

CITY of ALBUQUERQUE

TWENTY FOURTH COUNCIL

COUNCIL BILL NO. R-21-142 ENACTMENT NO. R-2021-022

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, a 2015 report by the American Civil Liberties Union (ACLU)
19 marking the 20th anniversary of the passage of the Violence Against Women
20 Act by the American Civil Liberties Union (ACLU) found that 59% of LGBTQ+
21 domestic violence survivors said that law enforcement sometimes or
22 frequently fail to recognize abuse in LGBTQ+ relationships, and 58% of
23 LGBTQ+ respondents said they had experienced bias against their
24 relationship status during a law enforcement encounter; and

25 WHEREAS, in the same report, survivors of domestic violence and sexual
26 assault who also had co-existing involvement with substance abuse or sex

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1 trafficking had failed to report abuse because of a fear of arrest on those
2 unrelated issues; and

3 WHEREAS, no survivor of domestic violence should fear arrest for seeking
4 help from the Albuquerque Police Department.

5 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
6 ALBUQUERQUE:

7 SECTION 1. The Albuquerque Police Department shall:

8 A. Work with the City's Criminal Justice System partners to evaluate
9 options for, and to the extent feasible, institute a "safe harbor" policy or
10 operating procedure that allows victims to report incidents of domestic
11 violence or sexual assault against them, and to participate in the prosecution
12 of those cases without any threat that the victim may be arrested for: 1) any
13 unrelated, pending or potential misdemeanor charges or warrants against
14 them.

15 B. Work with the City's criminal justice system partners on determining
16 which pending felony warrants, if any, can be included in the safe harbor
17 policy.

18 C. Review all policies and training relating to the handling of domestic
19 violence reporting and investigations to ensure they are consistent with a
20 "safe harbor" policy.

21 D. Report to the City Council on a quarterly basis on the progress
22 toward this policy until it is fully implemented.
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1 PASSED AND ADOPTED THIS 3rd DAY OF May, 2021
2 BY A VOTE OF: 6 FOR 2 AGAINST.

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4 For: Borrego, Davis, Gibson, Jones, Peña, Sena

5 Against: Bassan, Harris

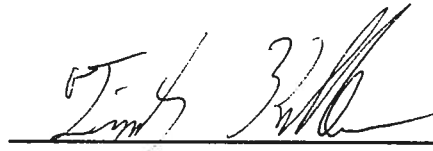
6 Excused: Benton
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11 Cynthia D. Borrego, President
12 City Council
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16 APPROVED THIS 15 DAY OF May, 2021
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19 Bill No. R-21-142
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23 Timothy M. Keller, Mayor
24 City of Albuquerque
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28 ATTEST:

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31 Ethan Watson, City Clerk
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