

underscored material = new
[bracketed material] = delete

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE MEMORIAL 58

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Gerald P. Ortiz y Pino

A MEMORIAL

IN HONOR OF CIVIL RIGHTS AND DR. MARTIN LUTHER KING, JR., CESAR CHAVEZ, REYES LOPEZ TIJERINA AND RUDOLFO "CORKY" GONZALES.

WHEREAS, the state of New Mexico expresses complete support of the law enforcement professions and the officers involved in law enforcement professions; and

WHEREAS, the state of New Mexico upholds human and civil rights inherent in its statutes, rules and policies; and

WHEREAS, violators of human and civil rights must be held accountable; and

WHEREAS, the number of citizen complaints of excessive use of force among law enforcement and security officers is not generally known to the public and elected officials due to the unofficial code of silence pervasive in law enforcement and law enforcement agencies; and

underscored material = new
[bracketed material] = delete

1 WHEREAS, governmental entities that are not home-rule
2 municipalities lack enabling legislation to establish
3 independent law enforcement oversight with appropriate
4 authority to determine violations on the part of law
5 enforcement officers, including police chiefs, sheriffs, upper
6 levels of law enforcement agencies and private security guards,
7 whether or not contracted by governmental entities; and

8 WHEREAS, most unjustified use of force cases that are the
9 equivalent of battery are not reported to the district attorney
10 for criminal prosecution, and there is a reluctance by district
11 attorney offices to prosecute law enforcement officers for the
12 unjustified use of force resulting in criminal assault and
13 battery and aggravated battery; and

14 WHEREAS, there are few or minimal penalties in
15 municipalities and counties for law enforcement and security
16 officers who use excessive force; and

17 WHEREAS, the standard disciplinary measure applied to law
18 enforcement officers found to have used excessive force
19 resulting in injury or serious injury is usually a verbal or
20 written reprimand and does not match the seriousness of the
21 offense; and

22 WHEREAS, a verbal or written reprimand as a penalty
23 against a law enforcement officer who is found to have used
24 excessive force resulting in injury or serious injury is an
25 inadequate response to such unprofessional behavior by the

.168868.1

underscored material = new
[bracketed material] = delete

1 officer; and

2 WHEREAS, the number of law enforcement and security
3 officers being disciplined is not a sufficient standard to
4 determine the actual number of instances of excessive use of
5 force by law enforcement and security officers; and

6 WHEREAS, the city of Albuquerque and the Albuquerque
7 police officers association have agreed to a contract that
8 prohibits the discipline of law enforcement officers when found
9 liable in a court of law of excessive use of force;

10 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
11 OF NEW MEXICO that it support the creation of human and civil
12 rights standards; and

13 BE IT FURTHER RESOLVED that human and civil rights are
14 essential for a nonbarbaric society; and

15 BE IT FURTHER RESOLVED that the New Mexico legislative
16 council be requested to establish an interim human and civil
17 rights task force composed of state senators and
18 representatives who support human and civil rights and human
19 and civil rights advocates; and

20 BE IT FURTHER RESOLVED that the task force be directed to
21 examine, individually and separately, each and every concern
22 set forth in this memorial and make recommendations to the
23 appropriate interim legislative committee for the enactment of
24 laws to protect human and civil rights; and

25 BE IT FURTHER RESOLVED that copies of this memorial be

.168868.1

underscored material = new
~~[bracketed material]~~ = delete

1 transmitted to the president pro tempore of the senate, the
2 speaker of the house of representatives, the members of the New
3 Mexico legislative council and the governor.

4 - 4 -
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25