



Legislation Text

File #: M-21-11, Version: 2

CITY of ALBUQUERQUE
TWENTY FOURTH COUNCIL

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

SPONSORED BY: Cynthia D. Borrego

MEMORIAL

F/S The City Of Albuquerque Reaffirms Its Strong Commitment To End The Drivers Of Crime, Including Criminal Firearm Use And Recidivism (Borrego)

WHEREAS, the Albuquerque Police Department continues to arrest the same violent offenders over and over again, which helps to propagate the notion of a revolving door for criminal offenders; and

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

WHEREAS, later in the same year, 87% of New Mexico voters were in favor of the amendment; 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, notwithstanding that crime rates in Albuquerque have continued to rise in recent years, statistics suggest that only a relatively small percentage of those person released before trial commit additional crimes while awaiting trial; and

WHEREAS, the decision to release a defendant awaiting trial results from proceedings where prosecutors carry critical obligations to establish the requisite facts justifying detention, and where the court bears the weighty decision to detain or not detain based on those facts; and

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

WHEREAS, the New Mexico’s Attorney General compiled a report that lays a “holistic” approach to address how systemic gaps in intervention and prevention within the criminal justice system can lead to dangerous criminals being let out of jail without adequate monitoring; 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 courts the authority to amend conditions or to revoke pretrial release entirely for defendants who commit new crimes while released when prosecutors meet requisite burdens; 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 City of Albuquerque currently works with a number of diversion programs including Law Enforcement Assisted Diversion (LEAD) and Young Adult Court; and

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

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

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

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

WHEREAS, the City of Albuquerque can continue to seek criminal justice reform while also

holding repeat violent criminals accountable; and

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

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

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

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 and gun crimes on the National, State and Local levels, and urges attention and support strategies to improve public safety in our communities.

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

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

SECTION 4: The City Council will encourage the provision of additional funding and resources to support the Violence Intervention Program (VIP), the Rapid Accountability Division (RAD), and Law Enforcement Assisted Diversion (LEAD) programs

and Young Adult Court, all programs shown to decrease recidivism and to reform the criminal justice system.

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

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

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

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

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

SECTION 10. 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, the Offices of the Speaker of the House and President Pro Tem of the New Mexico Legislature , 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, as well as the Administrative Office of the Courts.

