

The Newsletter of the American Civil Liberties Union of New Mexico

Vol. 61 | No. 2 | Spring 2026

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ACLU
New Mexico

THE CASE FOR INVESTING IN NEW MEXICO'S YOUTH

By Maria Archuleta, Communications Director

The ACLU of New Mexico, along with partners, is prioritizing holistic solutions in juvenile justice — because we know these are the approaches that are safest and most effective for our communities. Across the state, we're seeing pushes on both sides of the aisle to increase sentences and expand punishment for young people. But kids have tremendous capacity for change and rehabilitation — and longer sentences and harsher punishment aren't just ineffective; they're harmful.

The people most impacted by this system have always known what works. Our efforts are rooted in their lived experiences — and in elevating the voices of families, young people, and advocates who are closest to the issues. We'll be producing our own videos and written stories in partnership with impacted families and youth — amplifying their voices and ideas for solutions.

The Torch sat down with **ACLU-NM Senior Staff Attorney Jazmyn Taitingfong** and **Policy Advocate Daniel Williams**, who have spent years working alongside young people and families navigating New Mexico's juvenile justice system, to talk about what young people actually need — and what's at stake if we get this wrong.

Maria Archuleta: Why do so many elected leaders keep going back to harsh sentences for youth when we know it doesn't work?

Jazmyn Taitingfong: There's a lack of education and real understanding of what we've learned about a child's brain and how criminality drops off as they get older. There are studies now showing that even one day in detention for a child can cause serious trauma that leads to behavioral problems and higher dropout rates. We can connect that science to best practices that we know work — but too many decision-makers aren't making that connection.

“One thing I've heard consistently from parents is how many attempts they made to access care and support before things reached a crisis point — and how heartbroken, frustrated, and angry they are that those resources were not available to them.”

Daniel Williams: For some of our politicians, there's a sense that appearing tough on crime will always win you an election. Saying “lock them up” is a simple soundbite you can put on social media and get some votes. We know the situation is much more complicated than that, but there's always this political instinct to make things as simple as possible, even if that makes them wrong.

It's really disappointing to see this regression now, because our state has proven that we have the vision and the will to really invest in our communities. We are the first state in the country to have universal childcare, and our legislature has made huge investments to improve access to behavioral health. All of those are steps in the right direction. But we hamstring those efforts when we regress into hyper-punitive attacks on the well-being of young people and families.

Maria: What are parents who have watched their kids go through the system telling you? What did their children actually need that they didn't get?

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FROM THE DESK OF EXECUTIVE DIRECTOR LEON HOWARD

Every year at the Roundhouse reminds me that protecting civil liberties in New Mexico is the opposite of passive work. Each session brings new pressures, but the core challenge remains: can we meet this moment by strengthening our rights and fighting attempts to weaken them? This year, I am proud that we did.

This session, we helped secure meaningful wins that strengthen freedom and dignity for people across our state. We advanced protections that limit the use of local resources to support federal immigration enforcement, pushed forward important privacy safeguards, including the Driver Privacy and Safety Act (SB 40), and supported reforms that move our legal system closer to fairness and accountability, including the first update to New Mexico's parole system in four decades. None of this happened by accident. It happened because advocates, community members, organizers, lawmakers, and directly impacted people kept showing up, even when the path was uncertain.

This session also showed that state-level advocacy matters. At a time when federal protections can feel unstable, New Mexico has an opportunity and an obligation to build stronger local guardrails: defending the rights we already have, closing gaps that remain, and making sure our laws mean something in people's actual lives.

That is one reason this year feels especially important. We are now approaching the fifth year of the New Mexico Civil Rights Act (NMCRA), a landmark law that created a state-level pathway for people to seek justice when their rights are violated by government actors.

Rights without remedies are too often in name only. Five years in we are seeing exactly why these protections must be defended, strengthened, and fully realized — not chipped away at when they become inconvenient.

In a federal system where doctrines like qualified immunity often narrow the path to justice, state protections matter. They are part of what makes it possible to pursue accountability for families like the Colemans, whose home was burned to the ground during a botched SWAT raid in Southeast Albuquerque while officers were targeting someone who did not even live there.

We expect continued efforts, both here and nationally, to weaken civil rights protections, target vulnerable communities, and frame equality and accountability as optional. Our response must be clear: equal protection is not optional in New Mexico. The same is true for privacy, immigrant justice, reproductive freedom, free speech, and voting rights. That work continues in the courts, in the legislature, with local governments, and in communities across the state.

