



New Mexico Justice Reinvestment Working Group

Summary of Policy Recommendations

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The Justice Reinvestment Initiative



Developed and funded by the U.S. Department of Justice's Office of Justice Programs' Bureau of Justice Assistance



Bipartisan Congressional support since 2010



To date, 45 states have received JRI support



Through JRI, states have averted costs or saved more than \$3.2 billion cumulatively

Goals of JRI



**Reduce
Recidivism**

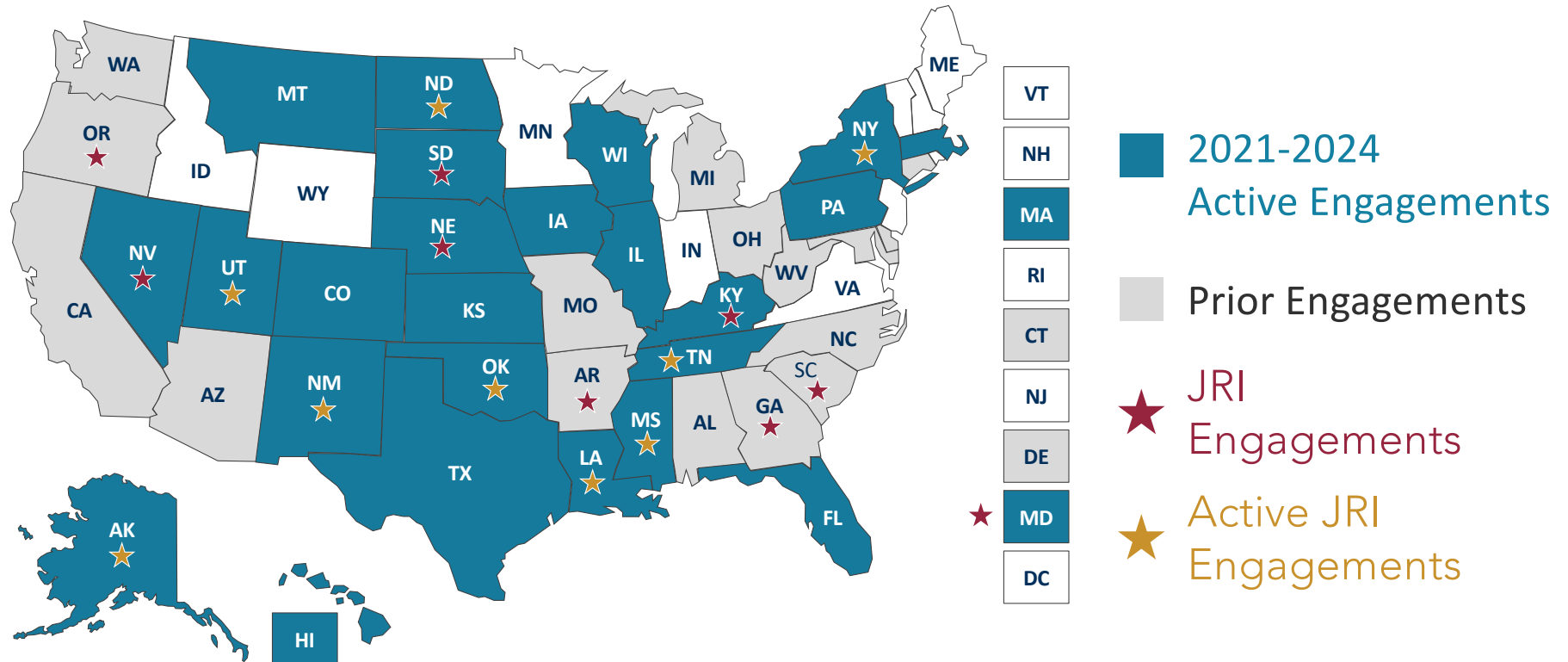


**Shift
Resources**



**Improve
Public Safety**

JRI States



The Phases of JRI



Phase I

- Data & System Analysis
- Policy Development
- Legislative Process

Phase II

- Implement Policies
- Measure Outcomes
- Reinvest Savings

CJI & JRI in New Mexico



Overview of Technical Assistance

- ✓ Supported the Justice Reinvestment Working Group with data and policy analysis
- ✓ Analyzed 10 years of prison data and 5 years of court data – as well as sample population data from 8 detention facilities across the state
- ✓ Conducted qualitative examination of all parts of the criminal justice system in New Mexico
- ✓ Conducted stakeholder roundtables, focus groups, and 1:1 interviews with over 150 people across the state
- ✓ Reviewed findings with appropriate agencies and entities prior to presenting to the Working Group
- ✓ Provided problem statements and policy responses from other states experiencing similar challenges
- ✓ Provided background information as Working Group developed policy recommendations for New Mexico

Summary of Policy Recommendations

New Mexico's Challenge:



The gap in behavioral health services has necessitated public safety resources be the primary and sometimes sole crisis responder which strains resources that can be directed to address more serious public safety threats.

