



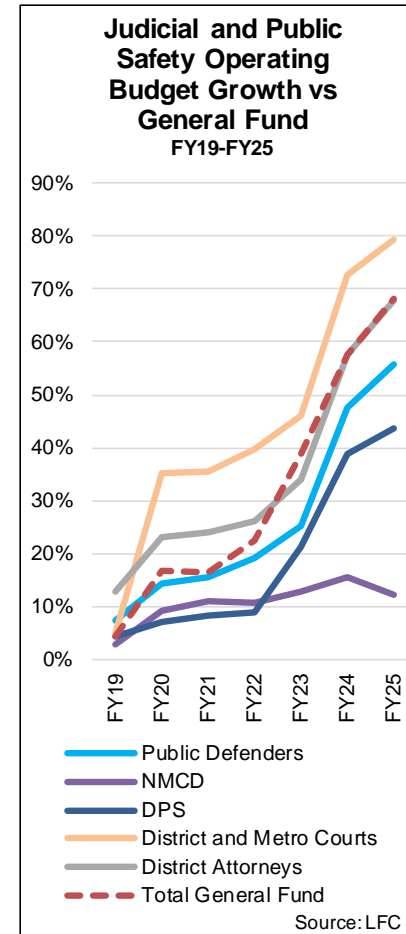
Public Safety Investments and Ongoing Challenges

August 12, 2024

Judicial & Public Safety Operating Budgets (FY21-FY25)

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 not far behind.



Judicial & Public Safety Agency Vacancy Rates (FY21-FY25)

Agency or (Division)	Vacancy Rate (7/1/20)	Vacancy Rate (7/1/21)	Vacancy Rate (7/1/22)	Vacancy Rate (7/1/23)	Vacancy Rate (7/1/24)
AOC	21.11%	15.14%	14.73%	20.00%	32.30%
AODA	17.65%	17.65%	29.41%	16.66%	27.80%
LOPD	7.70%	11.90%	23.80%	21.60%	17.40%
HCA (BHSD)	29.16%	25.53%	35.19%	29.09%	35.30%
DOH	19.50%	23.20%	26.60%	26.10%	20.60%
CYFD	10.90%	15.90%	24.60%	26.90%	26.40%
NMCD	25.70%	25.60%	30.80%	28.70%	28.20%
CVRC	21.42%	21.43%	25.00%	10.71%	14.30%
DPS	20.60%	19.30%	22.40%	22.00%	18.40%
DHSEM	21.73%	31.08%	24.00%	25.38%	28.30%

Despite significant increases in agency personnel budgets, vacancy rate at many public safety agencies remained stubbornly high.

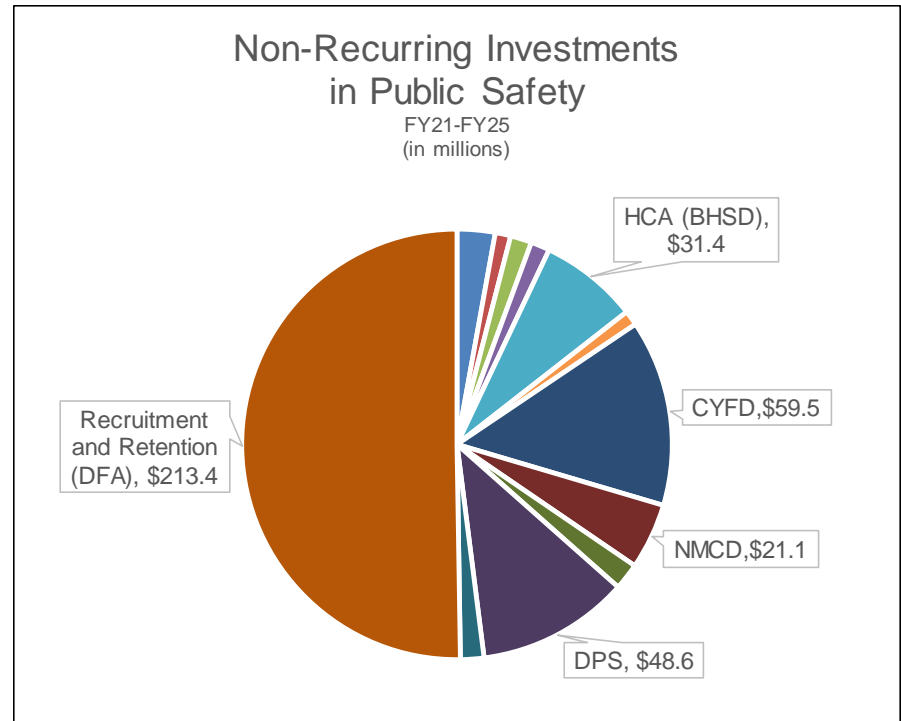


Non-Recurring Investments in Public Safety

Non-Recurring General Fund Investments in Public Safety the last five years totaled \$424.7 million.

