



NEW MEXICO
LEGISLATIVE
FINANCE
COMMITTEE

Review of Legislative Finance Committee (LFC) Criminal Justice System Analyses and Recommendations

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Presentation to the Courts, Corrections and Committee

July 26, 2021

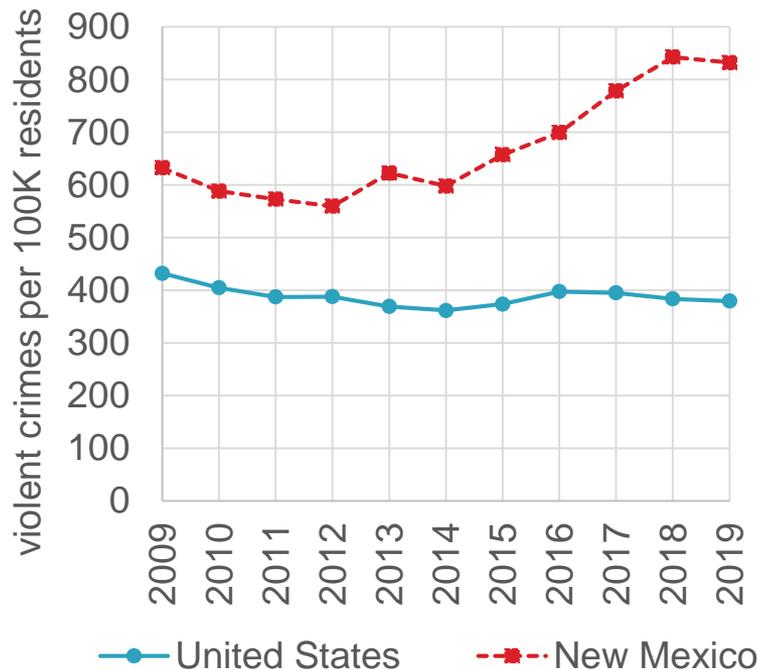
Overview



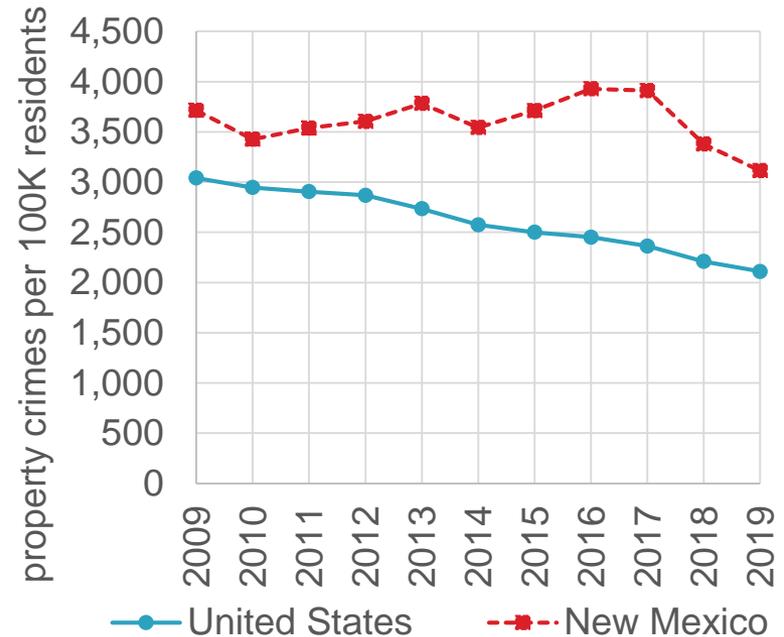
- ▶ Today's presentation will describe the highlights from selected reports and the FY22 LFC budget recommendation
 - Background
 - Review of key LFC evaluation program findings
 - LFC has conducted over a dozen research projects relating to public safety issues since 2012
 - Recommendations to improve NM's criminal justice outcomes by:
 1. Investing in prevention and early intervention programming to address root causes of crime
 2. Improving policing, expanding diversionary and treatment programs, and improving pretrial services
 3. Ensuring resources are directed to effective prison programming aimed at recidivism reduction
 4. Expanding programming and treatment options and reducing the practice of reincarcerating offenders for technical violations

Violent and property crime are down in NM, but rates are still above national averages

Violent Crime Rates (NM and US)



Property Crime Rates (NM and US)



