

**Recommendations for improving the City of Albuquerque Police Oversight Process**

**A. Statement of Principles**

These recommendations and any related changes to the Police Oversight Ordinance shall be interpreted and construed to support the following legislative purposes:

- A. to foster and perpetuate policing policies and practices that effectively maintain social order and which at the same time foster mutual trust and cooperation between the police and the citizenry
- B. to ensure that the civilian police oversight body functions as independently as possible from the executive and legislative branches of the government of the City of Albuquerque
- C. to provide citizens and police officers a fair and impartial forum for adjudication of grievances against individual police officers and against the police department as a whole
- D. to gather and analyze data on trends, complaints, impacts, and practices concerning the actions of the Albuquerque Police Department, the impact of those actions on the community, and the impact of those actions on police/community relations
- E. to provide policy guidance to the City Council, the Mayor, and the Chief of Police, including guidance on police procedures and guidelines

**B. Recommendations Adopted by POTF**

**Goal 1: The Civilian Police Oversight Process will have a greater level of independence**

***Recommendations:***

- 1. Mediation should be the first option for resolution of Citizen Police Complaints. Mediation services should be obtained from entities outside of City government. Mediators should be independent of the oversight body and APD, and should not be former employees of APD.
- 2. The Civilian Police Oversight Process should be structured as a quasi-public agency.

- a. This agency (Civilian Police Oversight Agency) will be responsible for the full range of Civilian oversight of police, from investigation of individual Citizen Police Complaints through policy formulation. The Agency will employ sufficient staff to carry out these functions.
  - b. The Agency will administer its own budget and supervise its own staff, in compliance with the City's Merit Ordinance and contractual services policies and procedures (Public Purchases Ordinance).
  - c. The Agency should be permitted to retain or employ an attorney to provide legal advice and to advocate for Agency positions before other branches of City government.
3. The Civilian Police Oversight Agency should have a dedicated and independent source of funding.
    - a. Funding will be determined by a specific metric, for example, an amount equal to a percentage of the total APD budget, or a per capita amount per police officer.
    - b. If legally possible, members of the newly formed Civilian Police Oversight Board will receive a stipend/compensation (but will not be eligible for City benefits).
  4. Citizen Police Complaint findings should not be released to APD prior to finalization by the Agency.

**Goal 2: The Civilian Police Oversight Agency will be invested with clearly defined and broader authority**

***Recommendations:***

5. The Civilian Police Oversight Agency should have the authority to recommend officer disciplinary action from the Chart of Sanctions for sustained Citizen Police Complaints.
  - a. The Chief of APD must respond in writing if the recommended disciplinary action is not imposed.
6. The Civilian Police Oversight Agency should have the authority to recommend changes to APD policy, training, programs, and procedures.
  - a. The Chief of APD must respond in writing to the recommendations, indicating which recommendations will be followed and providing an explanation for those that will not be followed.
7. The Civilian Police Oversight Agency should have greater access to civilian complaints, court complaints, and Internal Affairs case data.

- a. This will allow greater analysis and understanding of trend data to support recommended policy changes.
8. The Civilian Police Oversight Agency should periodically audit individual Citizen Police Complaints and act as an appeal body for all Citizen Police Complaints.
  - a. The Agency shall have access to full investigative files, including statements of witnesses and police officers.
  - b. The Agency shall have the authority to subpoena documents and witnesses and take testimony under oath.
9. The length of time that citizens have to file Citizen Police Complaints from the date of incident should be increased to 120 days.
10. All complaints about direct civilian-officer interaction should be routed to the Civilian Police Oversight Agency, regardless of source.
  - a. All internal APD complaints not relating to civilian-officer interaction will be handled in accordance with APD policy.

**Goal 3: The Board of the Civilian Police Oversight Agency should be broadly representative of the entire community and should be balanced geographically and demographically, and with respect to the stakeholders of the police oversight process. The Board will collectively have a broad range of skills, backgrounds and experience**

***Recommendations:***

11. The Board of the Civilian Police Oversight Agency should consist of nine members, selected at-large.
12. Civilian Police Oversight Agency Board members should serve a maximum of two, three-year terms on a staggered basis.
13. Civilian Police Oversight Agency Board members should be selected through the following process:
  - a. The City Council will form a selection committee of five members who are not City elected officials or City employees.
  - b. The selection committee will establish a well-publicized, fair and equitable application process.
  - c. The selection committee will evaluate prospective Board members according to the following minimum standards:

- i. Residency within the Albuquerque city limits.
    - ii. Successfully pass a background check.
    - iii. Personal history lacking any pattern of unsubstantiated complaints against APD.
    - iv. Have the demonstrated ability to engage in mature, impartial decision making.
  - d. The selection committee will submit their recommendations for Board membership to the City Council for approval.
  - e. No member of the Police Oversight Task Force or the current Police Oversight Commission shall be appointed to the first Board of the new Civilian Police Oversight Agency.
  
- 14. Upon selection, Civilian Police Oversight Agency Board members will complete an orientation program consisting of the following:
  - a. Attendance at Board meetings.
  - b. Becoming familiar with Agency policy and procedures.
  - c. Failure to complete the orientation program will result in not being appointed to the Board.
  
- 15. All Civilian Police Oversight Agency Board members should complete a specific training program, which shall consist of:
  - a. Completion of the APD Civilian Police Academy.
  - b. Civil Rights training.
  - c. A specific number of APD ride-alongs.
  - d. Annual firearms simulation training (FATS).
  - e. Internal Affairs training.
  - f. Periodic additional training programs.
  - g. Board members are also encouraged to attend national conferences and workshops relating to police oversight, such as the annual NACOLE conference, at City expense.

Failure to comply with the training requirements may result in dismissal from the Board.

**Goal 4: The Civilian Police Oversight Agency will develop and implement a program of community outreach with the intent of reaching a broader segment of the community**

***Recommendations:***

16. The Civilian Police Oversight Agency will report on its community outreach efforts to the City Council on a semi-annual basis.
  
17. The Board of the Civilian Police Oversight Agency should be given a new name to reflect the changes recommended.
  
18. Citizens should be provided with adequate notice when their Citizen Police Complaint will be heard by the Agency.