

IN THIS ISSUE

FAILED INSPECTIONS, UNDERSTAFFING, AND BIG PROFITS

Continued p.2

LESSONS LEARNED

Continued p.4

EXECUTIVE DIRECTOR'S NOTES

p.3

YEARLY AWARD WINNERS

p.6

BRUTALITY IN THE BORDERLANDS

p.7

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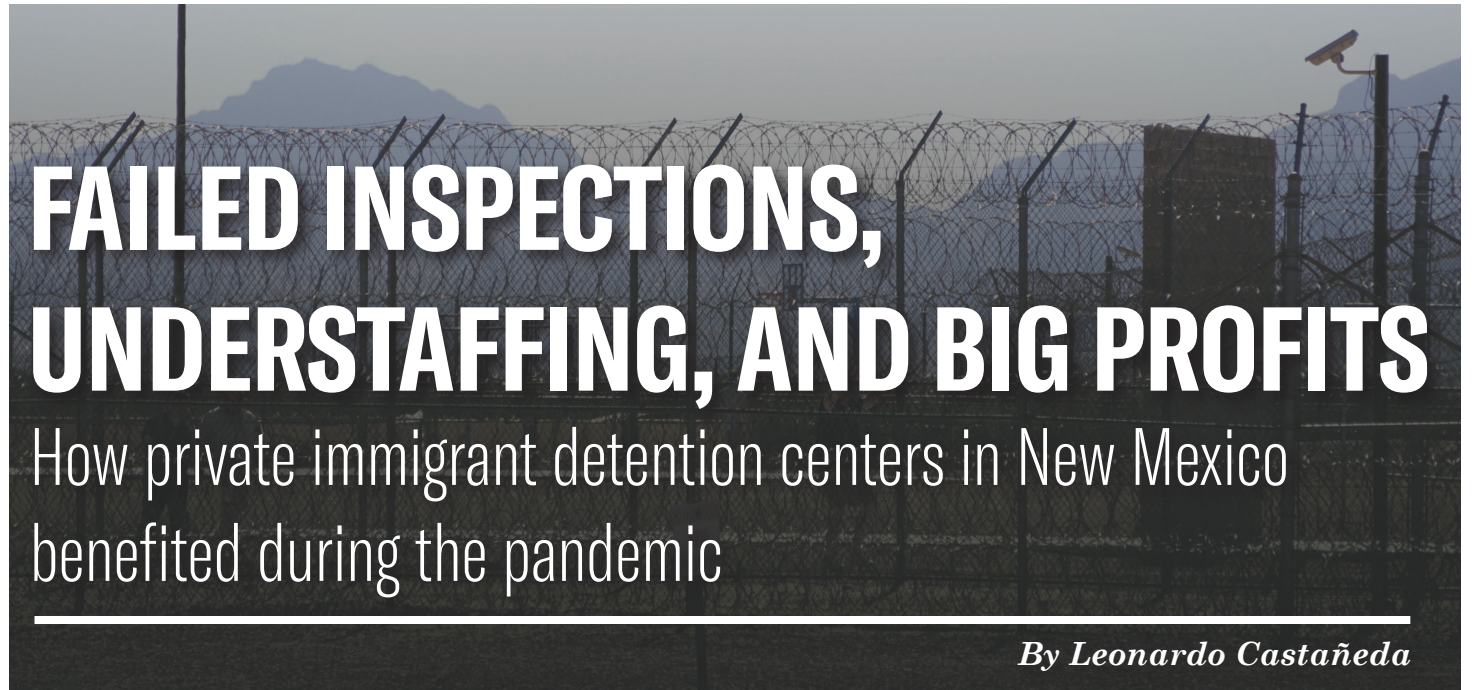
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THE TORCH

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The COVID-19 pandemic has devastated countless lives in New Mexico, causing more than 5,000 deaths and forcing some people to choose between losing their jobs or risking infection at work.

But for two for-profit immigrant detention companies operating in New Mexico — Management & Training Corporation (MTC) and CoreCivic — the pandemic has been a financial boon. Despite a failed government inspection, documented standards violations, reports of abuse and mistreatment, and devastating COVID-19 outbreaks, the pandemic has been a lucrative time for the two private companies.

How they've managed that provides a glimpse into the economics of profiting from human misery in New Mexico and helps explain how immigrant detention facilities have managed to fend off mounting efforts to end private detention in the state.

“At this point it’s very well known that private prison companies have an extensive and longstanding track record of just horrific, degrading, depraved conditions,” said Rebecca Sheff, senior staff attorney at the ACLU of New Mexico, pointing at years of government investigations, advocate reports, and accounts from people detained at the facilities identifying abuse, mistreatment, medical neglect and more.

“It all points toward deeply inhumane, unreformable conditions,” she said.