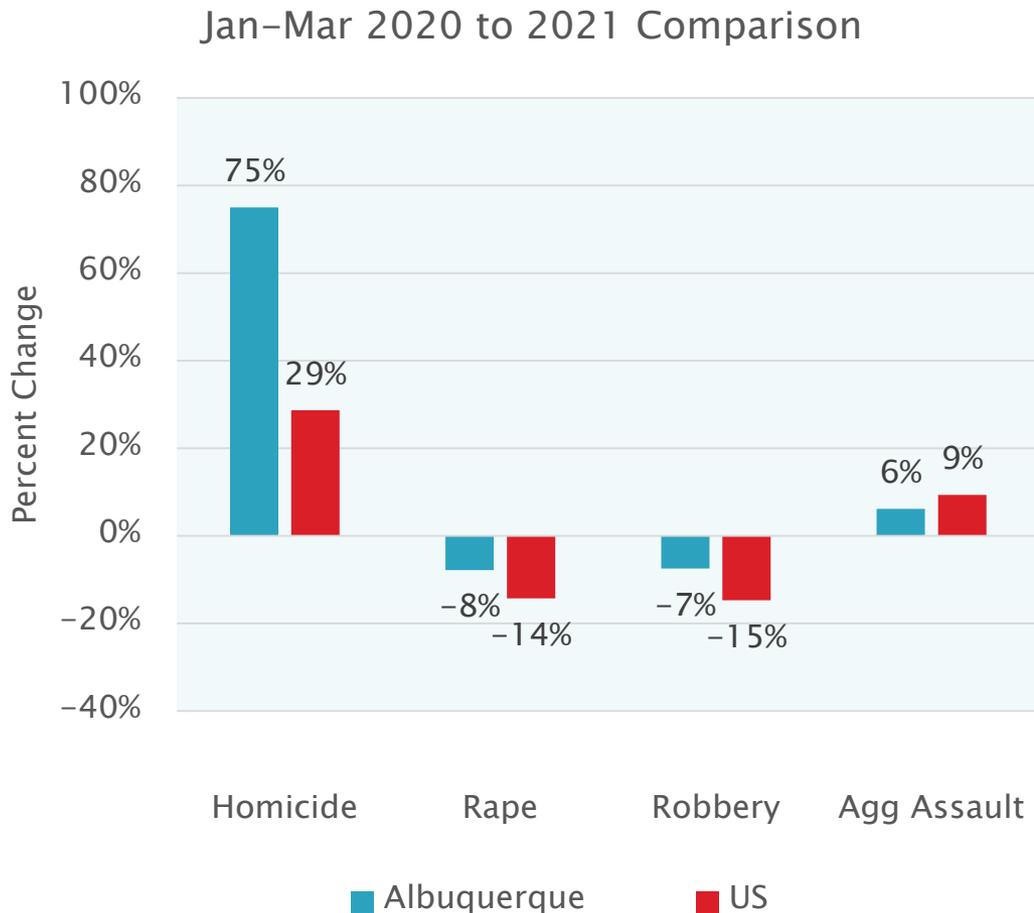
Violent crime rates remain well above national averages

Property crime reports have been declining for several years

COVID–Before and During

- ▶ Prior to COVID LFC identified
 - Worsening trends in crime and substance use disorders
 - Lower criminal justice system activity at many levels
- ▶ During COVID
 - National and local increases in violent crime
 - Interruption of programming (e.g. LEAD, drug court)
 - Interruption of criminal justice system activity (e.g. interruption of jury trials)
 - Impacts on outcomes associated with root causes
 - Mental health
 - Substance use disorder

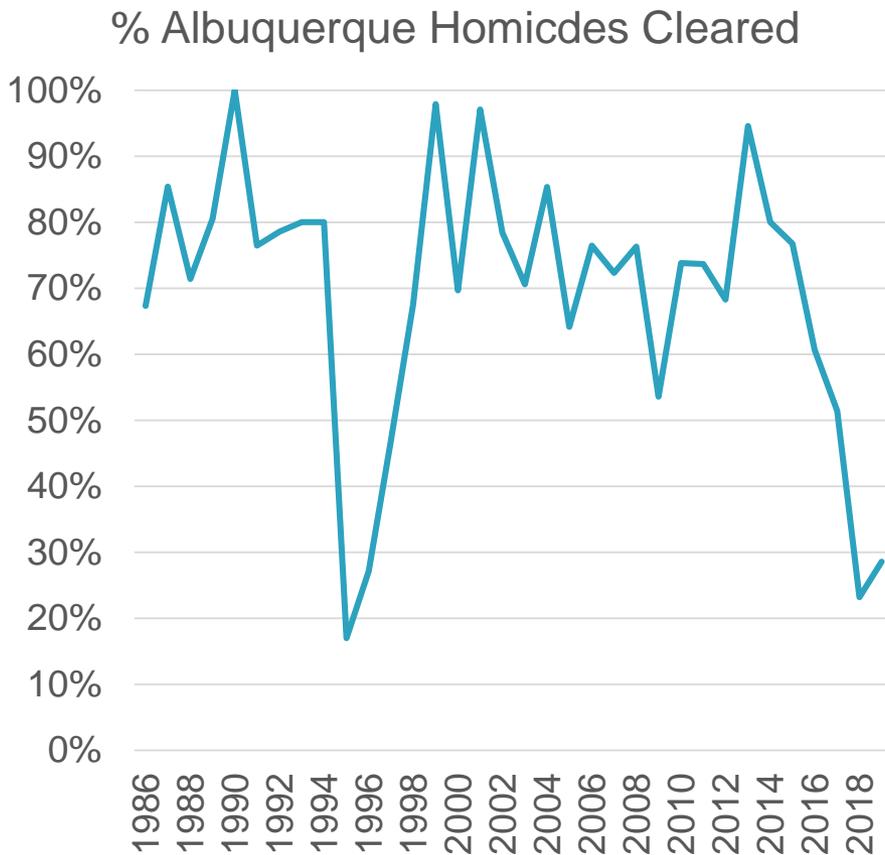
Previous LFC reports have identified Bernalillo County as one of the drivers behind the recent rise in violent crime rates



