NEW MEXICO LEGISLATIVE FINANCE COMMITTEE

Criminal Justice
Performance and Recommendations

November 20, 2024

Introduction

Purpose: Discuss crime trends, assess public safety investments, and provide recommendations for the FY26 budget cycle.

Key Focus Areas

    Crime Trends and Underlying Factors

    Effectiveness of Past Investments

    Strategic Priorities for Improving Outcomes
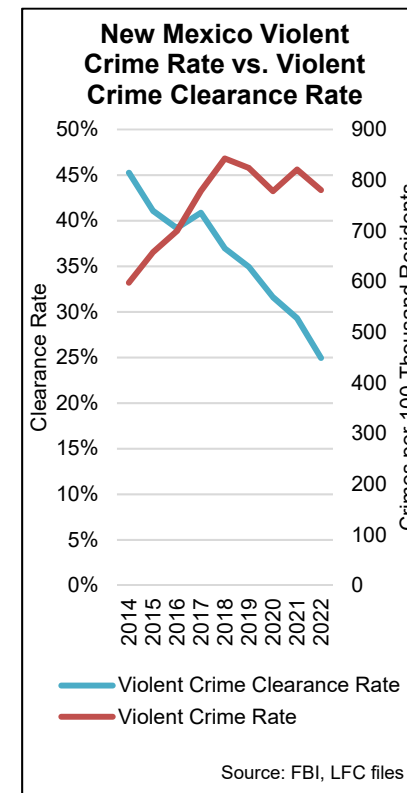
Crime Trends in New Mexico

- **Violent and Property Crime Rates**
  - State Overview
    - Persistent violent crime rates are above the national average.
    - Albuquerque and Bernalillo County are significant drivers of state trends.
  - Recent Developments
    - Overall, property crime has declined post-pandemic, but pockets of rising violent crime remain.

Crime Trends in New Mexico

- **Accountability Gap**
  - Declining clearance rates for violent crimes (1 in 7 cases solved vs. 1 in 4 a decade ago)
  - Low conviction rates and issues with evidence collection
- **Recidivism Challenges**
  - High recidivism rates among probation and parole populations, both from state and county correctional facilities, are driven by substance abuse and lack of reentry services.
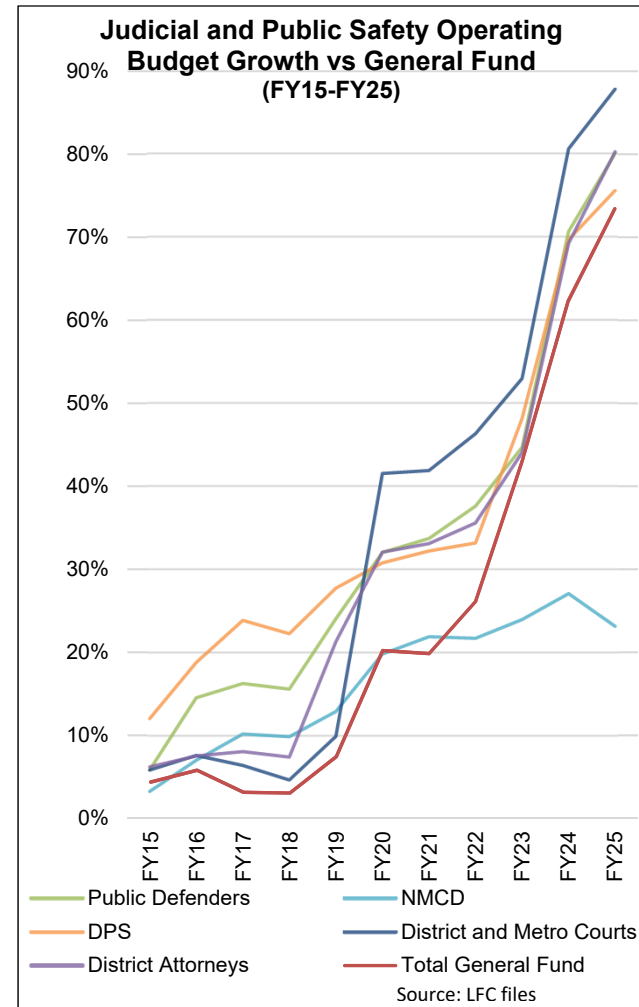