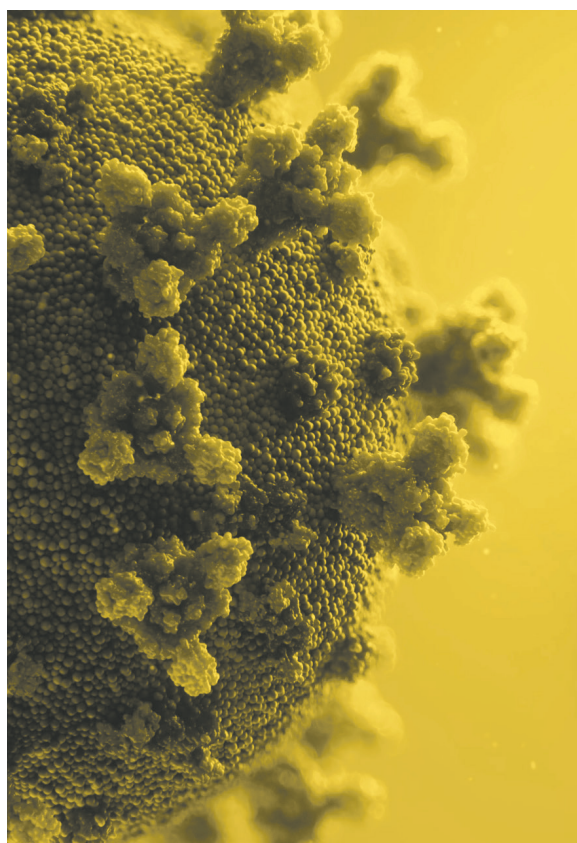
Long history of abuse

Growing up in Chaparral, in Otero County, Uriel Rosales didn’t know much about the ICE detention center just a few minutes up Highway 54. That facility, called

Continued on page 2

LESSONS LEARNED: COVID-19 AND INCARCERATION IN NEW MEXICO

By Katie Hoepfner and Lalita Moskowitz



It’s been one year and eight months since, at the outset of the COVID-19 pandemic, the ACLU of New Mexico first sounded the alarm of an impending humanitarian crisis for incarcerated people in the state.

We wish we could report that public officials heeded our warnings and implemented adequate measures to mitigate viral spread in carceral facilities. But despite multiple letters to public officials, consistent media interviews, and several lawsuits, including a class action lawsuit on behalf of incarcerated people, COVID-19 gained a foothold in jails, prisons, and immigration detention centers throughout New Mexico.

Though the Lujan Grisham administration did take some steps — like allowing for the early release of a very small number of incarcerated people and putting incarcerated people in an early category of eligibility for the vaccine — not enough has been done.

In August 2020, COVID-19 infection rates were so high in correctional facilities that the Legislative Finance Committee found “an inmate in New Mexico was more than twice as likely to die from COVID-19 than the national average.”

Continued on page 4

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Failed inspections

Continued from page 1

the Otero County Processing Center, or OCPC, is run by Utah-based MTC.

It wasn't until after college that Rosales started learning about private prisons, understanding the harm that can be caused by for-profit immigrant detention centers around the country.

"That's when one opens their eyes and says there's a problem here," he said. "It's the same thing that's happening in Chaparral."

The Otero detention center, along with the Torrance County Detention Facility, or TCDF, operated by Tennessee-based CoreCivic are currently the busiest ICE detention centers in New Mexico.

In 2017, a Department of Homeland Security Office of Inspector General report found moldy bathrooms and broken telephones at the Otero facility, as well as frequent, unjustified uses of solitary confinement. And a study published this year by nonprofits Advocate Visitors with Immigrants in Detention (AVID) and Innovation Law Lab found two-thirds of detainees at Otero who spoke to legal advocates had problems with the facility, chief among them a lack of access to medical care.

Even ICE has identified violations of national standards at Otero, outlining multiple issues in a June 2021 letter of concern to the county and MTC. The list of violations, uncovered by the ACLU of New Mexico through a records request, include findings of inadequate food service staffing, lack of a safety plan, suspension of religious services, and more.

The Torrance detention center in Estancia, southeast of Albuquerque, has a history that includes a massive COVID-19 outbreak among detainees and staff and reports of guards using harsh chemical agents in response to a peaceful hunger strike protesting conditions at the facility. The ACLU of New Mexico, alongside the New Mexico Immigrant Law Center, filed a lawsuit against the county and company on behalf of nine of the protesters.

Earlier this year, the ACLU of New Mexico reported that the facility failed a notoriously lax annual inspection. Oversight of ICE detention is set up in a way that allows abusive conditions to continue, said Jesse Franzblau, a senior policy analyst with the National Immigrant Justice Center.

"If a facility fails its inspection two times in a row they're forced to end that contract, but that hasn't happened once," Franzblau said. "Their inspections are announced, they tell them before they're coming. Now a lot of them are virtual, so now there's less ability for any accountability."

Inspectors still found multiple issues at Torrance, including violations of visitation rights, lack of proper tracking of medical and other grievances, and issues with food safety and sanitation.

Most recently, the ACLU of New Mexico has joined immigrant rights advocates and organizations in repeatedly demanding ICE provide legal access for Haitian migrants detained at Torrance.

Neither company responded to a request for comment.

Growing profits

Despite documented abuses and mismanagement, MTC and CoreCivic's finances were bolstered during the pandemic.

The Torrance facility, which had previously closed in late 2017, has been a revenue generator for CoreCivic since reopening in 2019 with a contract from ICE. The federal agency has paid CoreCivic for 714 beds per day, no matter how many people are actually detained. That arrangement has ultimately guaranteed the company nearly \$2 million a month.