- ▶ In Q1 of CY21, ABQ saw a 75% increase in homicides
- ▶ The city has seen 71 homicides so far this year (high watermark was 84 in 2019)

Source: Major Cities Chiefs Association

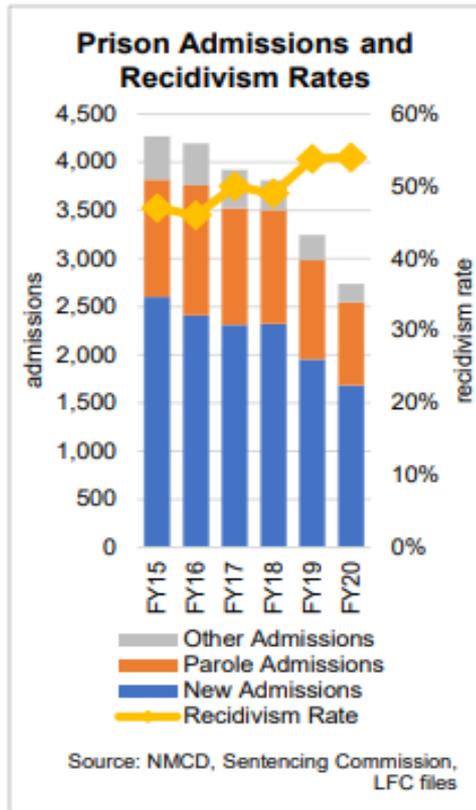
Fewer Solved Homicides



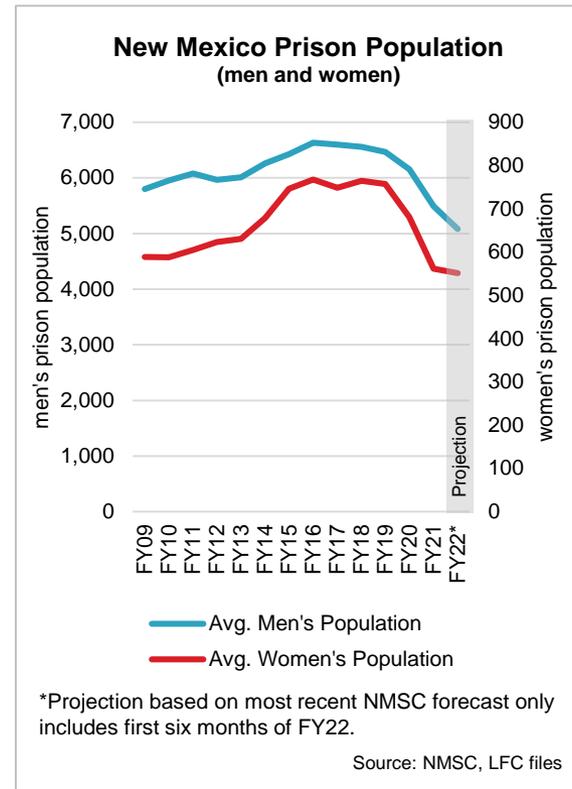
- ▶ A 2018 LFC evaluation cited increased caseloads in the APD homicide unit as a contributing factor
- ▶ APD attempting to increase unit to 16 detectives

Source: FBI Crime Data Explorer

Recidivism rates are rising and prison admissions falling, with forecasts projecting continued population declines

