

CITY of ALBUQUERQUE

TWENTY SECOND COUNCIL

COUNCIL BILL NO. F/S R-16-140 ENACTMENT NO. R-2017-006

SPONSORED BY: Dan Lewis

1

RESOLUTION

2 CREATING NEW PRIORITY OBJECTIVES WITHIN THE PUBLIC SAFETY GOAL
3 AND ESTABLISHING ADDITIONAL CITY POLICY RELATING TO THE
4 PROCESSING OF UNTESTED SEXUAL ASSAULT EVIDENCE KITS IN THE
5 POSSESSION OF THE ALBUQUERQUE POLICE DEPARTMENT.

6 WHEREAS, DNA evidence is an invaluable investigative tool, and sexual
7 assault evidence kits can identify an unknown assailant, reveal serial
8 offenders, and exonerate the wrongly convicted; and

9 WHEREAS, in New Mexico there is currently a backlog of more than 5,000
10 sexual assault evidence kits that have not yet been processed, which
11 represents thousands of leads to investigate, survivors to re-engage with
12 compassion and care, and cases to prosecute; and

13 WHEREAS, in the City of Albuquerque alone there are thousands of such
14 kits waiting to be processed; and

15 WHEREAS, each sexual assault kit represents a survivor who underwent an
16 hours-long medical and forensic examination and reported the assault to the
17 police; and

18 WHEREAS, each kit represents a survivor who deserves to have that kit
19 tested and who deserves justice; and

20 WHEREAS, the issue of untested sexual assault evidence kits is difficult
21 not because of a lack of effort on behalf of the police department, but rather
22 because of a lack of capacity at APD's Crime Lab and private labs, staff
23 turnover, and a shortage of qualified candidates; and

24 WHEREAS, the Justice Department's new Sexual Assault Kit Initiative
25 (SAKI) represents an opportunity to provide local communities with resources
26 to support multidisciplinary community response teams engaged in the
27 comprehensive reform of jurisdictions' approaches to sexual assault cases.

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

1 This includes testing backlogged kits; investigating and prosecuting cases
2 connected to the backlog; and addressing the need for victim notification and
3 re-engagement with the criminal justice system; and

4 WHEREAS, the City Council believes that processing the backlog of
5 unprocessed sexual assault evidence kits should be a priority for the City and
6 for APD; and

7 WHEREAS, in March 2016 the Department of Justice Bureau of Justice
8 Assistance announced the National Sexual Assault Kit Initiative to address
9 this nationwide problem and awarded more than \$38 million in grant funding
10 to local agencies in FY 2016 to help process these kits, develop evidence-
11 based tracking systems, and train law-enforcement personnel.

12 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
13 ALBUQUERQUE:

14 Section 1. That a new priority objective is created under the PUBLIC
15 SAFETY GOAL reading as follows:

16 "The Chief of Police shall work with representatives from Central New
17 Mexico Community College and the University of New Mexico to create
18 programs that are designed to increase the number of students completing
19 degree programs that will qualify them for careers in APD and state crime
20 labs. Examples of such programs might include a scholarship program for
21 interested students, student-loan forgiveness programs for students who
22 commit to working for the City of Albuquerque Crime Lab, or other recruitment
23 incentives. The Chief shall report to the City Council by the end of the third
24 quarter of FY/17 on the feasibility and costs associated with such a
25 scholarship or incentive program."

26 Section 2. That a new priority objective is created under the PUBLIC
27 SAFETY GOAL reading as follows:

28 "The Albuquerque Police Department shall, by the end of the third quarter
29 of FY/17, establish an Albuquerque Sexual Assault Evidence Response Team
30 (ASERT) consisting of representatives from the following groups:

31 1. The director of The Rape Crisis Center of Central New Mexico or
32 designee;

33 2. A representative from the Bernalillo County Sheriff's Office;

1 3. A representative from the District Attorney's Office;
2 4. The director of the City's Family Advocacy Center or designee;
3 5. The director of the Albuquerque Sexual Assault Nurse Examiner
4 Collaborative or designee;
5 6. A representative from the APD Sex Crimes Unit;
6 7. The director of the Albuquerque Police Department's crime
7 laboratory or designee;
8 8. The Chief of the Albuquerque Police Department or designee;
9 The working group shall meet at least quarterly to assess the progress of
10 processing backlogged sexual assault evidence kits and to make
11 recommendations for quickly clearing the backlog. The working group shall
12 report to the Administration and to the City Council on a quarterly basis,
13 beginning with the first quarter of FY/18. (APD)"

14 Section 3. That a new priority objective is created under the PUBLIC
15 SAFETY GOAL reading as follows:

16 "The Albuquerque Police Department shall, by the second Council meeting
17 in January 2017, investigate the availability of, and plan to apply for, SAKI
18 grant funding to expand capacity at the APD crime lab and improve the
19 Department's tracking system for sexual assault evidence kits."

20 Section 4. The Police Department and the Human Resources Department,
21 using existing funding, shall conduct a salary survey of the forensic science
22 positions within the APD Crime Lab to determine whether salaries should be
23 increased to retain existing employees and to remain competitive with other
24 facilities in the public and private sector. The results of the salary survey shall
25 be reported to Council prior to April 1, 2017 so that recommended changes, if
26 any, may be incorporated into the FY/18 budget.

27 Section 5. It shall be a 2017 legislative priority of the City to work with the
28 state Department of Public Safety on an agreement whereby the DPS Crime
29 Lab will assist the City in reducing the number of APD's unprocessed sexual
30 assault evidence kits. A copy of this resolution shall be transmitted to the
31 City's lobbyists to the state legislature for their use during the upcoming 60-
32 day session.

1 PASSED AND ADOPTED THIS 4th DAY OF January, 2017
2 BY A VOTE OF: 9 FOR 0 AGAINST.

3
4
5
6
7
8 Isaac Benton, President
9 City Council

10
11 APPROVED THIS 13th DAY OF January, 2017
12
13
14
15
16
17 Bill No. F/S R-16-140

18
19
20
21 Richard J. Berry, Mayor
22 City of Albuquerque
23
24
25
26 ATTEST:
27
28 Natalie Y. Howard
29 Natalie Y. Howard, City Clerk
30
31
32
33