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1 § 9-4-1-3 LEGISLATIVE FINDINGS.

2 (A) The City of Albuquerque deserves a highly professional well[-]trained
3 Police Department; however, an effective oversight function has not yet
4 evolved to the satisfaction of the community's needs.

5 (B) In 1996 the City Council initiated a process to independently review the
6 city's mechanisms of police oversight since the system had not been
7 independently evaluated since 1988. As a result of that process, the City
8 Council abolished the then existing Public Safety Advisory Board, and in lieu
9 thereof established the current Police Oversight Commission (POC).

10 (C) In 2013 the City Council initiated a new process aimed at evaluating
11 potential improvements to the POC and its processes by establishing an Ad
12 Hoc Police Oversight Task Force (POTF). The POTF evaluated the city's
13 current system, studied oversight options, held three Town Hall Meetings to
14 receive input from the public, and presented their final recommendations.

15 (D) On April 10, 2014, the city also received findings from the United States
16 Department of Justice that in part concluded that the city's external oversight
17 system contributed to overall systemic problems with the Police Department's
18 use of force in encounters with civilians.

19 (E) The Council understands that a properly conceived and functioning
20 police oversight system is necessary to promote accountability of the police
21 officers and protect the rights of civilians, and finds that adopting the
22 recommendations of the POTF will advance these goals and will help respond
23 to the shortcomings identified by the Department of Justice.

24 ~~[(F) The Council hereby abolishes the POC and replaces it with a Civilian
25 Police Oversight Agency as prescribed by this Article.]~~

26 § 9-4-1-4 CIVILIAN POLICE OVERSIGHT AGENCY.

27 There is hereby created a Civilian Police Oversight Agency (the "CPOA") as
28 an independent agency of city government, not part of either the city
29 administration or City Council, consists of the Civilian Police Oversight
30 [Agency Advisory] Board (the "Board") and an Administrative Office led by the
31 CPOA Executive Director (the "Director" or the "Executive Director"). The
32 CPOA is a critical component of police reform and oversight in Albuquerque.
33 This Part is intended to comprehensively establish and set forth the rights

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1 and responsibilities of the CPOA, but the CPOA is also contemplated within
2 and bears significant duties and obligations within the 2014 DOJ Settlement
3 Agreement with the City of Albuquerque (~~[or and]~~ any subsequent
4 agreements), and Findings Letter of April 10, 2014 (~~[or any subsequent~~
5 ~~findings letters]~~). In addition to any other duties, the Executive Director shall
6 direct and oversee the investigation of all civilian complaints relating to officer
7 misconduct, monitor and report on police internal affairs matters, ~~[provide~~
8 ~~staffing to the Board,]~~ and manage the day to day operations of the CPOA. The
9 Board shall provide policy guidance for, and civilian oversight of the
10 Albuquerque Police Department. Board members shall rely on the CPOA
11 professional investigative staff to perform the investigations called for under
12 this article, and shall not independently investigate any matters.

13 (A) Independence. The CPOA is accountable to, but independent of the
14 Mayor's Office, the City Council, and the Albuquerque Police Department with
15 respect to the performance of its oversight role and duties under §§ 9-4-1-1
16 through 9-4-1-~~[13 14]~~.

17 (1) Facility Location. The CPOA shall be housed in a facility that is
18 separate from any police presence and is located outside of the Albuquerque
19 City Hall, the Police Department and/or all of the police substations.

20 (2) Budget. The CPOA shall have a dedicated [budget and independent
21 ~~source of funding, administer its own]~~. [The Director shall administer the]
22 budget in compliance with state and local laws, and supervise ~~[its own]~~ staff in
23 compliance with the city's Merit Ordinance and contractual services policies
24 and procedures. The CPOA shall recommend and propose its budget to the
25 Mayor and City Council during the city's budget process to carry out the
26 powers and duties under §§ 9-4-1-1 through 9-4-1-~~[13 14]~~, including itemized
27 listings for the funding for staff and all necessary operating expenses.
28 Adequate funding shall be provided to uphold the ability of the CPOA to carry
29 out its duties and support its staff and operating expenses.

30 (3) Professional Legal Services. [The Office of the City Attorney shall
31 obtain independent legal counsel to advise and represent the CPOA.] ~~[The~~
32 ~~CPOA may retain or employ independent legal counsel on a contractual basis~~
33 ~~to advise and represent the CPOA. If so retained, the~~ The] CPOA's legal

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1 counsel shall represent the CPOA in the courts, and shall advise the CPOA as
2 to any legal matters relating to §§ 9-4-1-1 through 9-4-1-~~13~~ 14 and the CPOA's
3 duties, responsibilities, and procedures except for CPOA personnel matters
4 which shall remain under the authority of the City Attorney's Office.

5 (4) Applicability of City Policies and Ordinances. The CPOA shall comply
6 with all city ordinances and policies dealing with administrative functions
7 including but not limited to those dealing with personnel, the merit system,
8 and procurements.

9 (B) Staff. The CPOA shall employ such staff as necessary to carry out its
10 functions as prescribed by this Article, including but not limited to an
11 executive director, professional investigative staff and other staff as may be
12 necessary, subject to budget sufficiency and city personnel policies and
13 procedures.

14 (C) Responsibilities. The Civilian Police Oversight Agency is responsible
15 for civilian police oversight and has the following powers and duties:

16 (1) Community Outreach. The CPOA shall develop, implement, and from
17 time to time amend as necessary, a community outreach program. ~~[program~~
18 ~~of community outreach aimed at soliciting public input from the broadest~~
19 ~~segment of the community in terms of geography, culture, ethnicity, and~~
20 ~~socio-economics. The CPOA shall employ or designate a full time staff~~
21 ~~member within the Administrative Office dedicated to community outreach~~
22 ~~efforts.]~~ The CPOA shall report its community outreach efforts to the City
23 Council as part of its reporting under § 9-4-1-~~10~~ 11.

24 (2) ~~[Promotion of Accountability and Impartiality. The CPOA shall promote~~
25 ~~a spirit of accountability and communication between the civilians and the~~
26 ~~Albuquerque Police Department while improving community relations and~~
27 ~~enhancing public confidence. The CPOA shall also promote a spirit of~~
28 ~~impartiality in its review of police conduct, and shall ensure that officer~~
29 ~~conduct is judged fairly and objectively.~~

30 (3) Investigations. The Administrative Office shall independently
31 investigate all civilian complaints alleging officer misconduct; shall audit and
32 monitor a representative sampling of all incidences of use of force by police
33 and all matters under investigation by APD's Internal Affairs (IA) or other APD

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1 personnel tasked with conducting administrative investigations related to a
2 use of force incident; and shall prepare proposed findings and
3 recommendations on all officer involved shootings and serious uses of force
4 as defined by Article III, Paragraph 12, Subsection (qq) (or as subsequently
5 amended) of the court-approved DOJ Settlement Agreement with the City of
6 Albuquerque ("Serious Uses of Force"). A "representative sampling" means a
7 subset of a population that seeks to accurately reflect the characteristics of
8 the larger group.

