



Legislation Text

File #: O-20-27, Version: 2

CITY of ALBUQUERQUE
TWENTY FOURTH COUNCIL

COUNCIL BILL NO. O-20-27 ENACTMENT NO. _____

SPONSORED BY: Klarissa J. Peña

ORDINANCE

Establishing Community Policing Councils; Community Policing Council Membership; Requirements
And Duties (Peña)

ESTABLISHING COMMUNITY POLICING COUNCILS; COMMUNITY POLICING COUNCIL
MEMBERSHIP; REQUIREMENTS AND DUTIES.

WHEREAS, Community Policing Councils were formalized by the City of Albuquerque as part of the Court-Approved Settlement Agreement (CASA) in the case of the *United States v. City of Albuquerque*, No. 1:14-cv-1025-JB-SMV, (the CASA), Paragraphs 266 through 270. The CASA required the City to establish a Community Policing Council (“CPC”) in each of the six (6) Area Commands; and

WHEREAS, each CPC is comprised of volunteer members from the community and facilitate regular communication and cooperation between the Albuquerque Police Department and community members; and

WHEREAS, the purpose of this Ordinance is to institutionalize and establish the City’s commitment to continue the Community Policing Councils in perpetuity when *United States v. City of Albuquerque* is dismissed.

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

SECTION 1. A NEW PART, PART 6, IS HEREBY ADDED TO ARTICLE 4, CHAPTER NINE OF THE REVISED ORDINANCES OF ALBUQUERQUE AS FOLLOWS:

“§ 9-4-6-1. SHORT TITLE. This Ordinance may be referred to as the “Community Policing Council Ordinance.”

§ 9-4-6-2. ESTABLISHMENT OF COMMUNITY POLICING COUNCILS. The Community Policing Councils (CPCs) were initialized by the Court-Approved Settlement Agreement (CASA) in the case of *United States v. City of Albuquerque*, No. 1:14-cv-1025, and are hereby formally established and recognized by the City Council as entities that shall hereto forward operate pursuant to this Ordinance together with other applicable guidelines and requirements, and shall continue in existence after the case of *United States v. City of Albuquerque* is dismissed.

§ 9-4-6-3. PURPOSE OF COMMUNITY POLICING COUNCILS. The purpose of the CPCs is to facilitate regular communication, collaboration, consensus-building, and cooperation between the Albuquerque Police Department and the community. All community members are encouraged to attend Community Policing Council meetings, to provide comments, and are welcome to participate on Community Policing Council committees.

§ 9-4-6-4. COMMUNITY POLICING COUNCILS NUMBER; BOUNDARIES. There is one Community Policing Council for each Albuquerque Police Department Area Command.

§9-4-6-5. MEMBERSHIP OF COMMUNITY POLICING COUNCILS.

A. Members of Community Policing Councils shall serve on a voluntary basis;

B. Community Policing Council members must live or work within the boundaries of the Area Command to which they request membership;

C. Each Community Policing Council must include diverse membership reflecting a broad cross-section of the demographic of their respective Area Command, including but not limited to race, ethnicity, national origin, religion, gender identity, sexual orientation, and physical ability; and, for example, representatives of social services providers and diverse neighborhoods leaders in faith, business, or academic communities, and youth;

D. Persons will not be disqualified based on race, ethnicity, national origin, religion, gender identity, sexual orientation, physical ability, membership in any protected class, or for having a criminal history, however, current active felony warrants or active felony charges will disqualify a person from membership;

E. Each Community Policing Council shall strive to have a minimum of five members. No Community Policing Council shall have more than eleven nor fewer than three members at a time;

F. Terms:

1. Members shall serve a maximum of two terms.

2. Terms shall be staggered so that the term of no more than four members expires each year.

3. Each term shall be for three years.

4. The Community Policing Council shall begin reviewing applications for members at least two months before the expiration of a member's second term, and shall strive to select a replacement member at the meeting concurrent with the expiration of the incumbent member's term.

5. If there are no eligible candidates to replace a member on the expiration of the member's term, that member may remain on the Community Policing Council until an eligible replacement is selected.

