





# 2019/2020 ANNUAL REPORT



FROM EXECUTIVE DIRECTOR  
PETER SIMONSON



It's been a long four years, and I think we can agree this last one has been the longest. Yet here we are at the end of Trump's first (and hopefully last) term. While this president has done incalculable damage to our democracy and sponsored some of the most heinous rights violations in modern American history, I cannot help but feel proud at the way the ACLU of New Mexico—and the ACLU at large—has risen to the challenge posed by this administration.

In the face of an openly racist administration that has worked to marginalize, disenfranchise, and physically attack Black and Brown people, we have doubled down on our racial justice work. Over the past year, we filed multiple lawsuits and secured settlements on behalf of people of color who were discriminated against or brutalized by law enforcement. We've also made a commitment to expand our indigenous justice efforts to help protect the rights, dignity, and sovereignty of New Mexico's 23 native tribes, pueblos, and nations.

As Trump has continued his cruel and inhumane anti-immigrant and border policies, we've sued to end predatory immigration arrests on courthouse grounds and fought for the release of migrants who are indefinitely detained in immigration jails. When the coronavirus pandemic began sweeping through New Mexico's immigration detention centers, jails, and prisons the ACLU of New Mexico quickly emerged as the state's fiercest advocate for protecting the health and lives of detained and in-

carcerated people, filing multiple lawsuits to reduce the incarcerated population and to ensure proper safety protocols were in place.

Over the last year, we continued our efforts to reform and reimagine New Mexico's wasteful and unjust criminal legal system, filing multiple lawsuits against prison guards who sexually assaulted incarcerated women, helping pass a universal body camera law for police in New Mexico, and organizing a local movement to end mass incarceration led by people directly impacted by the system.

Whether its fighting in the legislature to protect and expand access to reproductive healthcare in New Mexico, educating New Mexicans about their rights when protesting police brutality in the streets, or suing companies who discriminate against transgender employees, the ACLU of New Mexico will continue the struggle against inequality and injustice regardless of whether we face four more years of Trump's racist, bigoted, and misogynistic policies or have new leadership to hold accountable.

Our mission remains unchanged and our resolve undiminished. We owe a special thanks to members and supporters like yourself who make our work possible as we look towards the challenges and opportunities to come. We rise up, we fight on, and together we *will* build the more perfect union promised by the constitution.

## COVER ART: "RISE" BY MAYA PEÑA

Maya Peña, whose indigenous name is Tse Tsan, is from Kha'po Owingeh Pueblo. Currently, she is pursuing a degree in business administration at Fort Lewis College. Peña is a multimedia artist who blurs the boundary between traditional indigenous themes and contemporary expression. She often explores feelings of loyalty to the land and its people.

*"In creating this piece 'Rise,' I wanted to convey the rich beauty of our New Mexican communities. This work was for the American Civil Liberties Union of New Mexico, but they in turn wanted it to be a gift. A gift for you who believes in the preservation of our liberties. In a time of turmoil, remembering our compassion for each other will be our light. Remembering the land beneath our feet will be our center. We will breathe, and we will rise."*

## WHERE WE'VE BEEN

### ACLU-NM SUCCESSES & ACCOMPLISHMENTS

After Springer Women's Prison denied appropriate medical treatment to an incarcerated woman suffering from serious health complications associated with pelvic organ prolapse, the ACLU of New Mexico filed a lawsuit alleging that the denial of medical care is a form of **cruel and unusual punishment**.

When President Trump visited Rio Rancho to push his divisive and racist agenda, the ACLU of New Mexico blanketed the metro area with billboards to **send the president a clear message** that hate, xenophobia, and injustice have no place in our state.

Following the tragic death of his only son, Nadeem Khan was subjected to vicious Islamophobic and racist abuse by a cemetery security guard as he recited prayers from the Quran at his son's gravesite. The guard mocked Khan's accent, stomped on his son's grave, and issued physical threats to the grieving father. **We filed a human rights complaint** with the State of New Mexico seeking justice for this horrific abuse.

When President Trump's census bureau moved to gain citizenship information from state motor vehicle divisions, we joined with local immigrants' rights advocates to demand that New Mexico Governor Michelle Lujan Grisham **protect New Mexico families** from Trump's predatory anti-immigrant agenda by blocking access to state databases.

After Diane Roberts came out as transgender at the trucking company where she was a top machinist, her coworkers began a **relentless campaign of transphobic harassment**. While she was on FMLA leave to address her PTSD and anxiety, she was fired. The ACLU of New Mexico filed a human rights complaint against her former employers for fostering a discriminatory and abusive work environment.

After a Sunland Park police officer unlawfully detained and wrongfully arrested Oscar Gutiérrez Sánchez and his five year old son and subjected them to an illegal search in conjunction with the U.S. Border Patrol, **we filed a racial profiling lawsuit** and obtained a settlement for the wantless and discriminatory search they endured.

The third in a series of lawsuits filed on behalf of incarcerated women who were **sexually assaulted by correctional officers**, the ACLU of New Mexico sued a former Western New Mexico Correctional Facility correctional officer for raping and impregnating a woman in his charge.

The ACLU of New Mexico settled a 2017 lawsuit against the Bernalillo County Sheriff's Office after deputies **racially profiled** a Black federal agent on assignment in New Mexico during three separate traffic stops.

During the 2020 regular legislative session, the ACLU of New Mexico helped to pass the Pregnant Worker Accommodation Act, which amends the New Mexico Human Rights Act to provide **increased protections and reasonable accommodations** for pregnant and parenting people in the workplace.

