

**N**

**M**

**A**

**C**

**P**



**2009-2010**

**PUBLIC**

**SAFETY**

**RESOLUTIONS**

## **TABLE OF CONTENTS**

**2009-2010**

### **NMML PUBLIC SAFETY RESOLUTIONS**

- 2009-31 Concerning Reimbursement for Law Enforcement Training at Satellite Academies
- 2009-32 Concerning Opposition to Proposed Federal Legislation Calling for State and Local Police to Enforce Federal Civil Immigration Laws
- 2009-33 Concerning the Adoption of Appropriate Physical Fitness Standards for Law Enforcement
- 2009-34 Concerning Gang Related Crime and Activity in New Mexico
- 2009-35 Concerning Administrative Suspension of Drivers' Licenses of Persons Driving Under the Influence of Drugs
- 2009-36 Concerning Support of Additional Legislation to Attack the Growing Methamphetamine Problem in New Mexico
- 2009-37 Concerning Development of a State Plan to Designate Hazardous Cargo Routes
- 2009-38 Concerning the EMS Fund Act
- 2009-39 Concerning the Law Enforcement Protection Fund
- 2009-40 Concerning Registered Sex Offenders Living or Meeting in Close Proximity to Schools, Parks and other Government Owned Facilities
- 2009-41 Concerning DFA Regulations on Public Safety Answering Points (PSAPs)
- 2009-42 Concerning DWI Offenses and the Driver's License Revocation Process

**RESOLUTION 2009-31**

**CONCERNING REIMBURSEMENT FOR LAW ENFORCEMENT  
TRAINING AT SATELLITE ACADEMIES**

**Whereas**, New Mexico state law requires law enforcement officers to be trained and certified within one year of their hiring date and requires that the state provide its basic training at no cost to local public bodies; and

**Whereas**, in addition to the state Academy located in Santa Fe, eleven certified satellite academies are currently providing training in various regions of the state; and

**Whereas**, overcrowding at the state Academy in Santa Fe causes delays in the basic training schedule and impacts the quality of law enforcement training; and

**Whereas**, the regional locations of satellite academies enables them to provide convenient service in a more timely manner; and

**Whereas**, the state pays the basic training costs for municipal cadets who attend the Academy in Santa Fe but does not reimburse municipalities for basic training their officers receive at satellite academies; and

**Whereas**, this inequity causes financial hardship on those municipalities that train their officers at satellite academies.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League supports legislation to require the state to reimburse municipalities for the costs of basic training for officers attending satellite academies.

**Passed, Approved and Adopted** this 3rd day of September at the City of Albuquerque, New Mexico.

## RESOLUTION 2009-32

### CONCERNING OPPOSITION TO PROPOSED FEDERAL LEGISLATION CALLING FOR STATE AND LOCAL POLICE TO ENFORCE FEDERAL CIVIL IMMIGRATION LAWS

**Whereas**, the New Mexico Municipal League (NMML) strongly denounces terrorism and acknowledges that federal, state and local governments should protect the public from terrorist attacks in a rational and deliberate manner to ensure that security measures enhance public safety without violating the constitutional rights and infringing upon the civil liberties of its residents; and

**Whereas**, the NMML considers police the real experts in ensuring public safety and recognizes that local and state police in New Mexico have diligently responded to new homeland security mandates; and

**Whereas**, on July 9, 2003, Representative Charles Norwood (R-GA) introduced the Clear Law Enforcement for Criminal Alien Removal Act of 2003 (CLEAR Act), H.R. 2671 and on November 20, 2003, Senator Jeff Sessions (R-AL) introduced a similar measure entitled the Homeland Security Enhancement Act of 2003 (HSEA); and

**Whereas**, the CLEAR Act and HSEA will require local and state police to add federal civil immigration law enforcement to their already long list of duties or risk the loss of federal funding; and

**Whereas**, the enforcement of federal civil immigration law will distract local and state law enforcement from their primary mission of ensuring public safety and preventing crime in our community by having them focus on the apprehension of illegal immigrants instead of criminals and by adding burdensome paperwork and reporting requirements; and

**Whereas**, local law enforcement already has the authority to arrest anyone, regardless of immigration status, who commits a crime and threatens the public safety of our community; and

**Whereas**, the enactment of the CLEAR Act and the HSEA would undermine community policing and create an atmosphere where immigrants begin to see local police as federal immigration enforcement agents with the power to deport them or their family members, making them less likely to approach local law enforcement with information on crimes or suspicious activity; and

