

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

The Sixteenth Town Hall of New Mexico First met in Farmington from October 26 - 29, 1995. The Town Hall was sponsored in part by the City of Farmington, which granted a contract for services to New Mexico First based on the timeliness and importance of the topic. Over 80 New Mexicans, representing our diverse population and including criminal and juvenile justice professionals and citizens impacted and affected by crime and the criminal and juvenile justice system, met to address the issue of "Crime, Corrections and the Law in New Mexico."

In our discussions, it was clear that New Mexican's greatest crime concern focuses on violent crimes against individuals. However, both property crimes and violent crimes erode our sense of personal safety and community well-being. While our perceptions of crime may vary depending on age, income, and other factors, the Town Hall agrees that the rise in juvenile crime, crimes linked to alcohol and drug use, random crimes, and domestic violence disturbs us. We are fearful because we find many crimes, especially those that seem to be committed on impulse, to reflect our over-all societal problems.

Increased mobility and the impact of the media have led to a blurring of the differences between urban and rural crime. While people in urban settings often feel "held hostage" by their constant sense of fear, rural residents also are directly affected by the spread of crime, especially by gang and other youth violence.

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.

While the socioeconomic origins of crime are complex, we see our most compelling problem to be a crisis in those commonly-held human values that sustain healthy communities. The social fabric of our society is deteriorating. Increasingly, our children learn dubious values through media, while some leadership and parents falter in providing positive role models. Poverty, and its accompanying lack of hope and opportunity, increases the likelihood that crime will occur. Substance abuse continues to grow. Inequities and disparity of treatment based on race continues. Lack of economic opportunity hastens the breakdown of the family structure. The media feeds us images of violence and negativity. 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.

A list of programs that exist to address the socioeconomic origins of crime and criminal behavior includes almost all social service, educational, and public health approaches state-wide. Special education, mentoring programs, drug awareness and treatment programs, economic

support, and religious and family preservation programs all serve this purpose. However, it should be noted that while many family-based social and educational services exist, there are few programs targeted at rehabilitation of the offender. Involvement of families should be promoted to allow for consideration of their religious, moral, and cultural values in the 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. We have not developed nor do we require adequate evaluation methods to measure the success of these programs. Evaluation information is scant or non-existent. Similarly, cost data associated with existing programs, as well as information on cost-benefit analysis per client served are equally lacking.

The role of the public sector in addressing the root causes of crime 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. While it is clear that both sectors have separate roles to play, 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. Moreover, we must realize that criminal justice will not be attained in this society unless and until we have economic and social justice.

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. While these goals are appropriate, their implementation tends to be fragmented and is influenced by political, short-term motivations.

While some goals are realized better than others, 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 institutions that comprise the juvenile and adult criminal justice system include the primary role agencies (law enforcement, the judicial system and the legal profession, jails, prisons and juvenile detention centers, and community corrections, including supervision and treatment, and probation and parole); and the supporting institutions that include school and family, rehabilitation, substance abuse, and preventive and after care programs. The system includes the Executive and Legislative, as well as the Judicial branches of government. To be more effective, the system should in addition include victims, offenders, and the community at large.

Our institutions have not done well in establishing standards against which to measure their effectiveness in reaching our criminal and juvenile justice goals. All too often, public perception of crime rates and recidivism, whether accurate or not, becomes the driving force behind how the effectiveness of our institutions is determined. Since few consistent goals or outcomes have been identified and coordinated, we therefore are unable to measure either success or failure.

Useful measures of effectiveness of performance should include factors other than "numbers," and emphasize such criteria as public confidence and respect, reduced occurrence of crime and recidivism, and effective use of all resources. The high cost of the criminal and juvenile justice system includes not just monetary charges, but wasted human potential and loss to the individual, families, and the community.

The public and private sectors share equally in the challenge of addressing these goals. Leadership of the entire system is needed. Currently, there is little accountability required for different segments of the criminal and juvenile justice system. The component agencies of the criminal and juvenile justice system operate independently of each other and have to compete against each other for funding. This leads to inefficiencies in the system. There should be institutionalized methods of interagency system-wide planning and cooperation. Political leaders need to be able to respond to the concerns of the public, the private sector needs to help provide direction for policy formation for the criminal and juvenile justice system, and the public sector needs to better coordinate more effectively crafted programs.

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 with regular communication and coordination at the community level as well as the state level. 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 so we can better coordinate our efforts and measure effectiveness of our programs in terms of recidivism.
- 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. The Departments should review all of their programs and re-orient them to work toward this rehabilitation goal from the time of arrest, through incarceration, and post-release supervision and services.
- 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, thereby providing early intervention and keeping offenders from descending into the more punitive corrections system.
- 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 of those with substance abuse problems. 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 other available models that will promote restoration of personal and community harmony while diminishing the costliness of the adversarial process, 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.
- We need to ensure that hate crimes are taken seriously by the criminal and juvenile justice system. Enact enforceable hate crimes legislation. Provide law enforcement with education, resources, and training to enable them to more effectively recognize hate crimes in order to utilize new and existing laws.
- Change the term and concept of "retribution" to emphasize and include 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 on cost effectiveness.
- Review and reconcile the disparities in the criminal code classifications.
- Conduct a sentencing equities study for the purpose of determining disparities in the sentencing of individuals relative to their 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 including ethnic, race, gender, class, religion, profession, sexual orientation, etc., and interpersonal skills training for all involved in the criminal and juvenile justice system who have direct contact with the offenders and the public.

- Steps must be taken to overcome existing language barriers by providing multilingual services in all agencies and at all levels of the criminal and juvenile justice system.
- The Town Hall requests the federal judges in New Mexico to 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, e.g. issue an annual report card regarding the systems' performance; a speakers bureau to make presentations to civic groups, etc., and target communications with media representatives so that they can inform the public accurately and properly.
- 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, including referrals for truancy, incorrigibility, and runaways. The Town Hall encourages the development of more comprehensive strategies that address the needs of delinquent youth within the context of the family, community, and educational systems.
- 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.
- Both public and private sectors should be encouraged to support families by instituting flextime, home based employment, daycare, and other features that support parents in raising their children.
- Have New Mexico First hold a Town Hall to deal specifically with juvenile crime, corrections, and the juvenile code in New Mexico, including status offenses such as truancy, drop-outs, runaways, incorrigibles, etc.

- 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. Such programming also has the added benefit of reducing management problems within the prison, thereby making the system safer and more cost effective. The labor of incarcerated offenders should be used, where feasible, for construction and maintenance of prison system facilities and equipment.
- 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. Examples are DWI enforcement in emergency situations; combined agency efforts in narcotic investigations and enforcement; emergency situations that occur outside jurisdiction that need immediate intervention and action.
- 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, including, but not limited to, salary matching, bonding, and mentoring, for rehabilitation and reintegration purposes.
- 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.