



Futility of Severe Punishment

FICTION

More severe punishment is an effective deterrent to juvenile crime in New Mexico.

FACTS

Research shows clearly that the chance of being caught is a vastly more effective deterrent than even draconian punishment.

NEW MEXICO RESEARCH

FY23 through FY25, the Legislature appropriated \$259 million toward initiatives to improve the swiftness and certainty of justice, including \$150 million for law enforcement recruitment and retention efforts and \$40 million for an improved criminal justice information system. [1]

Research shows the certainty and swiftness of being caught for criminal activity is a more powerful deterrent to crime than the severity of the criminal penalties in state law. LFC analysis finds the criminal justice system in Bernalillo County has an accountability gap where arrests, criminal convictions, and prison admissions do not keep pace with trends in criminal activity. [2]

New Mexico could reduce crime by treating its root causes, such as addiction, increasing the certainty offenders will be caught and held accountable, and decreasing the likelihood current inmates will reoffend upon release. [3]

History repeating

The history of juvenile justice in this country is one of pendulum swings between the goal of rehabilitation and the impulse to punish. Today, that pendulum is tipping back towards the punitive approach that led to a near-doubling of the number of youth behind bars during the 1990s. [4]

A path forward

We must keep moving forward. That means caring for system-involved youth in the same way we care for our own children, not giving up on them and putting them in cells. We've tried that route before and we know it doesn't work. Now is the time to build on the lessons of two decades of transformation, not abandon them and another generation of children. [5]



Children's Code Reform Task Force

Undertaking Thoughtful Reform

Legislative Resource

One-Page Info Sheet
(Both sides)

FOOTNOTES

[1] *Update on Crime in New Mexico and Bernalillo County*, New Mexico Legislative Finance Committee, p.4 (July 15, 2024).

<https://www.nmlegis.gov/handouts/ALFC%20071524%20Item%202%20Policy%20Spotlight%20-%20Bernalillo%20County%20Criminal%20Justice%20System%20Update.pdf>

[2] Id.

[3] Id., p.5. See also, *Five Things About Deterrence*, National Institute of Justice, (May 2016)

<https://nij.ojp.gov/topics/articles/five-things-about-deterrence>

[4] *A Vision for Progress, Not Regression, on Youth Justice*, The Imprint, Gladys Carrion (November 19, 2024)

https://imprintnews.org/opinion/vision-progress-not-regression-youthjustice/256237utm_source=newsletter&utm_medium=email&utm_term=Wed+Nov+27+2024&utm_campaign=California+Study+Reveals+Characteristics+of+Suicideprone+Foster+Youth

[5] Id.

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