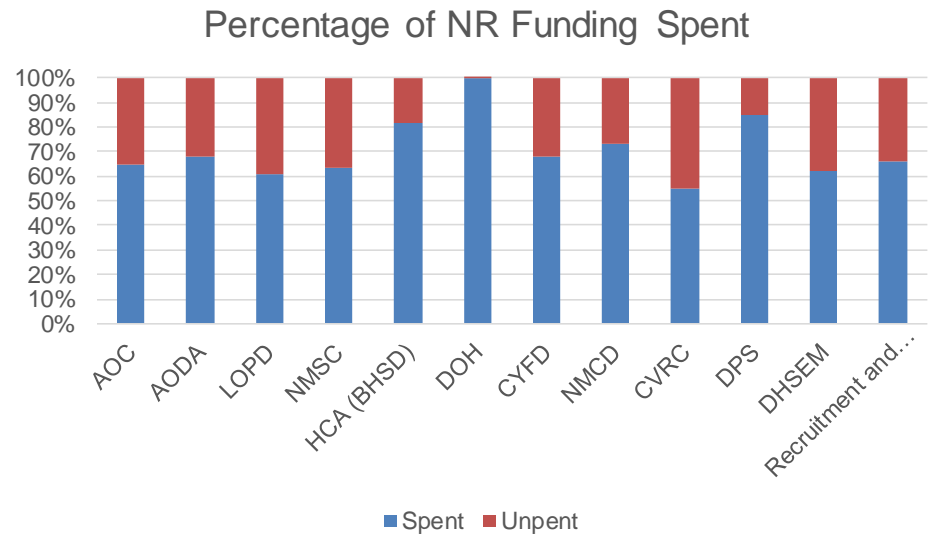
The Legislature has broadly directed these appropriations toward:

- Prioritizing treatment
- Improving the swiftness and certainty of justice
- Providing for victim and community needs



Implementation Challenges

Agency	Major NR Investments Since FY21 (in thousands)	Remaining Balance of NR Investments (in thousands)
AOC	\$ 12,128.0	\$ 6,678.3
AODA	\$ 4,939.0	\$ 2,328.6
LOPD	\$ 6,789.7	\$ 4,347.6
NMSC	\$ 6,050.0	\$ 3,482.6
HCA (BHSD)	\$ 31,445.7	\$ 7,000.4
DOH	\$ 4,750.0	\$ 0.4
CYFD	\$ 59,480.5	\$ 27,682.4
NMCD	\$ 21,073.0	\$ 7,622.3
CVRC	\$ 8,500.0	\$ 7,014.2
DPS	\$ 48,625.6	\$ 8,505.0
DHSEM	\$ 7,468.6	\$ 4,562.9
Recruitment and Retention (DFA)	\$ 213,400.0	\$ 110,580.1
Total	\$ 424,650.10	\$ 189,804.78



Outstanding Issues

Courts, DAs & LOPD

- Treatment courts continue to be underutilized at around 70 percent capacity.
- From FY22 to FY25, treatment court funding increased by 42 percent, but capacity and use decreased by 20 and 13 percent, respectively.
- DAs and the LOPD note difficulties with the recruitment of attorneys.
- Funding in the Public Attorney Workforce Capacity Building Fund will need to be appropriated in the 2025 session.



Outstanding Issues

HCA & DOH

Healthcare Authority

- A 2023 LFC report found Medicaid enrollees' utilization of services in key areas has actually decreased since 2019.
- Utilization of BH services dropped 52 percent from Q1 of 2021 to Q3 of 2023
- Limited data and metrics make assessing HCA's performance difficult.
- The state continues to suffer from provider shortages, yet HCA has not spent the majority of a two-year-old \$20 million special appropriation for that purpose.
 - Notably, BHSD transferred \$17 million to CYFD to fund "multi-service" homes (group homes), which are not eligible for Medicaid or Title IV-E. To date, less than half of this has been expended.

Behavioral Health Collaborative

- Collaborative agencies have seen a 25 percent increase in behavioral health spending from FY22 to FY25, bringing the current total to \$1.1 billion
- Not currently meeting
- Has been without a CEO

Department of Health

- High turnover in DOH facilities and in the facilities director position
- DOH facilities have low census rates (currently 54 percent full). Sequoia Adolescent Treatment Center is 39 percent full and Turquoise Lodge is 55 percent full."



Outstanding Issues

CYFD & CVRC

Children, Youth and Families Department

- New Mexico remains one of just a handful of states without an approved Families First Prevention plan resulting in missed federal revenue opportunities.
- Repeat maltreatment within 12 months increased to 14.8 percent.
- Juvenile Justice Services recently overrode the use of a validated risk tool and is seeing facility population increase for the first time since 2016.



