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SENATE MEMORIAL 47

54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020

INTRODUCED BY

Antoinette Sedillo Lopez

A MEMORIAL

REQUESTING THE NEW MEXICO SENTENCING COMMISSION TO CONVENE A TASK FORCE TO REVIEW DATA COLLECTION ON RACE AND ETHNICITY IN THE CRIMINAL JUSTICE SYSTEM IN THE STATE AND TO RECOMMEND A POLICY FOR THE STANDARDIZED COLLECTION OF THIS DATA ACROSS STATE CRIMINAL JUSTICE SYSTEMS.

WHEREAS, numerous studies across the United States have found that racial and ethnic minorities are disproportionately represented throughout the criminal justice system, whether as those arrested, those incarcerated in the nation's prisons and jails or those constituting its probation and parole populations; and

WHEREAS, a recent urban institute study of state criminal justice data showed that only forty states reported race data, and only fifteen reported ethnicity data; and

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1 WHEREAS, the same urban institute study noted that New
2 Mexico, along with other states with large Latino populations,
3 did a particularly poor job of reporting ethnicity data; and

4 WHEREAS, there is a need to have accurate reporting of
5 race and ethnicity data, both to understand the impact the
6 criminal justice system has on different racial and ethnic
7 groups and to determine whether the criminal justice system is
8 disproportionately affecting any groups; and

9 WHEREAS, this need is particularly acute in New Mexico,
10 which is one of the handful of majority-minority states in the
11 nation; and

12 WHEREAS, the present systems for collecting race and
13 ethnicity data across the criminal justice system in New Mexico
14 are inconsistent and not standardized, where they exist at all;
15 and

16 WHEREAS, the New Mexico sentencing commission was created
17 to advise the executive, judicial and legislative branches of
18 government on policy matters relating to criminal and juvenile
19 justice; and

20 WHEREAS, the New Mexico sentencing commission has the
21 additional duty to make recommendations to the legislature
22 concerning proposed changes to laws relating to the criminal
23 and juvenile justice systems that the commission determines
24 would improve those systems; and

25 WHEREAS, the New Mexico sentencing commission has access

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1 to all criminal justice data in the state and has been mandated
2 by the legislature to coordinate criminal justice data-sharing
3 efforts in New Mexico; and

4 WHEREAS, the membership of the New Mexico sentencing
5 commission represents criminal justice partners across the
6 state and has reconstituted its reform committee to better
7 fulfill its mandate to bring the best ideas in criminal justice
8 reform to the legislature;

9 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
10 OF NEW MEXICO that the New Mexico sentencing commission be
11 requested to convene a task force focused on the collection of
12 race and ethnicity data in the state's criminal justice
13 systems; and

14 BE IT FURTHER RESOLVED that the task force be requested
15 to:

16 A. review existing data collection policies by the
17 state's criminal justice entities;

18 B. determine what data collection policies for race
19 and ethnicity information would best serve the needs of the
20 state and its people; and

21 C. draft legislation for introduction in the 2021
22 legislative session to mandate the collection of race and
23 ethnicity data in New Mexico; and

24 BE IT FURTHER RESOLVED that the New Mexico sentencing
25 commission be requested to include the following participants

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1 in the task force:

2 A. the members of the New Mexico sentencing
3 commission's reform committee;

4 B. a representative of a civil liberties
5 organization;

6 C. a representative of an organization that
7 advocates for the rights of minority populations;

8 D. a representative of a municipal or county law
9 enforcement entity; and

10 E. a scholar from the interdisciplinary working
11 group on algorithmic justice who specializes in race and
12 ethnicity; and

13 BE IT FURTHER RESOLVED that findings and recommendations
14 of the task force be presented to the interim committee dealing
15 with courts, corrections and justice issues by December 1,
16 2020; and

17 BE IT FURTHER RESOLVED that copies of this memorial be
18 transmitted to the governor, the chair of the New Mexico
19 sentencing commission and the co-chairs of the interim
20 committee dealing with courts, corrections and justice issues.

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