

**CITY of ALBUQUERQUE**  
**TWENTY FIFTH COUNCIL**

COUNCIL BILL NO.     O-22-20     ENACTMENT NO.     O-2022-019    

SPONSORED BY:     Brook Bassan, Isaac Benton, Pat Davis

**ORDINANCE**

**AMENDING THE POLICE OVERSIGHT ORDINANCE, ROA 1994, SECTION 9-4-1-5, TO EXTEND TIME FOR CPOA BOARD MEMBERS TO COMPLETE REQUIRED CIVILIAN POLICE ACADEMY TRAINING.**

**WHEREAS, the Police Oversight Ordinance requires that members of the Civilian Police Oversight Agency (“CPOA”) Board complete initial and ongoing training, and failure to meet these training requirements results in termination of appointment to the Board; and**

**WHEREAS, one component of the required initial training is the completion of “portions of the APD Civilian Police Academy that APD determines are necessary for the Board to have a sound understanding of the Department, its policies, and the work officers perform. For purposes of this training requirement, APD shall identify those portions of the standard APD Civilian Police Academy Program that are optional for Board members and shall make other aspects of the program available for Board members to complete independently”; and**

**WHEREAS, CPOA Board members are currently required to complete this abbreviated Civilian Police Academy training within six (6) months from their initial appointment; and**

**WHEREAS, APD has provided an abbreviated version of the Civilian Police Academy for CPOA Board members, however, due to the often sporadic timing of Board member appointments, the abbreviated course is typically provided to only one Board member at a time, which requires numerous APD training personnel and resources for only one person completing the training; and**

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1       WHEREAS, allowing Board members additional time to complete the  
2 abbreviated Civilian Police Academy will provide scheduling flexibility, with  
3 the aim that Board members can take the course together, which will be a  
4 better use of APD resources.

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

7       SECTION 1. Section 9-4-1-5 of the Police Oversight Ordinance is hereby  
8 amended as follows:

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

10       ...

11       (F) Removal of Members. Any Board member may be removed for cause  
12 by a two-thirds majority vote of either the Board itself or the City Council. In  
13 addition to any other reasonable cause, any conduct inconsistent with the  
14 requirements and provisions of this article, or a demonstrated inability to  
15 objectively adjudicate civilian police complaints, shall constitute cause for  
16 removal.

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

20       (2) The appointment of any member who has not completed the  
21 training required by subparagraph (G)(2), below, automatically terminates if all  
22 initial training is not fully completed within an additional 30-day grace period  
23 from the expiration of the six month deadline, or one-year deadline to  
24 complete the Civilian Police Academy. However, if any training is not  
25 completed because the training was not made available by the city, the 30-day  
26 grace period is extended to include the timeframe within which the training is  
27 offered and can be reasonably completed.

28       (3) The appointment of any member who has not completed the  
29 training required by subparagraph (G)(3), below, automatically terminates if  
30 the eight hours of required on-going training is not fully completed within an  
31 additional 30-day grace period of the anniversary date of the member's  
32 appointment. However, if any training is not completed because the training  
33 was not made available by the city, the 30-day grace period is extended to

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1 include the timeframe within which the training is offered and can be  
2 reasonably completed.

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

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

10 (1) Required Orientation. Prior to participation in any meeting of the  
11 Board, a newly appointed member must first:

12 (a) Be trained by the CPOA staff or CPOA legal counsel on CPOA  
13 policies, and procedures; and

14 (b) Attend at least one Board meeting as an observer (except for  
15 reappointed members).

