

# LWVNM Administration of Justice Position

State Board Approved 9-24-22

## Position in Brief:

The League of Women Voters of New Mexico believes in a justice system that ensures fair and humane treatment under the law for all persons regardless of legal status, is effective, equitable, and transparent, that fosters public trust at all stages, including law enforcement practices, pre-trial procedures, alternative sentencing, incarceration, and re-entry. All components must be adequately funded and coordinated in order to carry out these goals.

A high functioning law enforcement system is committed to the following principles and policies:

1. eliminating systemic bias;
2. focusing on humane treatment and rehabilitation with the goal of promoting the successful reentry into communities of those who have been incarcerated;
3. standardizing and sharing data among criminal justice and law enforcement agencies;
4. relying on evidence-based research in decision-making about law enforcement programs and policies (including scheduled, periodic audits of program and policy effectiveness).

LWVNM supports the following policies for law enforcement:

1. promoting safety practices for both law enforcement officers and the communities they serve;
2. building public trust and positive collaborative relationships through engagement with community members;
3. providing accountability via independent civilian oversight of law enforcement and publicly available data on officer conduct;
4. providing sufficient psychological services and counseling to meet stress-related needs of personnel;
5. staffing departments to reflect the diversity of the communities they serve;
6. training officers to identify individuals with behavioral health conditions, disabilities, or substance abuse/addiction, so that officers will request support from appropriate medical and behavioral health professionals with the goal of diverting those individuals into treatment instead of jail;
7. training officers on de-escalation techniques;
8. providing anti-bias training for all staff;
9. requiring all officers to render first aid to people who have been injured as a result of officer action;
10. conducting comprehensive background checks for all applicants to law enforcement and corrections positions;
11. authorizing minimal use of force and considering deadly force only when necessary to prevent imminent death or serious bodily injury.

## **Selection of Judges**

Judges of New Mexico's state courts, i.e., Supreme Court, Courts of Appeal, District Courts, and Metropolitan Courts should be appointed by the governor from a screened list submitted by a nonpartisan nominating commission and only be subject, at intervals, to nonpartisan election for retention or rejection.

## **Public Defender Program**

The League supports an adequately funded government-supported public defender program that provides legal aid to those unable to pay.

## **Sentencing Guidelines**

The League supports consideration of the individual circumstances of the person charged and nature of the crime. When appropriate, split sentencing and/or alternatives to incarceration should be explored and utilized to ease the burden on the criminal justice system. The League opposes mandatory minimum sentences, especially for drug offenses. The League supports the expansion of prevention and treatment programs, therapeutic courts, and pre-trial diversion programs. Alternatives to incarceration programs should emphasize diversion and reintegration into the community. These programs should be separate from correctional facilities. The community must be educated regarding these alternatives.

## **Death Penalty**

The League opposes the death penalty and prefers a sentence of life in prison without parole as an alternative.

If the death penalty is reinstated, LWVNM supports the implementation of the recommendations in the Final Report of the State Bar of New Mexico Task Force to Study the Administration of the Death Penalty in New Mexico (January 2004) including:

1. adequate defense funding for capital cases;
2. a comprehensive proportionality study, including the development of a complete database of homicide prosecutions in New Mexico;
3. high standards for defense counsel at all stages of the proceedings.
4. allowing opponents of the death penalty to serve on the jury for the first trial (to determine guilt or innocence) in a capital case.

## **Funding**

The League of Women Voters of New Mexico supports a unified court system, adequately financed, with centralized administration and fiscal control.

The League believes that the law enforcement, judicial, and corrections systems must be adequately funded and professionally staffed in order to carry out their goals. Funding of specialized programs for offenders, including behavioral health and substance abuse treatment, is

essential. The League supports sufficient funding to guarantee humane incarceration and to provide programs and services that offer the opportunity for self-improvement. The League believes that state funding should be provided for alternatives to incarceration. There must be adequate personnel for all courts.

### **Policies for Incarceration**

LWVNM supports the following policies for incarceration:

1. ensuring that incarcerated people and corrections officers have clear, safe and accessible ways to report abuse;
2. addressing recidivism by instituting programs that focus on rehabilitation, education, behavioral health treatment, substance abuse recovery, and transitional programs;
3. adapting case management services to match education, behavior, job training, work, and behavioral health programs with the needs of incarcerated individuals;
4. providing sufficient psychological services, including training and evaluation, to meet the needs of corrections officers;
5. encouraging family and community visitations and ways to maintain contact;
6. eliminating private prisons. Until space in public prisons is available, ensure that private prisons comply with all of the standards for state-run jails and prisons;
7. providing pre- and post-release programs, inclusive of probation services, to prepare as well as assess and address the needs of people re-entering the community.

### **Juvenile Justice**

LWVNM believes that the system should provide:

1. trained and qualified judges, police, probation personnel, lawyers, providers, appointed advocates and others in the juvenile justice system;
2. local forensic diagnostic and/or evaluation services;
3. treatment programs to meet identified needs;
4. due process and legal representation at all stages of the child's contact with the law;
5. provision of legal and safe detention accommodations for all juveniles in custody;
6. monitoring of substitute care through Citizens Review Boards and Court Appointed Special Advocates;
7. education for all youth in the juvenile justice system.