In its annual report, CoreCivic—formerly known as Corrections Corporation of America—said reopening Torrance boosted the company's revenue by \$18.6 million in 2020 compared to the previous year.

At Otero, MTC secured a lucrative temporary deal with ICE after threatening to end its previous contract over a lack of detainees. ICE agreed to pay the company for 500 beds per day regardless of how many people are detained, costing taxpayers \$1.9 million a month.

Otero County Manager Pamela Heltner did not respond to a request for comment. But during a special meeting in November where county commissioners approved extending that temporary deal through January 2022, Heltner said the county and company were negotiating a long-term contract with ICE.

"(ICE is) going to give us a guaranteed bed rate so that whether they fill those beds or not we still get paid," Heltner told the commissioners.

Who really benefits?

As private ICE detention centers proliferate, they're often heralded by company executives and supporters as a positive development and source of jobs for surrounding communities.

But experts have questioned the number and quality of those jobs. The Torrance detention center was employing only half the intended detention staff during its inspection and was instead relying on mandatory overtime. The letter of concern to Otero identified shortages of detention officers and other "key personnel."

"Over and over we've seen that despite the promise of cost savings and job creation, private facilities have not been able to achieve either," said Wanda Bertram, spokesperson for the Prison Policy Initiative.

Despite that, for-profit detention is a major ICE tool. A report by the Prison Policy Initiative last year found that about two-thirds of people detained by ICE are being held at privately-run facilities.

"(Private prison companies have) shifted over to bank on immigrant detention over the years and have dramatically profited from it in really egregious ways, and have also incentivized more detention through their lobbying efforts," Franzblau, with the National Immigrant Justice Center, said. "When you get new contracts and new detention space there's an incentive to fill those spaces."

Closing them down

Franzblau, whose non-profit recently published a report on closing private detention facilities, said in most cases ending the contracts is well within ICE's power.

"All of these contracts that ICE has, they have the complete authority to terminate them really at any time," he said. "They literally send a memo saying 'We're out'

Continued on page 4

FROM THE DESK OF EXECUTIVE DIRECTOR PETER SIMONSON

For nearly 50 years, *Roe v. Wade* has guaranteed the right to abortion in the United States. Now that right stands at the brink of collapse. I won't mince words. I write with both a heaviness in my heart and a measure of hope that New Mexico can rise to the challenges before us.

Earlier this month, the U.S. Supreme Court heard oral arguments in two cases challenging a Texas law, SB 8, that prohibits abortion after six weeks of pregnancy, before most people even know they're pregnant. The novel ban allows anyone to sue abortion providers or anyone who aids in an abortion, creating a bounty-hunting scheme that encourages people to go after health care providers with the promise of at least \$10,000 for successful suits. It has effectively closed off access to abortion across Texas.

Anti-abortion politicians intentionally designed the law to make private citizens file lawsuits, rather than state actors, to try to evade state and federal court review. The Supreme Court's rulings will determine whether or not abortion providers and the Department of Justice, who brought the cases, are even entitled to challenge SB 8. If the Court lets SB 8 stand, we can expect copy-cat bills to crop up across dozens of other states. In fact, some states have already introduced similar legislation.

As if SB 8 wasn't threat enough, the Supreme Court just heard arguments in a Mississippi case, *Dobbs v. Jackson Women's Health Organization*, that is a frontal assault on *Roe*. The case centers on a 2018 law that bans most abortions after 15 weeks. If the Supreme Court upholds that law, and effectively overturns *Roe*, more than 36 million women in 26 states will lose access to abortion, according to recent Planned Parenthood research.

The situation is dire, but we knew this day would come. Since 2017, ACLU of New Mexico staff have worked alongside partners in the Respect New Mexico Women coalition, health care providers, ACLU members, and activists across the state to remove an old abortion ban from our state laws. Last year, we successfully passed a law that did just that, shoring up the rights of people to make their own pregnancy decisions in New Mexico.

While it is a relief that reproductive rights are currently protected in New Mexico, our success also brings new responsibility. Increasingly, people are coming to our state for services that their own states now deny them. New Mexico providers and abortion funds are rising to the challenge of meeting both their needs and those of New Mexicans who require the full scope of reproductive health care.

It's increasingly clear that New Mexico is set to become



a critical bastion of care, both regionally and nationally, in the years to come.

That's why, over the next few months, we'll be working with ACLU affiliates from other states and national as well as abortion funds, health care providers, and other partners, to strengthen the infrastructure for protecting and defending the reproductive rights in our state. This means ensuring that people coming to New Mexico have accurate information about abortion care and other services and are not deceived by fake clinics, known as crisis pregnancy centers, which exist solely to dissuade people from making their own reproductive health decisions. It also means ensuring that people with lower incomes who need abortion care have adequate transportation to New Mexico and funding to receive care. And it means ramping up the full scope of reproductive health care in New Mexico.

I won't tell you that I am not angry that 36 million people are at risk of having a major health care decision made for them by the government in the middle of a pandemic, when we are already operating under crisis standards of care. But I can tell you that more than anything, I am compelled to keep fighting.

I hope you will continue to fight with us.

Yours in liberty,

We want to hear from you

If the ACLU of New Mexico offered an interactive digital version of the Torch newsletter with multimedia content, would you opt out of a print version and choose to instead receive a digital version?