9 (a) Where an officer has engaged in conduct that may reasonably lead
10 to a criminal charge against the officer, IA and the CPOA have a shared
11 interest in exercising care to avoid interfering with the criminal process while
12 simultaneously maintaining the integrity of the disciplinary process for
13 officers. Consistent with this shared interest, IA and the CPOA will regularly
14 confer and take reasonable steps to coordinate the handling of investigations
15 into matters that reasonably may lead to a criminal charge against an officer.
16 Before taking action related to a serious use of force or officer involved
17 shooting, the Director shall confer with the relevant prosecuting agency
18 and/or federal law enforcement agency to assess the likelihood of an officer
19 being criminally prosecuted based on the incident. The Director may delay or
20 decline to proceed with any action related to a serious use of force or officer
21 involved shooting until completion of the criminal investigation unless, after
22 consultation with the prosecuting agency, the Director determines that
23 proceeding is appropriate and will not compromise a criminal investigation. If
24 the Director seeks to proceed with investigating or presenting to the Board a
25 serious use of force or officer involved shooting despite a prosecuting agency
26 or federal law enforcement agency indicating that doing so would interfere
27 with a criminal investigation, the Director may proceed only after obtaining
28 approval to do so through a 2/3 vote of the Board. The Board shall provide
29 notice of any such vote permitting the Director to proceed in such
30 circumstances to APD and the police officer involved.

31 (b) APD shall provide Board members, the Director, and CPOA staff with
32 reasonable access to APD premises, files, documents, reports and other
33 materials that are reasonably necessary for the agency to perform thorough,

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1 independent investigations of civilian complaints of officer misconduct and
2 reviews of serious uses of force and officer- involved shootings. However, any
3 material protected from disclosure by law shall remain within the custody and
4 control of APD at all times and will be handled in accordance with the
5 applicable legal restrictions.

6 (c) All complaints filed by police officers will be investigated by Internal
7 Affairs. The Board shall not investigate complaints filed by police officers.
8 Internal Affairs shall provide a weekly update to the Director on all open
9 internal investigations. The CPOA Director's investigation report and findings
10 shall indicate whether within the past year there were any IA investigations or
11 supervisor generated complaints against the officer(s) involved in the incident
12 being investigated or that are otherwise relevant to the subject matter of the
13 investigation, the general nature of the prior investigations or complaints, and
14 whether they resulted in any discipline. Redacted personnel records including
15 those of the Internal Affairs Unit shall be made available to the Board on
16 demand.

17 (d) Information that is covered by Garrity will be treated as confidential
18 to the extent permitted by law and may only be reviewed by members of the
19 Board by application in writing, and by majority vote of the Board. If the Board
20 votes to review Garrity material, members of the Board may only do so on
21 APD property. The Board may not remove or make copies of such statements.
22 If the Board desires to discuss the specific content of statements protected by
23 Garrity, such discussion will occur only in closed session as permitted under
24 the New Mexico Open Meetings Act, NMSA 1978, § 10-15-1 (H)(2). The Board
25 shall only summarize conclusions reached after a review of a Garrity
26 statement, but shall not disclose the statement. The Board shall maintain the
27 confidentiality of any Garrity material or records that are made confidential to
28 the extent permitted by law and is subject to the same penalties as the
29 custodian of those records for violating confidentiality requirements. In
30 addition to any other penalty, any Board member or other person who violates
31 the confidentiality provisions of this section shall be removed from the Board,
32 and shall be subject to prosecution for a misdemeanor subject to the penalty

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1 provisions set forth in § 1-1-99. This provision shall apply to all aspects of the
2 Board's work.

3 (e) Mediation First. Whenever possible, and as further described in § 9-
4 4-1-6(C)(3), mediation should be the first option for resolution of civilian police
5 complaints.

6 (f) Board Audits; Access to Files. The Board will perform semiannual
7 audits, on a random sample of up to 10% of individual civilian police complaint
8 investigations involving allegations of use of force, or in exceptional
9 circumstances, for the purpose of promoting an enhanced measure of quality
10 assurance. In the most challenging cases the Board may, by a vote of two-
11 thirds (2/3) of the members of the Board, perform an additional audit, or direct
12 that an audit be performed, on any individual Citizen Police Complaint
13 Investigation completed by the Administrative Office. For purposes of its audit
14 function, the Board shall have full access to investigation files and may
15 subpoena such documents and witnesses as relevant to its audit function.

16 (g) Disciplinary recommendations. The Director, with Board approval,
17 may recommend officer discipline from the Chart of Sanctions for
18 investigations that result in sustained civilian police complaints; and may also
19 recommend discipline based on any findings that result from review of
20 internal affairs investigations of officer involved shootings and serious uses
21 of force. Imposition of the recommended discipline is at the discretion of the
22 Chief of Police. However, if the Chief of Police does not follow the disciplinary
23 recommendation of the Director, with Board approval, the Chief of Police shall
24 respond in writing, within 30 days of the department's final disciplinary
25 decision, with a detailed explanation of the reason as to why the
26 recommended discipline was not imposed. The Chief shall identify the specific
27 findings of the Director with which the Chief disagrees, or any other basis
28 upon which the Chief declined the Director's disciplinary recommendation.
29 The CPOA shall report data regarding the outcomes of all disciplinary
30 recommendations, to include whether the Chief imposed the recommended
31 discipline, as part of its quarterly oral reports, as outlined in § 9-4-1-4(C)~~(3)~~
32 (4).

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1 (h) Summary disposition of complaints. The Director shall develop and
2 implement a policy that specifies those complaints~~[, other than officer~~
3 ~~misconduct,]~~ that may be administratively closed or referred to resolved
4 ~~informally or through]~~ mediation. Administrative closing or inactivation of a
5 complaint investigation shall be used for the most minor policy violations that
6 do not constitute a pattern of misconduct, duplicate allegations, allegations
7 which are too broad and/or lack any specificity, ~~[or]~~ allegations that even if
8 true would not constitute officer misconduct~~[, allegations regarding events~~
9 ~~that occurred several years before the complaint was filed, or allegations by~~
10 ~~an individual who files repeated complaints that have been determined to be~~
11 ~~without merit].~~

12 ~~[(3) (4)]~~ Reports to Mayor & Council. The CPOA shall submit a semi-
13 annual written report to the Mayor and City Council according to § 9-4-1-~~[10~~
14 ~~11]~~ herein. The CPOA Executive Director shall provide a quarterly oral report
15 to the City Council at a regular or special meeting. The oral report shall at a
16 minimum address community outreach efforts, agency progress and
17 initiatives, data regarding actual disciplinary outcomes imposed by the Chief
18 of Police as compared to CPOA disciplinary recommendations, any
19 outstanding Board vacancies and the most forthcoming term expiration(s) of
20 any Board member(s), together with any of the agency's issues or concerns.

