

CITY of ALBUQUERQUE

TWENTY SECOND COUNCIL

COUNCIL BILL NO. R-17-234 ENACTMENT NO. _____

SPONSORED BY: Patrick Davis

1 RESOLUTION
2 REQUESTING THAT THE U.S. DEPARTMENT OF JUSTICE PROVIDE AN
3 ACCOUNTING OF CERTAIN OPERATIONS BY THE FEDERAL BUREAU OF
4 ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES (THE “ATF”) AND THE
5 UNITED STATES ATTORNEY’S OFFICE FOR THE DISTRICT OF NEW MEXICO
6 IN ALBUQUERQUE; REQUESTING A CONGRESSIONAL HEARING INTO
7 CERTAIN ATF OPERATIONS; AND REQUESTING THAT THE ATF ABSTAIN
8 FROM CERTAIN FUTURE SUCH OPERATIONS THAT ARE DETRIMENTAL TO
9 THE ALBUQUERQUE COMMUNITY.

10 WHEREAS, in August 2015, the United States Attorney’s Office for the
11 District of New Mexico (USAO) and the Federal Bureau of Alcohol, Tobacco,
12 Firearms and Explosives (“ATF”) initiated plans to conduct an Enhanced
13 Enforcement Initiative (“EEI”) in Albuquerque targeting the so-called “Worst of
14 the Worst” offenders who were engaged in firearms offenses, violent crimes
15 and drug trafficking offenses; and

16 WHEREAS, as a part of that EEI, the ATF imported at least 5 known criminal
17 offenders into a predominantly minority neighborhood; and

18 WHEREAS, the tactics of importing known criminal offenders acting as ATF
19 informants into our community, where they had no local knowledge of
20 prospective targets or local known offenders, resulted in the informants
21 encouraging some of the city’s most vulnerable and needy – homeless
22 persons and low-level drug-addicted residents in need of treatment or
23 services – to engage in larger drug trafficking or firearms offenses with no
24 indication they would have otherwise committed such offenses without
25 direction from the operation’s informants or agents; and

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1 WHEREAS, while working for the ATF in Albuquerque, at least one
2 informant for the EEI is alleged to have: Repeatedly used drugs and operated
3 vehicles rented by the ATF while under the influence of drugs or alcohol thus
4 threatening public safety on our local streets and violating local laws; shared
5 drugs with minors who were not targeted or investigated; and engaged in drug
6 sales that were not investigated by the informant’s handlers or federal
7 prosecutors; and

8 WHEREAS, the EEI appears to have specifically targeted only minorities in
9 Albuquerque because while Albuquerque’s population is 3 percent African-
10 American, 48 percent Hispanic and 40 percent non-Hispanic white residents,
11 the operation imported only African-American and Hispanic informants and
12 deployed them in a minority-majority impoverished neighborhood, and an
13 agent testified in federal court that they did not attempt to identify a white
14 target who provided a firearm to an African-American target who was later
15 arrested and charged; and

16 WHEREAS, between 2006 and 2015, African-Americans composed only
17 about 5 percent of defendants in drug and gun crimes charged in federal court
18 in New Mexico, yet African-American residents of Albuquerque made up 27
19 percent of those charged in the EEI; and

20 WHEREAS, prior to initiating the Albuquerque EEI, the ATF team who
21 conducted this operation had been criticized in other cities for targeting
22 minority offenders and failing to implement policies to prevent biased
23 targeted, but they were welcomed to Albuquerque anyway; and

24 WHEREAS, Senior U.S. District Judge James Parker found that the tactics
25 deployed by the ATF in our community “made it likely they would arrest a
26 disproportionate number of minorities”; and

27 WHEREAS, when announcing the results of the operation, ATF agents and
28 the United States Attorney reported that the operation had netted 103 arrests
29 of the “Worst of the Worst” but records show that just 1 in 3 persons arrested
30 involved firearms offenses while homeless persons, drug addicts and a
31 recovering addict in a halfway house were all charged with serious felony
32 offenses not involving firearms that would not normally be targeted or
33 prosecuted in the federal criminal justice system; and

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1 WHEREAS, one EEI informant is believed to have introduced drugs into a
2 halfway house program for drug offenders on parole, to have offered and
3 provided those drugs to a recovered or recovering mother who had
4 successfully maintained sobriety prior to the informant’s intervention, and
5 was working in legitimate employment to meet her obligations and was within
6 weeks of reuniting with her children; and

7 WHEREAS, although the City of Albuquerque and the US Department of
8 Justice have entered into a court approved settlement agreement to
9 reestablish community policing programs and increase law enforcement-
10 community trust, ATF agents and USAO prosecutors failed to adequately
11 coordinate with local law enforcement to identify and target serious offenders
12 and as a result have eroded trust between law enforcement and the
13 community and the actual serious offenders still remain at large.

14 **BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF**
15 **ALBUQUERQUE:**

16 Section 1. The Clerk of the City Council is directed to transmit a copy of
17 this resolution to the members of our Congressional delegation with a request
18 that they support public Congressional hearings into the operation led by
19 federal agents of the Bureau of Alcohol, Tobacco, Firearms & Explosives
20 (“ATF”) roving team, and overseen by prosecutors in the United States
21 Attorney’s Office carried out in Albuquerque (and possibly other cities), to
22 determine whether:

23 (1) Supervisors overseeing the EEI program either targeted or failed to
24 prevent biased targeting of African-American and Hispanic residents, and
25 failed to follow up on firearms offenses against one or more non-minority
26 offender;

27 (2) Informants and agents encouraged homeless and drug-addicted
28 residents of Albuquerque to engage in larger drug trafficking or firearms
29 offenses with no indication that they would have otherwise committed such
30 offenses without direction from the EEI’s informants or agents;

31 (3) Informants engaged in crimes outside of the scope of this
32 investigation, creating more crime in our city and in surrounding

1 communities; in some cases while using vehicles and funds provided by the
2 federal government;

3 (4) The program, designed to target gun offenders, resulted in the arrest
4 or indictment of 102 persons but less than 1/3 of offenders were involved with
5 a firearms offense;

6 (5) Our city has seen any measurable decrease in gun-related offenses
7 since this operation concluded.

8 Section 2. The City Council requests that the ATF and US Department of
9 Justice provide a full accounting of the policies, plans and tactics used in this
10 operation.

11 Section 3. The City Council requests that the ATF abstain from conducting
12 similar operations in Albuquerque and encourage the ATF and US Department
13 of Justice to discontinue the use of these operations nationwide until
14 adequate protections for Constitutional policing have been established and
15 until the impacts of the program can be evaluated by Congress and the public.

16 Section 4. The Clerk of the City Council is directed to transmit a copy of
17 this resolution to the Attorney General of the United States and the United
18 States Attorney for the District of New Mexico.

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