Investigate all complaints (internal and civilian)

3. Submit findings and quarterly reports to the Civilian Police Oversight Agency

APD/CHIEF OF POLICE

1. Oversee Internal Affairs
2. Final responsibility for all disciplinary action

POLICE OVERSIGHT COMMISSION

1. Oversee the Independent Counsel/Auditor
2. Submit findings with disciplinary recommendations to the Chief of Police
3. Recommend policy changes regarding police issues
4. Monitor APD's compliance with policy recommendations
5. Submit quarterly reports to the City Council and Mayor

Model C

This model was proposed by Andres Valdez of Vecinos United and is similar to Model A with one notable exception. In Model C, the Police Oversight Commission has final authority on discipline of officers involved in civilian complaints. As in Model A, civilian complaints are received and investigated by the Independent Review Office (IRO). After completing an investigation, the IRO forwards its findings with disciplinary recommendations to the Chief of Police. The Chief reviews the findings and recommendations from the IRO and makes a determination regarding discipline. If a civilian or officer appeals the Chief's decision, the Commission receives and hears the appeal and makes a final determination regarding the findings and/or discipline.

The Independent Review Office is responsible for tracking complaints, reviewing police procedures, recommending policy changes and engaging in an active program of community outreach. The Police Oversight Commission oversees the Independent Review Office, recommends policy changes regarding police issues, monitors police compliance with the recommendations and reports to the Mayor and City Council on a regular basis.



INDEPENDENT REVIEW OFFICE

1. Receive civilian complaints
2. Investigate civilian complaints
3. Submit findings with disciplinary recommendations to the Commission
4. Submit quarterly reports with policy recommendations to the Commission
5. Engage in an active program of community outreach

INTERNAL AFFAIRS

1. Receive internal complaints
2. Investigate internal complaints
3. Submit findings to the Chief of Police
4. Submit quarterly reports to the Commission

APD/CHIEF OF POLICE

1. Oversee Internal Affairs
2. Final responsibility for disciplinary action on internal complaints

POLICE OVERSIGHT COMMISSION

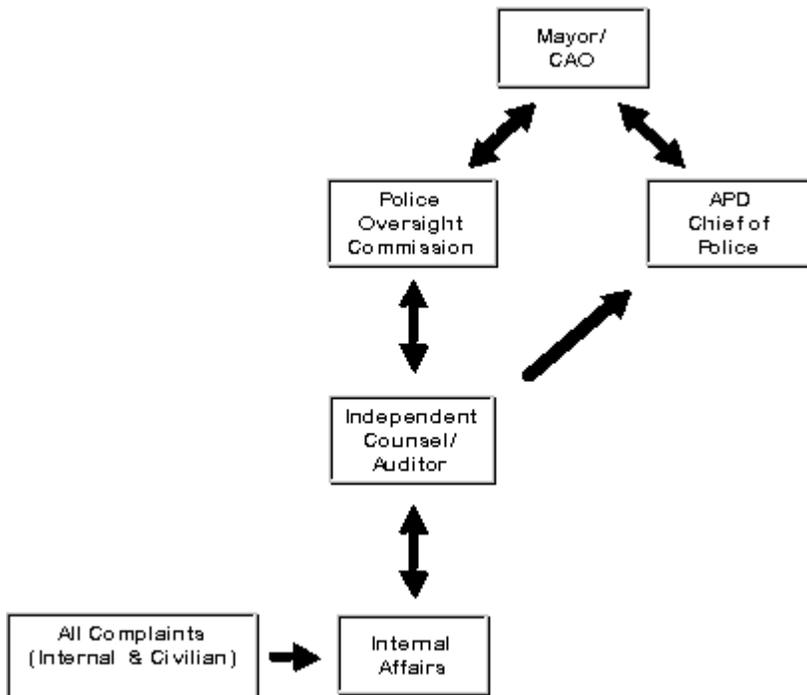
1. Oversee the Independent Review Office
2. Receive/Hear appeals from civilians (findings and/or discipline)
3. Recommend policy changes regarding police issues
4. Monitor APD's compliance with policy recommendations
5. Submit quarterly reports to the City Council and Mayor

6. Final responsibility for disciplinary action on civilian complaints

Model D

Model D was proposed by Alex Marentes, President of the Albuquerque Police Officers Association. Model D leaves the investigation of all complaints (civilian and internal) with Internal Affairs, however, Internal Affairs reports directly to the Independent Counsel. Internal affairs is staffed by sworn officers who complete investigations and submit findings to the Independent Counsel. The Independent Counsel reviews the investigations and submits findings and recommends discipline to the Chief of Police. Civilians may appeal to the Chief Administrative Officer and officers may appeal to the Personnel Board.

The Independent Counsel is responsible for tracking complaints, reviewing police procedures, recommending policy changes and engaging in community outreach. The Police Oversight Commission oversees the Independent Counsel, recommends policy changes regarding police issues, monitors compliance with the recommendations and reports to the Mayor and City Council on a regular basis.



