



Juvenile Justice in New Mexico

The New Mexico Race Matters Coalition works to eliminate structural racism so all New Mexico children may reach their full potential.

New Mexico is a minority/majority multicultural state where 67% of the children are racial minorities: 51% are Hispanic, 12% are Native American, 2% are African American and 2% are Asian, while only 33% are white non-Hispanic. Despite their high numbers, children of color in New Mexico tend not to fare as well as their white counterparts due to the numerous disparities they face.

Disparities are often created and maintained both intentionally and inadvertently through policies and practices that contain barriers to opportunities. We call this structural racism. Structural racism is evident in New Mexico as unequal outcomes in the health, success and wellness of children of color. Because of its negative impacts on behavioral health across generations and along the life span, structural racism should be eliminated in New Mexico.

National Data:

- While white youth comprised 66% of the juvenile court referral population in 1998, they comprised 53% of the detained population. In contrast, African-American youth made up 31% of the referral population and 44% of the detained population. Similar proportions of over representation were found for youth of other racial groups.¹
- For offenses against persons, white youth accounted for 57% of cases petitioned in 1998 but only 45% of all cases waived to adult court. African-American youth charged with similar offenses accounted for 40% of cases petitioned but 50% of cases waived to adult court. Similarly, in drug cases, white youth were 59% of all cases petitioned but only 35% of cases waived to adult court, while African-American youth charged with drug offenses were 39% of cases petitioned but 63% of the cases waived to adult court. Thus, among drug offense cases referred to juvenile court, White youth enjoy a 24% “waiver advantage,” while African-American youth carry a 24% “waiver disadvantage.”²
- White youth are twice as likely as African-American youth to have the financial means to retain counsel. African-American youth whose families disproportionately have limited income resources are provided indigent defense by lawyers who carry high caseloads with meager resources.³
- While law enforcement officials witness white youth engaging in unlawful behaviors with more frequency than African-American and Latino/a youth — such as fighting, weapons possession crimes, and using and selling drugs — data shows that officers are twice as likely to let white youth off the hook rather than arrest them.⁴
- Even when white, African American, and Latino/a youth with no prior admissions are charged with the same offense, African-American youth are six times more likely and Latino/a youth three times more likely than white youth to be incarcerated.⁵

New Mexico Data:

- In New Mexico in 2002, 3.9% of the individuals in the juvenile justice system were African American, which was almost twice their proportion in the overall child population.⁶
- While New Mexico has an estimated youth population of color of 66%, in 2003, youth of color made up 88% of all detention placements. Statewide, 153 white youth were in residential placements in October 2003 for every 100,000 youths in the population compared to 823 African-American youth, 105 Hispanic, 212 Native American, and 0 Asian youth.⁷
- While the booked, held and released statistics for the Bernalillo County Juvenile Detention Center (BCJDC) in FY 2004-2005 were fairly equal across ethnic groups, a disproportionate number of minorities were confined.⁸
- Given that Hispanic youth on average commit low-level offenses (called conduct crimes) at higher rates and white youth on average commit higher-level offense at a lower rate, and that minority youth are over-represented within the juvenile justice system, it appears as though minorities are being monitored at higher levels than whites.⁹

A System Success - Change Can Happen:

In the United States, between 1985 and 1999, the number of juveniles (under the age of 19) in detention centers has risen from approximately 12,000 to more than 25,000 annually. During this time frame, crowding problems at juvenile justice detention facilities tripled from approximately 20% to more than 60%. Conditions of overcrowding contribute to additional emotional and social problems for these kids. Federal and state detention facilities that lack resources including staff for legal representation, emotional and psychological evaluation, and grade-appropriate education during the detention period return juveniles to their neighborhoods and cities unprepared to succeed. While in detention, these youth lose time with friends and family, fall behind in schoolwork and school activities, and may be ostracized and negatively labeled by teachers and friends.

The lack of support at various levels during a youth's development may be a key component contributing to a juvenile's unintentional choice to live out a cycle of crime and incarceration. In addition, juvenile detainees of color tend to be over represented in our justice system. By 1995, almost two-thirds of detained youth were youth of color, a percentage that was disproportionate to both their percentage in the general population and their percentage of youth arrested. For example, from 1985 to 1999, white youth were responsible for approximately 150,000 to 220,000 crimes requiring detention, while youth of color were responsible for approximately 75,000 to 125,000 crimes requiring detention. Although white youth committed more crimes, they were less likely to be detained in the juvenile justice system.

From 1985 to 1999, approximately 18% to 20% of white youth charged with delinquency were detained while approximately 20% to 30% of youth of color charged with delinquency were detained. More surprising is that, according to the Juvenile Index Crime Arrests from 1990 to 1999, youth delinquency crimes declined from 124,000 to 102,000, however, the juvenile detention rates increased from 18,000 to 26,000. (CD).

The Annie E Casey Foundation (AECF), (www.aecf.org) is a private charitable organization dedicated to helping build a better future for disadvantaged children in the United States. Juvenile Detention Alternatives Initiatives (JDAI) is a project supported through the efforts of AECF. In 2003-2004, New Mexico was awarded \$1.25 million for detention reform via the Annie E. Casey Foundation and the Juvenile Detention Alternatives Initiatives. With financial support and committed staff, JDAI has seen positive results. In New Mexico's Bernalillo County, the newest JDAI model site, the number of youth booked on felony charges fell from 4,726 in 1999 to 3,892 in 2005. And, in 1999, Bernalillo County booked 2,840 (72%) ethnic minorities but in 2005 only 2,426 (62%), for a 10% decrease in 5 years. The county has since been able to close a wing of beds in the detention center, reinvesting the money (\$200,000) into detention alternatives.

The juvenile justice system is flawed and must change. This change can happen with local and state initiatives, and funding for further research into the racial disparities that will further the progress into juvenile justice delinquency alternatives.

Recommendations:

- The Juvenile Justice Division of the New Mexico Children Youth and Families Department should continue to increase their efforts to focus on eliminating disparities for children of color, by investing in the JDAI model for all juvenile detention facilities statewide.
- The Disproportionate Minority Contact Blue Ribbon Panel should continue to work with communities of color to study disparities at all decision points in our juvenile justice system.
- Judges, and law enforcement and probation officers should receive cultural competency training.
- School should have disciplinary systems in place that treat all children equally and have the resources available within the school to deal with infractions internally without what is often the unnecessary involvement of police.
- Systems and sufficient funding should be in place so juvenile justice departments, schools and communities can refer youth to behavioral health and family support services as an alternative to detention when appropriate, such as the commission of conduct crimes.

Endnotes

¹ buildingblocksfor youth.org/justiceforsome/jfs.pdf

² *Ibid*

³ The Annie E. Casey Foundation: Unequal Opportunities for Juvenile Justice

⁴ *Ibid*

⁵ *Ibid*

⁶ New Mexico Voices for Children: The Condition of African-American Children in New Mexico, February 2005

⁷ Juvenile Offenders and Victims: 1999 National Report. Office of Juvenile Justice and Delinquency Prevention (1999)

⁸ Bernalillo County Juvenile Detention Center Fiscal Data Report for 04/05, pg. 24

⁹ Bernalillo County Juvenile Detention Center Fiscal Data Report for 04/05, pg. 69

This fact sheet was developed by members of the New Mexico Race Matters Coalition. The New Mexico Race Matters Initiative is funded in part by the Annie E. Casey Foundation and the New Mexico Children, Youth and Families Department (CYFD). This fact sheet, as well as others, is available online at www.nmvoices.org.

