

THE TORCH

New Mexico had the highest rate of killings by police of any state in 2023. Over the past decade, New Mexico has consistently had one of the highest rates of police violence in the nation.

ENOUGH.

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ACLU
New Mexico

RETHINKING PUBLIC SAFETY: A CONVERSATION WITH POLICING POLICY ADVOCATE DANIEL WILLIAMS

By Carla Palacios, Communications Strategist

Public safety continues to be a hot-button issue in New Mexico. As the next legislative session approaches, the governor is pushing for tough-on-crime policies, crackdowns on vulnerable communities, and an overreliance on police, all in a misguided effort to make these problems disappear overnight.

In this interview, Policing Policy Advocate Daniel Williams discusses how the current state of policing in New Mexico—including lawmakers' overreliance on police to address mental health crises, addiction, and homelessness—perpetuates a cycle of violence, distrust, and harm within New Mexican communities.

Carla Palacios (CP): Thank you for taking the time to speak with me, Daniel! How would you describe the current state of policing in New Mexico?

Daniel Williams (DW): Of course! Unfortunately, for many years, including recent years, New Mexico has been one of the states with the highest per capita rate of killings by police.



Photo: Daniel Williams

Almost every year, we are in the top three states in rates of police violence, sometimes ranking first. This is disturbing, and it is certainly something that people who care seriously about our community, safety, and justice continue to be worried about.

And while we have made big strides by requiring body-worn cameras, passing the New Mexico Civil Rights Act and eliminating qualified immunity for law enforcement, much more work remains to reverse this trend.

CP: The Albuquerque Police Department (APD) and the City of Albuquerque have touted that they are now in full compliance with the consent decree with the U.S. Department of Justice, which required APD to implement reforms to address patterns of excessive force, unconstitutional policing, and to promote accountability and transparency. Does this mean that the APD is successfully reformed?

DW: In the most recent report, the independent monitor

overseeing the consent decree found that the city is now in compliance with all paragraphs related to the APD, with only a few paragraphs remaining out of compliance, primarily concerning civilian oversight.

This essentially marks “full compliance,” indicating that the city has met the obligations set nearly a decade ago. However, this doesn't signal the end of the process. A two-year sustainment period now begins, during which the federal government, the monitor, the courts, and the community will closely monitor APD and the city of Albuquerque to ensure that the progress made isn't lost.

Determining whether the reform process has been successful is a mixed bag. Certainly, we have seen some very positive outcomes from the consent decree. Overall use of force is down and investigations into fatal outcomes of use of force have drastically improved, which is good news. However, we also know that APD continues to kill too many of our neighbors every year and that remains a drastic problem that needs to be solved.

A decade ago, the Department of Justice identified a “culture of aggression” within the APD as a systemic issue, leading to the implementation of a consent decree. This culture has long been associated with a disregard for the rights of Albuquerque's residents.

Many have questioned whether meaningful change has occurred. Those concerns have been sharply highlighted by the recent disclosure of audio in which APD officers, believing they were unheard, used racial slurs, glorified violence, and dismissed community concerns.

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FROM THE DESK OF EXECUTIVE DIRECTOR PETER SIMONSON

Last July, Governor Lujan Grisham held a special session on public safety, proposing a slate of bills that would have done more harm than good, especially to people and families that are living in the margins of our communities and economy. More than forty community organizations and behavioral health experts spoke out against her bills. Although New Mexico legislators roundly rejected her agenda, this is not the last we have heard from the governor on public safety. She has doubled down on the “tough on crime” approach even though we now have decades of experience demonstrating that such policies fail at reducing recidivism or improving safety.



One of the governor’s principal bills would have created stringent statewide restrictions on panhandling, even though our courts have decided time and time again that these laws violate free speech guarantees. Touted as a “pedestrian safety” bill, this measure would have done little more than fine or jail people who are already struggling to survive, making it more difficult to obtain housing or employment.

According to the Prison Policy Initiative, “people who have been to prison just once experience homelessness at a rate nearly 7x higher than the general public. People who have been incarcerated more than once have rates 13x higher than the general public.” If the governor really wants to reduce the numbers of people soliciting handouts on traffic medians and highway offramps, she should introduce legislation ending discrimination against renters who use housing vouchers, increasing investments in affordable housing, and funding wrap-around services.

