

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

---

FREEDOM FROM RELIGION  
FOUNDATION, INC., et al.,

Plaintiffs,

v.

Case No. CIV 05-1168-RLP/KBM

SECRETARY JOE R. WILLIAMS, et al.,

Defendants.

---

**SUPPLEMENTAL AFFIDAVIT OF RICHARD L. BOLTON**

---

COUNTY OF DANE            )  
  ) ss.  
STATE OF WISCONSIN    )

**RICHARD L. BOLTON**, being first duly sworn, on oath, deposes and says as follows:

1. I am one of the attorneys representing the Plaintiffs in the above-captioned matter.
2. I make this supplemental affidavit in opposition to the Motion for Summary Judgment by the Defendant Homer Gonzalez, who is the coordinator of Faith-Based Programs for the New Mexico Corrections Department.
3. Attached to this affidavit as **Exhibit 1** are true and correct copies of pages from the transcript of the deposition of Homer Gonzalez.
4. Attached to this affidavit as **Exhibit 2** is a true and correct copy of a Corrections Department memorandum relating to the responsibilities of Homer Gonzalez as the Administrator of faith-based programs. The memorandum states that Mr. Gonzalez's duties include "the development of a state-wide faith-based after-care strategy." The memorandum was identified during the deposition of Mr. Gonzalez.


5. Attached to this affidavit as **Exhibit 3** is a true and correct copy of a page from the New Mexico Corrections Department's website identifying Homer Gonzalez as Coordinator of Faith-Based Programs. This exhibit was identified during the deposition of Mr. Gonzalez.

6. Attached to this affidavit as **Exhibit 4** is a true and correct copy of a page from the New Mexico Corrections Department's website identified during the deposition of Mr. Gonzalez. The web page states, "Faith-based programming in the New Mexico Corrections Department is designed to help the inmates involved to establish or strengthen a relationship with God" and "to form new relationships within the Christian community." This exhibit was identified during the deposition of Mr. Gonzalez.

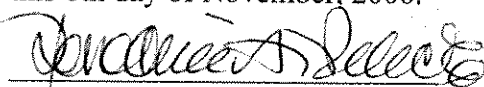
7. Attached to this affidavit as **Exhibit 5** is a true and correct copy of a page from the annual performance review of Homer Gonzalez wherein Mr. Gonzalez lists the major elements of his job. This exhibit was identified by Mr. Gonzalez during his deposition.

8. Attached to this affidavit as **Exhibit 6** is a true and correct copy of a letter written by Homer Gonzalez wherein he describes his job to involve the "challenging area of developing faith-based programming at all of our State and private prisons." This exhibit was identified by Mr. Gonzalez during his deposition.

Dated this 6th day of November, 2006.

  
Richard L. Bolton

Subscribed and sworn to before me  
this 6th day of November, 2006.

  
Notary Public, State of Wisconsin  
My commission expires 3/28/08.

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HOMER GONZALES

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1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF NEW MEXICO

3 FREEDOM FROM RELIGION  
4 FOUNDATION, INC.; PETER VIVIANO,  
5 ERNIE HIRSHMAN, SABINA HIRSHMAN,  
6 PAUL WEINBAUM, MARTIN J. BOYD, M.D.,  
7 and JESSIE V. CHAVEZ,  
8 Plaintiffs,

9 vs.

Case No. CIV. 05-1168-RLP/KBM

10 GOVERNOR BILL RICHARDSON,  
11 SECRETARY JOE R. WILLIAMS,  
12 HOMER GONZALES, BILL SNODGRAS,  
13 and CORRECTIONS CORPORATION  
14 OF AMERICA, INC.,  
15 Defendants.

16 DEPOSITION OF HOMER GONZALES

17 Wednesday, August 23, 2006  
18 At 1:39 p.m.

19 At the Law Offices of  
20 Paul Baca Professional Court Reporters  
21 500 Fourth Street, NW, Suite 105,  
22 Albuquerque, NM 87102

23 PURSUANT TO THE FEDERAL RULES OF CIVIL  
24 PROCEDURE, THIS DEPOSITION WAS:

25 TAKEN BY: Richard L. Bolton  
ATTORNEY FOR THE PLAINTIFFS

REPORTED BY: Lela Thomas-West, Certified Court Reporter  
Registered Professional Court Reporter  
New Mexico CCR #27  
Paul Baca Professional Court Reporters  
500 Fourth Street, NW, Suite 105  
Albuquerque, New Mexico 87102  
(505) 843-9241

EXHIBIT

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HOMER GONZALES,

having been first duly sworn, testified as follows:

EXAMINATION

BY MR. BOLTON:

Q. Mr. Gonzalez, you're employed by the New Mexico Department of Corrections?

A. That's correct.

Q. How long have you worked there?

A. Since January of 2001.

Q. What was your position when you were hired?

A. Director of Transition Services.

Q. Was that a new position?

A. No. It was -- somebody else had had that position before I did.

Q. And do you know how long -- had it been a position of long-standing, if you know?

A. I don't know.

Q. And you're an employee of the State of New Mexico? And paid by the State of New Mexico?

A. Yes.

Q. Has your title changed since you started with the department?

A. Yes.

Q. More than once?

A. No. It just changed once.

2 (Pages 2 to 5)

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1 Q. What is your current position?  
2 A. Well, current position is volunteer services  
3 coordinator.  
4 Q. And was there any other -- and I'm not trying  
5 to be -- I've seen your titles described --  
6 A. Okay.  
7 Q. -- differently.  
8 A. Yes.  
9 Q. Director of Faith-Based Services, I think?  
10 A. And Volunteer Programs, yeah. Coordinator of  
11 Faith-Based Services and Volunteer Programs.  
12 Q. Is that still a title that's used for you,  
13 then?  
14 A. No. I'm going by Volunteer Services  
15 Coordinator now.  
16 Q. And when did that change occur?  
17 A. Oh, within the last -- I've requested cards to  
18 more accurately refresh what I do, so those cards are in  
19 the works, the new cards.  
20 Q. What --  
21 A. They've been requested, new cards.  
22 Q. So that change in title then is relatively  
23 recent?  
24 A. Relatively.  
25 Q. Did your duties change?