Scan the QR code to let us know!



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Thank you to our board members who recently moved on.



Paulina Inigo

I served on the ACLU of New Mexico Board for close to 20 years. During that time I felt that I was giving back to my community, both local and national, by guaranteeing the defense of our civil liberties. Those liberties fundamentally define the most important part of the United States for me as a Latin woman and immigrant. It was an honor and privilege to serve on the board with like-minded people in this important fight.



Joe Sackett

When I joined the board of ACLU-NM, I thought I was aware of sociopolitical realities in our society. My membership on the board quickly taught me, and continued to teach me, just how naïve I was about those realities. I learned from witnessing the day-to-day work of ACLU-NM that the breadth and depth of government-sponsored injustice and abuse of power is vast and rolling. I also learned that there are many skilled and dedicated people who are able, willing, and ready to take on and resist the instigators of that abuse. For that education, and for the opportunity to provide some small measure of support to those ACLU stalwarts fighting on the front lines, I am grateful.

Failed inspections

Continued from page 2

— usually it's about 60 days that they have to end it."

Local governments, he said, often also have the power to end agreements with ICE or the for-profit companies operating the facilities.

Rosales, who is also a field organizer with the immigrant rights advocacy group New Mexico Dream Team, said he'd like to see the Otero detention center closed and the land used for something that would benefit Chaparral residents, as most of the employees at the detention center don't live in the community. Instead of immigrant detention, it could be a manufacturing plant, he said, or an athletic center where residents could play sports and hang out.

"It makes me really angry because I'm also undocumented and if someday I'm detained, I could also go to one of those places," he said. "Anyone can end up in one of those places and they're very ugly."

Kristin Greer Love, a Central New Mexico Community College teacher and policy attorney, said that although

Lessons Learned

Continued from page 1

As of this writing, 3,103 people — more than half of the state prison population — have contracted COVID-19, according to the Corrections Department website. At least 28 of those people have died.

Our state can, and should, do better. As we look back on the last year and eight months, here are three important lessons New Mexico should learn from this pandemic.

Lesson One: Mass incarceration is toxic for those behind bars and communities at large

At the outset of the pandemic, public health officials warned that detention facilities would be tinderboxes for infection, pointing to overcrowding, the inability to social distance, inadequate access to hygiene products, and substandard healthcare. Among their recommendations was the immediate reduction of people in jails, prisons, and immigration detention facilities.

Unsurprisingly, states were slow to take public health experts' recommendations. For months, correctional facilities were at the top of The New York Times' list of largest outbreaks. Those outbreaks quickly spread to surrounding communities. A Prison Policy Initiative study, which looked at COVID-19 infection spread from May to August 2020, found COVID-19 infections were much higher in counties and multicounty areas with larger incarcerated populations, estimating that "mass incarceration resulted in 560,000 additional COVID-19 cases nationwide" in those three months alone.

New Mexico imprisons people at a higher rate than most U.S. states and every other democracy in the world, putting the state at an even greater risk for rapid viral spread in jails, prisons, and immigration detention centers.

As expected, once New Mexico had its first case in a state prison, the numbers exploded rapidly. On May 15, the New Mexico Corrections Department (NMCD) announced that an incarcerated person tested positive in one of the state's eleven prisons, the Otero County Prison Facility (OCFP). In a little over a month, OCPF reported over 400 cases. At the facility's peak, over 90% of the incarcerated population was infected. The virus had also spread to an unreported number of staff at the facility, who live in surrounding communities. As experts predicted, New Mexico's jails, prisons, and ICE detention centers all experienced large outbreaks,

these facilities are holding people in civil detention for administrative purposes, they operate like criminal prisons.

"This is a prison and it's designed to punish and discipline and that's the system we've set up in the U.S., we're going to harm people and keep them in a cage if they try to seek asylum," said Greer Love, who previously worked for the ACLU of New Mexico. "The key point is none of this is inevitable, this is by design and to me, it's really not clear at all what this is accomplishing."

Sheff, with the ACLU of New Mexico, echoed that point, saying that people could stay with friends and family or other support networks during immigration proceedings instead. Those programs have been shown to be very successful because people have better access to resources like attorneys and counseling.

"It's up to all of us to create enough outrage and pressure to drive down detention," Sheff said, "and work towards a world where people are no longer being detained civilly."

which likely fueled outbreaks in the surrounding areas.

While Governor Lujan Grisham's April 2020 executive order allowing for the release of some non-violent offenders who were within 30 days of the end of their sentences was a step in the right direction, the measure did not result in the level of decarceration needed to adequately protect people.

As of September 2021, only 550 incarcerated people had been released since the order was first issued. Most of those individuals were released only a week or two early, making the impact on the overall population of the prisons negligible. Under existing laws, the state could have safely released many more people, including people serving sentences as a result of technical parole or probation violations, people within 12 months of release, and elderly people.

Throughout the pandemic, we have received dozens and dozens of calls and emails from desperate family members who have watched in fear as facilities that detain their vulnerable loved ones have experienced unchecked COVID-19 outbreaks.

