

CITY of ALBUQUERQUE

TWENTY FOURTH COUNCIL

COUNCIL BILL NO. R-21-142 ENACTMENT NO. _____

SPONSORED BY: Patrick Davis

1 RESOLUTION

2 ADOPTING A POLICY TO CREATE A “SAFE HARBOR” FOR VICTIMS OF
3 DOMESTIC VIOLENCE AND OTHER VIOLENCE TO ENGAGE WITH THE
4 POLICE DEPARTMENT WITHOUT FEAR OF ARREST.

5 WHEREAS, domestic violence is a serious issue impacting the health,
6 safety and welfare of victims and the community at-large; and

7 WHEREAS, a report by the National Coalition Against Domestic Violence
8 found that 1-in-3 women and 1-in-7 men in New Mexico had been victims of
9 domestic violence but many had not reported it to law enforcement, and in one
10 day in 2013, New Mexico domestic violence services had served 951 victims;
11 and

12 WHEREAS, a study by the University of Kentucky and the National
13 Domestic Violence Hotline found that 24-percent of domestic violence
14 survivors who had reported incidents to law enforcement were themselves
15 threatened with arrest, and 1-in-6 domestic violence survivors had not called
16 law enforcement previously because they were afraid police would arrest
17 them; and

18 WHEREAS, the same study found that 1-in-4 female survivors of domestic
19 violence who had called police would not do so again and 1-in-2 were unsure
20 about whether they would involve police again; and

21 WHEREAS, a 2015 report by the American Civil Liberties Union (ACLU)
22 marking the 20th anniversary of the passage of the Violence Against Women
23 Act by the American Civil Liberties Union (ACLU) found that 59% of LGBTQ+
24 domestic violence survivors said that law enforcement sometimes or
25 frequently fail to recognize abuse in LGBTQ+ relationships, and 58% of

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1 LGBTQ+ respondents said they had experienced bias against their
2 relationship status during a law enforcement encounter; and
3 WHEREAS, in the same report, survivors of domestic violence and sexual
4 assault who also had co-existing involvement with substance abuse or sex
5 trafficking had failed to report abuse because of a fear of arrest on those
6 unrelated issues; and
7 WHEREAS, no survivor of domestic violence should fear arrest for seeking
8 help from the Albuquerque Police Department.
9 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
10 ALBUQUERQUE:
11 SECTION 1. The Albuquerque Police Department shall:
12 A. Work with the City’s Criminal Justice System partners to institute a
13 “safe harbor” policy or operating procedure that allows victims to report
14 incidents of domestic violence or sexual assault against them, and to
15 participate in the prosecution of those cases without any threat that the victim
16 may be arrested for: 1) any unrelated, pending or potential misdemeanor
17 charges or warrants against them, and/or 2) any pending felony warrants
18 against them to the extent, if any, that reasonable alternatives to arrest are
19 available.
20 B. Review all policies and training relating to the handling of domestic
21 violence reporting and investigations to ensure they are consistent with a
22 “safe harbor” policy.
23 C. Report to the City Council on a quarterly basis on the progress
24 toward this policy until it is fully implemented.
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