

PUBLIC

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To: Health professionals, Children's Network, Youth and Student Network, USCAN Coordinators, Death Penalty Action File Coordinators, Campaign Coordinators, Sections Twinned with New Mexico for USA Campaign (Mexico, Nepal, Peru, Spain)  
From: Medical Office /Americas Subregional Team  
Date: 13 August 1999

***HEALTH PROFESSIONAL, CHILDREN'S AND YOUTH & STUDENT NETWORK LETTER  
WRITING ACTION***

**Colin GONZALES, aged 16  
USA (New Mexico)**

**Summary**

Amnesty International is concerned for the safety and well-being of 16-year-old Colin Gonzales who may be facing imminent imprisonment in adult prison without separation from adult inmates.

Young people in prison are notoriously a target of sexual and physical assault by adult inmates, and are at greater risk of suicide. Recognizing this, international standards expressly state that incarcerated children should be separated from adult inmates. The imprisonment of Colin Gonzales together with adult prisoners would be in violation of international standards. His sentencing hearing has been set for 8 September 1999.

**Background**

Colin Gonzales has a history of physical and mental health problems. He has been on medication for various mental health disorders, including attention deficit hyperactivity disorder, anxiety, depression, and psychotic symptoms, since he was about two years old. He also suffers from ankylosing spondylitis, a form of arthritis primarily affecting the vertebrae, and has to wear a back brace.

Colin Gonzales faces up to 27 years in adult prison for second degree murder and other charges stemming from the shooting of Arcenio Lucero, 68, in Trujillo, New Mexico, in March 1997, when Colin was 14 years old. After his arrest, which followed several days without his required medication, he was suffering from serious psychological problems. During his subsequent 18-month pre-trial custody at a juvenile detention centre, however, he responded very positively to rehabilitative treatment.

Colin Gonzales pleaded guilty to the charges. In November 1998, prior to the court hearing to determine whether he should be sentenced as a child or an adult, Amnesty International wrote to the authorities in San Miguel County expressing concern for his welfare. It urged that whatever the outcome of the hearing, the teenager should not be held with adult inmates, and that his age and his health problems should be fully taken into account. At the hearing, his lawyer presented expert evidence of Colin Gonzales' mental health needs and responsiveness to rehabilitation, and argued that he should be treated within the juvenile justice system. However, in May 1999 the judge ruled that he should be sentenced as an adult, and ordered the standard 60-day evaluation by the state Corrections Department prior to sentencing and placement in the prison system.

On 27 July 1999, the Warden of the Western New Mexico Correctional Facility wrote to the judge with the results of the evaluation:

“Based on the psychological assessment, sociological investigative study, a review of all available information, and his potential for rehabilitation, the Reception and Diagnostic Centre recommends that Mr Gonzales be sentenced to a long-term adolescent treatment centre until he is twenty-one years of age. It is also recommended that he be evaluated prior to consideration for release or being remanded to an adult facility”.

The Director of Mental Health Services wrote: “It is my opinion that Colin Gonzales is amenable to treatment in existing juvenile/adolescent treatment facilities, and the prognosis for continued development is favorable.”

The judge does not have to follow the recommendation and may still sentence Colin Gonzales to adult prison. According to his lawyer, the San Miguel County District Attorney has expressed his intention to pursue full adult sanctions at the sentencing hearing.

New Mexico currently has about 20 juvenile inmates in its adult prison system. They are housed with the general inmate population, reportedly unless they request to be held separately. However, this would mean solitary confinement, which Colin Gonzales does not want. Wherever he were to be held within the adult system, aside from the threat to his well-being presented by adult inmates, he would not have access to programs and services specifically geared to the needs of children.

Article 10(3) of the International Covenant on Civil and Political Rights, states that “juvenile offenders shall be segregated from adults and accorded treatment appropriate to their age and legal status”. The UN Convention on the Rights of the Child states that “every child deprived of liberty shall be separated from adults unless it is considered in the child’s best interest not to do so.”

In *Betraying the Young: Human Rights Violations Against Children in the US Justice System* (AMR 51/57/98, November 1998), Amnesty International found that at the end of 1998 40 states were holding at least 3,700 children in adult prisons without segregation from adult inmates.

### **Recommended Actions**

**Please send faxes/express/airmail letters in English or your own language, in your own words, using the following as guidelines:**

- o expressing sympathy for the family and friends of Arcenio Lucero;
- o stressing that under internationally agreed standards incarcerated children, whatever their crimes, must be fully segregated from adult inmates, and expressing concern that child offenders sentenced as adults in New Mexico are housed in the general inmate population;
- o noting the Western New Mexico Correctional Facility’s recommendation that Colin Gonzales be held in an adolescent treatment centre rather than an adult prison, because of his potential for rehabilitation and his special mental health needs, which cannot be fully met in the adult prison system;
- o urging the prosecution to honour this recommendation and to ask the court at Colin Gonzales’ forthcoming sentencing hearing to support the recommendation.

**Addresses**

The Honourable Matthew Sandoval (prosecutor in this case)  
District Attorney  
Fourth Judicial District (San Miguel County)  
PO Box 2025, Las Vegas, New Mexico 87701, USA  
Fax: +1 505 425 9372  
Salutation: Dear District Attorney

Please copy your appeals, and/or write separate letters of concern to Colin Gonzales' defence lawyer. He can then present them to the court at the sentencing hearing. ***Letters from child experts, health professionals and teachers, written in their professional capacity, and from young people would be particularly welcome.***

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**Copies To:**

Please send copies of your letters to diplomatic representatives of USA accredited to your country.

**Other action**

You may also write brief (about 250 words) letters of concern to :  
The Editor,  
*Albuquerque Journal*,  
7777 Jefferson,  
NE Albuquerque, NM 87109, USA.  
Fax: +1 505 823 3994. E-mail: [opinion@abqjournal.com](mailto:opinion@abqjournal.com)

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 10 September 1999.