

CITY of ALBUQUERQUE

TWENTY-FIRST COUNCIL

COUNCIL BILL NO. O-14-15 ENACTMENT NO. _____

SPONSORED BY: Isaac Benton & Ken Sanchez

1 **ORDINANCE**

2 **IMMEDIATELY SUSPENDING THE OPERATION OF THE POLICE OVERSIGHT**
3 **COMMISSION PENDING THE ESTABLISHMENT OF A NEW OVERSIGHT**
4 **SYSTEM.**

5 **BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF**
6 **ALBUQUERQUE:**

7 **Section 1. LEGISLATIVE FINDINGS.**

8 **(A) Effective oversight of the police force is critical to public safety and**
9 **confidence and, therefore, the City Council has enacted a Police Oversight**
10 **Ordinance to provide oversight of the police force and process citizen**
11 **complaints.**

12 **(B) The City of Albuquerque deserves a highly professional well trained**
13 **Police Department; however, the Police Oversight Commission (the "POC")**
14 **has not proven to be an effective oversight entity as documented by the report**
15 **from the United States Department of Justice dated April 10, 2014.**

16 **Section 2. SUSPENSION OF THE POLICE OVERSIGHT COMMISSION. All**
17 **functions, powers, and duties of the Police Oversight Commission established**
18 **by Sections 9-4-1-4 and 9-4-1-5 of the Revised Ordinances of Albuquerque are**
19 **hereby suspended until such time as the City Council determines those**
20 **functions should begin again or enacts a different or altered oversight**
21 **process. During the suspension, the Independent Review Officer (IRO) shall**
22 **continue to receive, investigate and evaluate citizen complaints without**
23 **oversight by or the involvement of the existing Police Oversight Commission.**

24 **Section 3. The determinations of the IRO shall, if requested, be reviewed**
25 **by the City pursuant to the Police Oversight Ordinance. The City may assign**
26 **the review to existing City staff or contract with hearing officers who are**

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1 qualified pursuant to the terms Administrative Hearings Ordinance to conduct
2 a whole record review of the determinations of the IRO.

3 Section 4. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
4 clause, word or phrase of this ordinance is for any reason held to be invalid or
5 unenforceable by any court of competent jurisdiction, such decision shall not
6 affect the validity of the remaining provisions of this ordinance. The Council
7 hereby declares that it would have passed this ordinance and each section,
8 paragraph, sentence, clause, word or phrase thereof irrespective of any
9 provision being declared unconstitutional or otherwise invalid.

10 Section 5. EFFECTIVE DATE. This ordinance shall take effect five days
11 after publication by title and general summary.

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