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1 A. No.  
2 Q. Have they changed since you were Director of  
3 Transition Services?  
4 A. Pretty much the same.  
5 Q. So just the change in title?  
6 A. Yes.  
7 Q. When you were hired then as Director of  
8 Transition Services, what was your general  
9 responsibilities, what were you hired to do?  
10 A. General responsibilities, working with the  
11 volunteers and focusing on finding after-care resources  
12 for incarcerated men and women who would be releasing  
13 back to the community.  
14 Q. Has there been a focus on identifying Faith-  
15 Based after-care services?  
16 A. Among others. Just looking at programs that  
17 provide residential assistance, employment assistance,  
18 and so forth.  
19 Q. In terms of the after-care services, has there  
20 been a focus on Faith-Based providers in that respect?  
21 A. To a certain extent. Because we have  
22 volunteers that work with our men and women in prison,  
23 and finding that when friendships are established as our  
24 volunteers go into the facility that we wherever  
25 possible encourage building bridges from those

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1 friendships to carry back to the community, to find a  
2 place where they'll be accepted and encouraged to make a  
3 successful return back to the community.  
4 Q. Is the focus then in your position on basically  
5 the after-care aspect of it rather than services  
6 provided to inmates in the system, you know, within --  
7 that are presently in prison?  
8 A. It's a combination now.  
9 Q. With regard to inmates that are still  
10 incarcerated what sort of duties do you have?  
11 A. With inmates that are incarcerated now, my work  
12 again is primarily with volunteer coordinating services;  
13 coordinating the training that is offered to them at our  
14 state facilities, coordinating the clearance procedures,  
15 application procedures that they have to go through,  
16 just trying to standardize the way we work with our  
17 volunteers in our different facilities in our state is a  
18 big focus of what I do.  
19 Q. Are you involved in overseeing the provision of  
20 religious services or worship type opportunities for  
21 inmates?  
22 A. I wouldn't say overseeing. It's more of a  
23 coordinator role. I work with our chaplains in our  
24 state prison system. And they oversee the respective  
25 volunteer programs at their facilities. And again I

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1 work with them in coordinating the standardization and  
2 consistency of programming across the state.  
3 Q. And when you refer to program, though, if we --  
4 obviously there are some religious services that are  
5 basically just different religious groups provide  
6 opportunities for -- and I -- probably not a good word,  
7 but I'll use "worship services".  
8 When you use the word "program," that's not the  
9 type of thing -- the worship service type access to the  
10 prison is not the type of program that you're talking  
11 about in terms of standardizing, is it?  
12 A. No, that's right, not talking about  
13 standardizing the way that the program is conducted.  
14 That does not apply.  
15 Q. Well, I don't mean necessarily how the program  
16 is conducted but in terms of -- well, let me just ask.  
17 When you use the term standardize the procedures for  
18 programs, what do you mean by "program"?  
19 A. I was referring to standardized procedures for  
20 the way that our volunteers are trained and the way  
21 that -- the application procedures that they have to go  
22 through to go into the facility office.  
23 Q. Were you involved at all in -- first of all  
24 you're aware I think some of the prisons have  
25 residential Faith-Based programs?

3 (Pages 6 to 9)

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1 A. Yes.  
2 Q. Presently how many of the prisons in the  
3 Department of Corrections system have residential Faith-  
4 Based programs?  
5 A. I believe there's five men's prisons and then  
6 one women's prison.  
7 Q. Five --  
8 A. Men's prisons.  
9 Q. And the women's is the New Mexico Correctional  
10 Facility in Grants?  
11 A. Correct.  
12 Q. What are the five men's prisons that have  
13 residential programs?  
14 A. It would be Los Lunas, Las Cruces, Roswell,  
15 Hobbs, and Guadalupe County Correctional Facility.  
16 Q. Are these programs all -- is it basically the  
17 same program in each of the facilities?  
18 A. At four of them.  
19 Q. Okay.  
20 A. At the four men's facilities it's basically  
21 pretty much the same.  
22 Q. Are all of those facilities operated by  
23 Corrections Corporation of America?  
24 A. No.  
25 Q. Which of the programs is -- of the men's

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1 programs is different? You said four of them are  
2 basically the same.  
3 A. Basically the same. The Los Lunas is a state  
4 facility. Las Cruces is a state facility, prison  
5 facility. Hobbs is Geo.  
6 Q. What does that mean?  
7 A. Geo Corporation. Santa Rosa has a Faith-Based  
8 living unit program but it's different from the other  
9 four.  
10 Q. (BY MR. BOLTON) Are those -- are -- the ones  
11 that are state-operated facilities is the program  
12 similar to the Life Principle's Crossing's program at  
13 the women's facility?  
14 A. I don't believe so.  
15 Q. Were there residential programs in place when  
16 you started?  
17 A. They were just starting.  
18 Q. And it was one of your responsibilities to get  
19 residential programs up in some of the other facilities?  
20 A. Yes, I helped with the discussions to get them  
21 started.  
22 Q. The Faith-Based programs at the state-operated  
23 facilities, is there a particular curriculum, for  
24 instance, when -- at the women's facility they -- CAA  
25 has a particular program manual and a fairly defined

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1 program that they utilize.  
2 At the state-operated facilities do you have --  
3 again not necessarily content-wise, but do you have a --  
4 basically a curriculum or -- that you use?  
5 A. We do have a curriculum. It's a three-phase  
6 program.  
7 Q. Can you describe that?  
8 A. The first, as best as I can recollect, because  
9 I'm not very familiar with the exact details of the  
10 curriculum, but the first phase is the relationship with  
11 God, and the second phase is living in community, and I  
12 believe the third phase is giving toward preparation in  
13 returning back to the community.  
14 Q. And second phase, living in community, is that  
15 community as it's used in the program, is that community  
16 within the prison?  
17 A. Yes, I believe so.  
18 Q. And the state-operated programs then -- and  
19 when I say "state operated," I'm talking about the  
20 state-operated prison facilities -- are they -- who  
21 oversees the residential program then and conducts the  
22 program within those facilities?  
23 A. The volunteers conduct the program. And  
24 because they are part of the volunteer program and in  
25 general so the supervision or oversight would fall to

