

Legal nonprofit seeks to help prisoners in Gallup, across state

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The New Mexico Prison & Jail Project announced its intention to sue the New Mexico Corrections Department for alleged violations of the state's Inspection of Public Records Act on the same day it launched, Dec. 10.

NMP&J Project was created to provide more lawyers to help the state's prison population.

The group's first piece of litigation alleges the corrections department failed to follow IPRA, and asks for previously requested records, which include documentation on whether the agency made policy changes in determining what constitutes an exemption to public records. NMP&JP also wants \$100 per day in damages from the day the nonprofit asked for the records until the date its request is fulfilled.

"It's a very exciting day," director Steve Allen said in a Zoom press conference. "We're just getting off the ground."

The group currently consists of a steering committee of the state's top attorneys and strategists, and Allen.

Though it is a small group now, Allen said that even though there are no attorneys from Gallup or McKinley County currently, he certainly welcomes them.

"Right now, the four of us, that is our project," Allen said. "We have a whole bunch of different projects in the works to extend our reach and as I mentioned, as we gain resources, we hope to hire more attorneys."

The *Sun* reached out to Gallup attorney David Jordan to see how he viewed the group. Jordan said he was not aware of it, but would be interested in joining.

"I have seen neglect and poor jail conditions, and I know how helpless inmates are to address these types of abuses on their own," Jordan wrote in an email. "I don't know anything about the

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[NMP&JP] group. I am hopeful that it will be a vehicle to improve conditions.”

Allen said NMP&JP would be interested in representing people at the McKinley County Detention Center.

“We cover the entire state, so any county that has a jail — which McKinley County does — we’re inviting people that are incarcerated there, their family members and other people to reach out about their experiences there,” Allen said.

During the Zoom meeting, another New Mexico lawyer named Matthew Coyte said that “some of the worst conditions ... emanate from our jails.”

Allen elaborated on that notion in an email, saying the issues he sees with jails range from “horrendous sanitary conditions” to “excessive use of force.”

“Working with people who are incarcerated in jails has special challenges, of course, because they aren’t incarcerated for long periods and so they tend to be more difficult to connect with,” he wrote. “But we fully intend to bring future lawsuits against jails, not just the N.M. Corrections Department.”

Allen said that the cases in New Mexico with the largest damage awards have come from lawsuits involving jails.

Jordan said he agreed with the nonprofit’s assessment that jails can be worse than prisons.

Allen said he is not implying anything negative about jails based on the number of beds they have. “[It’s] just that a larger number of beds means more people are typically being detained there, so it would make sense for a project like ours to make sure we monitor it,” he said.

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Steven Silversmith, deputy warden for the McKinley County Adult Detention Center, said in over 25 years on the job, he has not heard anything about jails having conditions worse than prisons. He attributes that to detention center staff and inmate communications.

Silversmith said the best he could do was speak on behalf of the adult detention center, which, in the COVID-19 era, is cleaned for operation everyday. He said they've enlisted the help of the 80 inmates housed there.

"They're pretty good about it. They're trying to keep safe," he said. "They all pull together and make sure it gets done, because they don't want to catch anything."

Silversmith was unfamiliar with NMP&JP, but said he liked the idea.

"That would be a plus for the offenders," Silversmith said. "Jail is not really a place to be during this COVID [pandemic]."

NMP&JP plans to use its ever-growing base of attorneys to file lawsuits on behalf of inmates.

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