

CITY of ALBUQUERQUE

TWENTY FOURTH COUNCIL

COUNCIL BILL NO. F/S(2) M-21-11 ENACTMENT NO. M-2021-005

SPONSORED BY: Cynthia D. Borrego

1 MEMORIAL

2 THE CITY OF ALBUQUERQUE REAFFIRMS ITS STRONG COMMITMENT TO
3 END THE DRIVERS OF CRIME, INCLUDING CRIMINAL FIREARM USE AND
4 RECIDIVISM.

5 WHEREAS, the Albuquerque Police Department continues to arrest repeat
6 violent offenders over and over again, which propagates the notion of a
7 revolving door for criminal offenders; and

8 WHEREAS, for the first six months of 2021, the Albuquerque Police
9 Department reports that preliminary crime statistics indicate that there have
10 been 31,438 crimes and that this year, the record number of homicides will be
11 surpassed in the City; and

12 WHEREAS, 78% of this year's homicides involved a firearm; and

13 WHEREAS, concerning low-level offenders, there exists the need to
14 increase the use of pre-prosecution diversion programs; and

15 WHEREAS, concerning individuals who commit violent and property
16 crimes with a firearm, these individuals should be detained, criminally
17 prosecuted and held accountable; and

18 WHEREAS, ankle bracelet monitoring of defendants should provide
19 constant monitoring and timely notice of violations to interested parties; and

20 WHEREAS, in 2016 over ninety percent of the New Mexico State Legislators
21 voted in favor of a New Mexico State Constitutional Amendment that granted
22 New Mexico Courts authority to deny release on bail pending trial for
23 dangerous defendants in felony cases while retaining the right to pretrial
24 release for non-dangerous defendants who do not pose a flight risk, ensuring
25 that they may not be kept in jail before trial only because they cannot afford to
26 buy a money bond; and

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1 **WHEREAS, later in the same year, eighty seven percent of New Mexico**
2 **voters were in favor of the amendment; and**

3 **WHEREAS, under the American system of justice, people charged with a**
4 **crime are presumed innocent until proven guilty. The New Mexico Constitution**
5 **has guaranteed since statehood that people charged with a crime have a right**
6 **to be released pretrial, except in limited instances. By allowing a person to**
7 **remain free while awaiting trial, the state avoids punishing a person awaiting a**
8 **determination of guilt – a fundamental principle of our justice system; and**

9 **WHEREAS, notwithstanding that violent crime rates in Albuquerque**
10 **remained high in recent years, statistics suggest that only a relatively small**
11 **percentage of those persons released before trial commit additional crimes**
12 **while awaiting trial; and**

13 **WHEREAS, organizations including the International Association of Police**
14 **Chiefs (IACP), the National Sheriffs Association (NSA), the National**
15 **Conference of Chief Justices (CCJ), and the American Bar Association (ABA)**
16 **all support bail reform; and**

17 **WHEREAS, the decision to release or detain a defendant awaiting trial is**
18 **determined through a proceedings process where prosecutors carry critical**
19 **obligations to establish the requisite facts justifying detention, and where the**
20 **court bears the weighty decision to detain or not detain based on those facts;**
21 **and**

22 **WHEREAS, to address the past problems of catch-and-release bail bond,**
23 **as of July 2017 new provisions in New Mexico State Rule 403 now provide**
24 **courts the authority to amend conditions or to revoke pretrial release entirely**
25 **for defendants who commit new crimes while under a court approved pretrial**
26 **release; and**

27 **WHEREAS, The New Mexico Constitution and Rule changes were modeled**
28 **after provisions of law in other states, the federal courts, and the District of**
29 **Columbia, that have been found to better protect public safety while ensuring**
30 **that taxpayer-supported jail space is not used for jailing low risk defendants**
31 **who do not pose a danger or a flight risk; and**

32 **WHEREAS, the 2016 NM Constitutional Amendment and the July 2017 new**
33 **provisions in Rule 403 that enforce the constitution’s requirements were**

1 written to better deal with the real crime problems in New Mexico that have
2 existed for years; they did not cause them; and

3 WHEREAS, the community has endured horrific tragedies at the hands of
4 felons in possession of handguns – in 2015, a convicted felon with a handgun
5 murdered Albuquerque Police Officer Daniel Webster, during a routine traffic
6 stop. Rio Rancho Police Department Officer Gregg “Nigel” Benner was also
7 murdered that same year by a convicted felon with a handgun during a routine
8 traffic stop; and

9 WHEREAS, the New Mexico’s Attorney General compiled a report that
10 presents a “holistic” approach to remove systemic gaps in intervention and
11 prevention within the criminal justice system that allowed the release of
12 dangerous individuals from detention without adequate monitoring; and