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1 the chaplain.  
2 Q. Is it fair to say that in all of the  
3 facilities, that are run by private corporations or by  
4 the state, the chaplain would be the person that --  
5 within the institution that would basically oversee the  
6 residential programs?  
7 A. Yep, because it's a part of volunteer  
8 programming, yes.  
9 Q. Are the chaplains within the state-operated  
10 facilities, are they state employees?  
11 A. Yes. *AC*  
12 Q. Who is responsible for -- in the state-operated  
13 facilities how was the content of the program  
14 determined? You apparently were not involved with --  
15 A. No contact, no.  
16 Q. Who would have been involved in determining,  
17 you know, that it would be a three-phase program and  
18 whatever the curriculum --  
19 A. The volunteers, the volunteer leaders.  
20 Q. Do you know whether the -- are the residential  
21 programs in the state-operated facilities, are they  
22 basically Christian-based faith programs?  
23 A. As far as the general term in the state  
24 facilities, yes. *AC*  
25 Q. When you say that the program is conducted

4 (Pages 10 to 13)

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1 Q. Do you know anything about that program?

2 A. I believe they use 12 Step principles.

3 Q. Pardon?

4 A. 12 Step principles.

5 Q. To your knowledge is it the typical 12 Step, AA  
6 or NA?

7 A. I don't know that much detail about it to give  
8 you -- to be able to answer that correctly.

9 Q. I've seen the therapeutic community referred to  
10 as a secular 12 Step program, and I think that was  
11 referenced in an expert report that I've seen in this  
12 case. Do you understand the therapeutic community  
13 program to be a secular program?

14 A. Secular versus --

15 Q. Secular.

16 MS. GOTTLIEB: Could you define the word?

17 Q. (BY MR. BOLTON) The 12 Step program is  
18 basically a Faith-Based program, isn't it?

19 MR. TOURKE: Objection to the form of the  
20 question. If you can answer it, go ahead.

21 THE WITNESS: Well, as far as what I know  
22 of the 12 Step program, in that there is -- a part of  
23 the component is the belief in higher power as one  
24 understands that power to be meaningful in their life. +

25 Q. (BY MR. BOLTON) And I've seen in some of the

1 understanding of what religion is, right?

2 A. Yes.

3 Q. Do you have an understanding that religion is  
4 a beneficial -- that religion is beneficial in helping  
5 inmates to achieve outcomes that the Department of  
6 Corrections is trying to achieve?

7 A. I've seen -- observed that it can have a  
8 positive effect, yes.

9 Q. Do you know why that is? What is it -- well,  
10 I'll leave the question as is. Do you know why that is?

11 A. Okay. That's a broad-based question, and  
12 getting back to our volunteers that have a faith  
13 component of their life, that motivates them to share  
14 themselves with others and want to make a difference in  
15 others that are less fortunate, and considering that the  
16 men and women in prison are less fortunate in many ways,  
17 that need encouragement to make a successful return back  
18 to our community.

19 And again that the faith component of --  
20 that many of the volunteers bring to their interactions  
21 with our incarcerated men and women, I have observed  
22 that there are those that develop friendships with the  
23 volunteers on the inside, carry those relationships,  
24 those friendships back to the outside and are making a  
25 successful adjustment in the community, because of the

Page 23

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1 therapeutic community materials from Grants I think --  
2 well, I've seen a program referred to as Angel -- what's  
3 the therapeutic community program at Grants referred to  
4 as?

5 A. The therapeutic community?

6 Q. Something Angel?

7 A. I'm not sure what --

8 Q. I'll come back to it.

9 A. Okay.

10 Q. But in any event the belief in a higher power  
11 is one of the key attributes then of the therapeutic  
12 community's attempt to deal with addiction problems;  
13 correct?

14 A. Yes, as best as I understand it, yes. +

15 Q. Do you have any understanding that a  
16 religiosity [phonetic] or Faith-Based orientation is  
17 effective in inmates achieving desirable goals, that the  
18 department considers to be desirable?

19 MS. GOTTLIEB: I'm going to object. I  
20 don't know what "religiosity" is.

21 MR. TOURKE: I was going to say the same  
22 thing. Can you tell me what that is?

23 MS. GOTTLIEB: In fact, prove it's a word,  
24 first.

25 Q. (BY MR. BOLTON) Well, you have some

1 positive influence of our Faith-Based volunteers.

2 Q. So you would attribute it to just the sort of  
3 personal relationship features rather than anything  
4 related to a belief in God?

5 A. All that is intermingled. The relationship is  
6 sharing from one's life into the life of another, and  
7 out of the course of that friendship learning what are  
8 those things that are important in life as far as being  
9 concerned about one's neighbor.

10 And it's the concern for one's neighbor  
11 that motivates the volunteer to work with the men and  
12 women in prison, and for that person in prison to have a  
13 successful return back to their community they need  
14 assistance and encouragement to learn what it means to  
15 value and be considerate of one's neighbor in the  
16 community, because they were not very considerate of  
17 their neighbor when they were arrested and sent to  
18 prison in the first place.

19 Q. And is religion a part of what helps develops  
20 that consideration then that you're talking about?

21 A. Religious Faith-Based values, yes.

22 Q. The residential Faith-Based programs are --  
23 that's a program -- and when I say "program," in each  
24 institution that's distinct from the sort of  
25 accommodation of the right to worship of the inmates; is

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1 A. The specifics of it, no.  
2 Q. Do you know generally what types of changes  
3 were made?  
4 A. Other than they went with another organization  
5 to help provide them with the curriculum, that's --  
6 basically I was aware that they had added some new  
7 working curriculum and they were working with another  
8 group.  
9 Q. And "they" being CCA?  
10 A. Yes.  
11 Q. Is it fair to say that the initiative for this  
12 change in curriculum came from CCA?  
13 A. As to the best of my knowledge, yes, because  
14 that's not something that I was involved in initiating.  
15 Q. Do you know why they changed their curriculum?  
16 A. No.  
17 Q. Do you know CCA's position in regard to the use  
18 of Faith-Based programs in prison?  
19 A. Other than that they're very receptive to the  
20 volunteers coming in from the faith community to do  
21 Faith-Based programming.  
22 Q. Do you have any understanding that CCA  
23 considers itself a leader in utilizing Faith-Based  
24 programming?  
25 A. I don't know if I really heard anyone say that.