New Mexico Violent Crime Rate vs. Violent Crime Clearance Rate

— Violent Crime Clearance Rate
— Violent Crime Rate

Source: FBI, LFC files

Past Investments in Public Safety

Budget Trends

FY23-FY25 investments: $829 million allocated for treatment, accountability, and victim/community needs
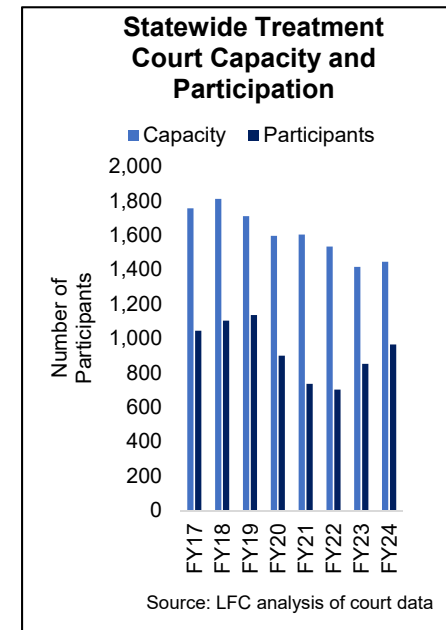
Between FY21 and FY25, the operating budgets for judicial and public safety agencies grew by an average of about 31 percent.

Funding increases for courts and district attorneys exceeded overall growth in spending from the general fund, with funding for DPS and LOPD just behind.
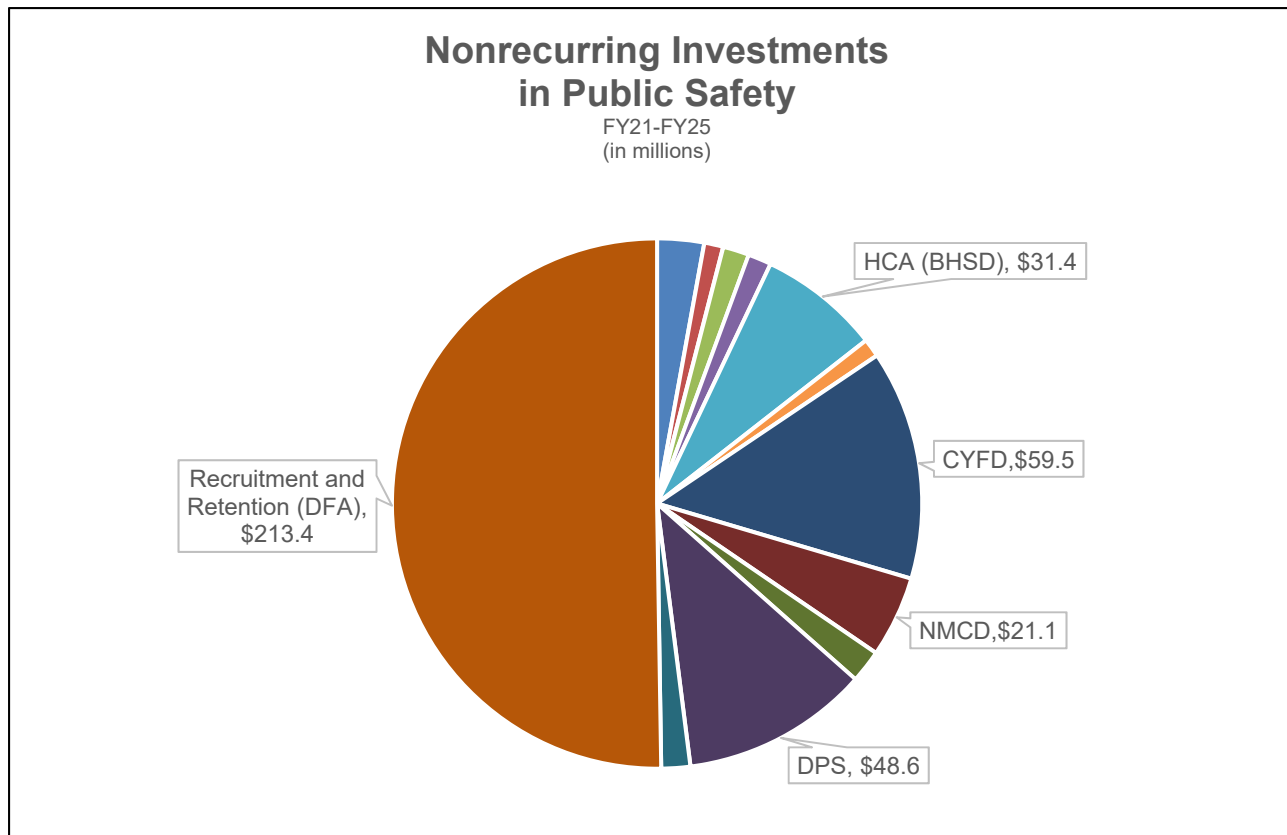
Judicial and Public Safety Operating Budget Growth vs General Fund (FY15-FY25)

