

Gov. Lujan Grisham announces historic ‘Duran’ settlement

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SANTA FE – More than 40 years after the suit was first filed, Gov. Michelle Lujan Grisham on Wednesday announced a historic settlement intended to equitably resolve the long-running litigation that developed into the stipulated agreement commonly known as the Duran consent decree.

A preliminary agreement between the state and plaintiffs – approved Aug. 28 by the Hon. Kirtan Khalsa, a federal magistrate judge in the U.S. District Court for the District of New Mexico – would ensure inmates are afforded constitutional protections as to humane treatment while incarcerated, relieve the state of New Mexico of considerable litigation costs relating to the consent decree into the future and allow the New Mexico Corrections Department flexibility in developing and implementing new policies as to inmate living conditions.

“As was the case with the decadeslong ‘Jackson’ litigation my administration settled in April, I’m

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gratified by the expedient and just resolution to this matter,” Lujan Grisham said. “Our Corrections Department will demonstrate its ability to meet the needs of our inmate population. My team will continue to work diligently to unburden the state of the difficulties left to the citizens by prior administrations, whether from the past eight years or farther back in time.”

Filed in 1978, the lawsuit alleging civil rights violations led to a 1980 consent decree, named after the since-deceased lead plaintiff, Dwight Duran, that established requirements for inmate living conditions within the state’s correctional system.

Under the newly struck settlement, the state Corrections Department will take several measures to improve the conditions of confinement. Among those conditions, the state agency will transfer at least 284 inmates from several facilities to other New Mexico facilities with adequate space; ensure each inmate housed in a dormitory or multiple occupancy room will have no less than 50 square feet of combined living and sleeping space, in excess of standards established by the American Correctional Association; increase staff recruiting efforts through hiring fairs and at least one satellite academy; and adopt new hiring policies that re-evaluate physical fitness needs for various positions as a means of decreasing staff vacancies; among other measures.

Once the state has complied with a particular settlement term for a period of six months, it can then seek disengagement from the court’s oversight of that provision.

“This landmark resolution to a multi-decade case was reached through the cooperative efforts of the Office of the Attorney General, the Governor’s Office, the New Mexico Corrections Department and the attorneys representing the interests of affected inmates,” Corrections Secretary Alisha Tafoya Lucero said. “The cooperative spirit of both sides in reaching this long awaited resolve highlights the New Mexico Corrections Department’s commitment to operating safe institutions for our staff, our inmate populations, and our communities.”