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1 Q. In the Grants facility is there -- I had seen  
2 some reference at one time to there being a half-time  
3 paid assistant -- or half-time position to assist the  
4 chaplain in regard to overseeing the residential Faith-  
5 Based program. Have you -- do you know --  
6 A. No, I'm not aware of those details.  
7 Q. Do you know whether that was considered?  
8 A. I don't know.  
9 Q. Did you participate in any meetings relating to  
10 the changes in the CCA program at Grants before it was  
11 adopted?  
12 A. No.  
13 Q. Do you know whether CCA went through the  
14 department to get any approval for the changes it was  
15 making to its curriculum?  
16 A. I was not approached about changes other than  
17 if they went with somebody else, I don't know.  
18 Q. Did you participate in any presentations by CCA  
19 or the Institute for Basic Life Principles relating to  
20 the new curriculum?  
21 A. No.  
22 Q. Did they have an orientation for the new  
23 program before they implemented it at Grants?  
24 A. I don't know.  
25 Q. Certainly it wasn't anything you were involved

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1 in?  
2 A. Correct.  
3 Q. With regard to your duties -- well, let me back  
4 up.  
5 In regard to your involvement in the residential  
6 Faith-Based living units in the various prisons, is that  
7 -- is it fair to say that you are not very involved in  
8 those programs?  
9 A. Correct.  
10 Q. Is it fair to say that your primary involvement  
11 has been involved in setting up transition or after-care  
12 programming?  
13 A. That's part of my responsibility. I wouldn't  
14 say that's primary.  
15 MR. TOUREK: You doing all right? Do you  
16 need a bathroom break?  
17 THE WITNESS: No.  
18 Q. (BY MR. BOLTON) We haven't marked what you're  
19 looking at, at this point, but let me just ask, is this  
20 a memorandum that you're familiar with?  
21 A. Yes.  
22 Q. And it's from Mr. Williams relating to the role  
23 of the administrator of Faith-Based programs; correct?  
24 A. Yes.  
25 Q. And that -- you would -- in the context of this

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1 particular memorandum you would be the person being  
2 referred to as the administrator of Faith-Based  
3 programs?  
4 A. Yes.  
5 Q. In the second sentence of the first paragraph  
6 it says that your duties will include the development of  
7 statewide Faith-Based after-care strategies. That will  
8 involve all chaplains including Tex Joy, our Native-  
9 American spiritual advisor. Do you see that sentence?  
10 A. Yes.  
11 Q. Was the development of a state-wide Faith-Based  
12 after-care strategy, was that a significant part of  
13 your -- has that been a significant part of your  
14 duties?  
15 A. It's a part of my duties, yes.  
16 Q. Is it -- do you know what is meant by the --  
17 what did you understand that to mean in terms of the  
18 development of the statewide Faith-Based after-care  
19 strategy?  
20 A. That it was to make sure that there would be  
21 focus on that responsibility.  
22 Q. And has -- is that still an ongoing --  
23 A. It's ongoing, yes.  
24 Q. What have you done since you've been employed  
25 by the department in regard to the development of a

11 (Pages 38 to 41)



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1 THE WITNESS: Correct.  
2 MR. BOLTON: The latter part of '05.  
3 Then Exhibit 6 is just -- is a review from  
4 an earlier period of time, from earlier '05, it looks  
5 like. That's what it looks like, '05, yeah.  
6 Q. (BY MR. BOLTON) On the first page of Exhibit 8  
7 about halfway down, it says "Job assignment," and it  
8 says, "Provide Faith-Based after-care resources for male  
9 and female inmates requesting assistance from the Faith-  
10 Based community volunteers." Do you see that?  
11 A. Yes.  
12 Q. Now, is this a document that -- who would have  
13 prepared -- who basically prepares this document?  
14 A. Our supervisor.  
15 Q. So that description of your job assignment  
16 would have been something put into this document by the  
17 supervisor?  
18 A. Yes.  
19 Q. And then your supervisor at this time would be  
20 who?  
21 A. Erma Sedillo.  
22 Q. Who?  
23 A. Erma Sedillo.  
24 Q. It looks like on page 2 of Exhibit 8 at the  
25 bottom -- major elements of your job, it looks like the

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1 description of the major elements is pretty much the  
2 same as from the earlier evaluation.  
3 A. Yes.  
4 Q. I'm sorry, the later evaluation; correct?  
5 A. Yes.  
6 Q. In reviewing these two evaluations at least it  
7 looks like a major focus of your job then is focused on  
8 Faith-Based programming. Is that fair to say?  
9 A. As it involved interacting with Faith-Based  
10 volunteers, yes.  
11 Q. Because at least as I read through the Exhibit  
12 7 and 8 there's very little that's described in terms of  
13 your -- the elements of your job that don't in some way  
14 relate to Faith-Based programming. Is that fair?  
15 A. Yeah, that would be fair, yeah. *X*  
16 Q. Can you identify Exhibit 9?  
17 (Exhibit 9 marked)  
18 A. Performance appraisal summary FY 2005, general  
19 salary increase.  
20 Q. And this one looks like -- the signature dates  
21 on it at least look to be in June of '04; is that  
22 correct?  
23 A. Yes.  
24 Q. So again we're looking at an employee  
25 evaluation for yourself but from an earlier period of

Page 56

1 time; correct?  
2 A. Yes.  
3 Q. In the "Comments" section on the first page of  
4 Exhibit 9 it's handwritten, "Very confident in job  
5 performance. Moving the department forward with Faith-  
6 Based services." Do you see that?  
7 A. Yes.  
8 Q. Whose handwriting is that?  
9 A. That looks to be my supervisor's handwriting,  
10 Erma Sedillo.  
11 Q. And was that an objective of the department,  
12 then, moving forward with Faith-Based services?  
13 A. Faith-Based services involving Faith-Based  
14 volunteers. *X*  
15 Q. On the second page of Exhibit 9 there are some  
16 numbered boxes.  
17 A. Uh-huh.  
18 Q. In the third numbered box where it says "Job  
19 assignment tasks and standards," do you see that?  
20 A. Yes.  
21 Q. It says "Comprehensive" -- it looks like it's  
22 from the period -- the appraisal period says it's from  
23 October of '02 to November of '03. And it says  
24 "Comprehensive Faith-Based after-care support program is  
25 fully implemented." Do you see that?