Legend:
- Public Defenders
- NMCD
- DPS
- District and Metro Courts
- District Attorneys
- Total General Fund

Source: LFC files

Targeted Initiatives

- **Non-recurring investments totaled $427 million in the last five years:**
  – Prioritizing treatment
  – Improving the swiftness and certainty of justice
  – Providing for victim and community needs
- **Law Enforcement**
  – $150 million for recruitment and retention led to a 27 percent increase in certified officers since 2020.
- **Diversion**
  – Underutilized programs such as drug and mental health courts remain below capacity.

Statewide Treatment Court Capacity and Participation

Source: LFC analysis of court data

Nonrecurring Investments in Public Safety

Nonrecurring Investments in Public Safety
FY21-FY25
(in millions)

HCA (BHSD), $31.4

CYFD, $59.5

Recruitment and Retention (DFA), $213.4

NMCD, $21.1

DPS, $48.6

LFC Dives Deep into
Criminal Justice and Public Safety

- **Behavioral Health**
  - Domestic Violence Programs for Victims and Batterers (October 2019)
    - Evaluated CYFD's effectiveness in providing services and recommended better coordination and evidence-based interventions.
  - Behavioral Health Services Integration and Workforce Gaps
    - Regular analyses included appropriations for Medicaid provider rate increases and workforce capacity improvements.
  - Juvenile Justice Facilities and Reintegration Centers (2016–2023 Updates)
    - Focused on rehabilitative practices and cost-efficiency in juvenile justice services, emphasizing reductions in recidivism and improved community reintegration.
  - Behavioral Health Treatment in Corrections
    - Included progress updates on treatment courts and interventions for incarcerated populations with substance use disorders.
- **Public Safety**
  - Criminal Justice System in Bernalillo County (2018 and 2024 Updates)
    - Examined accountability gaps, case management efficiency, and the use of diversion and specialty courts.
  - Inmate Classification and Corrections Facilities (July 2020)
    - Highlighted issues with overclassification, rising incarceration costs, and aging infrastructure.
  - Law Enforcement Recruitment and Retention (Ongoing Updates)
    - Assessed staffing trends, funding efficacy, and workforce retention in the Department of Public Safety.
  - Corrections Department Capital Outlay (October 2019)
    - Reviewed aging prison facilities and deferred maintenance needs.
  - Effectiveness of Juvenile Justice Facilities and Community-Based Services (August 2016)
    - Evaluated CYFD's Cambiar model, facility utilization, and cost savings.
  - Bail Reform and Pretrial Services (2017–Present Updates)
    - Analyzed the impact of bail reform and pretrial detention changes in New Mexico's court system.
  - Corrections Department Reentry and Supervision Programming (2024) (*forthcoming*)
    - Evaluated NMCD's reentry processes, programming, and supervision practices, identifying gaps in evidence-based approaches, barriers to reentry success, and areas for reducing recidivism.

