



Legislation Text

---

File #: M-21-10, Version: 1

---

**CITY of ALBUQUERQUE**  
**TWENTY FOURTH COUNCIL**

COUNCIL BILL NO.    M-21-10    ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Cynthia D. Borrego

MEMORIAL

Reaffirming The City Of Albuquerque’s Commitment To Decrease Crime, And Recidivism, And Advocating Criminal Justice Reform In Metro Albuquerque And Bernalillo County (Borrego)

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

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

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

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

WHEREAS, in 2015 Albuquerque Police Officer Daniel Webster was shot and died several

days later when detaining a convicted felon in a routine traffic stop who had been in and out of the prison system; and

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

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

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

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

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

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

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

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

WHEREAS, the aforementioned programs are working on reforming and closing loopholes in the criminal justice system.

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

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

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

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

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