



New Mexico State Legislature

STATE CAPITOL

Santa Fe

April 4, 2012

Gregg Marcantel, Secretary
New Mexico Corrections Department
P.O. Box 27116
Santa Fe, NM 87502-0116

RE: Assessment of the Use and Outcomes of Segregation in New Mexico State Prisons

Dear Secretary Marcantel:

Speaking last year before the interim legislative Courts, Corrections and Justice Committee, former Secretary of Corrections Lupe Martinez agreed to allow the Vera Institute of Justice to conduct an assessment of the use and outcomes of segregation in New Mexico state prisons. Vera Institute of Justice had agreed in principle to make its services available to New Mexico, as it has to corrections departments in several other states. Ms. Martinez's departure made it impossible to follow through on the offer, but we hope that you, as the new secretary of corrections, will revisit this important area.

Given the potential to lower the department's costs while increasing staff and inmate safety, we hope you will consider contacting the institute to discuss the continuation of this planned assessment. Peggy McGarry, director of the institute's Center on Sentencing and Corrections, can provide you with more information. She can be reached at (212) 376-3131 or at pmcgarry@vera.org.

As you know, recent news regarding Stephen Slevin, a New Mexico man who won a \$22 million jury award after being held in administrative segregation for nearly two years, has led to renewed interest in the use of this corrections procedure in the state. Although Mr. Slevin was held in a county facility and his story is clearly exceptional, we believe the time is ripe for a review of the use of segregation in state facilities and of potential alternatives to its use.

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The Vera Institute of Justice partners with government leaders to advance criminal justice policies that promote fairness, protect public safety and ensure that scarce resources are used efficiently. Vera draws on the skills and expertise of its staff in incarceration and other areas, as well as the practical knowledge of leading criminal justice professionals who face similar challenges in their own institutions.

Evidence from other states suggests that dependence on the use of segregation as a management tool in the United States is costly. Studies funded by the National Institute of Justice found that segregation costs are more than twice the cost of a general population bed, primarily due to the ratios of staff to prisoners and the amount of dedicated floor space required. See Daniel P. Mears, *Evaluating the Effectiveness of Supermax Prisons* (2005), available at <http://www.urban.org/publications/411326.html> and *Prisons Rethink Isolation, Saving Money, Lives and Sanity*, The New York Times, March 10, 2012 (enclosed).

Recently, several states, including Mississippi, Colorado, Ohio and Illinois, have decreased the number of inmates in solitary confinement in response to budget pressures and concerns about the strategy's effectiveness. The Mississippi Department of Corrections sharply reduced solitary confinement numbers over the past several years, from more than 1,000 to about 300 inmates, and saved an estimated \$6 million without experiencing an increase in safety problems or staff layoffs.

As you know, isolating inmates for long periods can be a source of danger to the prison staff who deal with them and to the general public when they are released. See David Lovell et al., *Recidivism of Supermax Prisoners in Washington State*, 53 *Crime Delinquency* 633-56 (2007). Long periods of segregation may also make inmates more violent and antisocial, thus presenting additional dangers to prison staff. And, in the words of United States Senator Tom Coburn, chair of the Senate Judiciary Subcommittee on Corrections and Rehabilitation: "For the vast majority of inmates, prison is a temporary, not a final, destination. The experiences inmates have in prison, whether violent or redemptive, do not stay within prison walls, but spill over into the rest of society."

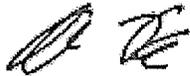
The Vera Institute of Justice is now partnering with several states (Illinois, Maryland and Washington) at their corrections departments' request to assess their use of segregation, analyze outcomes of this use, present the findings internally to the secretary and key department staff and provide recommendations tailored to each department's needs. If the institute agrees to do an assessment of New Mexico's use of segregation, it would do so with its own resources and the department would not be charged. We believe that inviting the institute to provide this service would give you and your staff the

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opportunity to take advantage of an expert team now effectively collaborating with other prison systems in analyzing this challenging and expensive form of incarceration.

Thank you for your attention to this matter.

Sincerely,



AL PARK
State Representative, District 26
Co-Chair, Courts, Corrections and
Justice Committee



PETER WIRTH
State Senator, District 25
Co-Chair, Courts, Corrections and
Justice Committee

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