



Making New Mexico safe for all children & families

Open Letter from New Mexico SAFE

June 15, 2020

RE: New Mexico Civil Rights Act

Dear Governor Michelle Lujan Grisham and New Mexico Legislators:

In the wake of the murder of George Floyd by Minneapolis police officers, daily protests continue around the nation and throughout New Mexico against police brutality targeting black and brown people. In this historic moment, we urge you to recognize that New Mexico police officers have killed more people per capita than any other state in the country. The Albuquerque Police Department (APD), the largest municipal law enforcement agency in the state, has been under federal supervision since 2014 due to its pattern and practice of using excessive force in violation of the U.S. Constitution. The most recent federal monitoring report shows that despite all these years of reform, APD still lacks mechanisms to enforce accountability for officers who have used excessive force or committed other policy violations.

For this reason, we urge you to champion a New Mexico Civil Rights Act during the special legislative session that begins on Thursday. This bill would create a legal remedy for New Mexicans to bring claims in state court against police officers and other public officials who violate the rights guaranteed to them under the New Mexico Constitution.

We ask that you be bold and actively support this legislation, which would change the rules of the game. Right now, there is very little legal accountability in our state for police officers who violate people's rights. The New Mexico Civil Rights Act would create that accountability by prohibiting the use of "qualified immunity," the federal legal doctrine that makes it nearly impossible for individuals to sue public officials when they abuse their power. The proposal also would encourage the legal community to take government abuse cases by providing reasonable attorney fees. Creating this legal accountability will encourage and incentivize police departments to adopt -- and, more importantly, *enforce* -- policies and procedures that protect the civil rights of all New Mexicans.

Now more than ever New Mexicans demand justice. Police officers and other government officials have been abusing their power for decades with no legal consequences.

New Mexico SAFE supports numerous additional measures that would help address the crisis of police violence in our state, including requiring police to use body-worn cameras, decriminalizing simple possession of drugs, addressing restrictive police union contracts that block accountability for misconduct, banning no knock/quick knock search warrants, reducing

the systems reliance on fees and the criminalization of poverty, and mandating racial impact statements for all criminal sentencing legislation. These measures are also critical and urgent but we recognize the limited capacity of a special session and will be pressing for many of these measures throughout the interim and during the regular session in January. Nevertheless, in holding a special session during these historic times, the Legislature has the opportunity for a big step toward true justice for New Mexicans targeted by police violence and abuse. The New Mexico Civil Rights Act is a crucial foundation for institutional changes that will make New Mexicans safer.

Thank you for your consideration. Please don't hesitate to contact us if you have any questions.

Sincerely,

New Mexico SAFE Steering Committee

www.nmsafe.org

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