

“CRIME, CORRECTIONS, AND THE LAW IN NEW MEXICO”
CONSENSUS REPORT OF THE
SIXTEENTH NEW MEXICO TOWN HALL
Farmington, New Mexico - October 26 - 29, 1995

EXECUTIVE SUMMARY

New Mexican's greatest crime concern focuses on violent crimes against individuals. Increased mobility and the impact of the media have led to a blurring of the differences between urban and rural crime.

The trends in crime and public safety we need to be concerned about over the next five to ten years include wider and growing abuse of drugs and alcohol, the crisis in family stability, the repercussions of the greater involvement of juveniles in crime, the impact of the disproportionate numbers of minorities arrested and incarcerated in the correctional system, the growing number of juveniles entering the adult system, and growing misuse and abuse of computer technology. General public acceptance of the erosion of civil liberties is also a disturbing trend.

The Town Hall sees our most compelling problem to be a crisis in those commonly-held human values that sustain healthy communities. Our children learn dubious values through media; some leadership and parents falter in providing positive role models; poverty; substance abuse; inequities and disparity of treatment based on race; lack of economic opportunity all impact on the origins of crime. Our educational system often cannot deal with at-risk children and often fails to teach them basic literacy skills. Both public and private sectors can support families by instituting flextime, home based employment, day care, and other features that support parents in raising their children.

While many family-based social and educational services exist, there are few programs targeted at rehabilitation of the offender. There is also a critical need to significantly expand alternative education programs in order to reduce the impact of the dropout rate. While many programs provide useful services, they operate in an isolated, fragmented, and uncoordinated manner nor do we require adequate evaluation methods to measure the success of these programs.

The role of the public sector is to provide a clear policy framework and social, educational, and support services. The role of the private sector is to provide employment and other opportunities to enable citizens to participate in the system. We need to identify opportunities for public-private partnerships, and to recognize that the responsibility for dealing with our crime problem lies with society as a whole, especially at the local community level.

The goals of New Mexico's criminal and juvenile justice system focus on trying to ensure the public safety and to deal with the consequences of the criminal act. The over-all emphasis is on retribution and incapacitation rather than rehabilitation and prevention. The current system tends to treat the criminal in isolation rather than as part of the community and family setting. There needs to be a shift to provide more balance among the various goals, which means putting more resources into prevention, early intervention, rehabilitation, and reintegration services. The public and private sectors share equally in the challenge of addressing these goals. Currently, there is little accountability required. The component agencies operate independently and compete against each other for funding. There should be interagency system-wide planning and cooperation.

The Town Hall recommends the following priorities, policies, or changes in the law to achieve a more effective, efficient, and accountable criminal and juvenile justice system:

- The criminal and juvenile justice agencies must operate as a unified system. The criminal and juvenile justice system must implement a comprehensive collaborative statewide strategic correctional plan that reflects universal objectives, goals, and mission and develop a unified criminal and juvenile justice information system to track offenders.
- The Town Hall recognizes and supports the establishment of the Criminal and Juvenile Justice Coordinating Council.
- The Department of Corrections and the Juvenile Justice Division should adopt as their goal that inmates remain crime-free for a substantial and measurable period of time.
- Implementation of community policing should be encouraged.
- Magistrate, municipal, metropolitan, and tribal courts need supervision and support services to deal seriously with misdemeanors and first offenders.
- The legislature and executive branch must realize that when new laws are enacted, old laws amended, or additional resources committed to law enforcement, additional and commensurate resources must be added to courts, prosecution and defense services, and jails, prisons, and alternative sanctions and programs. In particular, the legislature and executive must provide equal funding to both prosecution and defense services
- Children who are victims or dependents of offenders or victims need to be recognized as at risk and potentially in need of services.
- Abuse of chemical substances is a public health issue. Emphasis should be placed on prevention, early intervention, and treatment. Residential substance abuse treatment programs, residential programs with a more general focus, and non-residential intensive treatment and supervision programs should be available in every community as an alternative to incarceration.
- Encourage victim-offender mediation and reconciliation programs, such as the Navajo Peacemaker model, and make them available as pre-prosecution diversion options for first time offenders (excluding family violence). Victim-offender mediation and reconciliation programs should also be offered in all post-conviction cases.
- Enact enforceable hate crimes legislation. Provide law enforcement with the education, resources, and training to enable them to more effectively recognize hate crimes.