Another part of the governor’s legislative agenda

would have made it easier to involuntarily commit people by expanding the definition of “self-harm” and requiring prosecutors to initiate civil commitment proceedings in a variety of new circumstances, even where a court has determined that an individual does not pose a public threat.

These bills, if enacted, would further entangle people with serious mental illness in the criminal justice system and force them to accept treatment, breeding distrust in our health care systems.

The New Mexico Supreme Court Commission on Mental Health and Competency has researched effective strategies for addressing competency issues for years, proposing solutions such as voluntary pre-competency diversion, community competency restoration, and ongoing community care for people released from state hospitals.

Rather than making it easier to force people into treatment, our governor should work on expanding treatment options for people who want care but cannot get it. She should also throw her weight behind bills to expand mental health infrastructure to ensure that people have timely and continuous access to health care.

“Tough on crime” tactics are an easy way for politicians to appeal to voters, but in the end, they are junk food solutions, satisfying momentary urges without giving the body politic what it really needs. If we truly want to address homelessness and the growing need for mental health services, we need to exercise some willpower. We commend the legislature for standing firm against harmful policies during the special session, and we look forward to the regular session so we can continue working with our partners to advocate for real solutions that address the root causes of these issues.

We need to make smarter choices.



These incidents give the ACLU and many in the community real reason to worry that the culture within APD has not fundamentally changed, raising fears that the department might revert to its previous behaviors once the consent decree is lifted.

CP: What are some examples of how policing practices have affected the relationship between law enforcement and New Mexico's communities?

DW: One example is the treatment of our unhoused neighbors. We know that unhoused people are far more likely to be victims of crime rather than perpetrators. Yet, here in Albuquerque and across the state, there has been a troubling trend towards criminalizing unhoused people, making it increasingly difficult for them to exist in public spaces without facing harassment from the police. These punitive measures only serve to further destabilize their lives, making it harder to access essential services like housing and employment—especially when multiple arrests mark their records.

This approach also severely undermines trust. For

“It raises a critical question: when I need the police, will they come to ensure my safety, or will they view me through a racist lens, seizing the moment as another opportunity for violence—something they’ve admitted to enjoying.”

someone in desperate need of support and protection, it becomes increasingly difficult to trust that the police will act in their best interest rather than view them as a target for criminalization.

The recent audio of APD officers using racial slurs and openly expressing a disturbing fondness for violence exacerbates these concerns, particularly among communities of color. It raises a critical question: when I need the police, will they come to ensure my safety, or will they view me through a racist lens, seizing the moment as another opportunity for violence—something they’ve admitted to

enjoying.

This breakdown of trust is the opposite of what we need from law enforcement in our state.

CP: With the increase in surveillance technology, what concerns should New Mexicans have about privacy rights, and how can these be addressed?

DW: Every one of us in this country deserves privacy – a fundamental principle that is the bedrock of our democracy. We should be free from government intrusion into deeply personal aspects of our lives, such as where we worship, the medical care we seek, or the political activities we engage in. Yet, these are precisely the areas threatened by the expansion of surveillance technology.

The more information law enforcement collects about us, the deeper their insight into our private lives—information that often has no relevance to legitimate law enforcement objectives. We know that surveillance can have a chilling effect on the exercise of our rights. People may hesitate to attend a protest, whether expressing solidarity with the people of Gaza or advocating for gun rights, if they fear being surveilled. Similarly, individuals might avoid seeking behavioral or reproductive healthcare if they believe that doing so will be recorded by the police or shared within their community.

These concerns are not hypothetical. After 9/11,

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“By focusing on providing services and care without defaulting to police and prisons, we open a range of options. This is the kind of bold, innovative thinking we need from our legislature right now.”

the New York Police Department used license plate readers to monitor who attended area mosques. In certain states during past election cycles, police have used similar technologies to track people attending political rallies for candidates on both sides of the aisle. These are not measures necessary for keeping us safe. Instead, they threaten to suppress free speech and to keep us from exercising our rights.

CP: How do you see the role of technology in future policing, and what safeguards are necessary to ensure it is used responsibly?

DW: We recognize that technology can indeed be harnessed to enhance public safety without compromising our rights, and at the ACLU, we don't oppose such measures. When used appropriately, cautiously, and with proper safeguards, technology has the potential to reduce in-person interactions between vulnerable communities and law enforcement, which can help minimize bias and lead to positive outcomes.