Lesson Two: Carceral facilities are not set up to care for people in emergencies

In the last decade, the New Mexico Corrections Department has contracted with three different prison medical providers, all of which have been repeatedly sued for medical negligence. Corizon Health, which contracted with NMCD from 2007 to 2016, was sued over 150 times. Centurion Health, which contracted with NMCD from 2016-2019, was sued 65 times. The current provider, Wexford Health Sources, previously held a contract with Mexico from 2004-2007, but was fired over concerns about care and staffing shortages and after 53 incarcerated people sued. Despite previous issues with the company, Wexford Health Sources received a new contract with the state in 2019.

State prisons are not the only facilities to make headlines for medical neglect. County jails throughout New Mexico, as well as all three ICE detention centers, have been the subject of lawsuits alleging denials of medical and mental health care.

The ACLU of New Mexico has represented many incarcerated clients over the years who were denied care they urgently needed. Those clients include: a woman incarcerated in a state prison who developed advanced endometrial cancer after staff ignored her irregular

Continued on page 5

Lessons Learned

Continued from page 4

vaginal bleeding and refused to take her for a biopsy; a Guatemalan man who sought asylum in the U.S. after gang members beat him nearly to death and then was denied medical treatment in ICE detention in Otero County for nearly two years; and a political activist from the Democratic Republic of Congo (DRC) who was beaten, tortured, and imprisoned for his opposition to the current dictatorship there and then denied medical treatment in Torrance County.

The COVID-19 explosion in New Mexico carceral settings happened against this backdrop of callous indifference and medical neglect.

Lesson Three: Incarcerated people need more avenues for justice

In August 2020, the ACLU of New Mexico joined international law firm Faegre Drinker, Albuquerque-based Law Office of Ryan J. Villa, the New Mexico Criminal Defense Lawyers Association (NMCDLA), and several incarcerated individuals in filing a class-action lawsuit against the State of New Mexico for failing to protect the lives and constitutional rights of people detained in the state's prison system during the COVID-19 pandemic. The First Judicial District Court dismissed our case on procedural grounds, specifically citing the "exhaustion of remedies" clause in state law. Under both state and federal law, incarcerated people are required to go through an internal grievance process prior to filing suit.

The NMCD grievance procedure states that it may take up to "90 working days" from the time a grievance is filed until the final decision on appeal. Incarcerated people who are in desperate circumstances, such as a deadly pandemic, cannot wait three months for help.

Our class-action lawsuit was eventually escalated to the New Mexico Supreme Court, which after almost a year has still yet to issue a decision regarding whether this grievance requirement must have exceptions for emergencies. In the meantime, incarcerated people continue to be forced to go through a grievance process that is lengthy, very unlikely to go in their favor, and often results in retaliation before they can go before a court and assert their constitutional rights.

The New Mexico Prison & Jail Project was created last year precisely because incarcerated people have so few avenues for seeking redress for abuse and mistreatment. Steve Allen, the organizations' director, speaks to incarcerated people and their families every week and says that incarcerated people are "natural organizers," but face a system that is designed to keep them from being heard.

"Exhibit A is the grievance system in all of these facilities," said Allen. "The law around this is that they are supposed to have some access to raise complaints, but often those complaints quite frankly just go in the garbage, they go unanswered, and they are systematically ignored."

The New Mexico Prison & Jail Project has filed many records requests in the last several months to gain a better understanding of the kind of grievances that have been filed. Yet, grievances that the organization knows have been filed — like those related to a rodent infestation that incarcerated people have been complaining about for years at Western New Mexico Correctional Facility — have not materialized as a result of their records requests.

As long as incarcerated people are required to exhaust administrative remedies before they can file suits, they will not have access to real or timely justice. Even if the barriers to formal lawsuits are diminished, individual lawsuits are a stop-gap measure of accountability in a system that is otherwise left to police itself. Most incarcerated individuals whose rights have been violated will never see their day in court. Independent oversight of New Mexico's carceral facilities, such as the corrections ombudsman proposed in legislation in 2020, is needed to address the widespread injustices inherent in the system.

Conclusion

The coronavirus crisis has shone a new light on the human cost of our country's obsession with mass incarceration. Relying on a system that tears families apart and fuels racial injustice to improve public safety has always been foolish, unjust, and counterproductive. But now, in the age of COVID-19, we see even more clearly that mass incarceration is an urgent threat to public health.

Going forward, we can stop stuffing our prisons with people who violate their conditions of parole by missing an appointment or failing a drug test, and instead, treat their mistakes as a public health issue. We can finally admit that locking people up should be a last resort, and that tackling the root causes of crime through treatment and prevention should be our top priority. And we can stop putting migrants seeking safe refuge in our country in carceral settings while their immigrations cases proceed. If we make these changes today, they will lead to much healthier communities tomorrow.

While the first order of priority should be to decarcerate, measures must also be taken to improve access to care for those people who will remain in correctional facilities. These should include moving away from private prison companies and private health care providers, which are incentivized to cut medical staffing and deny care to maximize shareholder return; ensuring people have access to timely, appropriate, and quality care, and ensuring adequate oversight and accountability measures are in place to monitor the quality of care.

