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Title: 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 (Bassan, Benton, Davis)
Sponsors: Brook Bassan, Isaac Benton, Pat Davis
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5/2/2022	1	President	To be heard at the Council Meeting	

CITY of ALBUQUERQUE
TWENTY FIFTH COUNCIL

COUNCIL BILL NO. O-22-20 ENACTMENT NO. _____

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 (Bassan, Benton, Davis)

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

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

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

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

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

. . .

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

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

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

(3) The appointment of any member who has not completed the training required by subparagraph (G)(3), below, automatically terminates if the eight hours of required on-going training is not fully completed within an additional 30-day grace period of the anniversary date of the member's appointment. However, if any training is not completed because the training was not made available by the city, the 30-day grace period is extended to include the timeframe within which the training is offered and can be reasonably completed.

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

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

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

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

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

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

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

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

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

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

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

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

(g) Completion of those 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. This training must be completed within one (1) year from the member's initial appointment. 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;

(h) At least two APD ride-alongs;

(i) Internal Affairs training;

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

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

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

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

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

(4) Recommended Training. Board members are encouraged to attend conferences and workshops relating to police oversight, such as the annual NACOLE conference at city expense depending on budget availability. The Director, in collaboration with the city and APD, shall

maintain training opportunities for members that includes, but is not limited to:

(a) Annual firearms simulation training; and

(b) Equity and Cultural Sensitivity training;

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

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

SECTION 2. SEVERABILITY CLAUSE. 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. The ordinance amendment prescribed by SECTION 1 shall amend, be incorporated in and made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

SECTION 4. EFFECTIVE DATE. This ordinance shall take effect five days after publication by title and general summary.