

CITY of ALBUQUERQUE

TWENTY FOURTH COUNCIL

COUNCIL BILL NO. F/S M-21-11 ENACTMENT NO. _____

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 the
6 same violent offenders over and over again, which helps to propagate the
7 notion of a revolving door for criminal offenders; and

8 WHEREAS, in 2016 the New Mexico Legislature voted 91% in favor of a NM
9 State Constitutional Amendment that granted New Mexico Courts authority to
10 deny release on bail pending trial for dangerous defendants in felony cases
11 while retaining the right to pretrial release for non-dangerous defendants who
12 do not pose a flight risk; and

13 WHEREAS, later in the same year, 87% of New Mexico voters were in favor
14 of the amendment; and

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

21 WHEREAS, notwithstanding that crime rates in Albuquerque have
22 continued to rise in recent years, statistics suggest that only a relatively small
23 percentage of those person released before trial commit additional crimes
24 while awaiting trial; and

25 WHEREAS, the decision to release a defendant awaiting trial results from
26 proceedings where prosecutors carry critical obligations to establish the

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1 requisite facts justifying detention, and where the court bears the weighty
2 decision to detain or not detain based on those facts; and

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

10 WHEREAS, the New Mexico’s Attorney General compiled a report that lays
11 a “holistic” approach to address how systemic gaps in intervention and
12 prevention within the criminal justice system can lead to dangerous criminals
13 being let out of jail without adequate monitoring; and

14 WHEREAS, to address the past problems of catch-and-release bail bond,
15 as of July 2017 new provisions in NM State Rule 403 now provide courts the
16 authority to amend conditions or to revoke pretrial release entirely for
17 defendants who commit new crimes while released when prosecutors meet
18 requisite burdens; and

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

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

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

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

31 WHEREAS, the aforementioned programs are aiding reform and closing
32 loopholes in the criminal justice system; and

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1 WHEREAS, for the first six months of 2021, the Albuquerque Police
2 Department reports that preliminary crime statistics indicate that there have
3 been 31,438 crimes; and

4 WHEREAS, sadly this year, the record number of homicides will be
5 surpassed in the City; and

6 WHEREAS, the City of Albuquerque can continue to seek criminal justice
7 reform while also holding repeat violent criminals accountable; and

8 WHEREAS, concerning individuals who commit violent and property
9 crimes with a firearm, these individuals need to be detained, criminally
10 prosecuted and held accountable; and

11 WHEREAS, three Albuquerque Police Officers were recently wounded, one
12 critically, after engaging an armed robber after encountering an out of state
13 felon with a firearm; and

14 WHEREAS, recently, a homicide suspect removed his ankle bracelet and
15 was on the loose without law enforcement being notified; and

16 WHEREAS, the Bernalillo County Criminal Justice Coordinating Council
17 (CJCC) which serves as a forum concerning the law, the legal system, and the
18 administration of justice, to identify issues and their solutions and propose
19 actions, as well as facilitate cooperation that will enhance public safety and
20 reduce crime in Bernalillo County is supported by several current City
21 Councilors.

22 BE IT MEMORIALIZED BY THE COUNCIL, THE GOVERNING BODY OF THE
23 CITY OF ALBUQUERQUE:

24 SECTION 1. The Council reiterates its enduring support for the law
25 enforcement agencies and other agencies that continue to fight the revolving
26 door of recidivism and gun crimes on the National, State and Local levels, and
27 urges attention and support strategies to improve public safety in our
28 communities.

29 SECTION 2: The Council urges that personnel be exclusively dedicated to a
30 24/7 comprehensive GPS tracking monitoring system and that the
31 Albuquerque Police Department be notified immediately when a monitored
32 person absconds.

33 SECTION 3: The City Council encourages additional

1 funding and resources for all organizations within the criminal justice
2 systems, including the prosecutors, public defenders and the courts so that
3 the system can better deal with repeat offenders while continuing to protect
4 the rights of the innocent and all individuals coming before the court.
5 Resources should also specifically be dedicated toward reforming and
6 closing loopholes in the criminal justice system that lead to recidivism and
7 violent criminal firearm use, and that place greater limits on access to deadly
8 weapons by recent violent felons.

9 SECTION 4: The City Council will encourage the provision of additional
10 funding and resources to support the Violence Intervention Program (VIP), the
11 Rapid Accountability Division (RAD), and Law Enforcement Assisted Diversion
12 (LEAD) programs and Young Adult Court, all programs shown to decrease
13 recidivism and to reform the criminal justice system.

14 SECTION 5: The Council strongly encourages the District Attorney,
15 Attorney General and United States Attorney to prosecute and hold
16 accountable individuals who use firearms in the commission of violent and
17 property crimes with sentencing weighted toward the higher ranges of
18 possible prison time.

19 SECTION 6. The Council strongly encourages the District Court to hold
20 accountable those who use firearms in the commission of violent and property
21 crimes with sentencing weighted toward the higher range of possible prison
22 time.

23 SECTION 7. The Council urges the New Mexico State Legislature to pass
24 and close loopholes in the laws for those who use firearms in the commission
25 of violent and property crimes with sentencing weighted toward the higher
26 range of possible prison time.

27 SECTION 8. The Council urges the Governor to support legislation which
28 holds accountable with sentencing weighted toward the higher range of
29 possible prison time individuals who use firearms in the commission of
30 violent and property crimes.

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

1 SECTION 10. The City Clerk is directed to send a copy of this Memorial to
2 each member of the New Mexico State Legislature representing the State
3 districts in the City of Albuquerque, the Offices of the Speaker of the House
4 and President Pro Tem of the New Mexico Legislature, and the Bernalillo
5 County Commission, the Chief of the New Mexico State Police Department, the
6 Second Judicial District Attorney's Office, and the Office of the New Mexico
7 Attorney General, as well as the Administrative Office of the Courts.

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