The next chapter is not just about responding to threats. It is about building durable protections that can withstand them, ensuring New Mexico remains a place where rights are not merely promised but enforced, and continuing to meet this moment with urgency, discipline, and courage.

In solidarity,

the offense, and understand what can be most helpful for that specific child. And to understand that punishment is not the aim of the juvenile code. The aim is rehabilitation — and we know that approach reduces recidivism and keeps communities safer.

Daniel: We're seeing a resurgence of interest in restorative justice, and that's a really promising direction. I know of one middle school in Albuquerque that set a goal of zero suspensions and responds to harm restoratively. Having pathways that can meaningfully address harm and rebuild communities, without throwing kids away or treating kids as disposable — that's how we're actually going to move forward.

Jazmyn: And restorative justice is beneficial to both the child and the victim. When we look at punishment, the type of involvement a victim may have in the system may not actually be helpful to them — it can inflict further trauma. Restorative practices are helpful not just for the child, but for the victim, the victim's family, and the community as a whole.

Maria: Is there anything you want New Mexicans to understand about who these young people are and what they're capable of?

Daniel: Young people have a unique capacity to grow and change. The mistakes they make at 14, 15, 16 should not — and do not — define who they are for the rest of their lives. Unfortunately, the way our so-called justice system is built, system involvement all too often leads to exactly that outcome. That's unfair to the young people, and it's unfair to our community — because we are not getting the benefit of these incredible people who should be recognized as full members of our community.

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YOUTH

[illegible]

Jazmyn: Children believe what we tell them. If we are constantly telling kids they are bad kids, that they can't do better, we're planting those ideas when we should be helping them think about the opportunities they have to grow — because they want to grow. And we need to hear from them directly. Policymakers have outdated ideas of what childhood right now actually looks like. Young people should have a voice in shaping what it looks like to invest in them.

Maria: What's at stake for New Mexico families if we don't change course?



Photo: Daniel Williams

adverse childhood experiences are predictive for a ton of difficult experiences later in life — and that people in New Mexico have far higher than the national average numbers of adverse childhood experiences. Breaking that cycle means investing in young people, in families, in schools, and good jobs. It means recognizing that having an incarcerated parent is itself an adverse childhood experience. Children are growing up in the world that we as adults have built for them. We have a responsibility to do better.

Jazmyn: The juvenile carceral system is really the end of the road and the culmination of all of these failures we have as a society — lack of

education, lack of mental healthcare, lack of other types of healthcare. They compound and force people into these systems, and then it's hard to get out. If we have resources on the front end, we can avoid people being involved at all. Children are our future. We need to invest in kids and families because these are the people who will be leading us.

STAFF PICK



THE SERVICEBERRY

If you loved *Braiding Sweetgrass*, I highly recommend that you give *The Serviceberry* a read. It's a wonderful short book (really a long essay) packed with wisdom from the natural world that anyone can apply in everyday life. In a media landscape filled with corrupt billionaires, shameless exploitation and callous materialism, Robin Wall Kimmerer's signature poetic prose about the gift economy is a balm and a needed glimmer of hope for a thriving community.



EMMA O'SULLIVAN
IMMIGRANT RIGHTS STAFF ATTORNEY

UNREGULATED & UNACCOUNTABLE

YOUR PRIVATE DATA IS BEING SOLD.

Everyday, companies **harvest your most sensitive information** and sell it to anyone who will pay — without your knowledge. New Mexico has no law to stop them.

HOW THE DATA PIPELINE WORKS

01	YOU GO ONLINE	Apps, websites, maps, searches, social media, purchases — every interaction is logged.
02	COMPANIES HARVEST DATA	Platforms silently collect 1,000+ data points per person — real time location, health data, political stances, finances.
03	BROKERS BUNDLE & SELL	Data brokers package profiles and sell to federal agencies, local police, insurers, extremist groups, anyone willing to pay.
04	BAD ACTORS WEAPONIZE IT	Used to track, target, discriminate against, and surveil ordinary people.

WHAT GETS SOLD ABOUT YOU

LOCATION

Daily commute, clinics, places of worship, protests

FINANCIAL

Credit scores, purchases, debt, employment history

HEALTH

Mental health searches, medications, fertility data, fitness app data

IDENTITY & RELATIONSHIPS

Name, address, immigration status, family, and friends

Bundled into profiles with labels like “rural and barely making it,” “diabetes interest,” “LGBTQ”

THE HARM IS REAL.