Finally, it's time we remove legal barriers that prevent incarcerated people from seeking and accessing justice. Grievance processes within jails, prisons, and immigration detention centers are so unreliable that, in effect, they are non-existent. Incarcerated people must be able to access the courts and seek redress for rights violations without having to jump through hurdles that are designed to keep them silent and to keep the public from understanding the true costs of mass incarceration.



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Attorney of the Year

Kelly Waterfall, Law Office of Ryan J. Villa

“I want to express my sincere gratitude to the ACLU of New Mexico for this tremendous honor, which I accept on behalf of the team of fiercely dedicated attorneys with whom I have the privilege of collaborating. This team inspires me daily with their great minds and even greater hearts.

I saw firsthand the need for alternatives to incarceration and improvements to the conditions of confinement working with Peter Cubra to reform New Mexico’s juvenile justice system, first as a law student and later as a lawyer. Peter’s tireless advocacy on behalf of individuals with mental and developmental disabilities introduced me to the critical need for reform within the criminal justice system as well.

While I have witnessed positive changes over the years invested in working on these issues, so much more needs to be done. I am grateful for the opportunity to continue to endeavor to reduce law enforcement contacts with individuals with mental and developmental disabilities, to increase access to community based services and effective jail diversion programs, and to ensure constitutional treatment for incarcerated individuals.”



Volunteer of the Year

Diane McCash

“I first became involved with the ACLU NM in March 2017 when Charles and I hosted a “People Power” event at our home. I was aware of, and appreciative of, the work the ACLU had done in the country but it wasn’t until 2017 that I became aware of the work of ACLU-NM in particular. I have enjoyed partnering with you all and the work you are doing. It’s important work and I am so glad to have some way to contribute.

Thank you. It is an honor! The bill tracker was my “labor of love” during last year’s session. With everything being online I found myself in committee meetings waiting to testify long after I would have had to leave to catch a train in a normal year. That the work had value for some folks fueled my motivation. I hope to do the same this coming session. If I can be sure to include the bills we care about, I hope it will be useful to a few more people this next go round.”



MARTINEZ | HART | SANCHEZ | ROMERO

“In times of great stress, the best thing we can do for each other is to listen with our ears and our hearts and to be assured that our questions are just as important as our answers.”

– Mr. Rogers



Organization of the Year

Black Health New Mexico

“The work of Black Health New Mexico is focused on a community-centered model that encourages community-defined interventions to public health problems, specifically health outcomes that disproportionately impact Black mothers, infants, and families. BHNM understands that interventions that seek to improve health outcomes, must be deeply rooted in and influenced by the expertise, leadership and lived experience of the communities most impacted. But having solutions does not equate to having resources to implement them.

According to the weathering theory most Black women are about seven years older biologically because of the toxic stress that we live under due to racism in America. That means that we are literally aging faster because of toxic stress. We have high maternal mortality rates, high rates of diabetes, high rates of cardiovascular disease, and higher death rates around specific chronic conditions. As a result, our goal at Black Health New Mexico is to take care of our communities all of time knowing the type of challenges that we face, especially around our health care occurring all of the time.

Racism is not going away overnight, there are very few policies at the institutional, organizational, and bureaucratic levels that are going to make this happen. So, infusing our communities with goodness; including access to care, access to good food, and access to one another in a caring loving and accountable way is essential for our sustainability. And for Black people and people of color, for marginalized people in general, we understand that all of the issues that we face are intersectional. You can’t talk about taking care of moms and babies and not talk about the access that they have to good, nutritious food-not just food in general. At Black Health New Mexico, we understand that our issues are intersectional and our solutions have to be.”

-Sunshine Muse, Black Health New Mexico

BRUTALITY IN THE BORDERLANDS

A New Mexico man seeks justice after a Customs and Border Protection officer assaults him

By Davida Gallegos

It started out as an ordinary hot summer day in the borderlands. On June 18, 2019 Anastacio Granillo, a 64-year-old New Mexican man, spent the afternoon with his wife's cousin visiting family in Mexico. But as the two headed back into New Mexico, the day took a turn for the worse.

As they pulled up to the Columbus Port of Entry, they were met by a long line. When they finally reached the front and were asked their citizenship status, Granillo suggested to Officer Orrantia, the Customs and Border Protection (CBP) officer on duty, that it would be helpful to open up another lane to allow for faster processing of vehicles in the sweltering heat. The officer scolded Granillo, saying CBP officers could do whatever they wanted.

Orrantia then asked Granillo what he was bringing into the United States. He attempted to hand the allergy medication he purchased across the border to Orrantia but, nervous due to the officer's aggressive behavior, accidentally dropped it into his hands. Orrantia then accused Granillo of throwing the medication at him. Granillo assured him that he dropped the medication unintentionally, but Orrantia, who was armed with a gun, opened the driver's-side door of the vehicle where Granillo was seated without any verbal warning.

Orrantia ordered Granillo out of the vehicle. When Granillo asked why he had to exit his car, Orrantia threw his body weight on top of him, pinning him against the seat. Orrantia then forced Granillo out of the vehicle and slammed him against a wall in the inspection bay, causing him to hit his head, and fall to the ground.

While Granillo lay on the ground disoriented, Orrantia held his right arm behind his back, kicked him, and cuffed him.

"They are federal officers so there's a feeling that you can't do anything and that they are protected, and they can do anything they want without any consequences," said Granillo. "That's what they did to me."

