



[Bracketed/Underscored Material] - New  
[Bracketed/Strikethrough Material] - Deletion

1 ~~any sworn or non-sworn individual employed by or acting under the authority~~  
2 ~~and direction of the Albuquerque Police Department.~~

3 ~~(1) For the purpose of this Ordinance, APD personnel subject to CPOA~~  
4 ~~jurisdiction includes individuals who:~~

5 ~~(a) engage in direct interaction with members of the public;~~

6 ~~(b) exercise enforcement, regulatory, or public safety related authority;~~

7 ~~(c) perform duties historically or operationally associated with law~~

8 ~~enforcement, including responding to calls for service, conducting traffic or~~  
9 ~~crash-related functions, preparing reports, or participating in investigations;~~

10 ~~(d) wear uniforms, operate marked vehicles, or otherwise present as public~~  
11 ~~safety or law enforcement personnel; or~~

12 ~~(e) utilize on-body recording devices or other recording systems in the~~  
13 ~~course of official duties.~~

14 ~~(2) This definition shall be interpreted broadly to ensure civilian oversight~~  
15 ~~of all APD personnel whose duties involve public interaction or the exercise of~~  
16 ~~governmental authority.~~

17 ~~(3) The jurisdiction of the CPOA shall not be limited or avoided by job title,~~  
18 ~~classification, employment status, contractual arrangement, or the creation of~~  
19 ~~new units, programs, or positions within APD where such personnel perform~~  
20 ~~functions described in this Ordinance.]~~

21 ~~[(D) (1) For the purpose of this Ordinance, APD personnel subject to~~  
22 ~~CPOA jurisdiction includes APD sworn officers and the following non-sworn~~  
23 ~~personnel employed by the Albuquerque Police Department:~~

24 ~~(a) Police Safety Aides;~~

25 ~~(b) Transit Safety Officers;~~

26 ~~(c) Prisoner Transport Unit officers; and~~

27 ~~(d) any other non-sworn APD personnel who:~~

28 ~~(i) engage in direct interaction with members of the public;~~

29 ~~(ii) exercise enforcement, regulatory, or public safety related~~  
30 ~~authority;~~

31 ~~(iii) perform duties historically or operationally associated with~~  
32 ~~law enforcement, for example responding to calls for service,~~  
33 ~~conducting traffic or crash-related functions, preparing~~

1 reports, or participating in investigations;  
2 (iv) wear uniforms, operate marked vehicles, or otherwise  
3 present as public safety or law enforcement personnel; and  
4 (v) utilize on-body recording devices or other recording  
5 systems in the course of official duties.

6 (2) The jurisdiction of the CPOA shall not be limited or avoided by job title,  
7 classification, employment status, or the creation of new units, programs, or  
8 positions within APD where such personnel perform functions described in  
9 this Ordinance.

10 (3) Nothing in this section shall be construed to limit the authority of the  
11 CPOA to investigate non-sworn APD personnel when such personnel are  
12 subjects of complaints arising from the same incident as sworn APD  
13 personnel.]

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

21 **SECTION 3. COMPILATION.** SECTION 1 of this Ordinance amends, is  
22 incorporated in, and is to be compiled as part of the Revised Ordinances of  
23 Albuquerque, New Mexico, 1994.

24 **SECTION 4. EFFECTIVE DATE.** This Ordinance takes effect five days after  
25 publication by title and general summary.  
26