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1 A. Yes.  
2 Q. "And includes Catholic and nonCatholic  
3 mentoring program." Do you see that?  
4 A. Yes.  
5 Q. What was the nonCatholic -- is the nonCatholic  
6 -- is the -- the Catholic Mentoring Program is what you  
7 described with Sister Sue; correct?  
8 A. Correct.  
9 Q. And what was the nonCatholic mentoring that is  
10 being referenced there? *X*  
11 A. Other Faith-Based volunteers that wanted to  
12 assist men and women back to the community and helping  
13 them with the support for carrying on that relationship  
14 from the prison back to the community.  
15 Q. The Faith-Based after-care support program also  
16 is said to include welcoming church program. What was  
17 that?  
18 A. Trying to find those faith communities that are  
19 interested in working with men and women coming out of  
20 prison.  
21 Q. Celebrate Recovery group program, that's what  
22 we've already talked about?  
23 A. Yes, uh-huh.  
24 Q. Is that with the gentleman -- I forgot his  
25 name -- but out of California, there's a program from

15 (Pages 54 to 57)

PAUL BACA COURT REPORTERS  
HOMER GONZALES

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1 MR. BOLTON: Let's see. Did we not --  
2 MR. TOURKE: Oh, yeah, it has been marked  
3 10. Will you mark that 11, please?  
4 MR. BOLTON: 11 being the letter, correct?  
5 MR. TOURKE: Yes.  
6 (Exhibit 11 marked)  
7 Q. (BY MR. BOLTON) Exhibit 11 is then the letter  
8 of yourself to your supervisor, Donna Wilpolt?  
9 A. Yes.  
10 Q. In your first sentence you say, "I appreciate  
11 the opportunity to work with you in this challenging  
12 area of developing Faith-Based programming at all of our  
13 state and private prisons." Do you see that?  
14 A. Yes.  
15 Q. Is that a fair characterization of -- at least  
16 as you began your employment with the department, what  
17 the real focus of your job was?  
18 A. Again working with Faith-Based volunteers that  
19 make up the majority of our volunteers in our prison  
20 system, yes.  
21 Q. Toward the end of that, the first paragraph,  
22 you also say, "The position is new."  
23 In terms of your role in the development  
24 of Faith-Based programming, you were -- basically you  
25 were pioneering a little bit, that they didn't have a

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1 model already in existence for your position. Is that  
2 fair?  
3 A. It was new territory for us, yes.  
4 Q. And then in the third paragraph you make  
5 reference to one of our key clients, Sister Sue, Reif --  
6 is that how --  
7 A. Reif.  
8 Q. And the Archdiocese, and this again is a  
9 reference to the Catholic Mentoring Program; correct?  
10 A. Yes.  
11 Q. The language "key clients," is that a term that  
12 you coined in regard to the Archdiocese or is that a  
13 term that the department uses to describe certain  
14 relationships?  
15 A. Based on my recollection it was a term that my  
16 supervisor used.  
17 Q. Exhibit 12, am I correct is -- it looks like an  
18 appraisal evaluation again of yourself from January of  
19 '01 to January of '02 --  
20 (Exhibit 12 marked)  
21 A. Yes.  
22 Q. -- is that correct?  
23 A. That's correct.  
24 Q. So this would be basically your first annual  
25 review, then?

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1 A. Yes.  
2 Q. Again the first page of Exhibit 12 where  
3 there's numbered boxes with some commentary, this would  
4 be information put in by your supervisor?  
5 A. That's correct.  
6 Q. And the box number two again describing the job  
7 assignment references your job assignment tasks and  
8 standards to be -- to assure that there are organized  
9 department Faith-Based programs at all custody levels  
10 and at all institutions. Does not include regular  
11 chaplain programs. Do you see that?  
12 A. Yes.  
13 Q. Is that a fair -- again, is that a fair  
14 characterization of your job assignment at least coming  
15 out of the gate when you began with the department?  
16 A. Well, there was a focus on working with the  
17 Faith-Based volunteers, and there was some pioneering  
18 efforts that were being attempted, so that would be a  
19 fair assessment.  
20 Q. It says in box two, "Does not include regular  
21 chaplain programs." Do you know what the distinction  
22 was that was being made there between your job  
23 assignment and what's described as regular chaplain  
24 programs?  
25 A. Other than I can remember as far as the Faith-

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1 Based living unit program was new. And it was not at  
2 all -- not at the facilities that we have now, so it was  
3 exploring to see if it would be possible to facilitate  
4 expansion of the program at other facilities.  
5 Q. In terms of what was the development of a  
6 Faith-Based after-care strategy, I think we saw it in  
7 one document, was that also something that was sort of  
8 new territory?  
9 A. As far as new territory working with volunteers  
10 and developing after-care resources, it was new in  
11 trying to handle that responsibility with the in-prison  
12 programming, yes.  
13 Q. Meaning there had not been previously any  
14 attempt by the department to connect prisoners upon  
15 release with Faith-Based programs after their release?  
16 A. Not -- as far as I know, the department has  
17 always had an interest in after-care services for our  
18 men and women returning back to the community, and that  
19 knowing that Faith-Based volunteers are a resource in  
20 that area, so that has always been encouraged, even  
21 before I came.  
22 Q. On page 3 of Exhibit 12 at the top box it says  
23 "Employee short-term goals." It says "Inmate/family  
24 Faith-Based after care." Again was this something that  
25 your supervisor would put into the document or something

17 (Pages 62 to 65)

PAUL BACA COURT REPORTERS  
HOMER GONZALES

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1 copy. Why don't we -- that copy has red on it. I'm not  
2 going to mark it unless the witness has any familiarity  
3 with the document.

4 THE WITNESS: Not as far as John Lance,  
5 the chaplain. I'm not -- I don't recall having looked  
6 at this.

7 MR. BOLTON: Okay.

8 MR. TOUREK: And just for the record it's  
9 a July 13, 2005 memorandum from John Lance to Chaplain  
10 Bob Holyfield.

11 Q. (BY MR. BOLTON) You talked about the  
12 therapeutic community earlier and I mentioned that there  
13 was a description of the program but I couldn't  
14 remember.