21 ~~[(4) (5)]~~ CPOA Policy Recommendations. The CPOA may make
22 recommendations on policy to the Chief of Police. ~~[The CPOA shall engage in~~
23 ~~a long-term planning process through which it identifies major problems or~~
24 ~~trends, evaluates the efficacy of existing law enforcement practices in dealing~~
25 ~~with the same, analyzes and evaluates data (including APD raw data),~~
26 ~~innovative practices, national trends, and police best practices, and~~
27 ~~establishes a program of resulting policy suggestions, recommendations, and~~
28 ~~studies each year. APD shall provide Board members, the Director, and CPOA~~
29 ~~staff with reasonable access to APD premises, files, documents, reports, data~~
30 ~~(including APD raw data), and any other materials that are reasonably~~
31 ~~necessary for this purpose. For purposes of this article, "APD raw data"~~
32 ~~includes but is not limited to any facts and statistics or other data gathered,~~
33 ~~obtained, or that are otherwise within the possession of APD before being~~

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1 ~~processed or analyzed; "police best practices" refers to law enforcement~~
2 ~~methods or techniques based upon the experiences and outcomes in other~~
3 ~~police departments or law enforcement agencies that have documented~~
4 ~~superior results compared to other practices, and to recommendations by~~
5 ~~recognized research and policy development groups, forums, consortiums, or~~
6 ~~similar. The CPOA shall redact any personal identification information from~~
7 ~~any APD raw data within its possession as permitted by law prior to its release~~
8 ~~to the public.] The CPOA's policy recommendation process shall be as~~
9 follows:

10 (a) [Community Policing Council Review and Analysis. Policy proposals
11 from APD will be distributed to each Community Policing Council ("CPC") for
12 comment. Each CPC wishing to submit comments or recommendations must
13 submit them to the Director within fifteen (15) days. In making its final policy
14 recommendations, the Board shall review and take into consideration any
15 timely submitted comments and recommendations of the CPCs.]

16 ~~[Policy Recommendations Originating from the CPOA. The Board shall~~
17 ~~review and analyze policy suggestions, analysis, studies, and trend data~~
18 ~~collected or developed by the Administrative Office, and shall by majority vote~~
19 ~~recommend policies relating to training, programs and procedures or other~~
20 ~~matters relating to APD. Any such policy recommendations shall be supported~~
21 ~~by specific, written findings of the Board in support of the proposed policies.~~
22 ~~The Board's policy recommendations shall be submitted to APD and to the~~
23 ~~City Council. The Board shall dedicate a majority (more than 50%) of its time~~
24 ~~to the functions described in this subsection.]~~

25 (b) Policy Proposals by APD. APD shall provide all policy proposals
26 passed by the APD Policy and Procedures Review Board to the Board for its
27 review, comment, and recommendations prior to final adoption.

28 (c) The Chief of Police or designee shall respond to policy
29 recommendations made by the CPOA pursuant to paragraphs 'a' or 'b' above
30 in writing within 45 days of final action on a policy by APD. As part of this
31 response, APD shall indicate whether the Board's policy recommendation will
32 be followed through standard operating procedures or should be adopted as

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1 policy by the City Council, or specifically explain any reasons why such policy
2 recommendations will not be followed or were not adopted.

3 (d) The Board shall review and update as appropriate its policies, rules
4 and procedures that ensure that the Board is effectively accomplishing its
5 duties under this Article on an annual basis. [Any policies, rules, and
6 procedures shall be adopted in accordance with ROA 1994, Section 2-6-1-
7 4(C)(2). The Board shall present its proposed policies, rules, and procedures
8 to the City Council for final approval. In the event that the City Council
9 determines that the Board’s proposal fails to ensure the Board is effectively
10 accomplishing its duties, the City Council may modify them as appropriate.
11 Annual updates will become effective only upon final approval of the City
12 Council.] Updates outside of its annual review will become effective only upon
13 a 2/3 vote of the membership of the Board [and only upon final approval by the
14 City Council, as submitted or as amended by the Council].

15 [(f) (e)] The chair of the Board shall designate one Board member to
16 serve on each APD policy development committee. The Director and the Board
17 member designated by the Chair shall each serve as voting members and
18 representatives of the Board on such committees, and shall report back to the
19 Board about the outcomes and votes cast at the next regularly scheduled
20 meeting of the Board.

21 § 9-4-1-5 THE CPOA POLICE OVERSIGHT BOARD.

22 (A) Composition. The Board shall be composed of [~~nine~~ five] at-large
23 members who broadly represent the diversity and demographics of the city by
24 way of, including but not limited to, cultural, gender and geographic diversity;
25 and who are representative of the stakeholders of the police oversight
26 process, and who reside within the City of Albuquerque.

27 (B) Qualifications. In addition to the composition standards set forth above,
28 the following are the minimum qualifications for members of the Board:

29 (1) Have not been employed by APD [~~law enforcement~~] for at least three
30 years prior to appointment, or have not been employed by other law
31 enforcement departments for at least one year prior to appointment. [~~This~~
32 ~~provision shall apply only to Board members who are appointed after the~~
33 ~~effective date of Council Bill No. O-21-78]; and~~

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- 1 (2) Successfully pass a background check; and
- 2 (3) Personal history lacking any pattern of unsubstantiated complaints
- 3 against APD; and
- 4 (4) A demonstrated ability to engage in mature, impartial decision making;
- 5 and
- 6 (5) A commitment to transparency and impartial decision making; and
- 7 (6) Residency within the City of Albuquerque.

8 (C) Appointment of Members. The City Council shall establish a well-
9 publicized, fair and equitable application process for appointment to the
10 Board, and for filling vacancies. The City Council, through its staff, shall
11 accept applications from prospective Board members. Staff shall formulate
12 recommendations for appointments based on evaluation of the qualification
13 criteria listed in subsections (A) and (B) above and submit recommendations
14 for appointment(s) to the City Council for its approval. Staff shall establish
15 written policies and procedures for its administration of this process. If a
16 member is eligible for reappointment, that member may request
17 reappointment without a formal application process and the City Council may
18 reappoint accordingly.

19 (D) Timeline for Filling of Vacancies. The Director shall notify the President
20 of the City Council of a forthcoming vacancy on the Board at least 60 days
21 prior to the expiration of a Board member's term, and within five days of the
22 resignation of a Board member. The City Council shall act on an appointment
23 to fill the vacancy within 60 days of the Council President's receipt of notice
24 from the Director.

25 (E) Membership Term. Board members shall serve a maximum of two three-
26 year terms on a staggered basis so that no more than three of the members
27 are eligible for reappointment or replacement each year.

28 (1) If a member is appointed to fill an unexpired term of another person,
29 that term shall not be considered a term for the purpose of this limitation if the
30 time remaining in the term at the time of the appointment is one year or less.

31 ~~[This provision shall apply only to Board members who are appointed after the~~
32 ~~effective date of Council Bill No. O-21-78.]~~

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1 (F) Removal of Members. Any Board member may be removed for cause by
2 a two-thirds majority vote of ~~[either the Board itself or]~~ the City Council. In
3 addition to any other reasonable cause, any conduct inconsistent with the
4 requirements and provisions of this article, or a demonstrated inability to
5 objectively adjudicate civilian police complaints, shall constitute cause for
6 removal.

