

CITY of ALBUQUERQUE

TWENTY FIRST COUNCIL

COUNCIL BILL NO. F/S 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 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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1 the review to a contract with hearing officer qualified pursuant to the terms
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.