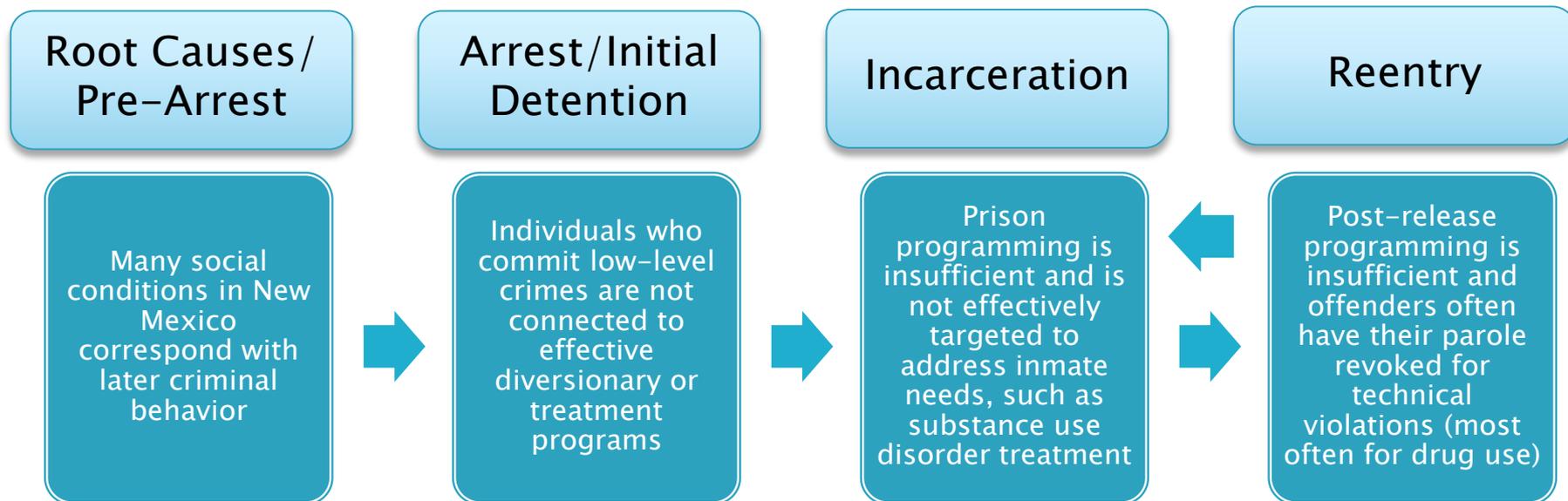


Recidivism rates (as measured by return to prison within three years) are increasing



Male and female populations at NMCD are projected to continue to decline

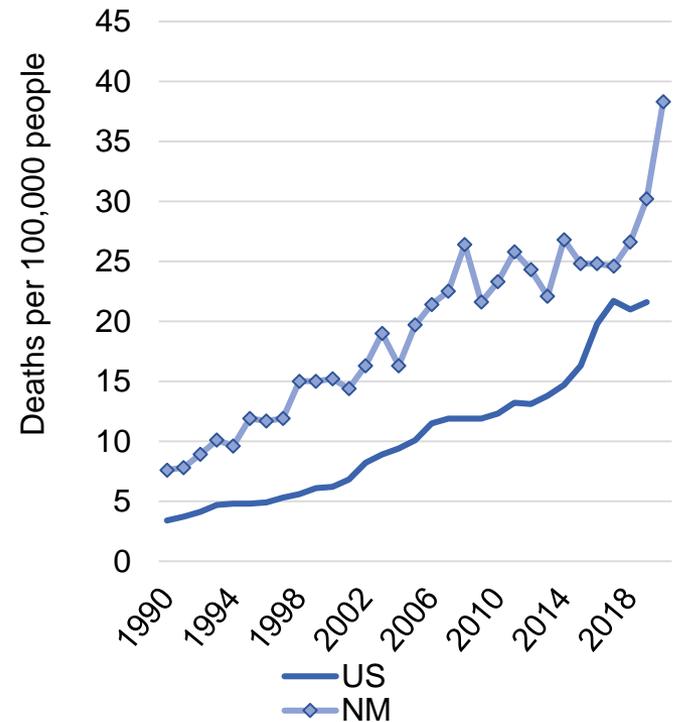
Criminal Justice Pipeline in NM



Many social conditions in New Mexico correspond with later criminal behavior

- ▶ Poverty, adverse childhood experiences (ACES), unemployment, and drug use correspond with increased crime
- ▶ NM ranks 49th in childhood poverty
- ▶ NM ranks 2nd in terms of percent of children with 2 or more ACES
- ▶ NM ranks 45th in terms of unemployment
- ▶ NM consistently exceeds the national rate of illicit drug use
 - ▶ Relevant Reports:
 - NMCD (2018)
 - BernCo CJ System (2018)
 - Health Notes SUD (2019)
 - LFC Volume 1 (2021)