7 (1) The appointment of any member who has been absent and not
8 excused from three consecutive regular or special meetings automatically
9 terminates on the date the third consecutive absence occurs.

10 (2) The appointment of any member who has not completed the training
11 required by subparagraph (G)(2), below, automatically terminates if all initial
12 training is not fully completed within an additional 30-day grace period from
13 the expiration of the six[-]month deadline, or one-year deadline to complete
14 the Civilian Police Academy. However, if any training is not completed
15 because the training was not made available by the city, the 30-day grace
16 period is extended to include the timeframe within which the training is offered
17 and can be reasonably completed.

18 (3) The appointment of any member who has not completed the training
19 required by subparagraph (G)(3), below, automatically terminates if the eight
20 hours of required on-going training is not fully completed within an additional
21 30-day grace period of the anniversary date of the member's appointment.
22 However, if any training is not completed because the training was not made
23 available by the city, the 30-day grace period is extended to include the
24 timeframe within which the training is offered and can be reasonably
25 completed.

26 (4) The Director shall notify any member whose appointment has
27 automatically terminated and shall within five days report to the City Council
28 President that a vacancy exists requiring an appointment for the length of the
29 unexpired term. The appointment of a new member to fill the resulting vacancy
30 is subject to the timelines established by paragraph (E), above.

31 (G) Orientation and Training. Upon initial appointment Board members shall
32 complete an orientation and training program consisting of the following:

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- 1 **(1) Required Orientation.** Prior to participation in any meeting of the
- 2 **Board, a newly appointed member must first:**
- 3 **(a) Be trained by the CPOA staff or CPOA legal counsel on CPOA**
- 4 **policies, and procedures; and**
- 5 **(b) Attend at least one Board meeting as an observer (except for**
- 6 **reappointed members).**
- 7 **(2) Required Training.** The city shall provide, and each Board member
- 8 **shall complete, a training program within the first six months of the member's**
- 9 **initial appointment, unless a different deadline is stated, that consists, at a**
- 10 **minimum, of the following:**
- 11 **(a) Training on the 2014 DOJ Settlement Agreement with the City of**
- 12 **Albuquerque (or any subsequent agreements), and Findings Letter of April 10,**
- 13 **2014 (or any subsequent findings letters);**
- 14 **(b) Training on this ordinance and the duties, obligations, and**
- 15 **responsibilities that it imposes on Board members and the CPOA;**
- 16 **(c) Training on State and local laws regarding public meetings and the**
- 17 **conduct of public officials, including but not limited to inspection of public**
- 18 **records, governmental transparency, ethics;**
- 19 **(d) Training on civil rights, including the Fourth Amendment right to be**
- 20 **free from unreasonable searches and seizures, including unreasonable uses**
- 21 **of force;**
- 22 **(e) Training on all APD policies related to use of force, including**
- 23 **policies related to APD's internal review of force incidents;**
- 24 **(f) Training provided to APD officers on use of force;**
- 25 **(g) Completion of those portions of the APD Civilian Police Academy**
- 26 **that APD determines are necessary for the Board to have a sound**
- 27 **understanding of the Department, its policies, and the work officers perform.**
- 28 **This training must be completed within one year from the member's initial**
- 29 **appointment. For purposes of this training requirement, APD shall identify**
- 30 **those portions of the standard APD Civilian Police Academy Program that are**
- 31 **optional for Board members and shall make other aspects of the program**
- 32 **available for Board members to complete independently;**
- 33 **(h) At least two APD ride-alongs;**

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- 1 (i) Internal Affairs training;
- 2 (j) A briefing that identifies and explains the curriculum of all training
- 3 currently received or anticipated to be received by APD officers, including any
- 4 outside training not provided by the city[; and
- 5 (k) Professionalism training that educates Board members on proper
- 6 professionalism when interacting with Agency staff and other City
- 7 employees, members of the public, and other Board members].

8 (3) Required On-Going Training. Board members shall receive eight hours

9 of annual training to include but not be limited to:

10 (a) any changes in law, policy, or training in the areas outlined under

11 subsection (2) above, as well as developments in the implementation of the

12 2014 DOJ Settlement Agreement (or any subsequent agreements) until such

13 time as the terms of the agreement are satisfied; or

14 (b) attendance at the annual NACOLE conference, which may satisfy no

15 more than four hours of a Board member's on-going annual training

16 requirements.

17 ~~[(c)]~~ In addition to the eight hours of on-going annual training, Board

18 members shall also participate in at least two police ride-alongs for every six-

19 months of service on the Board.

20 (4) Recommended Training. Board members are encouraged to attend

21 conferences and workshops relating to police oversight, such as the annual

22 NACOLE conference at city expense depending on budget availability. The

23 Director, in collaboration with the city and APD, shall maintain training

24 opportunities for members that includes, but is not limited to:

- 25 (a) Annual firearms simulation training; and
- 26 (b) Equity and Cultural Sensitivity training;

27 (5) The CPOA and APD shall jointly create and maintain a Board training

28 calendar that outlines the dates in which the required and recommended

29 training opportunities outlined in this subsection (G) are available to members

30 of the Board. [The calendar shall be provided to the City Council for its

31 information within 90 days of its creation or any subsequent changes or

32 updates.]

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1 (6) The ~~[Director~~ Contract Compliance Officer] shall track training
2 progress for each Board member, verify completion of the initial and on-going
3 training requirements for each Board member~~], and include this information~~
4 ~~for each Board member as part of the semi-annual reports required by this~~
5 ~~article].~~ The Director may contract with outside, neutral trainers or training
6 resources in order to effectively implement any of the training called for in this
7 subsection (G), above.

8 [(7) Each member of the Board shall be paid a \$500 honorarium upon
9 completion of their Initial Orientation and Training as outlined in Section 9-4-1-
10 5(G)(1)-(2). Each member of the Board shall be compensated \$250 upon
11 completion of their annual Required On-Going Training as outlined in Section
12 9-4-1-5(G)(3). The honoraria outlined within this subsection will begin in FY
13 24.]

14 (H) Chair. The Board shall elect one of its members as the Chairperson and
15 one as Vice- Chairperson, who shall each hold office for one year and until
16 their successors are elected. No officer shall be eligible to immediately
17 succeed himself or herself in the same office. Officers shall be elected in the
18 month of March of each calendar year or upon vacancy of an office to fill the
19 remaining term.

20 (I) Subcommittees. The Board may appoint such subcommittees as are
21 deemed necessary or desirable for the purposes of §§ 9-4-1-1 through 9-4-1-
22 [13 14], provided that, membership on such subcommittees shall be limited to
23 Board members and the Board shall strive to evenly distribute subcommittee
24 membership among the entire Board.