15 Miracle Angels, have you heard that  
16 description of the therapeutic community?

17 A. Yeah, sounds familiar because I visited the  
18 program one time.

19 Q. Pardon?

20 A. I did visit the program. It sounds vaguely  
21 familiar. I have heard that term.

22 Q. Exhibit 15, have you seen any documents like  
23 this relating -- you know, there's a sort of a  
24 characterization in the upper left-hand corner where it  
25 says NMWCF, Miracle Angels, CCA and therapeutic

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1 they put that in there. I'm familiar with doves being  
2 used in other literature, but as far as what they had in  
3 mind for this brochure, I don't know.

4 Q. The department has a web site; correct?

5 A. Yes.

6 Q. My understanding is that Exhibit 16 I'll  
7 represent I believe are from the department's website,  
8 but I'll ask you if you can confirm that for me.  
9 (Exhibit 16 marked)

10 A. Yes.

11 Q. In terms of -- who prepares the materials, for  
12 instance, the description of the Faith-Based programs,  
13 the content that's on these pages shown as Exhibit 16?

14 A. The Faith-Based program description, that would  
15 have been me.

16 Q. And at least on this document you're identified  
17 as the coordinator of Faith-Based programs?

18 A. Yes.

19 Q. And this is a document that looks like it was  
20 printed at least in April of 2006. Is that fair to say  
21 that at least as recently as that date then that would  
22 have been your official title?

23 A. As of what date again?

24 Q. Well, it looks like the printout date --

25 A. April of 2006?

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1 community. Do you see that?

2 (Exhibit 15 marked)

3 A. Yes.

4 Q. Have you seen this type of characterization of  
5 the therapeutic community in terms of the depiction of  
6 it as shown on Exhibit 15?

7 A. I remember visiting the facility a couple of  
8 years ago and looking at some of their written material  
9 so this looks somewhat familiar.

10 Q. And then the second page of Exhibit 15 there's  
11 a reference to -- at the very bottom of the document,  
12 "Never forgetting the awareness of a higher power that  
13 works forever in our lives." Do you see that?

14 A. Yes.

15 Q. And this is what we talked about before then  
16 that this therapeutic community basically is a 12 Step  
17 program utilizing a belief in our higher power as one of  
18 its principles?

19 A. Yes.

20 Q. The depiction up in the left-hand corner with  
21 -- and again you're probably not familiar with it, but I  
22 -- it's a dove and do you know what -- I know it's a  
23 heart shape there but do you know what it's  
24 attempting -- what this is supposed to depict?

25 A. No, I wouldn't know what they had in mind when

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1 Q. Yes.

2 A. Yes.

3 Q. On the fourth page of Exhibit 16 -- and up at  
4 the top it should say --

5 MS. GOTTLIEB: I'm not trying to be  
6 difficult. But I've got some things with AGO Bates  
7 numbers, some things without --

8 MR. BOLTON: Uh-huh.

9 MS. GOTTLIEB: -- and then a page that  
10 looks like it's from something totally different.

11 MR. TOUREK: I don't have that. How many  
12 documents?

13 MS. GOTTLIEB: It's fine, but I just don't  
14 want to --

15 MR. BOLTON: No, that was in that -- I  
16 meant to remove that.

17 MR. TOUREK: Do you want AGO 259, 260,  
18 261? I don't think there's anything next to that.

19 MR. BOLTON: What -- I think what happened  
20 on some of these was that not every page as it -- as I  
21 got it was Bates stamped.

22 MR. TOUREK: Oh, okay.

23 MR. BOLTON: So it would be the page that  
24 immediately followed AGO 261, so what I did was simply  
25 counted four pages, the fourth page in.

21 (Pages 78 to 81)

PAUL BACA COURT REPORTERS  
HOMER GONZALES

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1 familiar with but it says Muslim and then Wiccan is a  
2 Faith-Based program.

3 Q. Since your title changed to director of Faith-  
4 Based and volunteer services -- is that what your  
5 current title is?

6 A. Current title is volunteer services  
7 coordinator.

8 Q. Coordinator, okay. The change from -- to that  
9 description of your title, was that something that you  
10 initiated or somebody -- someone else within the  
11 department --

12 A. It was a discussion with my supervisor to more  
13 accurately reflect that I work with all volunteers.

14 Q. That would be Mr. Sedillo?

15 A. Ms. Sedillo.

16 Q. And that since that change in title am I fair  
17 -- is it fair to say, though, that your job  
18 responsibilities have not really changed?

19 A. Yes, still working with volunteers.

20 Q. And at least from the job evaluations that we  
21 went through that focuses pretty heavily on Faith-Based  
22 volunteer programming?

23 A. Yes.

24 Q. Your background in terms of your job  
25 preparation before you came to the Corrections

1 Q. Inside the residential facility?

2 A. Yes.

3 Q. The Crossings program, I just need you to help  
4 clear up in my mind, obviously what we've got right now  
5 at the New Mexico women's facility is something called  
6 Life Principles Crossings Program?

7 A. Yes.

8 Q. Is the -- the Crossings designation, is that  
9 a -- that goes back farther than the current program,  
10 obviously?

11 A. Yes, it first started as Crossings, yes.

12 Q. And was there an organization that is  
13 associated with Crossings, then?

14 A. Other than our volunteer leaders in the state  
15 that originated the program and helped develop it,  
16 they're the only ones involved with the Crossings  
17 program in New Mexico.

18 Q. In other words, what I'm getting at is the  
19 Crossings program is not -- that is not a reference to a  
20 CCA-generated program?

21 A. No.

22 Q. If I wanted to, you know, call up whoever is  
23 responsible for the Crossings program, is there somebody  
24 -- is there some entity or individual?

25 A. Two volunteer leaders.

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1 Department was primarily with Faith-Based programs?

2 A. I -- experience I had before coming with the  
3 department was with Faith-Based prison ministry, yes.

4 Q. Since you became -- since you began your  
5 employment in January of 2001 do you know whether there  
6 has been an increase in the number of inmates  
7 participating -- within the institutions themselves  
8 before release has there been an increase in the number  
9 of inmates participating in Faith-Based programming?