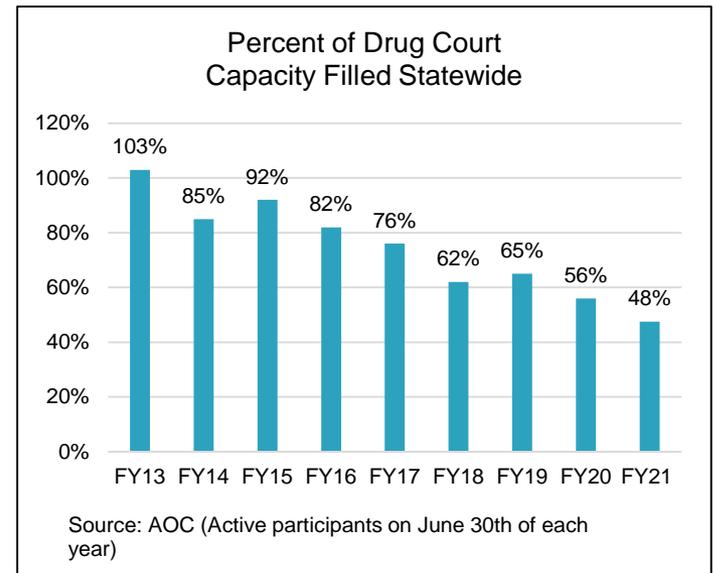
New Mexico Rate of Drug Overdose Deaths Historically Higher Than National Rate



Note: Preliminary estimate for 2018 national rate.
Source: DOH and CDC

Individuals who commit low-level crimes are not connected to effective diversionary or treatment programs

- ▶ Effective diversion programs (e.g. drug court) have excess capacity
- ▶ District attorneys referred 13% fewer cases to diversionary programs in FY20 than FY19
- ▶ LFC staff found a lack of evidence-based policing practices at APD
- ▶ Police violence and oversight are also concerns impacting APD and other LEAs
 - The NM Law Enforcement Academy Board (LEAB) is responsible for overseeing police officer training and conduct but has no power to enforce compliance with its reporting requirements or investigations



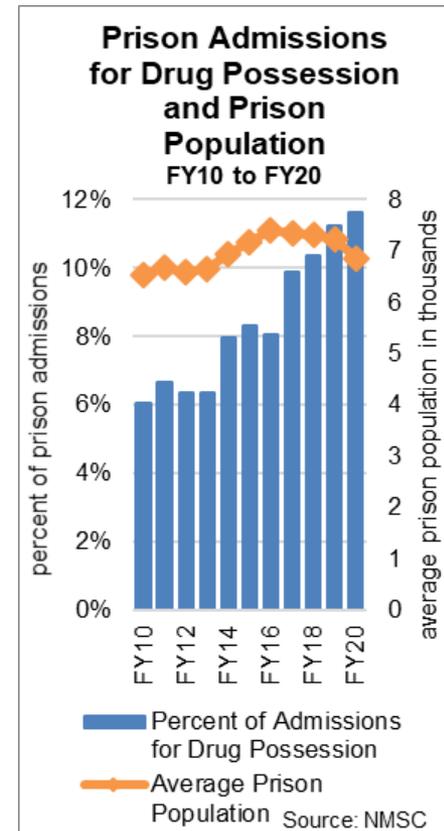
▶ Relevant Reports:

- Results First (2014)
- Drug Courts (2017)
- BernCo CJ System (2018)
- Reducing Recidivism (2012)
- NMCD (2018)
- LFC Volume I (2021)

Prison programming is insufficient and is not effectively targeted to address inmate needs, such as substance use disorder treatment

Incarceration

- ▶ NMCD is running evidence-based programs, but programs are sometimes not run as intended and most programs' outcomes are not measured
 - Medication-assisted treatment is one of the most effective evidence-based treatments for substance use disorders, but it is not offered in NMCD facilities
- ▶ In 2019, LFC found risk/needs assessments were given to only 4% of inmates, leaving an unknown gap between services available and needed
- ▶ Drug offenders make up a growing share of admissions to prison, where substance abuse is undertreated
 - In FY20, inmates whose highest charge was for simple drug possession offenses served an average of almost 15 months in prison and cost the state an estimated \$6.5 million

