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<https://www.abqjournal.com/1326218/off-with-their-heads-wont-make-abq-safer-ex-we-should-be-able-to-address-crime-in-our-community-without-disrespecting-our-constitution.html>

## **‘Off with their heads’ won’t make ABQ safer**

**By George Bach, Rob Schwartz and David Stout**

**Albuquerque Journal  
June 10, 2019**

Former Mayor Marty Chavez is correct when he says that crime in Albuquerque has become a problem because of the diminishing size of the Albuquerque Police Department over the past decade and because of the resulting lack of consequences for those who commit crimes (Journal, June 5). He properly gives Mayor Tim Keller credit for seeking to address both of these related issues.

Where Chavez goes astray is in his misunderstanding of the role of our criminal justice system. First, our due process-based system is designed to try those who are accused of a crime, but punish only those who are found to be guilty. An accusation does not justify punishment, only conviction does – and we have a time-tested trial system to determine which of those who are accused should be found guilty and punished. The primary purpose of bail, under the Eighth Amendment, is to ensure those accused actually show up at their trials.

Frustrated by crime in Albuquerque and the time it will require to address it rationally, and, perhaps, spurred on by bail bondsmen with their own financial interests, some in Albuquerque seem to prefer the rantings of the Queen of Hearts in Alice in Wonderland to our Constitutional law. Chavez, for example, argues that there is no reason to wait until someone who is accused is convicted. Let’s punish first and worry – or not – later about whether those punished are guilty. This approach has given rise to jails full of innocent, but poor, people around the country who cannot afford the bail or expert lawyers necessary for them to be released. If the goal is to speed up the criminal process to get convictions of the guilty, then we should speed up the process; simply skipping the stage of determining whether an accused is guilty is neither a fair nor a reasonable alternative.

Chavez seems stuck in Wonderland with his suggestion that “cops should be cops,” too. Of course they should be; no one would disagree – but they should be good cops. On this, their record has been inconsistent over the past decade, even if it is improving quickly now. In fact, the reason – the only reason – that our police are under federal oversight is that, contrary to Chavez’s intimation, they have not limited themselves to being restrained by our statutes, ordinances and the Constitution. Once it is clear that they actually will be limited by the law, the federal oversight will end.

We agree that we need a strong, fully staffed police department as one weapon among many against crime in Albuquerque. That will require that cops who act like cops actually follow the law. It will also require an improved criminal justice system where prosecutors are willing and able to prove which of the accused are actually guilty, and not just impose punishment – months of incarceration awaiting trial – on those who are accused, whether they are guilty or not.

We can address crime in this community, as we must, and still respect our Constitution.

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