**Whereas**, the CLEAR Act and HSEA will lead to the misapplication of complex and technical immigration laws because local police will not be guaranteed the seventeen weeks of immigration law training required of federal enforcement agents; and

**Whereas**, New Mexico has enacted legislation to increase public and road safety that allows qualified applicants, regardless of immigration status, to obtain a driver's license and the enactment of HSEA would penalize any state which issues such licenses by withholding federal highway safety funds; and

**Whereas**, the CLEAR ACT and HSEA will endanger the lives of immigrant victims of crime by undermining the Violence Against Women Act (VAWA) and the Victims of Trafficking and Violence Prevention Act, both enacted by the federal government to provide them with particular protections; and

**Whereas**, many immigrant victims of crime are unlikely to report the crime to law enforcement if they believe that seeking police protection will result in deportation and ultimately in losing custody of their children; and

**Whereas**, enforcement of the CLEAR Act and HSEA invites racial profiling and other infringements on civil rights and liberties guaranteed under the United States Constitution of those individuals who speak languages other than English, appear to be of certain ethnic background or speak English with an accent; and

**Whereas**, the CLEAR Act and HSEA set a dangerous precedent of enforcement of federal law by local and state law enforcement; and

**Whereas**, immigrant communities play a vital role in the economic and cultural landscape of New Mexico and precaution must be taken to ensure that our laws do not insinuate that all immigrants are suspected terrorists; and

**Whereas**, over 56 ordinances, police directives, resolutions, and policies nationwide protect immigrants' access to police protection; and

**Whereas**, locally and nationwide there is a broad spectrum in opposition to the CLEAR Act and HSEA including law enforcement, elected officials and government associations, domestic violence prevention advocates, service providers, conservative thinkers, faith-based groups, civil rights, civil liberties, and human rights organizations, immigrant/refugee rights groups, labor unions, businesses, and financial service providers in addition to community members; and

**Whereas**, while the NMML supports the fight against terrorism at home and abroad, this goal cannot be reached by placing the unmanageable burden of enforcing federal civil immigration law on local and state law enforcement.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League opposes the enactment of the CLEAR Act and HSEA or compelling local law enforcement to enforce federal civil immigration laws; and

**Be It Further Resolved** that the New Mexico Municipal League reaffirms its commitment to civil rights and equal access to all municipal services including police protection regardless of immigration status.

**Passed, Approved and Adopted** this 3rd day of September at the City of Albuquerque, New Mexico.

## RESOLUTION 2009-33

### CONCERNING THE ADOPTION OF APPROPRIATE PHYSICAL FITNESS STANDARDS FOR LAW ENFORCEMENT

**Whereas**, the New Mexico Law Enforcement Academy Board enforces the regulations and standards for qualifying law enforcement officers; and

**Whereas**, the current New Mexico standards, contained in the New Mexico Administrative Code, were taken from previous Cooper Institute “percentile” standards that are now outdated and pose problems if used as a mandatory standard for selection, training or maintenance; and

**Whereas**, the Cooper Institute has rejected its own “percentile” rankings since they do not predict the ability to do the job and do not demonstrate criterion validity; and

**Whereas**, with the required emphasis on job relatedness brought about by the Civil Rights Act of 1991 and the ADA, the age and gender based norms, as mandatory standards, are no longer recommended by the Cooper Institute; and

**Whereas**, according to Cooper, New Mexico’s fitness standards are age and gender adjusted thus conflicting with present law; and

**Whereas**, New Mexico Regulations are silent on any association between fitness standards and the jobs to which they must relate; and

**Whereas**, New Mexico makes no provision for certification reciprocity with other states in the matter of out-of-state peace officer hires; and

**Whereas**, forty-eight states have adopted new Standards – the ranges of which are found to be predictive of job performance.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League urge the State Law Enforcement Academy Board to adopt new Physical Fitness *Standards* for Law Enforcement.