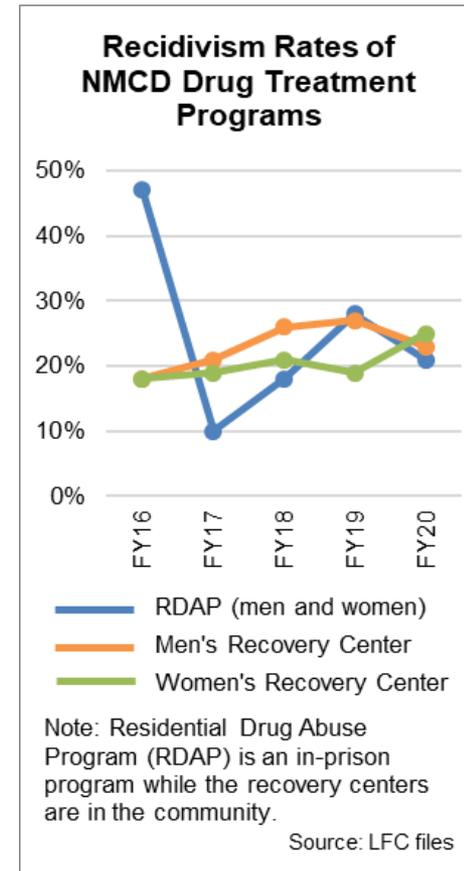


- ▶ Relevant Reports:
 - Reducing Recidivism (2012)
 - NMCD (2018)
 - LFC Memo on COMPAS (2019)
 - LFC Volume 1 (2021)

Reentry

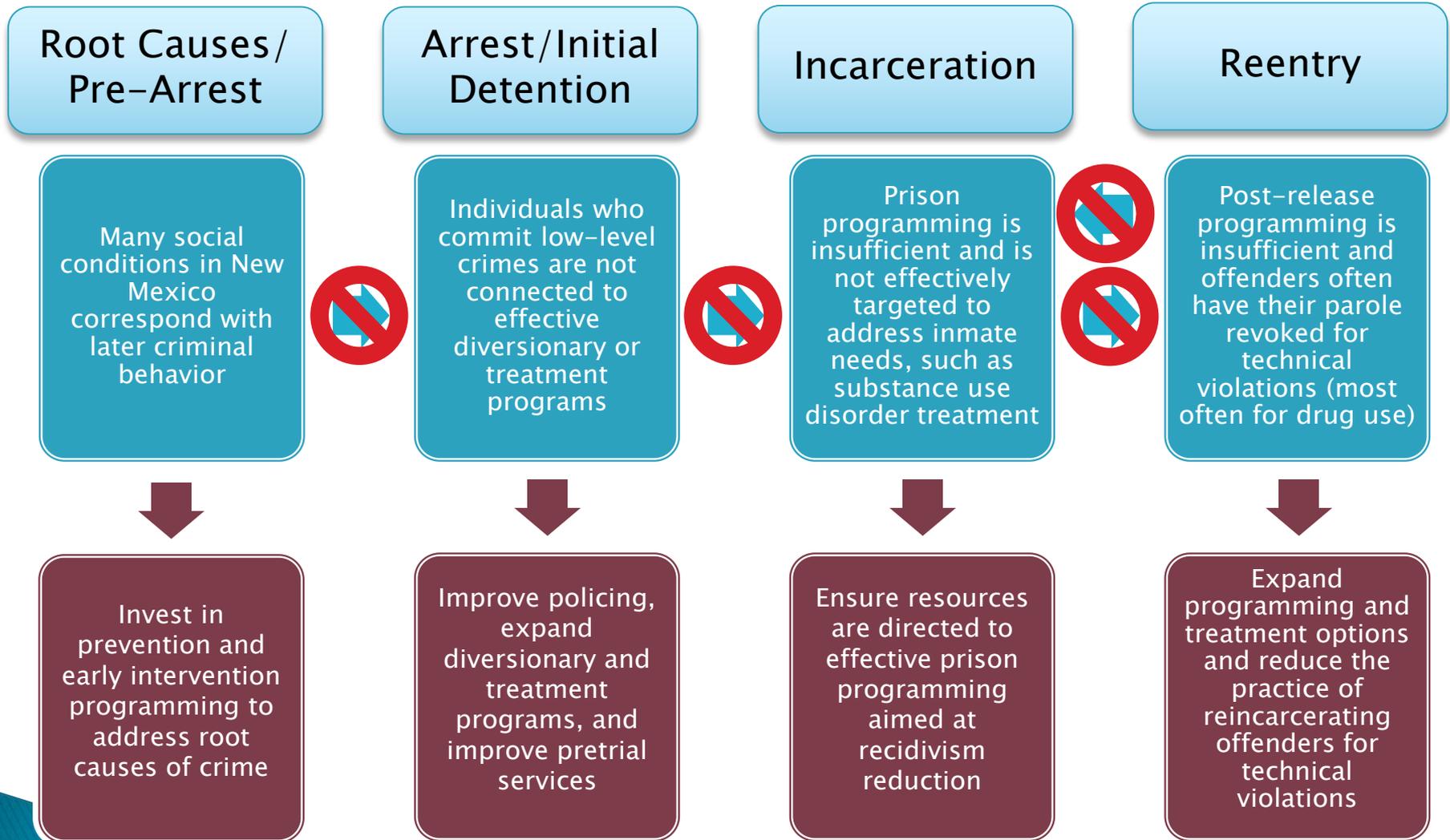
Post-release programming is insufficient and offenders often have their parole revoked for technical violations (most often for drug use)