The Working Group Determined Recommendations to Address these Key Policy Areas:



Strengthen and Prioritize Public Safety and Public Health Responses



Focus Prison Resources on Serious, Violent Offenders



Prioritize Resources for High-Cost, High-Need Individuals



Reinvest Savings and Ensure Sustainability of Interventions

Summary of Recommendations



Strengthen and Prioritize Public Safety and Public Health Responses



Findings:

New Mexico ranked 3rd in the nation for persons with Substance Use Disorder (SUD) in 2022, and the percentage of persons with Any Mental Illness was 11% higher than the national average

In April 2024, New Mexico's 988 Crisis Line **increased its calls answered by 47% since July 2022**, but most areas of the state lack the necessary wraparound services to support the increase

Law enforcement are the primary responder to crime, but in many areas of New Mexico without alternative response options, they are also the primary behavioral health responders

Recommendations 1-3



- 1. Establish a statewide crisis response system that is available 24/7 and can reach rural areas of the state either virtually or by mobile crisis team**
- 2. Expand collaboration between law enforcement and behavioral health providers to ensure calls involving behavior driven by unmet behavioral health needs are diverted to appropriate treatment and establish standards for law enforcement responses when a public safety risk is evident**
- 3. Establish intensive case management model for law enforcement to deflect individuals from justice involvement and case managers to provide wraparound services and a continuum of care**

Recommendation 4



Finding:

The Pre-prosecution Diversion Act (NM RS 31-16A) program requirements are standardized across districts, but the discretion regarding who is eligible to participate and what cases/offenses are considered varies by district

Recommendation:

Expand access and eligibility to Pre-prosecution Diversion (PPD) Programs based on the needs of the individual



Findings:

New Mexico's violent crime rate was **69% higher than the national rate** in 2023 at 749.3 per 100,000. Statewide data on crime rates is limited.

While NM already requires reporting under NM RS 29-3-11, there are barriers to reporting for rural agencies that require state assistance.

Recommendations 5 & 6



5. **Create statewide access to crime mapping to inform problem analysis sampling across the state and deploy targeted violence intervention strategies**
6. **Require statewide crime data reporting and establish a public crime data dashboard**
 - a) **Ensure privacy of victims/survivors of crime**

Summary of Recommendations



Focus Prison Resources on Serious and Violent Offenders

Recommendation 7



Finding:

Fourth degree felonies, the state's lowest felony class, have been the primary driver of arrests, court case filings, prison admissions, and revocations to prison for a decade

Recommendation:

Address wide range of conduct included in lowest felony class by separating serious and violent conduct from non-violent, non-person conduct

Recommendation 8



Findings:

A conditional discharge **can only be used once and is reserved for first time, non-violent offenders**. In 2023, only 11 percent of district criminal case dispositions were resolved as a conditional discharge

Most treatment court programs require a guilty plea to participate, and eligibility is restricted to first-time, non-violent offenders.

In FY2023, nearly half of all drug cases resulted in a felony conviction.

Recommendation:

Improve outcomes for individuals with behavioral health needs by authorizing case dismissals or charge reductions upon successful completion of program requirements

Recommendation 9



Findings:

Possession of a Controlled Substance was **the most common fourth degree felony offense** across all intercepts, from case filing to parole violation admission

In 2023, individuals who had been readmitted to prison within the last 10 years were **more likely to have been admitted on a drug offense** than individuals who were being admitted for the first time

Recommendation:

Create more accountability for individuals charged with possession by creating a tiered offense structure

Summary of Recommendations



Prioritize Resources for High-Cost, High-Need Individuals



Findings:

Behavioral health needs drive supervision violations – from 2014-2022, **nearly 80%** of individuals with supervision violations had at least one violation pertaining to a substance-related condition of supervision

The average number of probation and parole violations per person **increased 78% and 23%**, respectively

In 2022, about half of community supervision violations occurred within the **first four months of supervision**

The percentage of parole violation admissions where the violation was due to a new charge **increased by 24%** from 2018 to 2024

Recommendations 10 & 11



- 10. Require the conditions of probation be tailored to individual risk and needs**
- 11. Establish standardized and timely responses to hold individuals accountable for supervision violations**



Findings:

Over one-third of prison admissions in 2023 were parole violation admissions

The percentage of individuals who entered prison **prior to completing their probation term** increased since 2014

SUD is prevalent among the supervised population, leading to high volume and prevalence of substance-related violations (80%) and there is no standardized guidance on how the state can best support successful reentry for these individuals.

Recommendations 12-14



- 12. Request the Sentencing Commission work with its members to develop reentry standards for county and state facilities**
- 13. Expand the Reach, Intervene, Support, and Engage (RISE) Program to support successful reentry for individuals releasing from detention facilities**
- 14. Require detention facilities and prisons provide access to medication-assisted treatment (MAT), when clinically indicated, and expand the continuum of care as individuals return to the community**

Summary of Recommendations



Reinvest Savings and Ensure Sustainability of Interventions

Proactively invest in proven strategies that address underlying challenges to maintaining public safety and public health

Challenges Requiring Investment

- 
- **Infrastructural support**
 - **Reliable funding streams**
 - **Intergovernmental collaboration**

The Working Group recommends five steps to support and sustain the viability of the previous fourteen recommendations.

Recommendations 15-19



- 15. Select a single electronic medical records system to use in all detention facilities and prisons and develop an implementation plan**
- 16. Develop a state certification for detention officers, under state authority and with state funding, and utilize existing NMCD trainings when feasible and appropriate**
- 17. Improve employee recruitment and enhance compensation among criminal justice and behavioral health partners by leveraging state funding to establish incentive programs**
- 18. Increase funding for the Department of Public Safety Forensic Laboratory to reduce delays and increase efficiency**
- 19. Develop behavioral health training standards for judges and court personnel under the AOC and require continuing education on SUD, mental health conditions, and co-occurring disorders**

Questions?



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