Strategic Recommendations

- **Department of Public Safety**
  - Expand Evidence-Based Policing
    - Increase funding for community policing and crime prevention hot spots.
    - Strengthen data sharing across law enforcement and prosecutorial entities.
  - Improve Officer Retention
    - Bolster support for officer wellness and mental health programs.
  - Enhance Technology
    - Allocate resources for modernizing criminal justice information systems.
- **Corrections Department**
  - Optimize Facility Use
    - Implement a revised master plan to reduce underutilized facilities and reinvest in community-based services.
    - Address overclassification in prisons to save up to $28M annually.
  - Focus on Reentry Services
    - Continue to expand programs for education, housing, and employment support for recently released inmates.
  - Address Behavioral Health Needs
    - Enhance treatment options for inmates with substance use disorders, addressing the root causes of recidivism.

Strategic Recommendations

- **Judicial System (Courts)**
  - Expand Specialty Courts
    - Increase capacity for drug, mental health, and domestic violence courts to divert eligible offenders from incarceration.
    - Reduce barriers to participation, such as financial burdens on defendants.
  - Improve Case Management
    - Leverage technology to streamline court scheduling, reduce backlogs, and enhance tracking of pretrial and post-trial outcomes.
    - Implement universal pretrial screening and performance management systems.
- **District Attorneys**
  - Collaborate with Law Enforcement Agencies
    - Implement intelligence-driven prosecution models focused on identifying and disrupting high-risk offenders and crime networks.
    - Collaborate with law enforcement to integrate real-time data into prosecutorial decision-making.
  - Improve Evidence Collection Coordination
    - Provide training for prosecutors and investigators to address common causes of case dismissals, such as insufficient evidence and witness cooperation issues.
  - Expand Diversion Programs
    - Increase pre-prosecution diversion programs for low-level, nonviolent offenders to reduce strain on courts and corrections systems.

Strategic Recommendations

- **County and Local Law Enforcement**
  - Adopt Community Policing Practices
    - Prioritize funding for community engagement and problem-oriented policing strategies to build trust and reduce crime in high-risk areas.
    - Train officers in de-escalation and crisis intervention techniques to minimize use of force incidents.
  - Enhance Technology and Analytics
    - Invest in advanced analytics tools for crime mapping, predictive policing, and resource allocation.
    - Expand data-sharing platforms across jurisdictions for better coordination and tracking of offenders.
  - Address Staffing and Retention
    - Develop competitive benefits packages and mental health resources to improve recruitment and retention of law enforcement personnel.

Strategic Recommendations

- **Juvenile Justice**
  - Roll Back Risk Assessment Changes
    - The Children, Youth, and Families Department (CYFD) reduced reliance on evidence-based risk assessment tools, potentially leading to inconsistent decision-making for youth placements.
  - Improve Treatment Court Participation
    - Enrollment and participation in juvenile treatment courts have dropped, limiting access to rehabilitative services and increasing reliance on detention.

Strategic Recommendations

- **Behavioral Health Services**
  - Integrate Behavioral Health with the Justice System
    - Expand crisis intervention teams (CITs) and co-responder models by pairing behavioral health professionals with law enforcement and improving training.
    - Expand the availability of treatment for substance use disorders and mental health issues, which are the root causes of many offenses.
  - Expand Access to Treatment Courts
    - Reduce wait times for entry and ensure adequate treatment capacity to enhance the reach of drug and mental health courts .
  - Develop Reentry Supports
    - Establish comprehensive discharge planning for inmates with behavioral health needs, linking them to housing, employment, and healthcare services by leveraging new Medicaid authority to provide these services 90 days prior to release.

Statewide Recommendations

- **Integrated Data Systems**
  - Develop centralized data analytics to improve tracking of program effectiveness.

- **Performance Accountability**
  - Tie funding to measurable outcomes, such as reduced recidivism and increased case clearance rates.

- **Promote Interagency Collaboration**
  - Develop shared strategic goals through regular coordination between CYFD, law enforcement, courts, and community service providers.

- **Incentivize Evidence-Based Programs**
  - Allocate funding based on demonstrated effectiveness in reducing crime and recidivism, as evidenced by cost-benefit analyses.

Questions?