Anti-abortion groups purchase cellphone location data to **target health clinic visitors with misinformation.**

Department of Homeland Security agencies buy location data to **track and surveil without warrants.**

Bad actors buy location data to **track, stalk, threaten, harass and attack** groups they dislike, or individuals singled out for abuse.

Insurers buy health data profiles that include your **race, fitness app data, symptom searches, tv habits, and size in clothing,** which can be used to **discriminate and raise rates.**

CASE STUDIES

IMMIGRATION NATIONWIDE

\$2M+

paid to one broker
alone over two years

DHS buys location data to bypass the 4th Amendment

ICE and CBP have spent millions of taxpayer dollars buying what the Fourth Amendment was designed to block: warrantless mass surveillance of millions of Americans through bulk cell phone location data.

REPRODUCTIVE RIGHTS 48 states

**600 CLINICS,
14M TARGETED ADS**

A data broker tracked patients at 600 Planned Parenthood locations without consent and sold their data to an anti-abortion group for misinformation ads. In states where abortion is banned, cellphone location data can mean prosecution or harassment.

TELL LAWMAKERS THEY MUST

Pass CHISPA in 2027

Community Health Information Safety and Privacy Act protects New Mexicans by



Requiring opt-in
consent



Banning predatory
geofencing



Providing a remedy
if privacy is violated

KESLEY'S LEGACY: WHY NO DETENTION IS SAFE

By Kianna Joe, Communications Intern

After three long years of litigation, the private prison company CoreCivic paid a settlement to the wrongful death estate of Kesley Vial, a 23-year-old Brazilian asylum seeker who died by suicide while in ICE custody at the Torrance County Detention Facility (TCDF) in Estancia, New Mexico, in August of 2022.

His death is not an isolated tragedy. It is part of a pattern of neglect and inhumanity that defines immigration detention in New Mexico and across the country.

When Kesley was five years old, his mother traveled to the United States from Brazil in search of better opportunities to provide for her family. He was separated from her for the rest of his childhood and dreamed of the day he would be able to reunite with her and build a better future for himself.

Kesley's attempt to get a visa for the U.S. was administratively denied. Finally, like so many others who take great risks to be reunited with their loved ones, he crossed the border and applied for asylum.

The ACLU of New Mexico legal team working on immigrants' rights, including senior staff attorney Becca Sheff, worked tirelessly alongside co-counsel Chris Benoit, Rachel Higgins, and

Mia Touchet to bring justice and closure to Kesley's family and shed light on the harms suffered by those who have been inhumanely detained in immigration detention facilities in New Mexico.

"The only option Kesley saw was to make the difficult journey to the U.S. with the goal of getting through the system so they could finally be together again," said Becca. "He was only 23 years old; he still had so much future ahead of him, and he died without any loved ones around him."

On the day of his fatal suicide attempt, after four months of detention, Kesley was extremely distraught. He had expected to be imminently transferred out of TCDF to be deported but learned that morning that his deportation date had been postponed yet again.

His family was expecting him back in Brazil, and his mother accepted that if he wasn't able to join her in the U.S., she at the very least wanted him to make it home safe.

"All the people who loved and cared for him were waiting with open arms to welcome him back," said Becca. "He was making plans for the life that he would have in Brazil after his deportation—even though that wasn't the dream he had been pursuing."

Despite Kesley's obvious signs of extreme distress and his request to speak with a mental health professional,

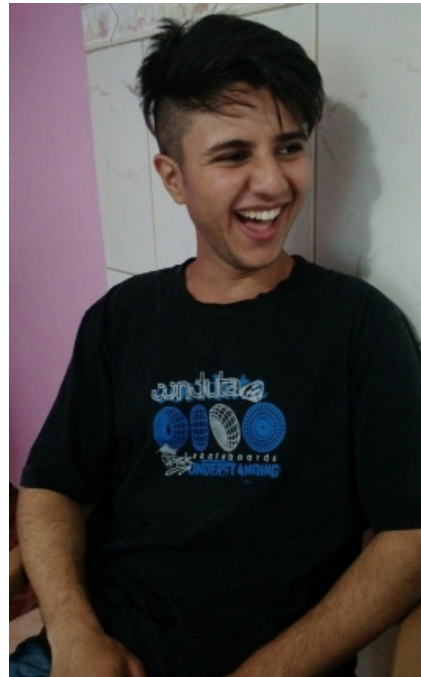


Photo: Kesley Vial

"Kesley's memory and the advocacy his life has inspired will live on."

