NEW MEXICO: System Involvement

In this profile, we examine the systems that directly impact the lifecourse of Native youth in New Mexico—systems that displace, control, and/or attempt to correct a social ill. Below, existing data reflecting the experiences of Native youth in child welfare, juvenile justice, and school correctional systems are shared.

To determine their degree of system involvement, statewide population data for American Indian and Alaska Native (AI/AN) youth under age 18 were retrieved from the 2010 Census. If Native youth are 10% of the under 18 population in a state, then we would expect them to represent approximately 10% of those youth involved in juvenile justice and foster care systems. Where the percentages are greater or smaller, we observe disproportionality.

In 2010, Native youth comprised 3% of the total state population and 10% of the population under age 18. (1)

Child Welfare Systems

The child welfare system profoundly touches the lives of Native youth at disproportionate levels on a national level. However, in New Mexico, Native youth are underrepresented, making up 11% of all youth currently in care. Among those Native foster youth, 20% were adopted, and an impressive rate of 74% were reunified with their families. (2)

New Mexico Disproportionality Index, 2012

Native youth, despite being 10.3% of the population under age 18 in New Mexico, were underrepresented in the child welfare system. In fact, they were 20% less likely to be system involved. (3) Black youth face the greatest disparities—most notably in foster care and system exits. Governor Martinez has expressed support for ICWA, but stated its primary challenge has been the availability of Native foster homes (CYFD, 2012). (4)
Juvenile Justice Systems

In New Mexico, Native juvenile offending in 2013 was less than one-half of what we would expect given their representation in the state youth population, at 5% in 2013. (5) The top three offending categories were person crimes, property crimes, and technical violations—whereas there were zero public order, drug, or status offenses. (6)

In New Mexico, 86% of all Native juvenile offenders were committed to facilities as wards of the state, whereas 70% of non-Natives were committed. (7) This means there is a 16 percentage point disparity in commitment rates between Native and non-Native juvenile offenders. When we analyzed the courts’ rulings for the same crimes, some concerning findings emerged. For example, despite accounting for less than 2% of all technical violations, 100% of Native juvenile offenders were committed versus 70% of all others. (8) These data highlight the need to address both disproportionate rates of offending among Native youth—to get at the root causes of delinquent behaviors—as well as the disparate treatment of Native youth once they have entered the juvenile justice system.

School Disciplinary Systems

While juvenile justice and child welfare systems were rather apparent choices for a profile on system involvement, school discipline has increasingly become a site or a system for funneling youth—particularly students of color, with disabilities, and special learning needs—into the hands of law enforcement through what has been referred to as the “school-to-prison pipeline.” This pipeline is enabled through out-of-school suspensions and expulsions. These systems of punishment remove youth from learning contexts and increase the likelihood that they will fall behind and/or drop out.

The out-of-school suspension rate in New Mexico is roughly proportionate to what we would expect given the percentage of Native youth in school (12% vs. 10%). (9) When we look to the suspension of Native students with disabilities, the rates are equal for Native girls and boys. (10) Last but not least, the expulsion rates of Native students are more than 3 times higher than what is proportionate (31% vs. 10%). (11) These school disciplinary data reveal unique trends in disparate treatment—some positive, some negative—and require further investigation.

References

(6) Ibid.
(7) Ibid.
(8) Ibid.