- ▶ We often don't know who is participating in community corrections programs or their outcomes
- ▶ In 2019, LFC found that about 40% of community corrections offenders receive risk/needs assessments
 - In FY19, only 8.5 percent of the offenders needing substance use disorder treatment were served by community corrections substance-abuse programs
- ▶ Supervision programs such as intensive supervision program (ISP) do not have a statutory requirement to include treatment programming
- ▶ 72% of FY20 parole revocations were due to technical violations (failed drug tests/missed appointments), costing the state \$13.6 million



- ▶ Relevant Reports:
 - Reducing Recidivism (2012)
 - NMCD (2018)
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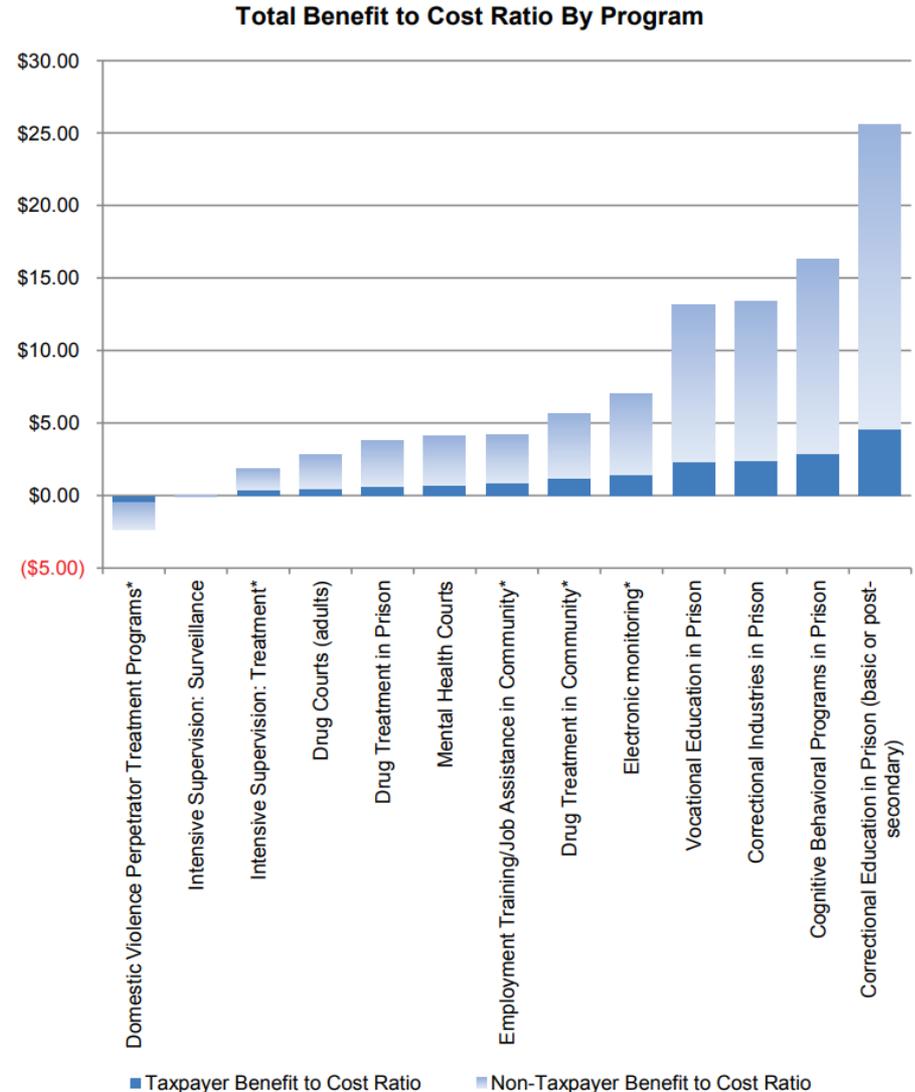
Criminal Justice Pipeline in NM



