

CITY of ALBUQUERQUE

TWENTY SEVENTH COUNCIL

COUNCIL BILL NO. O-26-23 ENACTMENT NO. _____

SPONSORED BY: Renée Grout, Tammy Fiebelkorn, Nichole Rogers

1 **ORDINANCE**

2 **AMENDING THE POLICE OVERSIGHT ORDINANCE TO CLARIFY THE CPOA'S**
3 **AUTHORITY TO INVESTIGATE APD PERSONNEL.**

4 **WHEREAS, The Civilian Police Oversight Agency (CPOA) was established**
5 **to provide independent oversight of misconduct allegations involving**
6 **Albuquerque Police Department (APD); and**

7 **WHEREAS, Civilian Oversight has historically included review and**
8 **investigations of complaints involving APD personnel performing public-**
9 **facing and enforcement-related functions; and**

10 **WHEREAS, APD has expanded the use of non-sworn personnel performing**
11 **duties that involve direct interaction with the public and functions historically**
12 **associated with law enforcement; and**

13 **WHEREAS, Members of the public reasonably perceive such personnel as**
14 **public safety officials; and**

15 **WHEREAS, Complaints frequently involve both sworn and non-sworn**
16 **personnel in the same incident, requiring consistent and unified review; and**

17 **WHEREAS, Clarifying ordinance language will ensure transparency,**
18 **consistency, and public confidence in civilian oversight.**

19 **BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF**
20 **ALBUQUERQUE:**

21 **SECTION 1. The Police Oversight Ordinance, Chapter 9, Article 4, Part 1 of**
22 **the Revised Ordinances of Albuquerque, 1994, is hereby amended as follows:**
23 **§ 9-4-1-4 CIVILIAN POLICE OVERSIGHT AGENCY.**

24 **[(D) Investigative Authority of the CPOA. As used in this Ordinance, the**
25 **terms “officer” and “police officer” are defined as APD personnel, including**

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any sworn or non-sworn individual employed by or acting under the authority and direction of the Albuquerque Police Department.

(1) For the purpose of this Ordinance, APD personnel subject to CPOA jurisdiction includes individuals who:

(a) engage in direct interaction with members of the public;

(b) exercise enforcement, regulatory, or public safety related authority;

(c) perform duties historically or operationally associated with law enforcement, including responding to calls for service, conducting traffic or crash-related functions, preparing reports, or participating in investigations;

(d) wear uniforms, operate marked vehicles, or otherwise present as public safety or law enforcement personnel; or

(e) utilize on-body recording devices or other recording systems in the course of official duties.

(2) This definition shall be interpreted broadly to ensure civilian oversight of all APD personnel whose duties involve public interaction or the exercise of governmental authority.

(3) The jurisdiction of the CPOA shall not be limited or avoided by job title, classification, employment status, contractual arrangement, or the creation of new units, programs, or positions within APD where such personnel perform functions described in this Ordinance.]

SECTION 2. SEVERABILITY. If any section, paragraph, sentence, clause, word or phrase of this Ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance. The Council hereby declares that it would have passed this Ordinance and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

SECTION 3. COMPILATION. SECTION 1 of this Ordinance amends, is incorporated in, and is to be compiled as part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

SECTION 4. EFFECTIVE DATE. This Ordinance takes effect five days after publication by title and general summary.