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**2019-2020
PUBLIC
SAFETY
RESOLUTIONS**

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RESOLUTION 2019-30

CONCERNING AMENDING THE SEX OFFENDER REGISTRATION AND NOTIFICATION ACT

Whereas, the New Mexico Sex Offender Registration and Notification Act (SORNA), NMSA §29-11A-1 et seq., requires offenders convicted of certain sexual offenses in New Mexico to register with the sheriff of the county where the offender resides; and

Whereas, the New Mexico SORNA is not fully compliant with federal law (Title I of the Adam Walsh Child Protection and Safety Act of 2006, Public Law 109-248); and

Whereas, legislation to bring our state into federal compliance has been introduced over the past several years, including House Bill 179 (Rep. Herrell) in 2012, but has failed to pass; and

Whereas, the legislation needed for compliance includes the incorporation of a more comprehensive group of sex offenders and offenses for which registration is required, tighter and more extensive registration requirements, and expansion of the amount of information available to the public; and

Whereas, New Mexico has been losing critical federal funding because of its non-compliance with the federal law; and

Whereas, an additional consequence of our state's non-compliance is that New Mexico has become an attractive relocation destination for sex offenders from other states who wish to avoid registering as sex offenders in their new communities; and

Whereas, SORNA does not include provisions for sex offender risk assessment that could provide local law enforcement agencies with a scientifically based method for identifying those offenders who are most likely to reoffend; and

Whereas, the addition of support or legislative mandate for scientifically based risk assessment will allow law enforcement agencies to devote limited resources to monitoring the behaviors of those offenders who have proven to provide the most significant risk to the community.

Now, Therefore, Be It Resolved that the New Mexico Municipal League supports amendment of the Sex Offender Registration and Notification Act to bring New Mexico into full compliance with federal law; and

Be It Further Resolved that the amendments to SORNA also address the subject of sex offender risk assessment.

Passed, Approved and Adopted this 29th day of August at the City of Las Cruces, New Mexico.

RESOLUTION 2019-31

CONCERNING EMS FUNDING

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, particularly in rural communities; 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 training and necessary equipment is not available; 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, the current funding levels are inadequate and 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, Fire and EMS services in New Mexico must have solid financial resources if they are to continue providing critical first response services in a consistent and reliable manner; and

Whereas, the majority of EMS first response services in New Mexico are provided by fire-based departments; and

Whereas, the New Mexico Municipal League (NMML) and the New Mexico Fire Chiefs Association (NMFCA) participated in and are members of a committee established by the New Mexico Association of Counties (NMAC) to develop specific policy recommendations and study issues related to sustainable EMS Services; and

Whereas, the NMML and the NMAC endorsed priority legislation in 2014 and 2015 for the creation of a study to evaluate the needs of EMS and identify an appropriate state-level recurring revenue stream dedicated to EMS; similar to that used for the Fire Protection Fund without diminishing or impairing the existing Fire Protection Fund; and

Now, Therefore, Be It Resolved that the NMML supports an appropriation by the New Mexico State Legislature to the State Fire Marshal to conduct a statewide EMS assessment, in coordination with Department of Health EMS Bureau, using monies currently reverted from the Fire Protection Fund, to the State General Fund;

Be It Further Resolved that recommendations from the EMS assessment will be used by the NMAC EMS Committee, to develop additional policy recommendations for the New Mexico State Legislature regarding appropriate funding levels and mechanisms for recurring funding for EMS services in New Mexico.

Passed, Approved and Adopted this 29th day of August at the City of Las Cruces, New Mexico.

RESOLUTION 2019-32

CONCERNING DWI AND TRAFFIC ENFORCEMENT ON PRIVATE PROPERTY OPEN TO THE PUBLIC

Whereas, driving while intoxicated (“DWI”) and other traffic offenses can threaten the health, safety and welfare of every citizen of New Mexico; and

Whereas, DWI and traffic offenses can occur in a variety of means including alcohol intoxication and drug impairment; and

Whereas, DWI and traffic offenses can occur not only on public highways, roads, and streets but also in alleys and parking lots and other areas that are privately owned, but open to the public; and

Whereas, the New Mexico Court of Appeals in the case of *Rio Rancho v. Young* imposed a requirement on local law enforcement officials to obtain the consent of the landowner prior to enforcing traffic laws, including DWI laws on private property; and

Whereas, the Court of Appeals based its decision on language contained in NMSA section 3-49-1(o) that states in relevant part: “A municipality may. . . ; with the written consent of the owner, regulate the speed and traffic conditions on private property”; and

Whereas, this limitation on the ability of local law enforcement officials to enforce DWI and other traffic laws on private property that is open to the public is a threat to public health, safety and welfare.