**Passed, Approved and Adopted** this 3rd day of September at the City of Albuquerque, New Mexico.

## RESOLUTION 2009-34

### CONCERNING GANG RELATED CRIME AND ACTIVITY IN NEW MEXICO

**Whereas**, New Mexico has a serious and growing gang problem that arises primarily from its geography and demographics; and

**Whereas**, the state has seen an increase in the number of hate groups, street gangs, prison gangs, outlaw motorcycle gangs, and their associated members, from the West Coast, Midwest, Mexico, Cuba, and neighboring states; and

**Whereas**, gangs instill fear, threaten our schools, children and homes, affect public safety, community image and quality of life issues in communities of every size throughout our state; and

**Whereas**, 2008 statistics show there are 324 validated gangs and 9,550 documented gang members in our state, representing an increase in number of gang members of 11% per year since 2002; and

**Whereas**, this steady increase is consistent with results of a recent New Mexico Statewide Gang Threat Assessment in which over 73% of law enforcement agencies reported New Mexico's gang problem to be either serious or very serious; and

**Whereas**, according to Uniform Crime Reporting data from 2006, New Mexico ranked 9<sup>th</sup> among states in violent crime rates which, in large part, can be attributed to criminal gang activity; and

**Whereas**, there is a need for standardized definitions of a gang, gang member, and gang crime; and

**Whereas**, if criminal justice professionals are to effectively work together and share gang-related intelligence across jurisdictions, it is imperative that they employ the same standards to determine what constitutes a gang, gang member, and gang crime; and

**Whereas**, gang-related legislation has been enacted in every state that borders New Mexico.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League supports legislation to reduce gang activity.

**Be It Further Resolved** that the New Mexico Municipal League supports legislation that will help reduce or eliminate the furtherance of criminal gang activity.

**Passed, Approved and Adopted** this 3rd day of September at the City of Albuquerque, New Mexico.

## RESOLUTION 2009-35

### CONCERNING ADMINISTRATIVE SUSPENSION OF DRIVERS' LICENSES OF PERSONS DRIVING UNDER THE INFLUENCE OF DRUGS

**Whereas**, driving while under the influence of alcohol and drugs has been identified as a major problem in New Mexico over the past 20 years; and

**Whereas**, the Legislature has taken many steps to discourage drivers from engaging in this destructive activity; and

**Whereas**, statutory penalties, standards, and administrative sanctions for persons driving under the influence of alcohol have been established and increased over the years in order to deter impaired driving; and

**Whereas**, the State of New Mexico has no administrative remedy to suspend the driver's license of a person who is driving under the influence of drugs, due in large part to the absence of standards to determine the levels of drug impairment at which administrative action could be taken; and

**Whereas**, the effects of driving under the influence of drugs are as destructive and no less costly as the effects of driving under the influence of alcohol.

**Now, Therefore Be It Resolved** that the New Mexico Municipal League seeks, through whatever avenues are appropriate, the establishment of administrative standards and procedures to suspend the driver's license of any person found to have been driving under the influence of drugs.

**Passed, Approved and Adopted** this 3rd day of September at the City of Albuquerque, New Mexico.



## RESOLUTION 2009-36

### CONCERNING SUPPORT OF ADDITIONAL LEGISLATION TO ATTACK THE GROWING METHAMPHETAMINE PROBLEM IN NEW MEXICO

**Whereas**, the dramatic increase in the manufacture and use of methamphetamine has been described by Senator Jim Talent of Missouri as “the single worst drug threat that any of us have confronted in our lifetime”; and

**Whereas**, the officials in the State of Minnesota report that 70-80% of the people in jail in that state are there for methamphetamine related crime; and

**Whereas**, in San Diego, tests reveal that over 35% of the men arrested in that city tested positive for methamphetamine in their system; and

**Whereas**, small children have been found at one-third of the methamphetamine labs raided by law enforcement officers; and

**Whereas**, forty-four (44) states have passed or are considering legislation relating to the manufacture and sale of methamphetamine; and

**Whereas**, Congress is currently considering the “Combat Meth Act” to provide a comprehensive federal response to the methamphetamine crisis; and

**Whereas**, in addition to legislation to control the sale, registration and distribution of pseudoephedrine and other methamphetamine precursors, additional legislation should be enacted to address other issues created by the methamphetamine epidemic.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League supports legislation that will:

1. Increase funding for regional drug task force agencies or local public agencies;
2. Increase requirements for bail alternatives for offenses including the manufacture, sale and distribution of methamphetamine;
3. Increase penalties for the manufacture, sale and distribution of methamphetamine;
4. Provide funding to reimburse state and local public safety agencies for the cost of dismantling and cleaning up methamphetamine labs; and
5. Establish a statewide “Meth Stopper” program patterned after the existing “Crime Stoppers” program.