25 (J) Meetings. The Board shall conduct regularly scheduled public meetings
26 in compliance with the New Mexico Open Meetings Act, with a prepared
27 agenda that is distributed in advance to the Mayor, City Council, Police Chief,
28 and City Attorney. ~~[Each Board meeting will begin with public comments. Only~~
29 ~~the regularly scheduled monthly meetings and special meetings held pursuant~~
30 ~~to submission of petitions will be televised live on the appropriate government~~
31 ~~access channel. All other meetings of the Board shall be videotaped and aired~~
32 ~~on the appropriate government access channel; however, there is no~~
33 ~~requirement for providing live television coverage.]~~

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1 (1) Public Comment. The Board shall allow ~~[general public comment at~~
2 ~~each of its meetings, and the Board shall also allow]~~ comment on each of its
3 agenda items other than Citizen Police Complaints.

4 (K) Subpoenas.

5 (1) The CPOA is authorized to issue subpoenas only as necessary to
6 investigate civilian complaints, or to audit and monitor incidences of use of
7 force by police.

8 (2) Prior to seeking a subpoena, the Executive Director must make a
9 reasonable attempt to exhaust all other avenues for obtaining the information
10 sought.

11 (3) In order to issue an administrative subpoena, the Executive Director
12 must ensure that:

- 13 (a) the inquiry is within the authority of the CPOA;
- 14 (b) the demand is not too indefinite;
- 15 (c) the information is relevant to the purpose of the investigation; and
- 16 (d) all other criteria for the issuance of an administrative subpoena as
17 set forth by New Mexico law are met.

18 (4) The Executive Director must obtain authorization from the Board in
19 order to issue a subpoena. A simple majority vote of the membership of the
20 Board in favor is required before a subpoena may be issued.

21 (5) Subpoenas shall be served in a manner that complies with all
22 requirements for administrative subpoenas under New Mexico Law.

23 (6) A subpoena must provide at least 14 calendar days' notice prior to the
24 deadline for responding to the subpoena to:

- 25 (a) the subpoenaed person or entity;
- 26 (b) any individual or entity that is the subject of subpoenaed records;
- 27 and
- 28 (c) the City Attorney for the City of Albuquerque.

29 (7) The subpoena and notice to third parties must include a citation to this
30 section and state that the recipient has the opportunity to challenge the
31 subpoena to the Board or in the district court having jurisdiction.

32 (8) The summoned person or entity or any person or entity that is the
33 subject of subpoenaed records may petition the Board or the district court of

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1 the county where he or she resides to vacate or modify the administrative
2 subpoena.

3 (9) In the case of a refusal to obey a subpoena issued to any person, the
4 Director may make application to the District Court in the state having
5 jurisdiction to order the witness to appear before the Board and to produce
6 evidence if so ordered, or to give testimony touching on the matter in
7 question.

8 (10) Any summoned person may, at his or her own expense, be
9 represented by legal counsel during all CPOA or Board proceedings.

10 (11) The CPOA and Board shall not disclose any record obtained as a
11 result of a subpoena that is protected or confidential by law, ordinance, policy,
12 or the CASA.

13 (L) Job Description. The ~~[Board Director]~~ shall draft a job description that
14 informs ~~[Board]~~ members of their roles, responsibilities, and specific
15 expectations of a ~~[CPOA]~~ Board member. The ~~[Board Director]~~ shall present
16 the [proposed] job description to the City Council for final approval. [In the
17 event that the City Council determines that the Director’s proposal fails to
18 accurately describe its duties, the City Council may amend it as appropriate.]
19 Each member of the ~~[CPOA]~~ Board shall sign the job description to affirm their
20 understanding of their obligations to the Board.

21 [(M) Stipend. Each member of the Board shall be compensated at a rate of
22 \$100 per regular meeting of the Board, not to exceed \$200 per month per
23 board member. The stipend outlined within this subsection will begin in FY
24 24.]

25 § 9-4-1-6 CPOA ADMINISTRATIVE OFFICE.

26 (A) The staff and administration of the CPOA shall be directed by the CPOA
27 Executive Director.

28 (B) In addition to any other duties expressed or implied by this article the
29 Director shall:

30 (1) Direct and oversee the investigation of all civilian police complaints
31 alleging officer misconduct and prepare findings and recommendations for
32 review by [each CPC and] the Board for informational purposes;

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1 (2) Review and monitor a representative sampling of all Internal Affairs
2 investigations and other administrative investigations related to officer
3 involved shooting investigations and serious uses of force investigations. The
4 Director shall prepare findings and disciplinary recommendations, as
5 appropriate, relating to officer involved shootings and serious uses of force.
6 Disciplinary recommendations, if any, will be transmitted to the Chief only
7 upon approval of the Board. The Director shall report on general trends and
8 issues identified through monitoring or auditing of Internal Affairs;

9 (3) [~~Provide staffing to the Board and ensure~~ Ensure] that the duties and
10 responsibilities of the CPOA are executed in an efficient manner, and manage
11 the day to day operations of the CPOA.

12 (C) The Administrative Office will receive and process all civilian
13 complaints of officer misconduct directed against the Albuquerque Police
14 Department. The Director shall direct and oversee the investigation of all
15 civilian complaints alleging officer misconduct and make findings and
16 recommendations for such civilian complaints, or assign them for
17 independent investigation by CPOA staff or an outside independent
18 investigator. If assigned to staff or an outside investigator, the Director shall
19 oversee, monitor and review all such investigations and findings for each. All
20 findings relating to civilian complaints, officer involved shootings, and serious
21 uses of force shall be forwarded to APD internal affairs[, each CPC and] and to
22 the Board for its information. The Director shall make recommendations and
23 give advice regarding Police Department policies and procedures to [each
24 CPC and] the Board in the context of investigative findings as the Director
25 deems appropriate.

26 (1) The review and assessment of civilian complaints filed with the CPOA
27 shall begin immediately after complaints are filed. If the complaint alleges
28 officer misconduct and requires investigation, it shall proceed as
29 expeditiously as possible, and if an investigation exceeds a timeframe of nine
30 months from the date the complaint was first received the Director must report
31 the reasons to the [~~Board~~ Contract Compliance Officer]; and

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1 (2) All civilian complaints filed with other offices within the city authorized
2 to accept civilian complaints, including the Police Department, shall be
3 immediately referred to the Director; and

4 (3) If appropriate, mediation should be the first option for resolution of
5 civilian police complaints. Mediators should be independent of the CPOA,
6 APD, and the City, and should not be former officers or employees of APD. At
7 the discretion of the Director an impartial system of mediation should be
8 considered appropriate for certain complaints. If all parties involved reach an
9 agreement, no investigation will occur. The CPOA and APD shall coordinate to
10 develop a mediation program that aims to allow civilian police complainants
11 and officers the opportunity to communicate directly regarding disputes, find
12 areas of agreement, and reach their own solutions. APD should ensure that
13 officers have mentorship resources available in advance of mediation that
14 explain the mediation process and the benefits it provides for officers and
15 their relationships with the citizens they serve; and

16 (4) The Director shall monitor all claims of officer involved shootings and
17 serious uses of force. [APD shall notify the Director of all No-APD-related]
18 settlements in excess of \$25,000 ~~[shall be made for claims without the~~
19 ~~knowledge of the Director].~~ [The Director shall participate, as a non-voting
20 member, in any portion of a meeting of the Claims Review Board addressing a
21 claim based on police misconduct or use of force, but shall not be present for
22 the discussion of any other claims ~~The Director shall be an ex-officio member~~
23 ~~of the Claims Review Board]; and~~

24 (5) All investigations shall be thorough, objective, fair, impartial, and free
25 from political influence; and

26 (6) The Director shall maintain and compile all information necessary to
27 satisfy the CPOA's semi-annual written reporting requirements in § 9-4-1-~~[10~~
28 11]; and

29 (7) If at any point during an investigation the investigator determines that
30 there may have been criminal conduct by any APD personnel, the investigator
31 shall immediately notify the APD Internal Affairs Bureau commanding officer
32 and transfer the administrative investigation to the Internal Affairs Bureau.