Dametrio Maldonado, a citizen of Acoma Pueblo, **was brutalized and wrongfully arrested** by a responding New Mexico State Police officer after he called 911 to report a single car accident near the pueblo. The ACLU of New Mexico sued, claiming Maldonado suffered lasting injury and pain after officer Loberg targeted him for violent and discriminatory treatment at the scene.

The ACLU of New Mexico and cooperating attorneys secured a record **\$4 million settlement** on behalf of the family of Elisha Lucero, a 28-year-old Albuquerque woman suffering from mental illness who was shot 21 times by Bernalillo County Sheriff's Office deputies. This summer, we partnered with Lucero's family to launch a billboard campaign advocating for police reform in Elisha's memory.

During the special legislative session of spring 2020, the ACLU of New Mexico successfully advocated for a law that requires all state and local law enforcement agencies to equip their officers with body worn cameras, **significantly increasing transparency and accountability** for law enforcement agencies statewide.

In conjunction with the New Mexico Law Offices of the Public Defender, the 1st Judicial District Attorney's Office, New Mexico Attorney's General Office, and local immigrant rights groups, the ACLU of New Mexico sued the Immigration and Customs Enforcement Office, **demanding that they cease making immigration arrests** on courthouse grounds.

When D'Andre Ravenel, a 23-year-old Black man, used his cell phone to film a drug raid on his neighbor's home, law enforcement officers confiscated his phone, **arrested him, and sent him to jail for several days in retaliation**. The ACLU of New Mexico sued the New Mexico State Police for violating D'Andre's First Amendment right to record law enforcement.

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- Elsa Goosen, *Legal Assistant*

### Las Cruces Office

- Nia Rucker, *Policy Counsel and Regional Manager*
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### ACLU NM Legal Panel

- Reber Boulton
- Phil Davis\*
- Alexandra Freedman Smith\*
- Jane Gagne
- Maureen Sanders
- Laura Schauer Ives \*
- David Urias
- George Bach\*
- \*Indicates former ACLU-NM legal directors

### Reproductive Freedom Legal Advisory Panel

- Laura Schauer Ives
- Alexandra Freedman Smith
- Maureen Sanders
- Kathy Love
- Kelly Stout Sanchez

### Crimigration Panel

- Andre Poissant
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- Damian Lara
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American Civil Liberties Union of New Mexico and the American Civil Liberties Union of New Mexico Foundation consolidated statement of activities for the years ended March 31, 2020 and March 31, 2019.

	2020	2019
SUPPORT & REVENUE		
Grants & support from National	\$ 2,442,659	\$ 1,723,512
Contributions & Bequests	\$ 1,445,147	\$ 1,255,807
Donated Legal Services	\$ 122,604	\$ 217,295
Other Revenue	\$ 53,145	\$ 62,145
Total Revenue and Support	\$ 4,063,555	\$ 3,258,759
EXPENSES		
Program Services	\$ 2,131,068	\$ 2,194,901
Management & General	\$ 267,079	\$ 243,244
Fundraising	\$ 297,604	\$ 244,068
Total Expenses	\$ 2,695,751	\$ 2,682,213
Change in Net Assets*	\$ 1,367,804	\$ 576,546
Net Assets		
Beginning	\$ 4,958,392	\$ 4,381,846
Ending	\$ 6,326,196	\$ 4,958,392

\* Includes unspent temporarily restricted funds that are carried forward and may produce deficits in the years that they are expended.

## FIGHTING FOR JUSTICE & HUMANITY DURING THE COVID-19 PANDEMIC

During the COVID-19 public health emergency, the ACLU of New Mexico has fought tirelessly to protect the rights, health, and safety of New Mexicans, especially the most vulnerable populations held in unsanitary and unsafe conditions inside New Mexico jails and prisons. Throughout the crisis we have:

- Petitioned the governor to protect the health of all New Mexicans by releasing medically vulnerable people and those held for non-serious crimes in jails and prisons
- Successfully petitioned courts for emergency release of several incarcerated individuals who have high risk of fatal COVID-19 complications
- Sued Immigration and Customs Enforcement seeking the release of medically vulnerable people detained in immigration facilities in New Mexico
- Filed an emergency lawsuit asking the New Mexico Supreme Court to protect the lives of incarcerated people and communities threatened by unsafe conditions in nearby detention facilities
- Filed a class action lawsuit against the State of New Mexico for failure to protect incarcerated people from the deadly threat of coronavirus
- Called on elected officials to protect access to reproductive healthcare throughout the pandemic

## WHERE WE'RE GOING

### OUR PRIORITIES MOVING FORWARD

- In the coming year, we will be ramping up our efforts to **dismantle the immigration detention system** in New Mexico. The immigration detention machine will be a major priority regardless of the outcome of the November elections.
- As part of our ongoing commitment to the rights, dignity, and sovereignty of indigenous communities, we will be expanding our work to **promote Indigenous justice in New Mexico**, focusing on civil and human rights problems facing Native communities in our state.
- Following on our success passing body-worn camera legislation, we will focus on **expanding our police reform efforts statewide**. We aim to set a new standard for use of force in the state and pass the New Mexico Civil Rights Act, creating real accountability for police officers that abuse their power.
- We will continue our **long-standing commitment to protecting and expanding reproductive rights**, including our fight to repeal New Mexico's outdated abortion ban, which criminalizes women and healthcare providers for seeking and providing abortion care.
- In our continuing efforts to fight mass incarceration, we will be launching a new initiative aimed at **eliminating the criminal fines and fees system** that locks poor people in a cycle of poverty and incarceration.

FINANCIALS

COVID-19

