

CITY of ALBUQUERQUE

TWENTY FOURTH COUNCIL

COUNCIL BILL NO. M-21-10 ENACTMENT NO. _____

SPONSORED BY: Cynthia D. Borrego

1 MEMORIAL
2 REAFFIRMING THE CITY OF ALBUQUERQUE’S COMMITMENT TO DECREASE
3 CRIME, AND RECIDIVISM, AND ADVOCATING CRIMINAL JUSTICE REFORM IN
4 METRO ALBUQUERQUE AND BERNALILLO COUNTY.

5 WHEREAS, in 2016 the New Mexico Legislature voted 91% in favor of a NM
6 State Constitutional Amendment to give judges new authority to deny release
7 to proven dangerous defendants – no matter how much they can pay for a bail
8 bond – and ensuring that defendants who are neither a danger nor a flight risk
9 may not be kept in jail before trial only because they cannot afford to buy a
10 money bond; and

11 WHEREAS, later in the same year, 87% of New Mexico voters were in favor
12 of giving the judges this new authority; and

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

19 WHEREAS, according to the Second Judicial District Court of New Mexico,
20 crime rates in the Albuquerque area rose significantly from 2010 to 2016,
21 during the time that dangerous defendants were able to rotate in and out of
22 jails and courts on catch-and-release money bonds; and

23 WHEREAS, in 2015 Albuquerque Police Officer Daniel Webster was shot
24 and died several days later when detaining a convicted felon in a routine
25 traffic stop who had been in and out of the prison system; and

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1 WHEREAS, in 2015 Rio Rancho Police Department Officer Gregg “Nigel”
2 Benner was killed on a routine stop by a person with a lengthy criminal record
3 and an active warrant; and

4 WHEREAS, in response to the killing, New Mexico’s Attorney General
5 compiled a report that lays a “holistic” approach to address how systemic
6 gaps in intervention and prevention led Benner’s killer to be out of jail; and

7 WHEREAS, to address the past problems of catch-and-release bail bond,
8 as of July 2017 new provisions in NM State Rule 403 now provide all judges
9 the explicit authority to amend conditions or to revoke pretrial release entirely
10 for defendants who commit new crimes while released; and

11 WHEREAS, New Mexico State Constitution and rule changes are modeled
12 after provisions of law in other states, the federal courts, and the District of
13 Columbia, determined to better protect public safety while ensuring taxpayer-
14 supported jail space is not used for jailing low risk defendants who do not
15 pose a danger or a flight risk; and

16 WHEREAS, the 2016 NM Constitutional Amendment and the July 2017 new
17 provisions in Rule 403 enforcing the constitution’s requirements are written to
18 better deal with pre-existing real crime problems in New Mexico. They did not
19 cause them; and

20 WHEREAS, organizations like the International Association of Police Chiefs
21 (IACP), the National Sheriffs Association (NSA), the National Conference of
22 Chief Justices (CCJ), and the American Bar Association (ABA) all support bail
23 reform; and

24 WHEREAS, the current Mayor’s administration implemented the Violence
25 Intervention Program (VIP), the Rapid Accountability Division (RAD), and the
26 Metro Crime Initiative supported by several current City Councilors; and

27 WHEREAS, the Bernalillo County Criminal Justice Coordinating Council
28 (CJCC) which serves as a forum concerning the law, the legal system, and the
29 administration of justice, to identify issues and their solutions and propose
30 actions, as well as facilitate cooperation that will enhance public safety and
31 reduce crime in Bernalillo County is supported by several current City
32 Councilors; and

1 WHEREAS, the aforementioned programs are working on reforming and
2 closing loopholes in 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 on the National, State and Local levels, and urges attention
8 and support strategies to improve public safety in our communities.

9 Section 2: The City Council will encourage the provision of additional funding
10 to support this effort and encourage other agencies to do the same.

11 SECTION 2. The City Clerk is directed to distribute copies of this Memorial
12 to the Chief of the Albuquerque Police Department.

13 SECTION 3. The City Clerk is directed to send a copy of this Memorial to
14 each member of the New Mexico State Legislature representing the State
15 districts in the City of Albuquerque, and the Bernalillo County Commission,
16 the Chief of the New Mexico State Police Department, the Second Judicial
17 District Attorney's Office, and the Office of the New Mexico Attorney General.

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