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1 (D) The Director shall have access to any Police Department information or
2 documents that are relevant to a civilian's complaint, or to an issue which is
3 ongoing at the CPOA.

4 (E) The Administrative Office shall staff, coordinate and provide technical
5 support for all scheduled Board meetings, publicize all findings and reports,
6 recommendations, and/or suggested policy changes.

7 (F) The Director, or the Director's designee, shall ~~[play an active public role
8 in the community, and whenever possible, provide appropriate outreach to the
9 community,]~~ publicize the civilian complaint process, and identify locations
10 within the community that are suitable for civilians to file complaints in a non-
11 police environment.

12 (G) The Director shall be provided the necessary professional and/or
13 clerical employees for the effective staffing of the Administrative Office, and
14 shall prescribe the duties of these staff members. Such professional and
15 clerical employees will be classified city employees. All CPOA staff with
16 investigative duties shall be professional investigators trained in professional
17 investigation techniques and practices.

18 (H) The Director shall ~~[report directly to the Board and]~~ lead the
19 Administrative Office; direct and oversee the investigation of all civilian
20 complaints relating to officer misconduct, audit a representative sampling of
21 all IA investigations of complaints, recommend and participate in mediation of
22 certain complaints, and supervise all CPOA staff.

23 (I) The Director shall complete the initial and ongoing training requirements
24 for Board members as prescribed by § 9-4-1-5(G) and report completion of
25 training activities to the ~~[Chair of the Board~~ Contract Compliance Officer].
26 § 9-4-1-7 CPOA DIRECTOR QUALIFICATIONS, SELECTION, RETENTION AND
27 EVALUATION.

28 (A) Qualifications for the position of Director shall include the requirement
29 of a master's or law degree and relevant experience.

30 (B) The Director will be a full-time at will city employee ~~[directly responsible
31 only to the Board,]~~ to be selected, removed, or reviewed as follows:

32 (1) The ~~[Board~~ Contract Compliance Officer], through CPOA staff, shall
33 accept applications from candidates. The ~~[Board~~ CCO] shall review the

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1 applications and interview candidates~~[, and. As part of this review, the CCO~~
2 shall assemble a review and interview panel to, at a minimum, include a
3 representative of the Agency Staff and a member of the Board. The CCO shall]
4 submit to the City Council the [names of the three] candidate[s] that it finds to
5 be the best qualified to be the Director~~[and indicating its ranking, and the City~~
6 Council shall appoint the Director from the three]. Upon a vacancy in the
7 position of Director, the ~~[Board CCO]~~ shall submit its [list of] recommended
8 replacement [candidates] to the City Council within six months. The ~~[Board~~
9 CCO]'s recommendation[s] to Council shall be based on the candidates'
10 integrity, capability for strong management and abilities in investigations, law,
11 management analysis, public administration, criminal justice administration or
12 other closely related fields. The ~~[Board CCO]~~'s transmittal of its
13 recommendation[s] to the Council shall, at a minimum, include an evaluation
14 of all the candidates against the provisions and requirements of this
15 subsection 9-4-1-7 and identify in writing the basis for ~~[its]~~ selection [of its top
16 three candidates] as compared to other candidates. The City Council may
17 decline to confirm the ~~[Board CCO]~~'s recommended candidate[s] only for
18 reasonable cause, including but not limited to lack of a reasonable evaluation
19 process, or lack of a substantive basis for the ~~[Board CCO]~~'s
20 recommendation[s].

21 (2) In lieu of recommending [a three] new candidate[s] to the Council, the
22 ~~[Board CCO]~~ may recommend to the Council the reconfirmation of the
23 incumbent Director. Together with any recommendation for reconfirmation by
24 the ~~[Board CCO]~~, the ~~[Board CCO]~~ shall submit to the City Council a written
25 basis for its recommendation to include a formal evaluation of the Director's
26 past performance, including an evaluation against the duties established for
27 the Director by this article. Should the Council decline to reconfirm the
28 incumbent Director, the Council President shall notify the ~~[Board CCO]~~ that it
29 needs to provide the Council with [an three] alternate candidate[s] pursuant to
30 the provisions of subsection (B)(1), and the ~~[Board CCO]~~ shall so submit
31 within 90 days of such notice. The City Council may decline to reconfirm the
32 incumbent Director only for reasonable cause, including but not limited to any
33 failure to fulfill all the requirements obligations of this article, or ineffective

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1 leadership of the organization in its mission toward civilian police oversight.
2 Should the Director not be reconfirmed or should any confirmation vote be
3 delayed or postponed for any reason, the current Director may continue to
4 serve in the same capacity until a new Director is selected and confirmed by
5 the City Council.

6 (3) The Director's compensation shall be established by the [Contract
7 Compliance Officer Board] in consultation with the [Board and] City Human
8 Resources Department, and shall be commensurate and competitive with
9 salaries for comparable positions within the city and other equivalent
10 agencies in peer municipalities.

11 (4) ~~[The term of the Director shall be for three years.]~~ Once confirmed, the
12 Director may be removed only ~~[upon: 1) a recommendation of removal to the~~
13 ~~City Council by the affirmative vote of two-thirds of the members of the Board;~~
14 ~~and 2) acceptance of the Board's recommendation by a simple~~ for cause as
15 determined by a 2/3] majority vote of the City Council.

16 (5) If for any reason there is a period of time during which there is no
17 Director, the City Council may appoint a temporary Director by a majority vote.
18 A temporary Director shall serve in that capacity only for a period not to
19 exceed six months, during which time the Board shall work diligently to select
20 a permanent Director.

21 (6) The Director shall ~~[establish and maintain written guidance on who~~
22 ~~within~~ create and fill a Deputy Director position within] the Agency ~~[will to,~~
23 ~~among other appropriate duties,]~~ serve in the Director's stead during any
24 ~~[temporary~~ vacancies in the position of Director, or other] absences, such as
25 during personal or sick leave.

