

MENTAL HEALTH RESPONSE ADVISORY COMMITTEE

ALBUQUERQUE, NEW MEXICO

February 10, 2022

Introduction

Pursuant to the Court Approved Settlement Agreement in *U.S. v. The City of Albuquerque*, the Mental Health Response Advisory Committee (MHRAC) was created to “assist in identifying and developing solutions and interventions that are designed to lead to improved outcomes for individuals perceived to be or actually suffering from mental illness or experiencing a mental health crisis.” *See* Second Amended and Restated Court-Approved Settlement Agreement (Doc. 465-1), ¶ 111 (July 30, 2019). Additionally, it is the responsibility of MHRAC to “analyze and recommend appropriate changes to policies, procedures, and training methods regarding police contact with individuals with mental illness.” *Id.*

Accordingly, MHRAC members have been given an opportunity to analyze:

SOP-2-80 ARRESTS, ARREST WARRANTS, AND BOOKING PROCEDURES

MHRAC Recommendation(s)

2-80-4 (B) (1)

MHRAC suggests replacing the existing language in this section with following:

Sworn personnel shall issue a citation or a criminal summons for non-violent misdemeanor offenses, or issue a warning if sworn personnel discern that the individual’s offense is directly related to their status as precariously housed and not a threat to public safety.

Also, perhaps add language around how the Albuquerque Community Safety Department or APD COAST may be able to intervene in lieu of filing charges, when appropriate.

2-80-4 (K)

This section concerns allowing an individual to post cash bond in lieu of arrest. To ensure this section is current, it needs to be confirmed with the Bernalillo County Metropolitan Court as to whether the bond posting window is still open and how individuals might be able to post bond.

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Temporary Detention and Processing

For the provisions in this SOP concerning “Temporary Detention and Processing,” there appears to be a common point that the officer is to “visually and verbally monitor the individual by checking their behavior at least every thirty (30) minutes, to ensure that they are safe.” However, there are no delineated procedures for when unsafe conditions are discovered and how they are addressed. MHRAC recommends that APD form a policy around this.

Strip Searches and Restrooms

There appears to be a lack of protocols for strip searches of arrestees who are transgender. MHRAC recommends APD address this. There should also be a policy to address this “restroom escorts” found at 2-80-4(L)(2) (d)(x).

Officer Discretion on Warrants

Also, with respect to the policy affecting officer discretion to arrest on warrants for petty crime, MHRAC suggests that that the officer be given discretion to contact the issuing Judge on whether a booking on the warrant will be necessary. Also, MHRAC suggests that the SOP encourage officers to assist in the utilization of the Outreach Court Program, when appropriate. For guidance and information, officers may contact the current Outreach Court Program Manager, Margot Keener, at 505-841-8142, or via email at metrmlk@nmcourts.gov.

Thank you for the opportunity to submit this feedback and for the continued collaboration on improving outcomes for our community.

Respectfully Submitted,

Max Kauffman and Rachel Biggs
MHRAC Co-Chairs