Now, Therefore, Be It Resolved that the New Mexico Municipal League seek legislation to amend NMSA Section 3-49-1(o) to remove the requirement that local law enforcement officials first secure the written permission of a landowner prior to enforcing DWI and traffic regulations on private property that is open to the public.

Passed, Approved and Adopted this 29th day of August at the City of Las Cruces, New Mexico.

RESOLUTION 2019-33

CONCERNING LAW ENFORCEMENT AND MENTAL HEALTH PROFESSIONALS CRISIS INTERVENTION FOR THE MENTALLY ILL

Whereas, one of the greatest challenges first responders face in New Mexico and across the nation is how to effectively respond to people who have mental health disorders or who are in crisis; and

Whereas, HJM 17 (2011) made recommendations to reduce the number of individuals with mental health disorders who require law enforcement intervention; and

Whereas, New Mexico Law Enforcement agencies, Fire Personnel, EMS, and their supporting agencies are the first responders when dealing with a person who suffers from mental illness or is in crisis and such response requires adequate resources, knowledge, and equipment if such a response is to be compassionate, effective and in the best interests of the individual; and

Whereas, it is the responsibility of the State Legislature to provide adequate resources devoted to dealing with the issue of mental illness in New Mexico. This responsibility extends to all social service agencies and advocacy groups whose mission is to assist citizens suffering from mental illness, thereby reducing the need for Law Enforcement Personnel to respond to individuals in mental health crisis; and

Whereas, New Mexico Law Enforcement personnel are frequently drawn into numerous contacts with citizens suffering from mental illness or who are in crisis, and options for placement and treatment of these citizens are not readily available; and

Whereas, the risk of physical confrontation between the citizen suffering from mental illness or crisis and responding Law Enforcement personnel is high and such confrontations may result in serious injury or death to the citizen, bystanders or to the responding Law Enforcement personnel; and

Whereas, New Mexico Law Enforcement Personnel currently receive basic training on how to assess and handle those suffering from Mental illness as part of the New Mexico Law Enforcement Academy training curriculum pursuant to HB 93; and

Whereas, one of the paramount challenges facing New Mexico Law Enforcement agencies is the lack of adequate support resources for effectively handling and de-escalating potentially deadly situations involving a person or persons in crisis, the first responder and the general public. Having these support options readily available is critical when first responders arrive on-scene to prevent further tragedy. The critical missing link is the availability of Crisis Intervention Teams comprised of specifically trained Law Enforcement Personnel and Mental Health Professionals who will engage in the crisis intervention process on scene as a team; and

Whereas, New Mexico Law Enforcement recognizes and has identified the lack of available resources and professionals specifically trained in crisis intervention and dealing with the mentally ill, and has determined this to be a state wide issue which is not regionalized to a single urban, suburban or rural area. Law Enforcement agencies across the state face the same challenges in not having the readily available resource of an

available Crisis Intervention Team to assist in de-escalating potentially deadly situations and bring about a safe resolution; and

Whereas, New Mexico Law Enforcement seeks to establish a collaborative partnership with Mental Health professionals, and develop regionally based Crisis Intervention Teams throughout New Mexico that can offer immediate assistance either telephonically, or in person, thereby incorporating a level of expertise and intervention which would provide an additional resource for de-escalating a potentially deadly situation and obtaining the proper emergency assistance needed for the person or persons in crisis; and

Whereas, New Mexico Law Enforcement proposes to partner with Mental Health Professionals statewide in developing regionalized teams to effectively handle potentially volatile situations involving those who suffer from mental illness and are in crisis. This partnership in creating Regional Crisis Intervention Teams will serve as an essential tool for first responders in de-escalating potentially deadly situations, and would make sure those who are in crisis get the appropriate medical care, that especially in rural areas, is often not available pursuant to Section 43-1-10 NMSA 1978; and

Whereas, existing Crisis Intervention Teams that exist in New Mexico's larger law enforcement agencies are available to use as a model and resource for the proposed regional Crisis Intervention Teams.

Now, Therefore, Be It Resolved that the New Mexico Municipal League seek legislation to provide funding and legislative statutory support for mental health resources, and mandated Regional Crisis Intervention Teams that would be established and utilized to further support the Law Enforcement and First Responder mission of protecting and assisting a person or persons in crisis, protecting the remainder of the New Mexico community from the potential negative effects of contacts with those in crisis, and furthering collaborative efforts that would mitigate the amount and severity of negative contacts with those in crisis, thus avoiding further tragic loss of life.

Passed, Approved and Adopted this 29th day of August at the City of Las Cruces, New Mexico.

