



Legislation Text

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

COUNCIL BILL NO. F/S(2) M-21-11 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Cynthia D. Borrego

MEMORIAL

F/S(2) 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 repeat violent offenders over and over again, which propagates the notion of a revolving door for criminal offenders; 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 that this year, the record number of homicides will be surpassed in the City; and

WHEREAS, 78% of this year's homicides involved a firearm; and

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

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

WHEREAS, ankle bracelet monitoring of defendants should provide constant monitoring and timely notice of violations to interested parties; and

WHEREAS, in 2016 over ninety percent of the New Mexico State Legislators voted in favor of a New Mexico 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, eighty seven percent 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 violent crime rates in Albuquerque remained high in recent years, statistics suggest that only a relatively small percentage of those persons released before trial commit additional crimes while awaiting trial; and

WHEREAS, organizations including 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 decision to release or detain a defendant awaiting trial is determined through a proceedings process 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, to address the past problems of catch-and-release bail bond, as of July 2017 new provisions in New Mexico State Rule 403 now provide courts the authority to amend conditions or to revoke pretrial release entirely for defendants who commit new crimes while under a court approved pretrial release; and

WHEREAS, the community has endured horrific tragedies at the hands of felons in possession of handguns - in 2015, a convicted felon with a handgun murdered Albuquerque Police Officer Daniel Webster, during a routine traffic stop. 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 presents a "holistic" approach to remove systemic gaps in intervention and prevention within the criminal justice system that allowed the release of dangerous individuals from detention without adequate monitoring; and

WHEREAS, the Mayors administration implemented the Violence Intervention Program (VIP); hired hundreds of new officers, which enable APD to triple the number of homicide detectives and create a new Detective Academy; created a new Gun Violence Reduction Unit (GVRU) to

investigate shootings and prevent homicides; and invested in modern gun-detection technology and the National Integrated Ballistic Information Network (NIBIN) to track guns used in crimes; and

WHEREAS, the Mayors administration created the Metro Crime Initiative which produced 40 action items that will meaningfully close gaps in the criminal justice system which was 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, the Albuquerque City Council is a member of the Bernalillo County Criminal Justice Coordinating Council (CJCC). CJCC is a forum to address issues regarding criminal law, the legal system, and the administration of justice, by identifying issues and their solutions and proposing actions, as well as facilitating cooperation that will enhance public safety and reduce crime in Bernalillo County; and

WHEREAS, the aforementioned programs are aiding reform and strengthening 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 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 so that interested parties are notified immediately when a monitored person absconds.**

**SECTION 3: The City Council encourages additional funding and resources for all organizations within the criminal justice system, including the prosecutors, public defenders and the courts so that the system can address the cycle of crime perpetrated by repeat offenders while continuing to protect the rights of the innocent and all individuals coming before the court.**

**SECTION 4. 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 5: The City Council will encourage the provision of additional funding and resources to support the Violence Intervention Program (VIP), Law Enforcement Assisted Diversion (LEAD) programs, and Young Adult Court, all programs shown to decrease recidivism and to reform the criminal justice system.**

**SECTION 6: For the use of firearms in the commission of violent and property crimes, the Council strongly encourages the District Attorney, the New Mexico Attorney General, and the United States Attorney to prosecute and hold perpetrators, to the fullest extent of the law and to seek the highest possible penalties.**

**SECTION 7. The Council strongly encourages the District Court Judges to hold accountable those who use firearms in the commission of violent and property crimes in considering conditions of release and with sentencing weighted toward the higher range of possible prison time when sentencing is within the Court's discretion.**

**SECTION 8. The Council urges the New Mexico State Legislature to pass tougher legislation for those who use firearms in the commission of violent and property crimes with increased sentencing enhancements that cannot be waived, suspended, or pled away to lesser charges with no mandatory sentences.**

**SECTION 9. The Council urges the Governor to support legislation, which holds accountable individuals who use firearms in the commission of violent, and property crimes through sentencing weighted toward the higher range of possible prison time.**

**SECTION 10. The City Clerk is directed to distribute copies of this Memorial to the Chief of the Albuquerque Police Department.**

**SECTION 11. 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 Tempore 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.**