However, our concern lies in the absence of those necessary safeguards. Without them, technology could easily be misused, leading to the opposite of its intended effect. It's crucial that any technology employed by the police undergoes extensive vetting to ensure it doesn't infringe on the rights of New Mexicans. This is essential to ensure that we can trust that technology is being used responsibly—to keep us safe, without infringing on our privacy or violating our rights.

CP: What policy changes is the ACLU advocating for to reduce reliance on policing to address homelessness, substance abuse and mental health issues and promote more effective responses to public health crises?

DW: The most important step we can take is to treat substance use, behavioral health crises, and homelessness as public health issues, and to address them through a public health lens. This approach requires us to look at the root causes and invest in care that is community-based, culturally and linguistically appropriate, and voluntary. It means listening to the communities most affected by these issues and developing policy solutions that respect their dignity and autonomy.

In New Mexico, for instance, we can make significant strides in addressing homelessness by improving access to housing. This includes ending discrimination based on income sources, regulating fees, and simply increasing the affordable housing supply. These are all effective strategies to combat homelessness without relying on police.

Similarly, when it comes to substance use and mental health, we know that more providers are needed, as well as greater access to care. We must also reduce the financial barriers that prevent people from accessing the care they need.

By focusing on providing services and care without defaulting to police and prisons, we open a range of options. This is the kind of bold, innovative thinking we need from our legislature right now.

CP: Thanks for taking the time to speak with me!

DW: Anytime!

ANNUAL MEETING NOTICE

The ACLU of New Mexico will host our 2024 annual meeting virtually on Friday, November 15. At the meeting, we will provide an organizational update and look ahead at what is next for New Mexico after a monumental election season. Be sure to sign up for our e-mail list to get notified of how to join us!

Sign up here: aclu-nm.org/signup

FOUR WAYS TO IMPROVE PUBLIC SAFETY THAT WON'T HARM NEW MEXICO'S COMMUNITIES

As New Mexico faces ongoing debates over public safety, it's crucial to consider solutions that not only aim to reduce crime but also protect and uplift our communities. While some of the governor's recent proposals may seem like quick fixes, they could inadvertently cause more harm than good. In this piece, we explore four alternative approaches that can enhance public safety without compromising the well-being and rights of New Mexico's residents.

#1

INVESTING IN AFFORDABLE HOUSING

Failed Policy: The proposed statewide ban on panhandling, framed as a pedestrian safety measure, actually criminalizes homelessness. This approach exacerbates the challenges faced by unhoused individuals, making it more difficult for them to secure housing or employment.

Better Solution: The state should invest in affordable housing, eliminate rental discrimination, and fund wrap-around services that provide comprehensive support to those in need.



#2

EXPANDING MENTAL HEALTH CARE ACCESS FOR NEW MEXICANS

Failed Policy: Expanding the criteria for involuntary commitment by broadening the definition of harm, leads to unnecessary and traumatic detentions of individuals who may not pose an immediate threat to themselves or others.

Better Solution: The state should prioritize voluntary treatment programs and community-based care, which are more effective and ethical in addressing mental health needs without resorting to coercion.



#3

PREVENTING GUN VIOLENCE

Failed Policy: Increasing mandatory minimum sentences for individuals with felony convictions found in possession of firearms does not effectively deter crime and may contribute to higher rates of recidivism.

Better Solution: A more effective approach would focus on gun violence prevention through regulatory measures and violence interruption programs that address the root causes of violence and promote community safety.



#4

ADDRESSING COMPETENCY TO STAND TRIAL PROCEDURES

Failed Policy: Easing the process for the forced commitment of individuals deemed incompetent but not dangerous would increase unnecessary detentions in mental health facilities, which can be both harmful and counterproductive.

Better Solution: Expanding access to voluntary mental health care and supporting community-based treatment options can provide more humane and effective care, reducing the need for involuntary commitments.



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VOLUNTEER SPOTLIGHT: SHEILA NELSON, A TIRELESS ADVOCATE FOR CHANGE

By Maria Archuleta, Director of Communications

Sheila Nelson's journey with the American Civil Liberties Union (ACLU) of New Mexico began in 2016. The presidential election left her, like many in the country, concerned about the potential long-term impact on fundamental rights and freedoms in the United States. Sheila turned her emotions into action. "After Trump was elected, I cried, but then I was pissed," she recalls. "I knew I had to do something."