26 ~~[(C) The Board shall annually review the performance of the Director~~
27 ~~taking into consideration the obligations and duties prescribed by this article,~~
28 ~~the criteria outlined in § 9-4-1-7(B)(1), and the performance of the~~
29 ~~Administrative Office. The Board is encouraged to consult with City Human~~
30 ~~Resources to develop evaluation tools as necessary. A summary of these~~
31 ~~performance evaluations shall be delivered to the Chief of Police, the Mayor,~~
32 ~~and the President of the City Council for receipt by the Council.]~~

33 § 9-4-1-8 [CONTRACT COMPLIANCE OFFICER]

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1 (A) The City Council shall retain an independent Contract Compliance
2 Officer (“CCO”) who shall perform the functions identified in this ordinance
3 and ensure CPOA compliance with this Ordinance and the duties and
4 obligations within the 2014 DOJ Settlement Agreement with the City of
5 Albuquerque (or any subsequent agreements), and Findings Letter of April 10,
6 2014 (or any subsequent findings letters).

7 (B) The CCO shall annually review the performance of the Executive
8 Director, taking into consideration the obligations and duties prescribed by
9 this article, the criteria outlined in § 9-4-1-7(B)(1), and the performance of the
10 Administrative Office and the Board. The CCO is encouraged to consult with
11 City Human Resources to develop evaluation tools as necessary. A summary
12 of these performance evaluations shall be delivered to the Chief of Police, the
13 Mayor, and the President of the City Council for receipt by the Council. In
14 consultation with the Board and City Human Resources, the CCO shall also
15 establish the Director’s compensation.

16 (D) The duties of the CCO shall also include, but not be limited to, the
17 following:

- 18 (1) Tracking and reporting Board progress on training requirements;
- 19 (2) Maintaining the training calendar required by § 9-4-1-5(G)(5);
- 20 (3) Tracking Board membership terms;
- 21 (4) Overseeing and ensuring timeliness of quarterly oral reports as
22 outlined in § 9-4-1-4(C)(3);
- 23 (5) Overseeing and ensuring timeliness of semi-annual reporting
24 requirements as outlined in § 9-4-1-11;
- 25 (6) Ensuring compliance with internal standards, including Board
26 Policies & Procedures and all city ordinances and policies dealing with
27 administrative functions including but not limited to those dealing with
28 personnel, the merit system, and procurements;
- 29 (7) Tracking and ensuring compliance with any other deadlines
30 and/or requirements of this Ordinance and the DOJ Settlement Agreement;
31 and
- 32 (8) Any other such tasks as may be deemed necessary.]

33 [§ 9-4-1-9] CIVILIAN COMPLAINT PROCEDURES.

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1 (A) Any person claiming to be aggrieved by actions of the police may file a
2 written complaint against the department or any of its officers. Neither the
3 Board nor any of its members shall file or initiate a complaint on behalf of a
4 member of the public. Anonymous complaints shall be accepted.

5 (B) In cooperation with the [~~Board~~ Agency], the Mayor shall designate
6 civilian city staff to receive written civilian complaints at various locations
7 throughout the city. The Police Department may also receive written
8 complaints. The party who receives the complaint shall immediately transmit
9 all civilian complaints for further review to the Director.

10 (C) After the review of a civilian complaint is completed, the Director shall
11 analyze all relevant and material circumstances, facts and evidence gathered
12 under the investigation. For each investigation, the Director shall prepare or
13 cause to be prepared investigation reports with findings and
14 recommendations, if any, and submit them to the civilian complainant and to
15 the Board for its information. In addition to the findings and recommendation,
16 each investigation report shall at a minimum also include: 1) a section
17 outlining any relevant background and facts relating to the matter, 2) a listing
18 of any relevant policies, procedures, or practices that are at issue, and 3) an
19 analysis of the issues in the case. The Director may submit disciplinary
20 recommendations to the Chief of Police only upon approval by the Board, but
21 may submit them in advance for informational purposes to help ensure
22 timeliness pursuant to any applicable personnel or union contract
23 requirements.

24 (D) When the Director proposes to submit disciplinary recommendations to
25 the Chief of Police, the Board shall review the proposed disciplinary
26 recommendations at any properly noticed regular or special meeting. The
27 Board shall adopt and follow rules for such reviews that implement the
28 requirements of this article and ensure fairness and completeness in its
29 reviews. For purposes of these reviews, the Board members shall, at a
30 minimum, adhere to the following standards of conduct:

- 31 (1) Remain impartial in deliberations and decisions and abstain from any
- 32 independent investigation or review of information not presented by the
- 33 investigation report or within the investigation file;

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1 (2) Refrain from any ex-parte communication relating to the matters and
2 parties under consideration other than at a properly noticed meeting, and
3 recuse from any related hearings as may be necessary based on any improper
4 ex-parte communication; any ex-parte correspondence that is inadvertently
5 received by a member shall be referred to or otherwise disclosed to the
6 Director and, when appropriate, made available for review by the relevant
7 complaint and APD officer or their representatives; and

8 (3) Refrain from prejudgment on discipline coming before the board until
9 such time as all relevant information has been reviewed and considered at a
10 properly noticed meeting, and recuse from any hearing in which he or she has
11 a direct or indirect personal conflict of interest or cannot otherwise accord a
12 fair and impartial review, or in which such member's participation would
13 create the appearance of impropriety or partiality.

14 (E) After the Board has completed its review, it shall by majority vote of
15 members present decide whether or not to authorize the submission of the
16 Director's disciplinary recommendations to the Chief of Police. For purposes
17 of this vote, the Board is considering only whether to authorize the
18 submission of the Director's disciplinary recommendation to the Chief. As part
19 of this decision, the Board may consider the merits of the underlying claims,
20 the soundness of the findings supporting the recommendation, and the
21 justness of the recommendations.

22 (F) Upon approval of disciplinary recommendations by the Board, the
23 Director shall prepare and submit a public record letter to the civilian
24 complainant, with a copy to the Chief of Police, that outlines the findings and
25 any disciplinary recommendations. Unless a hearing is requested by the
26 civilian complainant pursuant to § 9-4-1-~~9~~ 10, below, within 30 days of receipt
27 of the decision of the Board the Chief of Police shall notify the Board and the
28 original civilian complainant of his or her final disciplinary decision in this
29 matter in writing, by certified mail and as otherwise prescribed by § 9-4-1-
30 4(C)(3)(g).

31 § 9-4-1-~~9~~ 10 REQUESTS FOR HEARING; APPEALS OF DISCIPLINARY
32 DECISIONS.

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1 (A) Requests for Hearing. Any person who has filed a civilian complaint and
2 who is dissatisfied with the findings and/or recommendations of the Director
3 may request a hearing by the Board within 30 days (inclusive of weekends and
4 holidays) of receipt of the Director's findings letter. The Board shall notify the
5 Chief of Police of the request for hearing and hold a hearing on the matter at
6 its next regularly scheduled meeting provided that there is a period of at least
7 ten days between the receipt of the request for hearing and the next Board
8 meeting. Any such appeals shall be reviewed in accordance with standards of
9 conduct prescribed by § 9-4-1-~~[8 9]~~(D). Upon close of the hearing the Board
10 may modify or change the findings and/or recommendations of the public
11 record letter and may make further recommendations to the Chief of Police
12 regarding the findings and/or recommendations and any discipline imposed
13 by the Chief of Police or proposed by the Chief of Police only upon a showing
14 by the complainant that: 1) a policy was misapplied in the evaluation of the
15 complaint; 2) that the findings or recommendations were arbitrary, capricious
16 or constituted an abuse of discretion, or 3) that the findings and
17 recommendations were not consistent with the record evidence. The request
18 must be made by the complainant. Within 20 days of receipt of the decision of
19 the Board, the Chief of Police shall notify the Board and the original civilian
20 complainant of his or her final disciplinary decision in this matter in writing, by
21 certified mail.

