

SENATE JUDICIARY COMMITTEE

BILL:

Senate Bill 252

DATE OF COMMENT:

February 28, 2023

COMMENT OF THE POLICING PROJECT AT NYU SCHOOL OF LAW IN SUPPORT OF SENATE BILL 252

Law enforcement officers are the only government employees sanctioned to use force against people in the community. However, New Mexico currently provides little direction to officers on when they can—or cannot—use force.

This lack of clarity results in a widespread pattern of excessive force by police, including both routine police violence and tragic killings of unarmed people. And the burden of this legislative inaction falls most heavily on Black and Brown communities, who experience a disproportionate amount of police violence. Recognizing this problem, a number of states—including Colorado, Illinois, Massachusetts, and Washington—enacted comprehensive use of force reform following George Floyd’s murder.

It is past time for New Mexico to do the same by enacting SB252. Among other things, SB252 sets forth clear rules for when officers may use force and deadly force, requires that officers take reasonable de-escalation tactics before using force, and imposes on officers a duty to intervene when they observe another officer using unlawful force. SB252 also laudably requires the collection and publication of thorough data any time an officer uses force resulting in injury requiring medical care.

Some suggestions that we believe will make SB252 even stronger include making clear in Section 11 (a) that witness/victim names should *not* be published; and (b) that the “entirety of data reported” included in the Department’s annual report must consist of “machine-readable, incident-level data.”

In addition, we recommend amending SB252 to require that officers execute warrants during the daytime (9am-7pm) unless officers explain in the warrant application which factors preclude effective execution during daylight hours.

We support SB252 because it sets forth clear and thorough standards for officers to follow before using force. We believe this will reduce unnecessary uses of force, and provide officers clear guidance on what’s lawful and what’s not.