13 WHEREAS, the Mayors administration implemented the Violence
14 Intervention Program (VIP); hired hundreds of new officers, which enable APD
15 to triple the number of homicide detectives and create a new Detective
16 Academy; created a new Gun Violence Reduction Unit (GVRU) to investigate
17 shootings and prevent homicides; and invested in modern gun-detection
18 technology and the National Integrated Ballistic Information Network (NIBIN)
19 to track guns used in crimes; and

20 WHEREAS, the Mayors administration created the Metro Crime Initiative
21 which produced 40 action items that will meaningfully close gaps in the
22 criminal justice system which was supported by several current City
23 Councilors; and

24 WHEREAS, the City of Albuquerque currently works with a number of
25 diversion programs including Law Enforcement Assisted Diversion (LEAD)
26 and Young Adult Court; and

27 WHEREAS, the Albuquerque City Council is a member of the Bernalillo
28 County Criminal Justice Coordinating Council (CJCC). CJCC is a forum to
29 address issues regarding criminal law, the legal system, and the
30 administration of justice, by identifying issues and their solutions and
31 proposing actions, as well as facilitating cooperation that will enhance public
32 safety and reduce crime in Bernalillo County; and

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1 **WHEREAS, the aforementioned programs are aiding reform and**
2 **strengthening the criminal justice system.**

3 **BE IT MEMORIALIZED BY THE COUNCIL, THE GOVERNING BODY OF THE**
4 **CITY OF ALBUQUERQUE:**

5 **SECTION 1. The Council reiterates its enduring support for the law**
6 **enforcement agencies and other agencies that continue to fight the revolving**
7 **door of recidivism and gun crimes on the National, State and Local levels, and**
8 **urges attention and support strategies to improve public safety in our**
9 **communities.**

10 **SECTION 2. The Council urges that personnel be exclusively dedicated to a**
11 **24/7 comprehensive GPS tracking monitoring system so that interested**
12 **parties are notified immediately when a monitored person absconds.**

13 **SECTION 3. The City Council encourages additional funding and resources**
14 **for all organizations within the criminal justice system, including the**
15 **prosecutors, public defenders and the courts to address causes of recidivism**
16 **and aid in the reform of the criminal justice system.**

17 **SECTION 4. Resources should also specifically be dedicated toward**
18 **reforming and closing loopholes in the criminal justice system that lead to**
19 **recidivism and violent criminal firearm use, and that place greater limits on**
20 **access to deadly weapons by recent violent felons.**

21 **SECTION 5. The City Council will encourage the provision of additional**
22 **funding and resources to support the Violence Intervention Program (VIP),**
23 **Law Enforcement Assisted Diversion (LEAD) programs, and Young Adult**
24 **Court, all programs shown to decrease recidivism and to reform the criminal**
25 **justice system.**

26 **SECTION 6. For the use of firearms in the commission of violent and**
27 **property crimes, the Council strongly encourages the District Attorney, the**
28 **New Mexico Attorney General, and the United States Attorney consider all**
29 **available means to address the issue of violent crimes and property crimes.**

30 **SECTION 7. The Council strongly encourages the District Court Judges to**
31 **hold accountable those who use firearms in the commission of violent and**
32 **property crimes in considering conditions of release and consider all available**
33 **means to address the issue of violent crimes and property crimes.**

1 SECTION 8. The Council urges the New Mexico State Legislature to pass
2 tougher legislation for those who use firearms in the commission of violent
3 and property crimes and consider all available means to address the issue of
4 violent crimes and property crimes.

5 SECTION 9. The Council urges the Governor to support legislation, which
6 holds accountable individuals who use firearms in the commission of violent,
7 and property crimes and consider all available means to address the issue of
8 violent crimes and property crimes.

9 SECTION 10. The City Clerk is directed to distribute copies of this
10 Memorial to the Chief of the Albuquerque Police Department.


11 SECTION 11. The City Clerk is directed to send a copy of this Memorial to
12 each member of the New Mexico State Legislature representing the State
13 districts in the City of Albuquerque, the Offices of the Speaker of the House
14 and President Pro Tempore of the New Mexico Legislature, and the Bernalillo
15 County Commission, the Chief of the New Mexico State Police Department, the
16 Second Judicial District Attorney's Office, and the Office of the New Mexico
17 Attorney General, as well as the Administrative Office of the Courts.

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1 PASSED AND ADOPTED THIS 3rd DAY OF November 2021
2 BY A VOTE OF: 9 FOR 0 AGAINST.

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Cynthia D. Borrego, President
City Council

Bill No. F/S(2) M-21-11

ATTEST:



Ethan Watson, City Clerk

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