



## Legislation Details (With Text)

**File #:** O-19-70  
**Type:** Ordinance  
**Status:** Enacted  
**File created:** 6/17/2019  
**In control:** City Council  
**Final action:** 8/5/2019  
**Enactment date:** 9/3/2019  
**Enactment #:** O-2019-020  
**Title:** Amending Chapter 9, Article 4, Part 1, Section 8 Of The Revised Ordinances Of Albuquerque (The "Police Oversight Ordinance") Regarding Case Review By Subcommittees Of The Board Of The Civilian Oversight Agency (Benton, Winter)  
**Sponsors:** Isaac Benton  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. O-70, 2. O-70Enacted

Date	Ver.	Action By	Action	Result
9/3/2019	2	City Clerk	Published	
8/22/2019	2	Mayor	Not Signed by the Mayor	
8/19/2019	1	City Council	Sent to Mayor for Signature	
8/5/2019	1	City Council	Passed	Pass
6/17/2019	1	City Council	Introduced	
6/17/2019	1	President	To be heard at the Council Meeting	

## CITY of ALBUQUERQUE TWENTY THIRD COUNCIL

COUNCIL BILL NO. O-19-70 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Isaac Benton and Brad Winter

### ORDINANCE

Amending Chapter 9, Article 4, Part 1, Section 8 Of The Revised Ordinances Of Albuquerque  
(The "Police Oversight Ordinance") Regarding Case Review By Subcommittees Of The Board Of  
The Civilian Oversight Agency (Benton, Winter)

AMENDING CHAPTER 9, ARTICLE 4, PART 1, SECTION 8 OF THE REVISED ORDINANCES  
OF ALBUQUERQUE (THE "POLICE OVERSIGHT ORDINANCE") REGARDING CASE REVIEW

BY SUBCOMMITTEES OF THE BOARD OF THE CIVILIAN OVERSIGHT AGENCY.

WHEREAS, the Albuquerque City Council approved amending Ordinance C/S 2 O-18-23 on April 1, 2019 which made a variety of changes to the Police Oversight Ordinance; and

WHEREAS, clarification is needed regarding the ability of the subcommittees of the Board of the Civilian Police Oversight Agency to review and make recommendations on civilian complaint cases to the Board at a regular or special meeting.

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

SECTION 1. Section 9-4-1-8 (D) ROA 1994 is hereby amended as follows:

“(D) The Board shall review the proposed findings and recommendations at any properly noticed regular or special meeting. The Board shall adopt and follow rules for such reviews that implement the requirements of this article and ensure fairness and completeness in its reviews. For purposes of these reviews, the Board members shall, at a minimum, adhere to the following standards of conduct:

(1) Remain impartial in deliberations and decisions and abstain from any independent investigation or review of information not presented by the investigation report or within the investigation file;

(2) Refrain from any ex-parte communication relating to the matters and parties under consideration other than at a properly noticed meeting, and recuse from any related hearings as may be necessary based on any improper ex parte communication; any ex-parte correspondence that is inadvertently received by a member shall be referred to or otherwise disclosed to the Director and, when appropriate, made available for review by the relevant complaint and APD officer or their representatives; and

(3) Refrain from prejudgment on complaints coming before the board until such time as all relevant information has been reviewed and considered at a properly noticed meeting, and recuse from any hearing in which he or she has a direct or indirect personal conflict of interest or cannot otherwise accord a fair and impartial review, or in which such member's participation would create the appearance of impropriety or partiality. Nothing in this paragraph shall be interpreted as preventing a subcommittee from reviewing and making recommendations on the resolution of a case.”

SECTION 2. SEVERABILITY CLAUSE. If any section, paragraph, 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 amendments set forth in Section 1 above 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.

x:\city council\share\cl-staff\\_legislative staff\legislation\23 council\o-70final.doc.docx