



**RESOLUTION NO. 2021-05**

**CITY OF RATON, NEW MEXICO**

**EXPRESSING MUNICIPAL GOVERNMENT EVALUATION  
OF  
HOUSE BILL 4 – NM CIVIL RIGHTS ACT**

**WHEREAS**, the City of Raton operates a full-time, around-the-clock municipal law enforcement agency, including local and regional dispatch services and animal control; and

**WHEREAS**, the peace officers and telecommunicators employed by the City of Raton are professional, dedicated, and trained and certified by the New Mexico Law Enforcement Academy; and

**WHEREAS**, Raton Police Department has maintained the highest standards of conduct for officers, telecommunicators and other staff in order to responsibly provide community public safety and demonstrate the character and competence demanded of the profession in the twenty-first century; and

**WHEREAS**, the Raton Police Department has successfully worked to share information, identify problems, and create solutions in collaboration with citizens and other relevant agencies including city departments, business organizations, and community based organizations to effectively protect the citizens of Raton and safeguard the stability of our community; and

**WHEREAS**, Raton has routinely received recognition as one of New Mexico's safest cities by Safewise.com in their annual review and has consistently responded in a professional and appropriate manner to threats to public safety; and

**WHEREAS**, House Bill 4, entitled the "**New Mexico Civil Rights Act**", has been introduced at the 2021 regular session of the New Mexico Legislature; and

**WHEREAS**, analysis of House Bill 4 by the New Mexico Municipal League (NMML) has identified grave concerns with the legislation that proposes specific solutions that are likely to aggravate the problems they purport to solve, and may destabilize rural New Mexico communities such as Raton; and

**WHEREAS**, NMML evaluation of House Bill 4 identifies specific concerns that encouraging more litigation is an ineffective solution to issues and concerns regarding civil rights deprivations, that taxpayers shall be exposed to new causes of action with no caps at all, that the legislation will force limited municipal funding to shift from essential services to defending and paying judgments and settlements; and

**WHEREAS**, existing provisions for qualified immunity are intended to protect reasonable behavior by police officers and allows officers to operate using their best judgment in critical situations; and

**WHEREAS**, House Bill 4 prohibits the use of the defense of qualified immunity and results in undue risk and exposure to police officers in the performance of their duty, aggravates an existing problem with recruitment and retention of qualified police officers, and effectively reduces safety and protection of the public; and

**WHEREAS**, New Mexico Municipal League has identified measures that would arguably achieve the goals of protection of an individual's rights, privileges or immunities without the likely adverse impacts resulting from passage of House Bill 4, including modernization of law enforcement training and continuing education incorporating issues such as crisis de-escalation and effective implementation of emerging technologies; acceleration of de-certification procedures of "bad actors" in the law enforcement field, and state government support of local agencies in disciplinary actions or removal of "bad actors" from the municipal police force.

**NOW THEREFORE**, be it resolved that the City of Raton requests that the New Mexico Legislature, including the House of Representatives, the Senate, and all applicable committees, table House Bill 4 and continue to evaluate additional measures to ensure civil rights protections with consideration for community stability, safety and responsibility.

**PASSED, APPROVED AND ADOPTED THIS 26th DAY OF JANUARY, 2021.**

**CITY OF RATON**

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**James Neil Segotta, Mayor**

**ATTEST:**

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**Michael Anne Antonucci, City Clerk**