Several CBP officers soon took Granillo, who had bruises on his right arm and left leg and a large bump on his head, into the CBP office at the port of entry. About twenty minutes went by before they even offered to call an ambulance for Granillo. When EMTs finally arrived, one of them told Granillo it wasn't their first encounter with Orrantia — that he had a history of brutalizing people crossing the border.

After observing and documenting his injuries, EMTs offered to give Granillo a ride in the ambulance to the hospital. Though he wanted to go, Granillo declined after CBP officers told him that he would have to foot the bill, even though one of their officers was responsible for his injuries.

The largest and least accountable law enforcement agency

Granillo's experience is just one of thousands of stories of unnecessary abuses by CBP, the largest federal law enforcement agency in the country.

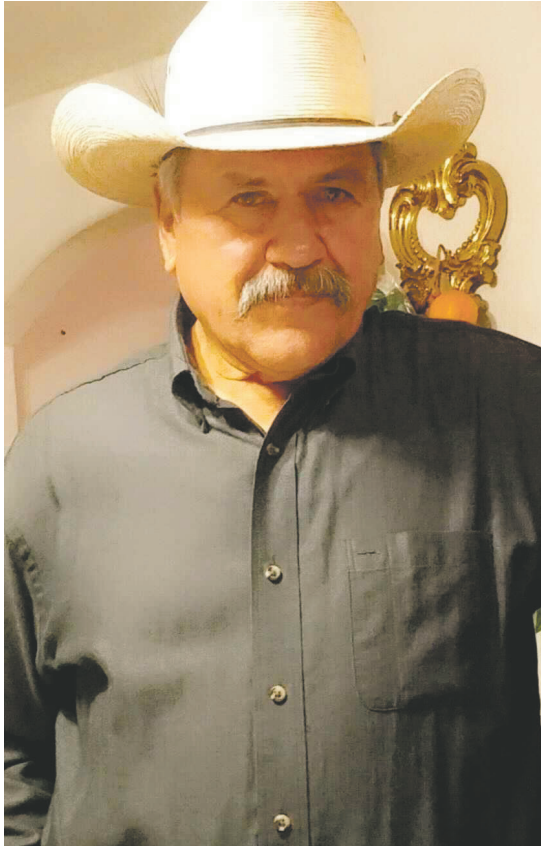


Photo: Anastacio Granillo.

The Southern Border Communities Coalition has tracked deaths at the hands of CBP based on media coverage and press releases, and has found that since January 2010, at least 150 people have died as a result of an encounter with CBP. The causes of death range from excessive force (including fatal shootings, asphyxiation, tasers, beatings, and spraying of chemical agents), failure to provide adequate medical care, and vehicle collisions, to homicides carried out by off-duty officers or agents.

In addition to the 150 deaths that we know of, CBP officers and agents have brutalized and mistreated countless others.

In 2016, the ACLU of New Mexico won a \$1.1 million settlement on behalf of a New Mexico woman who, while returning home from Mexico through the Bridge of the Americas Port of Entry in El Paso, was accused of smuggling drugs and illegally subjected to vaginal and anal searches.

After examining Jane Doe's (whose name has been changed to protect her identity) genitals and anus with a flashlight at the port of entry, and failing to find any contraband, CBP officers nevertheless transported her to University Medical Center for further examination. Over the course of six brutal hours, she suffered an observed bowel movement, an X-ray, a speculum exam of her vagina, a bimanual vaginal and rectal exam, and a CT scan. The officers did not have a warrant, and Jane Doe never consented to an examination.

The ACLU of New Mexico has demanded authorities investigate additional instances of abuse at ports of entry in Texas and New Mexico that include CBP personnel forcefully yanking a defenseless boy out of a vehicle; calling a noncitizen a "wetback" and denying access to her diabetes medication; coercing individuals to accept swift deportations with long-term consequences that bypass the judicial process; and detaining a grandmother for ten hours who was crossing into the United States for her weekly Walmart trip, after accusing her of being a sex worker.

CBP abuse doesn't end at ports of entry. Agents harass, assault, and even kill people throughout border communities with alarming frequency.

This past summer, on August 3, CBP agents chased a vehicle along New Mexico Highway 185 in the El Paso Border Patrol sector, killing two people and causing eight others to be hospitalized. On September 18, agents pursued a vehicle near Deming, which resulted in a crash that killed one person and injured nine others.

Continued on page 8



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Scan the QR code above to watch a video about Black Health New Mexico and their work.

You can also check out their website at blackhealthnewmexico.com.

THE TORCH

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Brutality in the borderlands

Continued from page 7

Since 2010, the ACLU has tracked 56 deaths resulting from Border Patrol-involved chases.

Despite a well-documented history of abuse, as well as calls for transparency and accountability from immigrant rights organizations, family members of loved ones, and elected officials, CBP agents and officers continue to act with impunity. In its 90-year history, no CBP officer or agent has ever been convicted of criminal wrongdoing while on duty.

To truly stop the largest and least accountable law enforcement agency in the nation from systematically abusing people, the United States Congress must cut funding to the agency. The ACLU will keep fighting to bring abuse to light and to pressure Congress to divest from the agency and reinvest in communities. And we will continue to seek justice for its victims in the courts.

