

0-2014-017

**CITY OF ALBUQUERQUE
CITY COUNCIL**

INTEROFFICE MEMORANDUM

TO: Richard J. Berry, Mayor

FROM: Jon K. Zaman, Director of Council Services

Jon 8/22/14

SUBJECT: Transmittal of Legislation

Transmitted herewith is Bill No. F/S O-14-15 Immediately Suspending The Operation Of The Police Oversight Commission Pending The Establishment Of A New Oversight System (Benton, Sanchez), which was passed at the Council meeting of August 18, 2014 by a vote of 8 FOR AND 1 AGAINST.

Against: Harris

In accordance with the provisions of the City Charter, your action is respectfully requested.

JKZ:mh
Attachment

RECEIVED
ALBUQUERQUE CITY CLERK

2014 AUG 29 PM 2:00



Office of the City Clerk
P.O. Box 1293
Albuquerque, NM 87103
Phone (505) 924-3650 Fax (505) 924-3660

Richard J. Berry, Mayor

Trina Gurule, Interim City Clerk

To: CITY COUNCIL

From: TRINA GURULE, INTERIM CITY CLERK

Date: September 2, 2014

Subject: BILL NO. O-14-15; ENACTMENT NO. O-2014-017

I hereby certify that on August 29, 2014, the Office of the City Clerk received Bill No. O-14-15 as signed by the president of the City Council, Ken Sanchez. Enactment No. O-2014-017 was passed at the August 18, 2014 City Council meeting. Mayor Berry did not sign the approved Ordinance within the 10 days allowed for his signature and did not exercise his veto power. Pursuant to the Albuquerque City Charter Article XI, Section 3, this Ordinance is in full effect without Mayor's approval or signature. This memorandum shall be placed in the permanent file for Bill No. O-14-15.

Sincerely,

A handwritten signature in cursive script, reading 'Trina Gurule'.

Trina Gurule
Interim City Clerk

CITY of ALBUQUERQUE

TWENTY FIRST COUNCIL

COUNCIL BILL NO. F/S O-14-15

ENACTMENT NO.

0-2014-017

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 CITY COUNCIL, THE GOVERNING BODY OF THE**
6 **CITY OF 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 and officer**
23 **involved shootings without oversight by or the involvement of the existing**
24 **Police Oversight Commission.**

25 **Section 3. The determinations of the IRO shall, if requested, be reviewed**
26 **by the City pursuant to the Police Oversight Ordinance. The City shall assign**

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[Bracketed/Strikethrough Material] - Deletion

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

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

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

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1 PASSED AND ADOPTED THIS 18th DAY OF August, 2014
2 BY A VOTE OF: 8 FOR 1 AGAINST.

3
4 Against: Harris

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8 Ken Sanchez, President
9 City Council

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12 APPROVED THIS 29th DAY OF August, 2014
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16 Bill No. F/S O-14-15

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21 _____
22 Richard J. Berry, Mayor
23 City of Albuquerque
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25
26 ATTEST:

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29 Trina M. Gurule, Acting City Clerk
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