



Greater Albuquerque Chamber of Commerce
115 Gold Avenue SW, Suite 201
Albuquerque, NM 87102

August 6, 2018

Chief Justice Judith Nakamura
New Mexico Supreme Court
P.O. Box 848
Santa Fe, NM 87504

Dear Chief Justice Nakamura,

The Greater Albuquerque Chamber of Commerce is deeply concerned about the decision of the 2nd Judicial District Court to cut the number of grand juries impaneled each month, beginning October 1st. We believe this decision will have an adverse impact on public safety, primarily due to fewer felony indictments being filed each month and police officers spending more time in courtrooms instead of in the community.

On behalf of the residents, businesses, victims, and police officers in our community, we are asking the New Mexico Supreme Court to intervene and stop this reduction in grand jury panels.

According to a recent study by the Legislative Finance Committee, following a prolonged and unprecedented spike in property and violent crime, overall crime in Albuquerque began to trend downward last Fall and has continued to decrease since. During this same period, the District Attorney's Office showed a dramatic improvement in its ability to initiate cases, more than doubling the number of monthly felony indictments filed in Bernalillo County between July, 2017 (205 indictments) and May, 2018 (413 indictments).

In addition, police and prosecutors have been working together to more consistently meet the numerous prescriptive discovery mandates of the case management order, preventing case dismissals and allowing indictments to move forward. Local, state, and federal law enforcement agencies and the D.A.'s Office have also collaborated weekly for more than a year to identify, apprehend, and aggressively prosecute the most serious repeat offenders in our community through the ALeRT program. And, APD officers are engaging in more proactive policing efforts – including additional traffic stops and targeted enforcement operations.

It seems we have momentum on our side in the fight against crime. Why, then, would the 2nd Judicial District Court make such a dramatic and sweeping change, jeopardizing the first sustained reduction in crime that our community has seen in well over five years?

As you know, grand jury panels are currently available and used five days per week by the District Attorney's Office to indict those who are accused of committing felony crimes in Bernalillo County. The vast majority of felony cases are initiated through a grand jury (over 82% in May, for example). Cutting the number of grand jury days to just six per month, while demanding instead that indictments be secured through lengthy evidentiary hearings in which more witnesses must testify – including police officers and victims – will lead to fewer felony indictments being filed each

month. Justice will be delayed and denied far too often, and those who commit crimes will not face the kind of swift and certain punishment that we know to be the most effective deterrent of criminal behavior.

In order to indict hundreds of cases each month through preliminary hearings, police officers would spend an inordinate amount of additional time testifying in courtrooms. Overtime costs would soar at APD, it would become even harder for our already understaffed police department to respond to calls for service, and officers would have far less time for proactive and community policing activities.

In addition, preliminary hearings can be notoriously inefficient if they have to be frequently canceled and re-scheduled due to witnesses or the accused failing to show up. And, the preliminary hearing process is a more difficult and time-consuming process for crime victims, especially given that it introduces yet another opportunity for the perpetrator(s) in their case to potentially evade accountability and justice on technical or procedural grounds.

Improving public safety is one of three policy areas in which the Chamber focuses its efforts. High crime threatens economic development, job creation, and our quality of life in a number of different ways. However, the business community is not alone in its opposition to the Court cutting grand jury days. Mayor Tim Keller, APD Chief Mike Geier, state lawmakers, victim advocates, rank-and-file officers, and numerous other groups and individuals share our concerns.

As a community, we have endured through a long period of spiking crime – the likes of which many in Albuquerque have never experienced. We want to turn the page and see crime subside across-the-board for years to come. We want those who would consider committing a crime in our community to know – with great confidence – that they will be caught and punished if they do so. We want our officers and prosecutors to not have the rug pulled out from under them when they improve their capabilities and collaboration, increasing their ability to fight crime in a strategic and efficient manner. And, we want our police officers to have the time and freedom to be engaged in our community, focusing on preventing and deterring serious crimes instead of simply responding to them once they have occurred.

The decision of the 2nd Judicial District Court to cut grand jury days runs counter to these goals and undermines the progress we have made. We ask for your intervention and support in overturning it.

Thank you very much for your time and attention, as well as for the decades of public service you have provided to the people of Bernalillo County and the State of New Mexico.

Sincerely,



Pat Vincent-Collawn
President and CEO, PNM Resources
Chairman of the Board
Greater Albuquerque Chamber of Commerce



Del Esparza
President, esparza
Chairman, Public Safety Committee
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