**Children, Youth &
Families Department**
STATE OF NEW MEXICO

Crime Victims Reparation Commission

- Federal Victims of Crime Act Funding has been drying up faster than anticipated
- Despite increased funding for services, the number of clients served has remained relatively flat.



Outstanding Issues

DPS & NMCD

Department of Public Safety

- Despite increased funding for officer salaries, the state police vacancy rate has increased to 12.9 percent.
- 25 percent of LEAs are still not reporting crime data.
- The forensic lab has a 45 percent vacancy rate and a growing backlog of sexual assault examination kits



Corrections Department

- Risk Needs assessment hasn't been fully implemented at intake to prison, and recidivism (return to prison in 3 years) is increasing
- Services are not available at all security levels, causing security overrides to secure services.
- Evidence-based programs like MAT have been slow to implement, with extremely low uptake
- Intensive supervision (parole) does not have a treatment requirement that would provide a positive return on investment and lower recidivism.



Outstanding Issues

Law Enforcement Recruitment & Retention Funding

For FY23, the law enforcement recruitment and retention funding was awarded without a clear application process. The initial informal survey method led to inconsistencies and the exclusion of many large agencies from funding. Concerns about the accuracy and vetting of survey responses affected the fairness and effectiveness of fund allocation, exemplified by an \$8.8 million award based on inaccurate information.

Due to language vetoes, these funds could also be used for other recruitment and retention strategies, a factor that significantly influenced the fund usage. The yearly spending limitations were removed, and changes and clarifications in allowable fund uses caused confusion, with \$9.2 million spent on retention stipends instead of new officer salaries.

2023's HB357 created a new program (the law enforcement workforce capacity building fund) to replace the DFA program. Clear guardrails around the distribution and use of these funds were intended to avoid the issues encountered in implementing the prior program. However, negotiations resulted in an additional \$57 million being appropriated to DFA in the 2023 GAA without such guardrails.



Outstanding Issues

Law Enforcement Recruitment and Retention Funding

FY23 Recruitment & Retention Special Appropriation (\$67 million)

For ~~evidence-based~~ criminal justice reform efforts and police recruitment and retention ~~stipends~~. The department of finance and administration shall transfer nine million dollars (\$9,000,000) to the department of health to establish criteria for distribution of grants supporting violence intervention programs statewide, ~~awarding no more than three million dollars (\$3,000,000) per year~~ through fiscal year 2025. The department of finance and administration shall transfer four million dollars (\$4,000,000) to the administrative office of the courts to establish criteria for the distribution of grants supporting pretrial services statewide, ~~awarding no more than one million three hundred forty thousand dollars (\$1,340,000) per year~~ through fiscal year 2025. The four million dollars (\$4,000,000) for pretrial services includes sufficient funding for the administrative office of the courts to provide monitoring twenty-four hours per day, seven days per week. The department of finance and administration shall establish criteria for distribution of four million dollars (\$4,000,000) to law enforcement agencies to support ~~community-oriented policing or other evidence-based forms of police training, awarding no more than one million three hundred forty thousand dollars (\$1,340,000) per year~~ through fiscal year 2025. The appropriation to the department of finance and administration includes fifty million dollars (\$50,000,000) to distribute to local law enforcement agencies ~~that use or intend to use community oriented policing~~ for officer recruitment or ~~retention stipends, with no more than ten million dollars (\$10,000,000) distributed per fiscal year~~ through fiscal year 2027. The appropriation is from the general fund and not the appropriation contingency fund.

FY24 Recruitment & Retention Special Appropriation (\$100 million)

For law enforcement programs. The general fund appropriation includes thirty-two million five hundred thousand dollars (\$32,500,000) for the law enforcement workforce capacity building fund through fiscal year 2028, contingent on enactment of House Bill 357 or similar legislation of the first session of the fifty-sixth legislature creating the fund. The general fund appropriation also includes fifty-seven million dollars (\$57,000,000) for state and local law enforcement agencies for commissioned law enforcement officers and civilian personnel whose positions directly support commissioned law enforcement officers and crime reduction efforts, ten million dollars (\$10,000,000) for felony warrant enforcement statewide and five hundred thousand dollars (\$500,000) for the department of public safety for enforcement projects related to fentanyl, heroin and illegal cannabis through fiscal year 2026. The other state funds appropriation is from the law enforcement workforce capacity building fund to carry out the purposes of the fund through fiscal year 2024, contingent on enactment of House Bill 357 or similar legislation of the first session of the fifty-sixth legislature. ~~Any distributions from these appropriations shall only be made to law enforcement agencies in compliance with statutory reporting requirements. Any unexpended balances from the general fund appropriations remaining at the end of the specified fiscal years shall revert to the general fund.~~



Questions?