10 A. I don't know. I haven't -- I don't recall any  
11 study that measured that.

12 Q. With regard to the people that participate in  
13 the Faith-Based residential program, in terms of the --  
14 am I correct that the participant -- I can't remember  
15 now the categorization, the maximum security prisoners  
16 are not -- they don't participate in that program. Is  
17 that fair to say?

18 A. Yes. Could you repeat the question again, make  
19 sure I understood it?

20 MR. BOLTON: Could you read it back?

21 (The reporter read back the question.)

22 Q. (BY MR. BOLTON) Just to clean that up, maximum  
23 security classification prisoners are not allowed to  
24 participate in the residential program?

25 A. In volunteer programming in general, yes.

1 Q. Okay.

2 A. Jan Thomas and Thomas Zornes.

3 Q. Is it fair to say that those two individuals  
4 were not involved as far as you know in the development  
5 of the current CCA residential Faith-Based curriculum?

6 A. The additional curriculum, as best as I'm aware  
7 of, they were not involved in that discussion.

8 Q. The concept or the phrase "restorative  
9 justice," is that a phrase that you're familiar with?

10 A. I've used it, yes.

11 Q. And what do you mean by that phrase?

12 A. Restorative justice refers to justice that is  
13 more holistic in terms of recognizing that when a crime  
14 happens that there's more people involved than -- other  
15 than just the person that committed the crime. That  
16 there's victims that are involved that need to be  
17 restored. And there's families involved that need to be  
18 restored, and basically that an effort to restore the  
19 hurt and the peace in the community that has occurred  
20 because of a crime that happened.

21 Q. Does that concept have any relationship to  
22 Faith-Based programming or is it -- at least as you use  
23 it? I'm just trying to -- I've seen you use and I'm  
24 just trying to understand how you use it.

25 A. Use it getting back to being concerned about

25 (Pages 94 to 97)

**STATE OF NEW MEXICO  
CORRECTIONS DEPARTMENT**

(505) 827-8709  
(505) 827-8220 - Fax

**Bill Richardson, Governor**

**Central Office:**

**Joe R. Williams**

Secretary of Corrections

**Erma Sedillo**

Deputy Secretary, Operations

**Lawrence A. Trujillo**

Deputy Secretary, Administration



**Division Directors:**

**Elmer Bustos**, Adult Prisons

**Charlene Knipfing**, Probation and Parole

**Willie Marquez**, Corrections Industries

**Joe Thergood**, Corrections Academy

**Tony E. Marquez Jr.**, Administrative Services

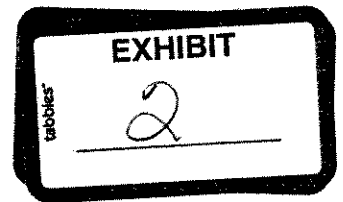
**MEMORANDUM**

**TO:** All Wardens  
All Facility Chaplains

**FROM:** Joe R. Williams, Secretary of Corrections

**DATE:** December 1, 2003

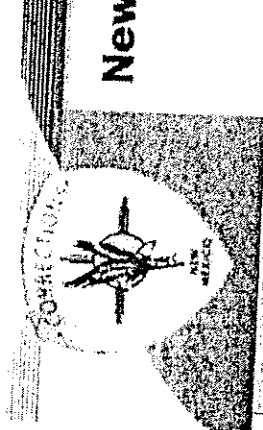
**SUBJECT:** Role of the Administrator of Faith-Based Programs



This is to provide clarification on the responsibilities of Homer Gonzales, the Administrator of Faith-Based Programs for our Department. The duties include the development of a statewide faith-based aftercare strategy that will involve all chaplains, including Tex Joey, our Native American Spiritual Advisor. Development of the aftercare strategy will be facilitated by:

1. All chaplains in our public and private prisons will meet on a quarterly basis. The purpose of these meetings will be to promote communication among the chaplains. That communication will facilitate the referral process as inmates in faith-based programs are transferred within the prison system and as the inmates prepare to be released to the community.
2. The meetings will provide a place where chaplains may receive training, share information and work together to solve faith-based issues at their facilities that might impact all of the prisons, in general. Issues include standardization of volunteer training, security clearances, working with security to allow inmates to finish faith-based programming before a transfer, networking with other Department agencies in the development of an aftercare pre-release plan, etc.
3. The Administrator will have an agenda relating to the statewide issues of communication and coordination mentioned above.

Chaplains will continue to report to the respective wardens at their individual facilities. However, the Administrator of Faith-Based Programs is also expected to meet individually with each chaplain in order to facilitate the development of consistent statewide standards and expectations as they relate to faith-based volunteer programs, training and security clearances.



## New Mexico Corrections Department

### Programs & Services

#### FAITH-BASED PROGRAMS

The New Mexico Corrections Department is fortunate to have an outstanding group of faith-based volunteers who serve in all of our state prisons and who also provide aftercare encouragement for ex inmates returning to the community. Two of our faith-based volunteer ministries are providing innovative and effective programming that are increasingly receiving more attention by other Corrections Departments. These are the Catholic mentor program coordinated by Sister Sue Reif and the Crossings Faith-based living unit program found at five of our facilities coordinated by Executive Director and former New Mexico DOC Deputy Warden, Jan Thomas.

Information on the Crossings program can be found by clicking [here](#).

Information on the Catholic Thresholds mentor program will be posted in the near future.

In the coming days we are working on posting more information that will assist you with contact information for the faith-based volunteer staff coordinators at our various facilities. This will include contact information on all of our chaplains and dates and times for future training sessions.

#### Coordinator of Faith-Based Programs Homer Gonzales

505-821-4268 (Albuquerque)  
505-841-4267 Fax

E-mail: [Homer.Gonzales](#)

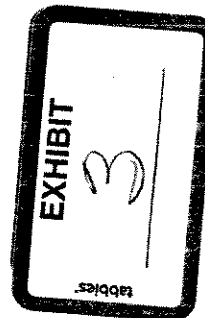
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Faith-based programming in the New Mexico Corrections Department is designed to help the inmates involved to establish or strengthen a relationship with God;

- To learn to live in a faith community.
- To help them overcome hurts, addictive habits and hang-ups.
- To strengthen family relationships.
- To form new relationships within the Christian community.