§9-4-6-6. DUTIES AND RESPONSIBILITIES

Each Community Policing Council shall:

A. Facilitate communication, collaboration, consensus-building, and cooperation between the Albuquerque Police Department and the community;

B. Hold each of a quorum of Community Policing Council meeting open to the public and provide notice of the meetings by publishing agendas and minutes on a City of Albuquerque affiliated website, at a minimum. This provision does not create any obligations under the New Mexico Open Meetings Act nor does it create a cause of action for violation of this provision;

C. Create its own guidelines for establishing operational processes and procedures;

D. Provide advice and recommendations to the Albuquerque Police Department in areas including:

1. Reviewing and assessing the propriety and effectiveness of law enforcement priorities and related community policing strategies, materials, and training;

2. Reviewing and assessing concerns or recommendations about specific Albuquerque Police Department policing tactics and initiatives;

3. Obtaining information from the Albuquerque Police Department and conveying feedback from the community to the Albuquerque Police Department;

4. Advising the Chief of Police on recruiting a qualified, diverse workforce;

5. Advising the Chief of Police on ways to collect and publicly disseminate data and information, including information about the Albuquerque Police Department's compliance with the CASA (while it is in effect) in a transparent and public-friendly format to the greatest extent allowable by law; and

6. Advising the Chief of Police on support for constitutional, community policing.

E. Accept recommendations and concerns relevant to the operations of the Albuquerque Police Department from recognized neighborhood associations whose area of coverage corresponds at least in part with the respective CPCs area command, and shall submit recommendations or concerns so received to the Albuquerque Police Department. Community Policing Councils shall share all responses from the Albuquerque Police Department with the neighborhood association that submitted the recommendation.

F. Each Community Policing Council shall memorialize its activities and initiatives undertaken pursuant to duties and responsibilities prescribed by this Section in an annual report.

§ 9-4-6-7. CITY COLLABORATION WITH, AND STAFFING OF THE COMMUNITY POLICING COUNCILS

A. Community Policing Councils are funded as part of the budget of the Civilian Police Oversight Agency. Subject to budget sufficiency and appropriation, the City shall provide sufficient funds to the Civilian Police Oversight Agency to ensure that the Community Policing Councils can fulfill their duties.

B. The Albuquerque Police Department shall collaborate with the Community Policing Councils by, at a minimum:

1. Regularly communicating with the Community Policing Councils and the Community Policing Council Liaison;
2. Providing information and speakers for meetings of and inquiries by the Community Policing Councils;
3. Reviewing, assessing, and responding to Community Policing Council recommendations within forty-five days of receiving a recommendation; informing the Community Policing Council of whether the recommendation will be implemented; and providing a rationale for rejected recommendations;
4. Making training available to Community Policing Council members; and
5. Holding an annual meeting between the Chief of Police, Mayor and the Chair of each Community Policing Council to present their annual reports, discuss progress and concerns.

C. The Civilian Police Oversight Agency shall provide staff and administrative support to the Community Policing Councils, including:

1. Subject to budget sufficiency, appropriation, and city personnel policies and procedures, employing staff, including but not limited to a liaison and an administrative assistant, who are responsible for:

- a. Taking minutes at Community Policing Council meetings;
- b. Publishing Community Policing Council meeting minutes, agendas, and annual reports on the Community Policing Council website;
- c. Communicating with and coordinating resources for the Community Policing Councils;
- d. Keeping the Community Policing Councils informed of Department developments including but not limited to information related to the CASA;
- e. Community outreach plans; recruitment plans; and overall strategic goals and objectives;
- f. Providing support to Community Policing Councils for recruitment activities and recruitment planning;
- g. Notifying Community Policing Councils of potential recruitment opportunities;
- h. Helping ensure that each Community Policing Councils' selection process is fair, transparent, non-discriminatory, includes a representative cross-section of the community, and ultimately results in at least a CPC that satisfies the minimum membership and duties of this Ordinance; and
- i. Providing materials and supplies to the Community Policing Councils to support the Community Policing Councils in fulfilling their duties.

§ 9-4-6-8. GENERAL PROVISIONS

A. The provisions of the Public Boards, Commissions and Committees Ordinance, ROA 1994, §§ 2-6-1-1 through 2-6-1-6, do not apply to the Community Policing Councils established by this Ordinance.

B. No Community Policing Council shall organize, sponsor, advertise, or host any political forum, or candidates running for elected office. However, nothing in this section is intended to restrict the members of Community Policing Councils from engaging in any political activities outside the course and scope of their duties as a Community Policing Council member. No CPC member shall run for or hold elective office while serving on a CPC.”

SECTION 2. EXISTING MEMBERS. All existing CPC members are members of the CPCs established by this Ordinance. Members who have been members for less than three years are considered to be serving their first term, which first term ends upon the expiration of two years from the enactment of this Ordinance. All existing CPC members who have been members for three years or more are considered to be serving their second term, which second term shall end upon the

expiration of three years from the enactment of this Ordinance.

SECTION 3. 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 4. COMPILATION. Section 1 of this Ordinance shall amend, be incorporated in and compiled as part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

SECTION 5. EFFECTIVE DATE. This ordinance is effective five days after publication by title and general summary.

X:\CL\SHARE\CL-Staff\Legislative Staff\Legislation\24 Council\O-27final.docx