22 (B) Appeals of the Final Disciplinary Decision. If any person who has filed a
23 civilian complaint under §§ 9-4-1-1 through 9-4-1-~~[13 14]~~ is not satisfied with
24 the final disciplinary decision of the Chief of Police or any matter relating to
25 the Chief of Police's handling of his or her complaint, he or she may request
26 that the Chief Administrative Officer review the complaint, the disciplinary
27 recommendation of the Board and the action of the Chief of Police by
28 requesting such review in writing within 30 days (inclusive of weekends and
29 holidays) of receipt of the Chief of Police's letter pursuant to § 9-4-1-~~[9 10]~~(A).
30 Upon completion of his or her review, the Chief Administrative Officer shall,
31 within 90 days, take any action necessary, including overriding the decision of
32 the Chief of Police regarding disciplinary action, to complete the disposition of
33 the complaint. The Chief Administrative Officer shall notify in writing, by

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1 certified mail, the complainant, the individual against whom the complaint was
2 filed, the Chief of Police and the Director, of the results of his or her review
3 and any action taken.

4 § 9-4-1-~~10~~ 11 REPORTS.

5 The CPOA shall be responsible for regularly informing the Mayor, the City
6 Council, and the public by submitting semi-annual written reports that include
7 but are not limited to the following information:

8 (A) Data relating to the number, kind and status of all complaints received
9 including those complaints sent to mediation;

10 (B) Discussion of issues of interest undertaken by the Board which may
11 include suggested policy and/or procedural changes, a listing of complaints
12 and allegations by Council District, statistical ethnicity of subject officers,
13 statistical ethnicity of complainants, and updates on prior issues and/or
14 recommendations;

15 (C) The CPOA's findings and the Chief of Police's issuance of discipline on
16 those findings and the ongoing disciplinary trends of the Police Department;

17 (D) Information on all public outreach initiatives undertaken by the Board or
18 the Director such as speaking engagements, public safety announcements,
19 and/or public information brochures on the oversight process;

20 (E) The status of the long-term planning process identifying major
21 problems, policy suggestions, and studies as required by § 9-4-1-4(C)~~[(4) (5)]~~;

22 (F) Identification of any matters that may necessitate the City Council's
23 consideration of legislative amendments to this Police Oversight Ordinance;

24 (G) The amount of time that the Board dedicated to the policy activities
25 prescribed by § 9-4-1-4(C)~~[(4) (5)]~~ relative to its other activities over the past
26 quarter; and

27 (H) Training progress for each Board member, verifying completion of the
28 initial and on-going training requirements for each Board member.

29 § 9-4-1-~~11~~ 12 SPECIAL MEETINGS.

30 On the petition of 1,000 or more civilians in the City of Albuquerque filed in
31 the Office of the City Clerk, the Board shall hold a special meeting for the
32 purpose of responding to the petition and hearing and inquiring into matters
33 identified therein as the concern of the petitioners. Copies of the petition shall

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1 be filed with the Board by the City Clerk. Notice of such meeting shall be given
2 in the same manner as notice is given for other meetings of the Board and
3 shall comply with the State Open Meetings Act.

4 § 9-4-1-~~12~~ 13 CONFIDENTIALITY.

5 The City Council believes that full participation and cooperation of all parties
6 involved is essential to the success of the new police oversight process, and
7 that APD hereby agrees and understands that its full cooperation is
8 necessary, hereby agrees to mandate that its officers provide honest and
9 truthful responses to all questions by the Director, CPOA staff or the
10 designated independent investigator. If any officer refuses to answer the
11 questions proposed to him or her by the Director, CPOA staff, or the
12 independent investigator, he or she may be subject to termination or
13 disciplinary action at the discretion of the Chief of Police. Compelled
14 statements given to the Director, CPOA staff or the designated independent
15 investigator, by a police officer will be used only for the Director's
16 investigation and the closed session review of the investigation file by the
17 Board, if any. The actual statement will remain confidential and will not be
18 included in a final report. The Director may summarize conclusions reached
19 from a compelled statement for the investigation report and in the public
20 record letter to the complainant.

21 § 9-4-1-~~13~~ 14 MANDATORY COOPERATION AGREEMENT.

22 The City Council believes that full participation and cooperation of all parties
23 involved is essential to the success of the new police oversight process, and
24 that APD hereby agrees and understands that its full cooperation is
25 necessary, hereby agrees to mandate that its officers provide honest and
26 truthful responses to all questions by the Director, CPOA staff or the
27 designated independent investigator. If any officer refuses to answer the
28 questions proposed to him or her by the Director, CPOA staff, or the
29 independent investigator, he or she may be subject to termination or
30 disciplinary action at the discretion of the Chief of Police. Compelled
31 statements given to the Director, CPOA staff or the designated independent
32 investigator, by a police officer will be used only for the Director's
33 investigation and the closed session review of the investigation file by the

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1 Board, if any. The actual statement will remain confidential and will not be
2 included in a final report. The Director may summarize conclusions reached
3 from a compelled statement for the investigation report and in the public
4 record letter to the complainant.”

5 SECTION 2. CIVILIAN POLICE OVERSIGHT ADVISORY BOARD. Pursuant to
6 this Ordinance, the Civilian Police Oversight Agency Board is replaced with
7 the Civilian Police Oversight Advisory Board as referenced in Sections 9-4-1-4
8 and 9-4-1-5 of Police Oversight Ordinance. In order to effectuate this
9 amendment to numbers and scope of the Board, the Civilian Police Oversight
10 Agency Board in place as of the effective date of this ordinance is abolished
11 and replaced with the Civilian Police Oversight Advisory Board, with all five
12 seats vacant until filled through the appointment procedures established by
13 this Ordinance. To the extent existing members wish to serve of the
14 reconstituted Board, they may reapply.

15 SECTION 3. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
16 clause, word, or phrase of this ordinance is for any reason held to be invalid
17 or unenforceable by any court of competent jurisdiction, such decision shall
18 not affect the validity of the remaining provisions of this resolution. The
19 Council hereby declares that it would have passed this resolution and each
20 section, paragraph, sentence, clause, word, or phrase thereof irrespective of
21 any provisions being declared unconstitutional or otherwise invalid.

22 SECTION 4. COMPILATION. The amendments set forth in SECTION 1 above
23 shall amend, be incorporated in, and made part of the Revised Ordinances of
24 Albuquerque, New Mexico, 1994.

25 SECTION 5. EFFECTIVE DATE. This ordinance shall take effect five (5) days
26 after publication by title and general summary.

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