Sheila connected with ACLU-NM paralegal Tiffany McCree about volunteer opportunities. "I told Tiffany I would do whatever was needed." And she has been true to her word ever since.

Sheila started by helping with the intake process for legal assistance requests, a task that involved printing labels and stuffing envelopes. The process has since been streamlined, and now she can do it all from home.

Originally from Winfield, Kansas, Sheila moved to New Mexico from Kansas City about 30 years ago and felt an immediate connection to the state. "New Mexico called to me," she says. "I was amazed by how open New Mexicans are. We have so many gay pride parades! I feel lucky to live here."

With a diverse background including roles as a paralegal in family law, a journalist, and a caterer, Sheila retired briefly and says the time away from work helped her to get to know herself better. Her retirement led her to volunteer with the

"Volunteering doesn't require a lot of physical effort, and it lightens the load for ACLU staff, allowing them to focus on their core work. Plus, it's kind of a Zen activity."

ACLU and take on a part-time role as an executive assistant to a high-level official; both of which she is still doing.

Even as she approaches a stage in life when others might slow down, Sheila's commitment to the ACLU remains unwavering. "I've never thought

about quitting," she says. "Volunteering doesn't require a lot of physical effort, and it lightens the load for ACLU staff, allowing them to focus on their core work. Plus, it's kind of a Zen activity."

Her dedication to volunteering is deeply rooted in her belief in justice and equality. She is particularly passionate about women's health and reproductive rights—a cause she championed long before the Dobbs decision. She firmly believes in bodily autonomy

and advocates for everyone's right to make decisions about their own bodies.

Outside her volunteer work, Sheila is a self-described foodie and enjoys exploring Albuquerque's restaurants, watching British TV, and spending time with her partner of 26 years, Carol Murphy, and their cat Rudy.



Photo: Sheila Nelson (right) and her partner of 26 years, Carol Murphy (left).

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DISGUIISING PUNISHMENT AS TREATMENT WON'T MAKE US SAFE

By Denali Wilson, Staff Attorney

One of the well-known truths about any legislative session is that you can expect the unexpected. But this summer's one-day special session brought a new level of unpredictability. In the months leading up to the session, Governor Lujan Grisham changed her plans again and again, with major changes to the policy proposals being announced almost every week. By the time the session arrived, it wasn't just that we expected the unexpected; it was that we had no idea quite what to expect until the final hours before it began.



Photo: Denali Wilson (Credit: Source New Mexico)

A few short weeks before the session was set to start, I was preparing a presentation for the Courts, Corrections, and Justice committee on the most recent mental health proposal from the governor's office, which aimed to expand the use of court-order mental health treatment for people facing criminal charges. I poured over the proposal and outlined a number of

constitutional concerns. But the night before I was due to present, I was told the governor had scrapped that bill in favor of two new, supposedly more streamlined pieces of legislation designed for the short special session.

When I reviewed the new language, I was alarmed: Far from the simple, common sense changes the governor's office promised, these bills presented grave threats to all New Mexicans experiencing homelessness and mental health issues.

The two major bills worked in tandem to greatly

“We urgently need to expand community care options in New Mexico to address these challenges, rather than turning to the criminal justice system to force people into treatment.”

expand the reach of the involuntary commitment proceedings in New Mexico, vastly extending the criteria under which individuals experiencing mental illness could be forcibly locked into treatment facilities and psychiatric hospitals. And while the governor touted these proposals as strengthening public safety, the irony was they applied only to those found not to be a danger or safety risk, laying bare the true purpose: to remove people experiencing homelessness and mental illness from public view through imprisonment and institutionalization.

While it is true that so many people in our communities are in dire need of mental health treatment, forcing more people into locked facilities is not the answer. We urgently need to expand community care options in New Mexico to address these challenges, rather than turning to the criminal justice system to force people into treatment. So many people who want behavioral health help and support cannot access it in New Mexico because we simply do not have the services. We cannot honestly say that people do not want what they simply do not have access to.

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COMING SOON: A GOOD DAY FOR LIBERTY

This legislative session, the ACLU of New Mexico is excited to introduce a new video podcast series that dives into the key issues shaping the session. Tune in for engaging discussions with ACLU experts and insights from our partner organizations.

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Want to be a part of highlighting Black philanthropy in New Mexico? Contact Simone at: scrum@aclu-nm.org.

