



**RESOLUTION NUMBER: 2021-17**

**Consideration of Resolution 2021-17 Supporting Legislation Focused on Providing Meaningful Public Safety Reform; While Opposing Legislation That Would Detrimentially and Disproportionately Impact Roosevelt County and Rural New Mexico**

**WHEREAS**, the Roosevelt County Board of Commissioners recognizes the opportunities for the New Mexico Legislature to public safety reform. However, failing to include law enforcement professionals in the discussion has resulted in legislation that fails to address the root causes and instead seeks to substitute costly litigation for meaningful reform;

**WHEREAS**, Roosevelt County is further concerned that the chief proponents of legislation to increase the caps on damages and add attorney fees as an additional category of recovery are legislators who stand to directly profit from purposed legislation through their legal practices;

**WHEREAS**, the New Mexico Tort Claims Act (NMTCA) balances the importance of compensating those damaged by government action with the need to provide essential services for all and does this by capping the amount of damages plaintiffs can recover up to \$1,050,000. The NMTCA also does not provide for the separate and additional recovery of attorney fees;

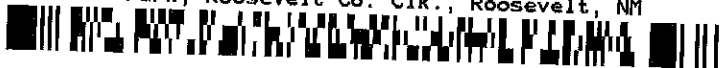
**WHEREAS**, New Mexico is one of the poorest states in the nation with one of the nation's highest poverty rates at 18.2 percent, and is the most federally dependent state in the nation;

**WHEREAS**, if tort caps are increased by the levels contained in HB4 and SB376 counties like Roosevelt County will lose their reinsurance for law enforcement claims, effectively reducing the amount of coverage available to respond to the very claims the legislature seeks to address;

**WHEREAS**, uninsured judgments that cannot be satisfied through existing resources will be paid by our citizens, through property taxes levied to meet the judgment (N.M. Const., art. 8, Section 7; NMSA 1978, §.7-37-7(C)(3));

**WHEREAS**, Roosevelt County adopted a formal Resolution 2021-10 standing in opposition to House Bill 4 during a prior open meeting, and continues to stand in strong opposition to the bill as currently amended;

**WHEREAS**, Roosevelt County stands in opposition to SB376 in its current form because it would more than double the cap limits of the NMTCA, includes an escalator to increase the caps annually regardless of the fiscal health of the state or local governments, would allow for attorney's fees, extends the claim filing timeline, contains an unconstitutional provision making the higher caps and attorney fees applicable to currently pending claims, and would most certainly encourage an abundance of new claims to be filed in State Court;



**WHEREAS**, information presented to the Legislature demonstrated that the New Mexico Law Enforcement Academy needs additional resources to better train law enforcement officers and timely discharge its responsibility of investigating law enforcement officers accused of misconduct;

**WHEREAS**, Roosevelt County stands in opposition to Senate Bill 227 in its current form as it creates serious safety concerns. The new use of force standard in the bill seems to ultimately value the life of the resisting suspect (refusing lawful commands) over the law enforcement officer attempting to enforce the law. Some situations evolve so rapidly that a moment of hesitation could cause the death of the officers and innocent bystanders;

**WHEREAS**, Senate Bill 227 further mandates 20/20 hindsight examinations of what the officer could-of or should-of done differently based on lengthy enumerated contextual factors. This analysis, however, will be conducted in the safety of law offices and secure court houses with no life threatening time constraints;

**WHEREAS**, the Roosevelt County Board of Commission stands in opposition to House Bill 254, House Bill 263 and Senate Bill 274 as these bills task Department of Public Safety with investigating peace officers use of deadly force resulting in great bodily harm or death and any other in-custody death. The great majority of counties currently rely upon DPS to conduct such investigations as they do not have the resources internally and prefer an independent investigation. This provision simply codifies existing practices and shifts the cost of these investigations to the counties. There is no principled policy reason for this cost shifting. Small and rural counties do not have the resources to absorb this cost, and counties should not be responsible for the cost of municipal deadly force investigations within their boundaries. DPS's historic role in conducting such investigations on behalf of local governments is in line with its statutory mandate "to provide . . . efficient use of state resources and manpower in responding to New Mexico's public safety needs and problems and to improve the professionalism of the state's law enforcement and investigative functions and personnel." § 9-19-3 NMSA (1978).

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of the County of Roosevelt support:

1. Legislation (like SB 375) that provides meaningful public safety reform by developing more comprehensive training standards to ensure all first responders are more adequately equipped for the challenges they encounter daily in their public service.
2. Legislation that adequately funds the Law Enforcement Academy Board and restructures the body to better serve the Law Enforcement community in a more timely and applicable manner and through the development and implementation of new comprehensive training standards.
3. Legislation that amends the Public Employee Bargaining Act to reduce the ability of law enforcement unions to oppose accountability for law enforcement officers that engage in misconduct.
4. Creation of a law enforcement database to coordinate the sharing of information among agencies.
5. Legislation that funds true reform measures.

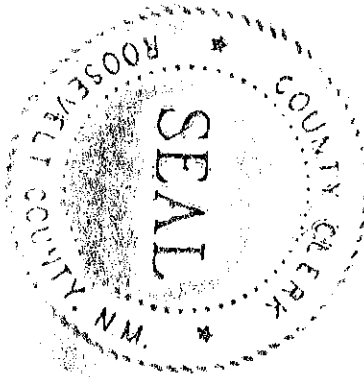


**PASSED, APPROVED AND ADOPTED** on this 22<sup>nd</sup> day of February, 2021 by the Roosevelt County Board of Commissioners in an open meeting in Portales, New Mexico.

**BODY OF COUNTY COMMISSIONERS  
ROOSEVELT COUNTY, NEW MEXICO**

ATTEST:

Mandi M. Park  
Mandi Park, Roosevelt County Clerk



Tina Dixon, *Chair* – District IV  
Voted:  Yes  No  Abstained

*absent*

Lewis (Shane) Lee, *Vice Chair* – District III  
Voted:  Yes  No  Abstained

*absent*

Dennis Lopez – District I  
Voted:  Yes  No  Abstained

Rodney Savage  
Rodney Savage – District II

Voted:  Yes  No  Abstained

Paul Grider  
Paul Grider – District V

Voted:  Yes  No  Abstained



*mp*