16 (2) Required Training. The city shall provide, and each Board member  
17 shall complete, a training program within the first six months of the member's  
18 initial appointment, unless a different deadline is stated, that consists, at a  
19 minimum, of the following:

20 (a) Training on the 2014 DOJ Settlement Agreement with the City of  
21 Albuquerque (or any subsequent agreements), and Findings Letter of April 10,  
22 2014 (or any subsequent findings letters);

23 (b) Training on this ordinance and the duties, obligations, and  
24 responsibilities that it imposes on Board members and the CPOA;

25 (c) Training on State and local laws regarding public meetings and  
26 the conduct of public officials, including but not limited to inspection of public  
27 records, governmental transparency, ethics;

28 (d) Training on civil rights, including the Fourth Amendment right to  
29 be free from unreasonable searches and seizures, including unreasonable  
30 uses of force;

31 (e) Training on all APD policies related to use of force, including  
32 policies related to APD's internal review of force incidents;

33 (f) Training provided to APD officers on use of force;

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1 (g) Completion of those portions of the APD Civilian Police Academy  
2 that APD determines are necessary for the Board to have a sound  
3 understanding of the Department, its policies, and the work officers perform.  
4 This training must be completed within one (1) year from the member's initial  
5 appointment. For purposes of this training requirement, APD shall identify  
6 those portions of the standard APD Civilian Police Academy Program that are  
7 optional for Board members and shall make other aspects of the program  
8 available for Board members to complete independently;

9 (h) At least two APD ride-alongs;

10 (i) Internal Affairs training;

11 (j) A briefing that identifies and explains the curriculum of all training  
12 currently received or anticipated to be received by APD officers, including any  
13 outside training not provided by the city.

14 (3) Required On-Going Training. Board members shall receive eight  
15 hours of annual training to include but not be limited to:

16 (a) any changes in law, policy, or training in the areas outlined under  
17 subsection (2) above, as well as developments in the implementation of the  
18 2014 DOJ Settlement Agreement (or any subsequent agreements) until such  
19 time as the terms of the agreement are satisfied; or

20 (b) attendance at the annual NACOLE conference, which may satisfy  
21 no more than four hours of a Board member's on-going annual training  
22 requirements.

23 In addition to the eight hours of on-going annual training, Board members  
24 shall also participate in at least two police ride-alongs for every six-months of  
25 service on the Board.

26 (4) Recommended Training. Board members are encouraged to attend  
27 conferences and workshops relating to police oversight, such as the annual  
28 NACOLE conference at city expense depending on budget availability. The  
29 Director, in collaboration with the city and APD, shall maintain training  
30 opportunities for members that includes, but is not limited to:

31 (a) Annual firearms simulation training; and

32 (b) Equity and Cultural Sensitivity training;

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1 (5) The CPOA and APD shall jointly create and maintain a Board  
2 training calendar that outlines the dates in which the required and  
3 recommended training opportunities outlined in this subsection (G) are  
4 available to members of the Board.

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

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

18 SECTION 3. COMPILATION. The ordinance amendment prescribed by  
19 SECTION 1 shall amend, be incorporated in and made part of the Revised  
20 Ordinances of Albuquerque, New Mexico, 1994.

21 SECTION 4. EFFECTIVE DATE. This ordinance shall take effect five days  
22 after publication by title and general summary.  
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1 PASSED AND ADOPTED THIS 16th DAY OF May, 2022  
2 BY A VOTE OF: 9 FOR 0 AGAINST.

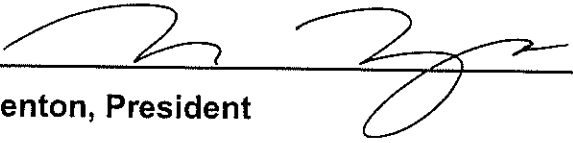
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Isaac Benton, President  
City Council

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APPROVED THIS 31 DAY OF May, 2022

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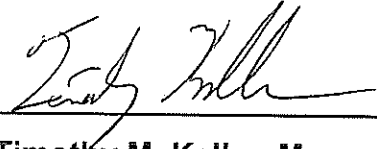
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Bill No. O-22-20

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Timothy M. Keller, Mayor  
City of Albuquerque

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ATTEST:

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Ethan Watson, City Clerk

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