Fighting back

It's been over two years since Granillo's assault. But each time Anastacio returns from Mexico after visiting his family or picking up medication, he feels a familiar dread bubbling up in his stomach.

"I get my medicines in Mexico, so I cross this port of entry regularly," Anastacio said. "There's a fear it's going

"I'm afraid what happened before will happen again."

to happen again. It's so unpredictable how you're going to be treated and you never know if you're going to get someone who will mistreat you. I'm afraid what happened before will happen again."

Granillo also suffers from short term memory loss, weakness in his hands and legs, mood swings, and anxiety — none of which he experienced before his assault.

"Mr. Granillo was simply trying to make his way home to Deming when he was assaulted by a CBP officer for no reason," said María Martínez Sánchez, deputy legal director at the ACLU of New Mexico. "Now, he's suffering the consequences of that violent encounter. Officers like the one that assaulted Mr. Granillo pose a danger to everyone they come in contact with and must be held accountable for their actions, or they will continue to abuse their power."

Despite his fear, Granillo isn't giving up. In August 2021, the ACLU of New Mexico filed a civil suit on his behalf seeking justice for the assault, battery, negligence, and false arrest he endured.

He hopes that his suit will help prevent other people like him from facing similar abuse.

"They regularly abuse people at the border," Granillo said. "I've seen this happen to too many people and I've had enough. If I let it go and no one does anything, they'll continue to treat people this way."

Reber F. Boulton, Jr. (11/17/36-12/29/20)

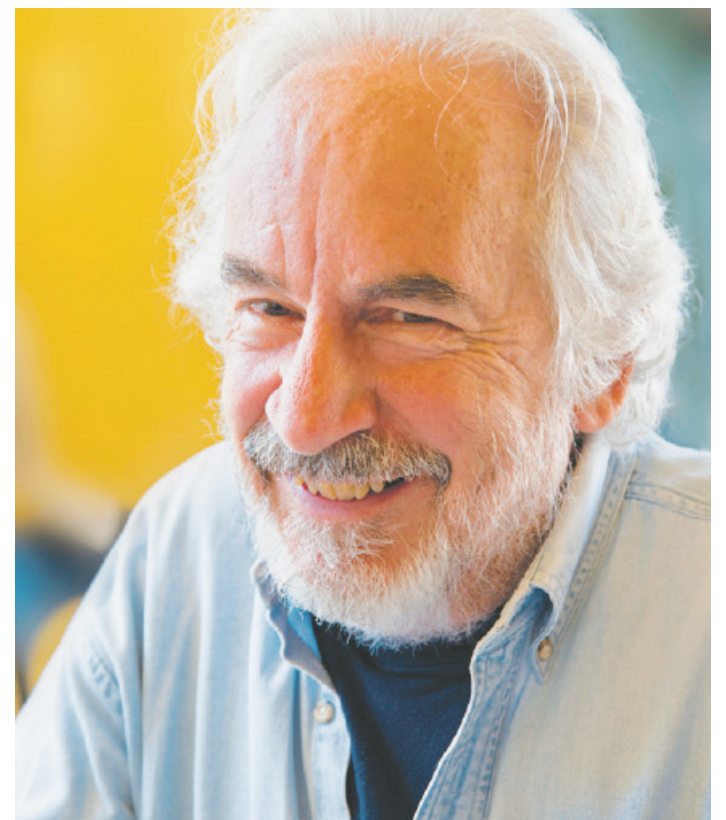
Reber was a revered civil rights attorney, a fierce advocate for justice, and a loyal friend to the ACLU-NM. For many decades, Reber volunteered as the ACLU-NM's legal director and was instrumental in shaping the legal program after the affiliate hired its first attorney. Afterward, he served as a dedicated legal panel member. Reber will always be remembered for his passion for protecting people's rights, dedication to the ACLU, and his friendly smile.

"Reber was a lifelong advocate for social justice and civil rights. Reber was honest and fair. A friend and mentor to many. He was wise and funny. He made New Mexico his home, we married, traveled, danced and celebrated 28 years. Reber was a champion for civil rights and the environment. His voice and integrity will be remembered by friends, colleagues and activists who knew him. He was passionate about life, justice, equality and his love for me!"

-Susana Salazar, Wife of Reber

"For many years, Reber was one of three attorneys (the others being Phil Davis and Maureen Sanders) who kept the ACLU of New Mexico's legal program alive. He had a creative mind and a fiercer wit. Bold, irreverent, and unapologetic in his views, Reber embodied the values that distinguished the ACLU as the nation's premier defender of the First Amendment. The ACLU of New Mexico won't be the same without him."

-Peter Simonson, Executive Director ACLU-NM



"Reber was so supportive of me when I first started out doing cooperating attorney work for the ACLU. Kari Morrissey and I were challenging Albuquerque's Draconian sex offender ordinances as volunteer attorneys. I was fresh out of law school and Reber's advice, wisdom, and presence meant the world to me. He was always available to us and there at every hearing; his guidance was invaluable. Later, when I joined the ACLU as a staff attorney, I always treasured the perspective that he brought to the legal panel. He was brilliant and fun, and one of a kind. I miss him."

-George Bach, Attorney