



Legislation Details (With Text)

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Effective date:
Title: Adopting A Policy To Create A "Safe Harbor" For Victims Of Domestic Violence And Other Violence To Engage With The Police Department Without Fear Of Arrest (Davis)
Sponsors: Pat Davis
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Attachments: 1. R-142.pdf, 2. R-142Enacted

Date	Ver.	Action By	Action	Result
5/20/2021	2	City Clerk	Published	
5/15/2021	2	Mayor	Signed by the Mayor	
5/10/2021	1	City Council	Sent to Mayor for Signature	
5/3/2021	1	City Council	Amended	Pass
5/3/2021	1	City Council	Amended	Pass
5/3/2021	1	City Council	Amended	Pass
5/3/2021	1	City Council	Passed as Amended	Pass
4/19/2021	1	City Council	Accepted with a Recommendation Do Pass	
4/13/2021	1	Public Safety Committee	Sent to Council with a recommendation of Do Pass	Pass
4/5/2021	1	City Council	Introduced and Referred	
4/5/2021	1	President	Referred	

CITY of ALBUQUERQUE
TWENTY FOURTH COUNCIL

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

SPONSORED BY: Patrick Davis

RESOLUTION

Adopting A Policy To Create A “Safe Harbor” For Victims Of Domestic Violence And Other Violence To Engage With The Police Department Without Fear Of Arrest (Davis)
ADOPTING A POLICY TO CREATE A “SAFE HARBOR” FOR VICTIMS OF DOMESTIC VIOLENCE AND OTHER VIOLENCE TO ENGAGE WITH THE POLICE DEPARTMENT WITHOUT FEAR OF ARREST.

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

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

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

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

WHEREAS, in the same report, survivors of domestic violence and sexual assault who also had co-existing involvement with substance abuse or sex trafficking had failed to report abuse because of a fear of arrest on those unrelated issues; and

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

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

SECTION 1. The Albuquerque Police Department shall:

A. Work with the City’s Criminal Justice System partners to evaluate options for, and to the extent feasible, institute a “safe harbor” policy or operating procedure that allows victims to report incidents of domestic violence or sexual assault against them, and to participate in the

prosecution of those cases without any threat that the victim may be arrested for: 1) any unrelated, pending or potential misdemeanor charges or warrants against them.

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

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

D. Report to the City Council on a quarterly basis on the progress toward this policy until it is fully implemented.

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