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CoreCivic staff failed to take appropriate precautions that day. They allowed him to take a bedsheet to an unoccupied cell to which he was not assigned, locked him in that cell alone, and left him there unsupervised for almost 30 minutes.

The ACLU of New Mexico got involved with the case just days after his death, and Becca soon learned how Kesley gave solace to others held at TCDF. “He was just such an old soul, so full of heart, that his friends who had been detained with him bravely spoke with me about who he was and wanted his family to know the light and joy he shared with others,” she said.

Kesley's friends at TCDF sat for depositions during the case because they wanted to ensure

their friend was seen as the bright light he was – and they wanted CoreCivic held accountable for his preventable death.

on in While Kesley's family has endured tremendous grief, they take comfort in knowing that he will never be forgotten. The case has brought them a sense of justice, and their hope is that no other family must endure the same tragic loss of a loved one.

Kesley's memory and the advocacy his life has inspired will live on. New Mexico enacted the Immigrant Safety Act (HB 9) in February, a state law that bans state and local government entities from contracting with ICE for immigration detention. This victory sends a clear message: the inhumane treatment of people in immigration detention facilities has consequences — and people like Kesley should still be alive today.



ABOUT HB 9 - THE IMMIGRANT SAFETY ACT

After a decade of advocacy, New Mexico made history in February when Governor Lujan Grisham signed the Immigrant Safety Act (HB 9) into law. The measure prohibits state and local governments from contracting with ICE to detain people for civil immigration violations, bans the use of public land for immigration detention, and bars 287(g) agreements that deputize local police as federal immigration enforcers. New Mexico is now one of the few states to have taken this step — a hard-won victory for the immigrant families and advocates who refused to give up.



GOVERNOR CANDIDATES ON CIVIL LIBERTIES

We sent a questionnaire on the most pressing civil rights and civil liberties issues facing New Mexicans — from the New Mexico Civil Rights Act to privacy protections — to candidates running in New Mexico's 2026 primary elections. Here is an excerpt from the two gubernatorial candidates who responded. See all their answers and responses from candidates in other races on our website.



SAM BREGMAN

ON THE NEW MEXICO CIVIL RIGHTS ACT...

The New Mexico Civil Rights Act is a critical tool for ensuring accountability and protecting constitutional rights, and I will support efforts to protect and strengthen it. I understand that public trust depends on accountability and equal treatment under the law. Civil rights protections are not optional, they are fundamental to a fair justice system. I have worked to uphold those principles by enforcing the law fairly and supporting transparency and accountability in the system. I will continue to defend the rights of all New Mexicans by supporting strong civil rights protections, ensuring access to justice, and backing policies that hold government actors accountable when those rights are violated.



DEB HAALAND

ON THE NEW MEXICO CIVIL RIGHTS ACT...

Yes. I will protect and strengthen the New Mexico Civil Rights Act because it gives people a state-court remedy when their rights are violated and holds the government accountable. Throughout my career, I have worked to expand and defend civil rights. During law school, I noticed that the jury box in Laguna was used only for storage, so I took action and helped reinvigorate the jury-trial system in my community. In Congress, I cosponsored the Equality Act and the Voting Rights Advancement Act; added jurisdictional protections for survivors of domestic violence to VAWA; led the Not Invisible Act to spur action on the crisis of missing and murdered Indigenous people; and worked to protect transgender troops in the military. As Secretary of the Interior, I created the Missing and Murdered Unit, advanced body-camera and law-enforcement transparency reforms, and uplifted stories of injustice so we could push for more equitable policies across the board. As governor, my public-safety plan supports barring officers who commit serious misconduct from returning to law enforcement and strengthening transparency and accountability. Protecting civil rights and public safety go hand in hand, and I'm committed to defending civil rights in the face of federal overreach.

See more answers from each candidate on our site: aclu-nm.org/2026votes



THANK YOU



For decades, volunteers in our Santa Fe and Silver City chapters helped power the fight for civil liberties across New Mexico. Their leadership built the foundation for the movement we have today and we are beyond grateful.

Now we're growing a statewide network of volunteers. Join us....

**Volunteer With the
ACLU of New Mexico**

aclu-nm.org/volunteer



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SIGN UP FOR OUR ACTION ALERTS

