

New Mexico Civil Rights Commission

Chair- Justice Richard C. Bosson (retired)
Vice Chair- Mark Baker
Gerald Byers
Zackaree Kelin
Senator Steven Neville

Victor Rodriguez
Kim Stewart
Denise Torres
Judge Stan Whitaker

October 5, 2020

Via Email

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Dear Colleagues,

The New Mexico Civil Rights Commission appreciates the information you have provided and the presentations you made at the October 2, 2020 meeting. In order to better help us make recommendations to the legislature, we request the following additional information:

1. How many civil rights lawsuits **that included one or more claims for constitutional violations** have been filed during the last five years?¹ **We are looking exclusively for cases where at least one cause of action in the lawsuit was for violation of a constitutional right.** This could be a claim brought pursuant to 42 U.S.C. § 1983. We are not seeking lawsuits involving claims brought under other types of civil rights statutes such as Title VII, the Americans with Disabilities Act, the Individuals with Disabilities Education Act, the New Mexico Human Rights Act, the New Mexico Whistleblower Protection Act, the New Mexico Fair Pay for Women Act, the New Mexico Tort Claims Act, Title IX, Title VI, or any other statute other than claims brought for constitutional violations pursuant to 42 U.S.C. § 1983 or any other type of claim for violation of the state or federal constitution. If a case included both a claim for a constitutional violation and a claim pursuant to a different statute (including those listed above), please include that case. However, if the case did not allege a constitutional violation, and only involved claims pursuant to other statutes (including those listed above), please do not include it. If you wish to include claims that were not filed, please separate those unfiled claims from the filed lawsuits and provide the requested information using the same criteria as listed for lawsuits. Please provide a breakdown of how many of these involved employment claims? How many were against police officers/departments? Corrections officers/correctional facilities? School employees/schools? Other government employees/entities?
2. Using the criteria listed in request #1, what percentage of the lawsuits covered by your entity over the last five years have been civil rights cases?
3. Using the criteria listed in request #1, what was the total amount of money paid out in settlements and judgments each year for civil rights cases over the last five years? If possible, please delineate how much was paid in settlement and how much in judgement.
4. Please provide your reinsurance policies that would cover civil rights claims if those have not already been provided.
5. Please provide any reports or presentations your organization or entity has provided to the state legislature and/or any legislative commission or committee regarding the New Mexico Whistleblower Protection Act and the New Mexico Fair Pay for Women Act.

Your contact for the Civil Rights Commission is the commission's staff attorney, Alexandra Smith (email: asmith@smith-law-nm.com, phone number (505)417-7432). Please contact her with any questions.

¹ Some of you provided data from 2012-2016 in response to our September 8, 2020 requests for information. We understand why you provided the requested information for those years, but we would also like to see more recent information. In response to this request, please provide information from 2016-2020. If you also wish to provide information for 2012-2016, you may do so, but this would be in addition to 2016-2020.

Very truly yours,

Justice Richard C. Bosson

Justice Richard C. Bosson (retired)
Chair- New Mexico Civil Rights
Commission

cc: Mark Baker, Vice Chair
Gerald Byers, Commissioner
Zackeree Kelin, Commissioner
Senator Steven Neville, Commissioner
Victor Rodriguez, Commissioner
Kim Stewart, Commissioner
Denise Torres, Commissioner
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