RESOLUTION 2019-34

CONCERNING CERTIFICATION OF POLICE OFFICERS

Whereas, all certified police officers in the State of New Mexico must meet State mandated levels of proficiency and all certified police officers receive the same basic training through an accredited New Mexico Law Enforcement Academy training program, and all Municipal Police Officers must receive certification through the New Mexico Law Enforcement Academy; and

Whereas, currently, if a criminal act occurs in a certified police officers presence outside of his Territorial Jurisdiction, that officer has no official legal police authority to intervene; and

Now, Therefore, Be It Resolved that the New Mexico Municipal League and the New Mexico Association of Chiefs of Police support legislation to clarify that any officer certified as a Police Officer by the State of New Mexico and is commissioned by an authorized appointing authority shall be recognized as a Police Officer within the State of New Mexico, and shall have the authority to enforce state statutes throughout the State.

Passed, Approved and Adopted this 29th day of August at the City of Las Cruces, New Mexico.

RESOLUTION 2019-35

CONCERNING THE LAW ENFORCEMENT PROTECTION FUND

Whereas, the purposes of the Law Enforcement Protection Fund Act (LEPF) is to provide for the distribution of money to qualified departments, for use in the maintenance and improvement of those departments and to sustain, at a reasonable level, payments to the surviving eligible family members of peace officers killed in the line of duty; and

Whereas, the LEPF was intended to establish, in the state treasury, a dedicated fund for the purpose of law enforcement protection. Such distributions are made to municipal, county, tribal and university police departments; and

Whereas, the LEPF monies may be expended as outlined in NMSA, 1978, Section 29-13-7 Expenditure limitation; and

Whereas, the cost of law enforcement equipment continually increases and expenditures are on the rise. It is imperative that law enforcement improve services with implementation of innovative technology and other resources that are necessary to continue to provide quality service and protection of citizens and their communities; and

Whereas, the costs of mandatory or advanced training and the expenses associated with attending one of the several locally operated law enforcement academies continue to increase every year and an allocation of resources is crucial to public safety; and

Whereas, available federal funding and grants to police agencies have all but vanished and community policing and safety remain a top priority for every agency, however, with such sparse resources, the ability to serve communities is compromised.

Now, Therefore, Be It Resolved that the New Mexico Municipal League seeks legislation to distribute all remaining balances in the Law Enforcement Protection Fund, not otherwise obligated, to the appropriate Law Enforcement Agencies and any remaining balances shall not revert; and

Be It Further Resolved that a new state appropriation be created to be distributed to the satellite academies, including three regional academies, Southeastern New Mexico Law Enforcement Academy in Hobbs, San Juan County Criminal Justice Training Authority in Farmington, and Western New Mexico University Law Enforcement Academy in Silver City to provide for training that is legislatively mandated.

Passed, Approved and Adopted this 29th day of August at the City of Las Cruces, New Mexico.

RESOLUTION 2019-36

CONCERNING ENHANCING SAFETY IN PUBLIC SCHOOLS

Whereas, the Public Employee's Retirement Act (PERA) requires retired police officers to suspend their retirement cost of living adjustments if they are employed by a school whose employees are included under the Educational Retiree's Act (ERA) making it difficult to hire retired law enforcement officers.

Whereas, current state statutes have making a bomb threat a Felony, but currently state statutes for making a school shooting threat, involving school campuses, or affecting students and school staff are classified as misdemeanors. This includes threats using social media.

Whereas, firearms possession is not regulated by state law for individuals with mental health issues, history of violence, or other demonstrated instability creating situations where currently individuals in crisis lawfully have access to firearms. Those individuals are not under any restriction from purchasing firearms in the unstable, crisis condition they are in.

Whereas, School districts have not been funded to upgrade and/or install any security measures they deem necessary to protect their students and staff including but not limited to technology to enhance school security with card access, surveillance cameras, perimeter fencing, staff/student/visitor ID systems, intrusion alarm systems, security/police on-site personnel, etc.

Whereas, statutes to mitigate bullying have not been effectively enforced.

Now, Therefore, Be it Resolved that the New Mexico Municipal League supports legislation to:

- amend the PERA conditions for retirement to allow retired law enforcement to be employed in public schools without penalty to their PERA benefits;
- fund technology to enhance school safety;
- amend statutes regulating possession of firearms to address **Extreme Risk Protection Orders (Red Flag Laws)** for individuals in crisis and to limit their access to firearms, and their ability to obtain them;
- further increase penalties regarding school shooting threats to a felony;
- support new bullying legislation to include monitoring and follow-up on threats made by social media; and
- provide training through a School Safety Omnibus bill to respond to Active Shooters.

Passed, Approved and Adopted this 29th day of August at the City of Las Cruces, New Mexico.