INDEPENDENT COUNSEL/AUDITOR

1. Oversee Internal Affairs
2. Review/Monitor/Audit all complaints and investigations (internal and civilian)
3. Submit findings with disciplinary recommendations to the Chief of Police
4. Submit quarterly reports with policy recommendations to the Commission

5. Engage in an active program of community outreach

INTERNAL AFFAIRS

1. Receive all complaints (internal and civilian)
2. Investigate all complaints (internal and civilian)
3. Submit findings and quarterly reports to the Civilian Police Oversight Agency

APD/CHIEF OF POLICE

1. Final responsibility for all disciplinary action

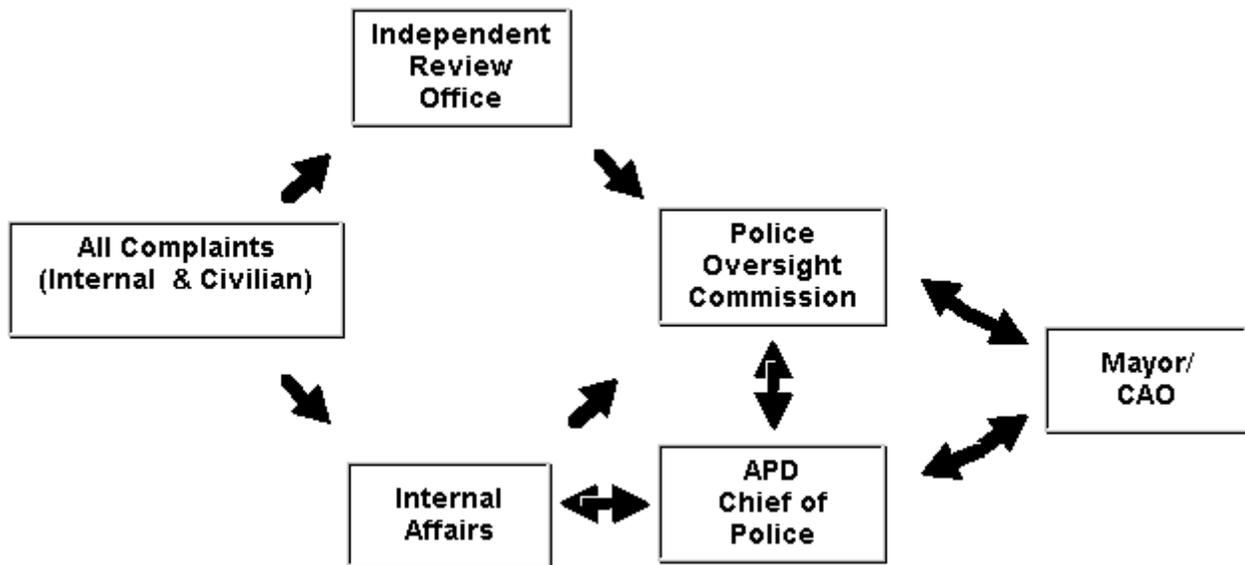
POLICE OVERSIGHT COMMISSION

1. Oversee the Independent Counsel/Auditor
2. Recommend policy changes regarding police issues
3. Monitor APD's compliance with policy recommendations
4. Submit quarterly reports to the City Council and Mayor

Model E

Model E was proposed by City Council President Alan Armijo and includes a dual investigative process. In this respect, Model E is similar to the Berkeley model. In Model E, all complaints are received by both Internal Affairs and the Independent Review Office and civilian complaints are investigated by both agencies. After receiving and completing an investigation, the Independent Review Office and Internal Affairs submit their findings to the Police Oversight Commission. The Commission reviews the findings and recommends discipline on civilian complaints to the Chief of Police. The Chief of Police has final authority for discipline on all complaints.

The Independent Review Office is also responsible for tracking complaints, reviewing police procedures, recommending policy changes and engaging in an active program of community outreach. The Police Oversight Commission oversees the Independent Review Office, recommends policy changes regarding police issues, monitors compliance with the recommendations and reports to the Mayor and City Council on a regular basis.



INDEPENDENT REVIEW OFFICE

1. Receive all complaints (internal and civilian)
2. Investigate civilian complaints
3. Submit findings with disciplinary recommendations on civilian complaints to the Commission
4. Submit quarterly reports with policy recommendations to the Commission

INTERNAL AFFAIRS

1. Receive all complaints (internal and civilian)
2. Investigate all complaints (internal and civilian)
3. Submit findings on civilian complaints to the Commission
4. Submit findings on internal complaints to the Chief of Police
5. Submit quarterly reports to the Commission

APD/CHIEF OF POLICE

1. Oversee Internal Affairs
2. Final responsibility for disciplinary action on internal complaints

POLICE OVERSIGHT COMMISSION

1. Oversee the Independent Review Office
2. Receive/Hear appeals from civilians and police officers
3. Recommend policy changes regarding police issues

4. Monitor APD's compliance with policy recommendations
5. Submit quarterly reports to the City Council and Mayor
6. Recommend disciplinary action on civilian complaints

VIII. Recommendations

1. Selection of Commission Members

A. The City Council should establish a pool of qualified candidates and submit nominations to the Mayor. The Mayor appoints Commission members with the advice and consent of the City Council.

B. The City Council should appoint Commission members without the Mayor's involvement, consent or approval.

2. An impartial system of mediation should be available as an alternative to full scale investigations. If all parties reach an agreement, the mediation is considered successful and no investigation will occur. Criteria should be developed to define satisfactory resolution of complaints.

3. A Board of Inquiry and/or public hearing should be conducted after any fatal incident involving the police.

4. The City Council should evaluate and re-examine the adopted police oversight system eighteen months after implementation.

5. Citizens should have appeal rights that include cross-examination of police officers.

6. The Independent Counsel should be selected by competitive bid and there should not be an attorney-client privilege between the IC and the City.

7. On the petition of seventy five (75) citizens who are residents of Albuquerque, the Commission shall investigate and respond to the concerns raised in the petition.

8. There should be increased public disclosure, including the release of reports containing sustained rates and discipline imposed on police officers.

9. All persons involved in the investigation or appeal process should be required to give no more significance to a police officer's testimony than a citizen's testimony.

10. GOV 14 should regularly televise Commission meetings.

Note: Recommendations were submitted by one or more members of the Task Force, but did not receive unanimous consent from the entire Task Force.