Volunteers from the Christian community are a critical part of the programming. They teach and model a lifestyle that will help the inmates accomplish these objectives.

Our goal is to encourage these men and women to become involved in similar programming in the local community upon release from prison. As they begin to be involved in a local faith community, they will be encouraged to remain free from the criminal activity and bring satisfying relationships to themselves and their families.

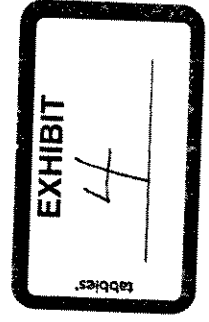
There are several units in operation at the present time by Crossings Inc a non-profit, volunteer based corporation. Volunteers are staffing the programs several nights a week. For information concerning volunteer opportunities please contact the Director of Faith-based Programming (phone number)

- 55 beds - Southern New Mexico Correctional Facility - Paul Oliver Unit.
- 28 beds - Roswell Correctional Center
- 55 beds - Lea County Correctional Facility
- 55 beds - Central New Mexico Correctional Facility
- 28 Beds - New Mexico Women's Correctional Facility

- Contact: Jan Thomas  
Phone: 505-382-6917

#### **Meditation Volunteers**

Prisoners have three options for dealing with the feelings of anger and frustration that led to their incarceration. They can continue to act them out violently, repress them with drugs or alcohol, or learn to understand and manage those feelings, while learning positive skills. Meditation effectively provides this third alternative for our inmates.



**Job Assignment:** Facilitate task force made up of administrative staff representatives from all of the NMCD state prisons that will standardize volunteer training and clearance procedures plus facilitation of statewide volunteer appreciation event.

**Applicable Skills:** Knowledge and expertise that has been attained throughout the coordinating task force meetings. Ensuring volunteer training materials, clearance procedures, identification badges are standardized. Create a database for warehousing information on volunteers. First draft will be completed by August 27, 2004.

**Job Assignment:** Supervise Native American Spiritual Advisor.

**Applicable Skills:** Communication with Native American Spiritual Advisor to develop action plan that provides spiritual guidance and programming for NMDOC Native AM. Inmates in accordance with consent decree requirements.

(Use additional sheet if space is needed)  
CJA Employee Information Worksheet

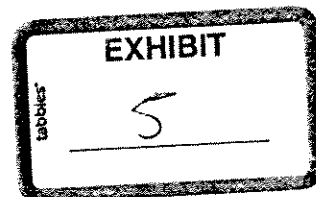
**Employee Name:** Homer Gonzales

**SSN:** 457-80-7019

**Part 3: Employee Self Review Worksheet** (Employee)

**Instructions:** As an employee, you may want to complete this worksheet to help you prepare for your performance discussion with your supervisor. Your completed worksheet should be given to your supervisor prior to the review or appraisal discussion. This worksheet can be used for all reviews and appraisals.

1. List what you believe are the major elements of your job from the last review period.
  - a. Coordination of faith-based living unit program at five state prison facilities;
  - b. Facilitate expansion of Catholic mentor program at the prison facility level;
  - c. Facilitate communication between Catholic mentor program and DOC leadership.
  - d. Facilitate annual statewide volunteer appreciation event
  - e. Supervise Native Am. Spiritual Advisor and the communication between advisor and all of our state prison chaplains.
  - f. Facilitate statewide aftercare volunteer conference working with volunteers from Prison Fellowship.
  - g. Facilitate Bill Glass Weekend of Champions coming to three prison facilities in September of this year.
  - h. Provide consulting assistance to start up of faith-based living unit program at Sierra Conservation Center in Jamestown, Calif.
  - i. Facilitate communication between parole department and faith-based aftercare residential programs such as Victory Outreach in Albuquerque.
  - j. Facilitate clearance procedures for volunteers such as Tony Apodaca who travel to all of our state prison facilities.
  - k. Promote volunteer opportunities in Corrections with spiritual leaders in the community.
  - l. Network with Addiction Services staff and their volunteers.





To: Deputy Secretary Dona Wilpolt  
From: Homer Gonzales/HG.  
Re: response to annual evaluation  
Date: February 27, 2002



I appreciate the opportunity to work with you in this challenging area of developing faith-based programming at all of our state and private prisons. The purpose of this letter is to point out some areas that were not mentioned in my evaluation. After reading through the written evaluation that was conducted verbally on Tuesday, February 12, 2002, in your office, I would like to respond by saying that the evaluation does not reflect the hard work and progress I have made in this last year. The position is new and is therefore difficult to compare with another manager's position that does not have the responsibility of working with a diverse group of people within the department and in the community on a statewide basis.

The evaluation compares my position to that of an Associate Warden. The Associate Warden position exists at most of our prisons and many of the current AW's came up through the ranks with the assistance of the senior warden. They have support staff that they can delegate to and call upon for assistance with special projects. In contrast I have the responsibility to work with volunteers statewide who need support and guidance in the coordination of a statewide aftercare support service network. I am expected to carry out this main responsibility among others without the assistance of a support staff person or separate budget.

The evaluation does not reflect the progress that I have made with one of our key clients, Sister Sue Reif and the Archdiocese of Santa Fe. Sister Sue and I have worked closely to arrange for mentor training sessions in Albuquerque and Las Cruces. The evaluation does not mention the good communication skills I have used to assist Sister Sue with the compilation of the information packets for the Catholic mentor program. These projects could not have been completed if Sister Sue was refusing to work with me as mentioned several times in the evaluation.

Furthermore, it does not reflect the good job I did of helping Catholic Deacon Michael Lente gain more programming access for Catholic volunteers at the Women's prison in Grants. I was able to bring Michael and Chaplain Payne together and facilitate a "win-win" resolution for both. The resolution helped to diffuse a "potentially problematic" situation with the Diocese of Gallup Bishop Pelotte.

In regards to developing relationships with corrective thinking, addiction services and the classification office it would be helpful to have a meeting with the directors of those agencies where goals, objectives and roles could be clarified. For example, Addiction Services added a staff person to assist with statewide aftercare resource development. Melody has been working for several months. She reports to the Addiction Services Director. I have taken the initiative to have a meeting with Ron Guillemette and Melody as soon as possible after my return to the office. (Meeting conducted on 3/4/02)