2019 PS Committee Priority: **HIGH #2**

RESOLUTION 2019-37

CONCERNING MOVING THE STATE FIRE MARSHAL'S OFFICE OUT OF THE PUBLIC REGULATION COMMISSION

Whereas, the State Fire Marshal's Office (SFMO) currently resides as a division of the Public Regulation Commission (PRC) and is statutorily tasked with providing support for New Mexico's fire services, code enforcement, fire investigations, and firefighter training; and

Whereas, there are 203 certified municipal main stations, 44 certified substations, and 28 certified administrative stations and 361 certified county fire districts, 91 certified substations, and 28 certified administrative stations in New Mexico serving a population of approximately 2.1 million citizens; and

Whereas, local government fire departments rely heavily on the SFMO for guidance, expertise, resources, and funding to provide critical services and equipment for fire protection and response; and

Whereas, one of the primary responsibilities of the SFMO is the administration and distribution of the Fire Protection Fund, created by a three percent premium tax collection on auto and fire insurance; and

Whereas, in FY2017, the Fire Protection Fund distributions included \$21,202,496.00 to 99 municipal fire districts, \$29,777,852.00 to 294 county fire districts, \$750,000.00 to the PERA Firefighter Retirement Fund, \$10,130,127.23 to the Fire Protection Grant Fund, \$558,000.00 to PRC Administrative Budget, \$488,100.00 for PRC Policy and Regulation, \$3,622,200.00 to the State Fire Marshal's Office, and \$15,069,194.23 to the State General Fund; \$250,000 Line of Duty Death Benefit, and;

Whereas, the position of State Fire Marshal was vacant from January through December 2017, along with two bureau chief positions (Fire Services and Code Enforcement), and approximately 1/3 of the remaining positions in the State Fire Marshal's Office are vacant even though sufficient funding is available; and

Whereas, during efforts to coordinate with multiple state agencies and local stakeholders on the transition to move the Fire Protection Fund distributions to an accrual accounting basis, based on HB4 during the 2017 Regular Legislative Session, it became evident that there was limited expertise or understanding of the Fire Protection Fund structure and fiscal needs of the local government fire services within the PRC; and

Whereas, the lack of stability and support of the SFMO within the PRC makes it impossible for fire services to function effectively and creates uncertainty for fire services statewide.

Now, Therefore, Be It Resolved the New Mexico Municipal League supports legislation to remove the State Fire Marshal's Office from the PRC establishing the State Fire Marshal's Office as an independent department of the State of New Mexico reporting to an approved oversight committee of subject matter experts.

Be It Further Resolved the New Mexico Municipal League request that the New Mexico State Legislature take immediate action to ensure stability of the fire services and fire protection for the health, safety, and welfare of the citizens of New Mexico.

Passed, Approved and Adopted this 29th day of August at the City of Las Cruces, New Mexico.

RESOLUTION 2019-38

CONCERNING POLICE BODY CAMERAS AND PUBLIC RECORDS IMPLICATIONS

Whereas, trust between law-enforcement agencies and the public is vital for the delivery of high-quality public safety services; and

Whereas, the use of body-worn cameras can help law-enforcement agencies strengthen performance, accountability, and transparency; and

Whereas, in other jurisdictions, the use of body-worn cameras has improved the documentation of evidence for investigations and court proceedings and reduced the number of use of force incidents and complaints against officers; and

Whereas, Police Officers collect body-worn camera footage in a number of sensitive locations in performance of their duties, such as private residences, during sensitive non-criminal citizen encounters, at graphic crime scenes and in locations such as hospitals and emergency rooms; and

Whereas, the Inspection of Public Records Act was written well before the introduction of body-worn cameras and consequently did not contemplate the attendant privacy implications surrounding the use of body-worn cameras.

Now, Therefore Be It Resolved the New Mexico Municipal League and the New Mexico Association of Chiefs of Police, strongly encouraged the development and adoption of guidelines and restrictions regarding Inspection of Public Records Act requests and the release of certain body-worn camera footage that addresses the following:

- (1) Limit Public access to and release of data from body-worn camera footage in regards to privacy consideration concerning body-worn cameras.
- (2) Inspection, redaction, and production of footage including: reasonable time-line for production and reasonable cost recovery for production and redaction of footage.

Passed, Approved and Adopted this 29th day of August at the City of Las Cruces, New Mexico.

RESOLUTION 2019-40

CONCERNING THE FIRE FUND

Whereas, the current practice of the New Mexico State Legislature is to use potentially unconstitutional notwithstanding language to divert funds from the Fire Protection Fund; and

Whereas, the current practice will be opposed by all beneficiaries of the Fire Protection Fund; and

Whereas, the Fire Protection Grant Fund shall only be used to support administrative services directly benefiting beneficiaries of the Fire Protection Fund; and

Whereas, the Fire Protection Fund shall only revert to the Fire Protection Fund; and

Whereas, the current statute ensures that increases to insurance excise tax goes in to the distribution to fire departments; and

Now, Therefore, Be it Resolved that the New Mexico Municipal League supports legislation that will ensure that funding is appropriated in the best interest of the Fire Protection Fund and it's beneficiaries.

Passed, Approved and Adopted this 29th day of August at the City of Las Cruces, New Mexico.