



Legislation Text

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**CITY of ALBUQUERQUE**  
**TWENTY SECOND COUNCIL**

COUNCIL BILL NO. R-17-234 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Patrick Davis

RESOLUTION

Requesting That The U.S. Department Of Justice Provide An Accounting Of Certain Operations By The Federal Bureau Of Alcohol, Tobacco, Firearms And Explosives (The "ATF") And The United States Attorney's Office For The District Of New Mexico In Albuquerque; Requesting A Congressional Hearing Into Certain ATF Operations; And Requesting That The ATF Abstain From Certain Future Such Operations That Are Detrimental To The Albuquerque Community (Davis)

WHEREAS, in August 2015, the United States Attorney's Office for the District of New Mexico (USAO) and the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") initiated plans to conduct an Enhanced Enforcement Initiative ("EEI") in Albuquerque targeting the so-called "Worst of the Worst" offenders who were engaged in firearms offenses, violent crimes and drug trafficking offenses; and

WHEREAS, as a part of that EEI, the ATF imported at least 5 known criminal offenders into a predominantly minority neighborhood; and

WHEREAS, the tactics of importing known criminal offenders acting as ATF informants into our community, where they had no local knowledge of prospective targets or local known offenders, resulted in the informants encouraging some of the city's most vulnerable and needy - homeless persons and low-level drug-addicted residents in need of treatment or services - to engage in larger drug trafficking or firearms offenses with no indication they would have otherwise committed such offenses without direction from the operation's informants or agents; and

WHEREAS, while working for the ATF in Albuquerque, at least one informant for the EEI is

alleged to have: Repeatedly used drugs and operated vehicles rented by the ATF while under the influence of drugs or alcohol thus threatening public safety on our local streets and violating local laws; shared drugs with minors who were not targeted or investigated; and engaged in drug sales that were not investigated by the informant's handlers or federal prosecutors; and

WHEREAS, the EEI appears to have specifically targeted only minorities in Albuquerque because while Albuquerque's population is 3 percent African-American, 48 percent Hispanic and 40 percent non-Hispanic white residents, the operation imported only African-American and Hispanic informants and deployed them in a minority-majority impoverished neighborhood, and an agent testified in federal court that they did not attempt to identify a white target who provided a firearm to an African-American target who was later arrested and charged; and

WHEREAS, between 2006 and 2015, African-Americans composed only about 5 percent of defendants in drug and gun crimes charged in federal court in New Mexico, yet African-American residents of Albuquerque made up 27 percent of those charged in the EEI; and

WHEREAS, prior to initiating the Albuquerque EEI, the ATF team who conducted this operation had been criticized in other cities for targeting minority offenders and failing to implement policies to prevent biased targeted, but they were welcomed to Albuquerque anyway; and

WHEREAS, Senior U.S. District Judge James Parker found that the tactics deployed by the ATF in our community "made it likely they would arrest a disproportionate number of minorities"; and

WHEREAS, when announcing the results of the operation, ATF agents and the United States Attorney reported that the operation had netted 103 arrests of the "Worst of the Worst" but records show that just 1 in 3 persons arrested involved firearms offenses while homeless persons, drug addicts and a recovering addict in a halfway house were all charged with serious felony offenses not involving firearms that would not normally be targeted or prosecuted in the federal criminal justice system; and

WHEREAS, one EEI informant is believed to have introduced drugs into a halfway house program for drug offenders on parole, to have offered and provided those drugs to a recovered or recovering mother who had successfully maintained sobriety prior to the informant's intervention, and was working in legitimate employment to meet her obligations and was within weeks of reuniting with her children; and

WHEREAS, although the City of Albuquerque and the US Department of Justice have entered

into a court approved settlement agreement to reestablish community policing programs and increase law enforcement-community trust, ATF agents and USAO prosecutors failed to adequately coordinate with local law enforcement to identify and target serious offenders and as a result have eroded trust between law enforcement and the community and the actual serious offenders still remain at large.

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

Section 1. The Clerk of the City Council is directed to transmit a copy of this resolution to the members of our Congressional delegation with a request that they support public Congressional hearings into the operation led by federal agents of the Bureau of Alcohol, Tobacco, Firearms & Explosives (“ATF”) roving team, and overseen by prosecutors in the United States Attorney’s Office carried out in Albuquerque (and possibly other cities), to determine whether:

- (1) Supervisors overseeing the EEI program either targeted or failed to prevent biased targeting of African-American and Hispanic residents, and failed to follow up on firearms offenses against one or more non-minority offender;
- (2) Informants and agents encouraged homeless and drug-addicted residents of Albuquerque to engage in larger drug trafficking or firearms offenses with no indication that they would have otherwise committed such offenses without direction from the EEI’s informants or agents;
- (3) Informants engaged in crimes outside of the scope of this investigation, creating more crime in our city and in surrounding communities; in some cases while using vehicles and funds provided by the federal government;
- (4) The program, designed to target gun offenders, resulted in the arrest or indictment of 102 persons but less than 1/3 of offenders were involved with a firearms offense;
- (5) Our city has seen any measurable decrease in gun-related offenses since this operation concluded.

Section 2. The City Council requests that the ATF and US Department of Justice provide a full accounting of the policies, plans and tactics used in this operation.

Section 3. The City Council requests that the ATF abstain from conducting similar operations in Albuquerque and encourage the ATF and US Department of Justice to discontinue the use of these operations nationwide until adequate protections for Constitutional policing have been established and until the impacts of the program can be evaluated by Congress and the public.

Section 4. The Clerk of the City Council is directed to transmit a copy of this resolution to the Attorney General of the United States and the United States Attorney for the District of New Mexico.