



Legislation Text

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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)

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, the same study found that 1-in-4 female survivors of domestic violence who had called police would not do so again and 1-in-2 were unsure about whether they would involve police again; 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 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, and/or 2) any pending felony warrants against them to the extent, if any, that reasonable alternatives to arrest are available.

B. 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.

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