**Passed, Approved and Adopted** this 3rd day of September at the City of Albuquerque, New Mexico.

2009 PS Committee Priority: **HIGH**

**RESOLUTION 2009-37**

**CONCERNING DEVELOPMENT OF A STATE PLAN TO  
DESIGNATE HAZARDOUS CARGO ROUTES**

**Whereas**, hazardous cargo is frequently transported via motor vehicles; and

**Whereas**, many highways in New Mexico run directly through our municipalities and communities; and

**Whereas**, the presence of hazardous cargo on the streets of a community presents a danger to its inhabitants; and

**Whereas**, emergency responders are better able to assess risks to the community and respond to dangers if they have an idea that hazardous cargo may be involved in an accident; and

**Whereas**, the United States has developed regulations that allow the states to designate the routes upon which hazardous cargo may travel; and

**Whereas**, the municipalities and communities in New Mexico are vitally interested in obtaining protections afforded by hazardous cargo routes; and

**Whereas**, the establishment of hazardous cargo routes would also benefit those who transport hazardous cargo by directing them toward roads most suited for their loads.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League urges the State to enact legislation authorizing establishment of hazardous cargo routes according to Federal regulations to increase the safety of the State's communities; and

**Be It Further Resolved** that municipalities and the State work together in the State's development and implementation of a plan to designate hazardous cargo routes.

**Passed, Approved and Adopted** this 3rd day of September at the City of Albuquerque, New Mexico.

## RESOLUTION 2009-38

### CONCERNING THE EMS FUND ACT

**Whereas**, Emergency Medical Services (EMS) is the only health care that is universally available to all of New Mexico's residents and visitors regardless of ability to pay; and

**Whereas**, pre-hospital treatment and transport by volunteer and paid emergency medical responders are the two most crucial components of emergency medical care; and

**Whereas**, the citizens demand and deserve an increasing level of care, however funding for the training and necessary equipment is not available; and

**Whereas**, emergency medical services that provide first response, such as fire departments, are not eligible to charge for response or treatment; and

**Whereas**, the costs of providing healthcare, whether hospital, clinic, or pre-hospital based, continue to rise, while funding, including reimbursement from fees charged, continue to decline; and

**Whereas**, future access to this essential care will be dependent on adequate funding to ensure the best pre-hospital care is delivered through the providing of training, equipment, resources, medical direction, technical assistance, and quality improvement; and

**Whereas**, EMS in New Mexico has continued to progress at a pace comparable to most states, however, future growth and reduction of morbidity and mortality is being greatly impeded by cuts in federal and state funding; and

**Whereas**, the current level of funding provided by the EMS Fund Act only provides approximately one-third of the amount that is requested from New Mexico EMS services; and

**Whereas**, the current funding levels and projected future cuts will prevent the future growth of EMS, and the decrease in providers and services will result in an increase in morbidity and mortality; and

**Whereas**, EMS in New Mexico must have solid financial resources if they are to continue providing critical services in a consistent and reliable manner.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League seeks an increase to the EMS Fund Act for use by EMS in the State of New Mexico; and

**Be It Further Resolved**, that the existing funding formula will continue to be used, but the funding base amount and maximum allowable fund award be raised to accommodate the increasing costs of providing pre-hospital services.

**Passed, Approved and Adopted** this 3rd day of September at the City of Albuquerque, New Mexico.

2009 PS Committee Priority: **HIGH**

## RESOLUTION 2009-39

### CONCERNING THE LAW ENFORCEMENT PROTECTION FUND

**Whereas**, the Law Enforcement Protection Fund (LEPF) is a state dedicated fund from which annual distributions are made to municipal, county, tribal and university police departments; and

**Whereas**, two distributions are made to municipal departments, one on a rating using the population class of the municipality as the basis, and the second based on an amount per full-time certified officer; and

**Whereas**, the LEPF monies may be used for equipment, advanced training, matching funds for federal grants, and up to 50% of replacement salaries for officers attending basic training; and

**Whereas**, costs of equipment and training continue to increase and new technologies are necessary to continue to provide quality service and protection; and

**Whereas**, the number of demands and responsibilities placed on law enforcement continues to increase while most departments are functioning at less than their full quota of officers; and

**Whereas**, available federal monies and grants to police agencies have all but disappeared; and

**Whereas**, the current LEPF distributions from the State are \$20,000, \$30,000 and \$40,000 annually based on population and \$600 per officer; and

**Whereas**, LEPF distributions have not been increased since 2000.

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League seeks legislation to increase the distributions from the Law Enforcement Protection Fund to a level that is sufficient for law enforcement needs.