- Change the term "retribution" to the idea of punishment and personal accountability of the individual.
- Ensure that sufficient resources are allocated for the identification, arrest, prosecution and incapacitation of the most serious offenders.
- Funding allocation decisions should be based on program effectiveness in reducing crime and cost effectiveness.
- Review and reconcile the disparities in the criminal code classifications.
- Conduct a sentencing equities study to determine disparities relative to gender and/or minority status. Emphasis should be placed on diversity within the Parole Board and term limits placed on members/participants.
- Develop alternatives to incarceration, so that misdemeanor crimes and first offenders do not become channeled into the prison system. Incarceration should be used only in cases where public safety and security are endangered.
- Require mandatory multi-cultural awareness training (ex. ethnic, race, gender, class, religion, profession, sexual orientation, etc.), for all involved in the criminal and juvenile justice system who have direct contact with offenders and the public.
- Provide multilingual services at all levels of the criminal and juvenile justice system.
- Federal judges in New Mexico should enlarge the federal jury pool for the District of New Mexico by including drivers license lists as a source of jurors.
- In order to optimize the beneficial impact of community based services by corrections and the Juvenile Justice Division of Children, Youth, and Families, staff should be evaluated to guarantee a balance between law enforcement and rehabilitation and treatment perspectives, especially for corrections and probation and parole officers.
- Better and more timely information about the criminal and juvenile justice system process and support services for victims of crimes must be provided to them from the time of initial contact with the system and throughout the process so that the victim is given the proper attention.
- Develop and implement mechanisms for educating the general public and the media in the area of criminal and juvenile justice systems.
- Mandate that all high school students take and pass a one semester program on crime and the law in New Mexico.
- Focus resources on front-end efforts with at-risk youth, juvenile offenders, and their families to help keep them from greater involvement in the juvenile and adult penal system, especially at the time of first encounter with the system.
- There is a critical need to significantly expand alternative educational programs in order to reduce the impact of the dropout rate. Educational opportunities for all children, even those who drop out, are suspended, or expelled must be provided. Funding for alternatives to traditional education will be derived from existing sources, i.e., funds will follow the child. Our existing school funding formula must be amended to reflect this change.
- New Mexico First hold a Town Hall to deal specifically with juvenile crime, corrections, and the juvenile code in New Mexico.
- Inmates should be offered employment and educational and vocational educational programs in prison that ensure the development of social attitudes, knowledge, and job skills that will give them the opportunity to live crime-free. The labor of incarcerated offenders should be used, where feasible, for construction and maintenance of prison system facilities and equipment to promote cost efficiency in management.
- To the extent permitted by federal and tribal law, The Town Hall encourages the legislature to adopt limited statewide jurisdiction for statewide law enforcement officers for the purpose of cooperative joint operations between all law enforcement agencies.
- All recommendations of this report should be extended to the Native American criminal justice systems.
- The Native American justice systems should be included in policy planning and decision-making of the state juvenile and criminal justice systems.
- Develop legislation to eliminate discrimination in hiring and retaining ex-offenders when the conviction is not specifically related to the job duties.
- The State of New Mexico should provide economic incentives to private employers to hire and retain ex-offenders.
- State statutes regarding truancy should be changed to authorize municipalities to enact ordinances that allow local police to pick-up and return school-aged students to school during school hours.

***For a complete Town Hall Report or a presentation by the Town Hall Implementation Team
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