Evidence-Based Programming

- ▶ Two steps/strategies:
 1. High-level policy-makers adopt broad and general policies that authorize and drive administrative actions
 2. Agency management and front line staff implement evidence into practice and monitor progress

Source: Lester (2018)



Source: NM LFC Results First (2013)

Overall FY22 Operating Budget for Criminal Justice

- ▶ \$154.6 million for district and metro courts, including \$136.4 million from the general fund, a 1.6 percent increase over FY21
- ▶ \$85.0 million for district attorneys, including \$79.1 million from the general fund, a 0.1 percent decrease compared with FY21
- ▶ \$58.4 million for the Public Defender Department, including \$57.8 million from the general fund, a 1.8 percent increase over the FY21 operating budget
- ▶ \$363.1 million for the Corrections Department, including \$329.3 million from the general fund, a 0.2 percent decrease compared with FY21
- ▶ \$160.3 million for the Department of Public Safety, including \$129.7 million from the general fund, a 0.7 percent increase compared with FY21

Invest in prevention and early intervention programming to address root causes of crime

- ▶ **FY22 operating budget:**
 - \$46.9 million for home visiting (\$12.9 million increase)
 - Contingent on expansion of Medicaid-funded home visiting
 - \$3.7 million at CYFD identified for evidence-based child maltreatment prevention and early intervention
 - CYFD piloting alternative response (HB376) in 4 counties (Sandoval, Valencia, Rio Arriba, McKinley)

- ▶ **Other opportunities for improvement:**
 - Continue to invest in programs shown to reduce the likelihood of future criminal behavior, such as Nurse Family Partnership, family functional therapy, and multi-systemic therapy
 - Expand availability of substance use disorder treatment statewide

Improve policing

- ▶ FY22 operating budget:
 - The 2021 General Appropriations Act (GAA) aimed to invest vacancy savings in initiatives aimed at improving policing practices and oversight
 - Appropriated a \$500 thousand increase aimed at funding best practices training
 - Appropriated \$350 thousand for Law Enforcement Academy Board (LEAB)
- ▶ Other opportunities for improvement:
 - Enable LEAB to enforce compliance with reporting requirements/investigations by making law enforcement protection fund distributions contingent on cooperation
 - Establish LEAB as an independent agency with full-time staff

Expand diversionary and treatment programs and improve pretrial services

Arrest/
Pretrial

- ▶ FY22 operating budget:
 - \$1 million for LEAD
 - Reinvests \$2.2 million from administrative and overhead support at the Administrative Office of the Courts directly to district and magistrate courts to improve court access and pretrial services
- ▶ Other opportunities for improvement:
 - District attorney offices should work to leverage and broaden diversionary programs
 - Establish measures for the courts to track pretrial outcomes and detention rates
 - Reduce incarceration for low-level crimes and reinvest resources in treatment programs in the community

Ensure resources are directed to effective prison programming aimed at recidivism reduction

Incarceration

- ▶ FY22 operating budget:
 - 2021 GAA reinvested savings from population declines in expanding evidence-based prison programming and the Recidivism Reduction Division (RRD)
 - \$700 thousand for evidence-based programming expansion
 - \$1.3 million for RRD expansion
 - Due to partial line-item vetoes, neither of these areas received an increase in the agency's FY22 operating budget

- ▶ Other opportunities for improvement:
 - Ensure rigorous, continuous monitoring and evaluation of prison programs by establishing an independent oversight agency and/or providing additional resources to the interim Courts, Corrections and Justice Committee
 - Ensure use of existing medical and geriatric parole statutes; such inmates are costly, have a low risk of recidivating, and could qualify for Medicaid
 - Reduce the use of in-house parole

Expand programming and treatment options and reduce the practice of reincarcerating offenders for technical violations

- ▶ FY22 operating budget:
 - Reinvests \$1.9 million in savings from population declines in expanding evidence-based community corrections programming
 - Includes \$1 million to aimed at helping administer risk-needs assessments to all offenders under supervision
- ▶ Other opportunities for improvement:
 - Implement significant probation and parole reform to ensure offenders are no longer reincarcerated for technical violations rooted in addiction and poverty
 - Consider allowing transitional living facilities with programming to be used as a parole sanction for low risk inmates
 - Reducing reincarceration for technical parole violations by 75 percent could save \$10.2 million per year
 - Consider legislation to require treatment with ISP
 - Implement medication-assisted treatment through NMCD in facilities and the community



Questions?



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For More Information

- [2021 Volume 1](#): Pages 61 to 72
- [Session Publications – Budgets](#)
 - [Performance Report Cards](#)
 - [Program Evaluations](#)

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