**Passed, Approved and Adopted** this 3rd day of September at the City of Albuquerque, New Mexico.

**RESOLUTION 2009-40**

**CONCERNING REGISTERED SEX OFFENDERS LIVING OR MEETING  
IN CLOSE PROXIMITY TO SCHOOLS, PARKS  
AND OTHER GOVERNMENT OWNED FACILITIES**

**Whereas**, the New Mexico Sex Offenders Registration and Notification Act (SORNA), NMSA 29-11A-1 et seq., requires convicted sex offenders to register with the sheriff of the county where the offender is currently residing; and

**Whereas**, an analysis of the sex offender registration list shows that a large number of New Mexico registered offenders live nearby elementary schools, neighborhood parks and other places frequented by young children; and

**Whereas**, SORNA does not address the issue of offenders living or holding meetings near these facilities.

**Now, Therefore Be It Resolved** that the New Mexico Municipal League supports passage of an amendment to New Mexico's Sex Offender Registration and Notification Act addressing the subject of registered offenders living or meeting in close proximity to schools, parks or other government owned facilities frequented by children.

**Passed, Approved and Adopted** this 3rd day of September at the City of Albuquerque, New Mexico.

## RESOLUTION 2009-41

### CONCERNING DFA REGULATIONS ON PUBLIC SAFETY ANSWERING POINTS (PSAPs)

**Whereas**, municipalities, counties, tribes and other local governments are charged with providing for the safety and welfare of the citizens of New Mexico; and

**Whereas**, calls for emergency response to public safety, fire, ambulance and other emergency concerns are answered at Public Safety Answering Points; and

**Whereas**, personnel at the Public Safety Answering Points dispatch appropriate responders to deal with requests and serve to facilitate communication between the responders and those in need; and

**Whereas**, the Legislature of the State of New Mexico has imposed certain fees on telephone communications to be used to assist in providing necessary equipment for Public Safety Answering Points so they may remain technologically viable; and

**Whereas**, the Department of Finance and Administration is charged with administering the funds from the fees on telephone communications in order to equitably distribute funding to provide services to all New Mexicans; and

**Whereas**, in its effort to provide efficiency, the Department of Finance and Administration has enacted regulations with requirements beyond those implemented by the legislature; and

**Whereas**, the Department of Finance and Administration's regulations have, in some instances, endangered public safety and welfare through the requirement of consolidation; and

**Whereas**, compliance with Department of Finance and Administration regulations has resulted both in higher dispatch costs and a lower level of service for some local governments than was provided before consolidation.

**Now, Therefore Be It Resolved** that the New Mexico Municipal League formally requests the Department of Finance and Administration to revise its regulations and rules regarding consolidation of dispatching in a manner that does not exceed the statutory requirements.

**Be It Further Resolved** that the Department of Finance and Administration is called upon to immediately release funds to those local governments that meet the statutory definition of PSAP, regardless of consolidation, in order to assist them in updating their current dispatch systems.

**Passed, Approved and Adopted** this 3rd day of September at the City of Albuquerque, New Mexico.

**RESOLUTION 2009-42**

**CONCERNING DWI OFFENSES AND  
THE DRIVER'S LICENSE REVOCATION PROCESS**

**Whereas**, the New Mexico Legislature has recognized the serious problem of impaired driving in the state; and,

**Whereas**, the Legislature has implemented stricter standards and tougher penalties to combat the situation; and,

**Whereas**, revocation of driving privileges due to DWI is dependent on an administrative process that does not safeguard the interest of the general population; and,

**Whereas**, the various courts of the state are well equipped to afford all parties appearing before them due process; and,

**Whereas**, allowing courts who hear the criminal case to make the administrative decision regarding driving privileges affords certain economies of time and effort to both parties to the license and law enforcement; and,

**Whereas**, transferring the revocation process to the courts will, most likely save overtime funds for law enforcement agencies; and,

**Now, Therefore, Be It Resolved** that the New Mexico Municipal League requests the New Mexico Legislature to transfer license revocation in cases involving DWI to the various courts of the state.

**Passed, Approved and Adopted** this 3rd day of September at the City of Albuquerque, New Mexico.