



New Mexico Justice Reinvestment Working Group

Summary of Findings and Recommendations

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About CJI & JRI



The Crime and Justice Institute (CJI) works with local, state, and national jurisdictions to help develop and implement data-driven solutions to strengthen their justice systems



CJI is a technical assistance provider for the Justice Reinvestment Initiative (JRI) grant funded by the Bureau of Justice Assistance with support from Arnold Ventures

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, 44 states have received JRI support



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

Goals of JRI



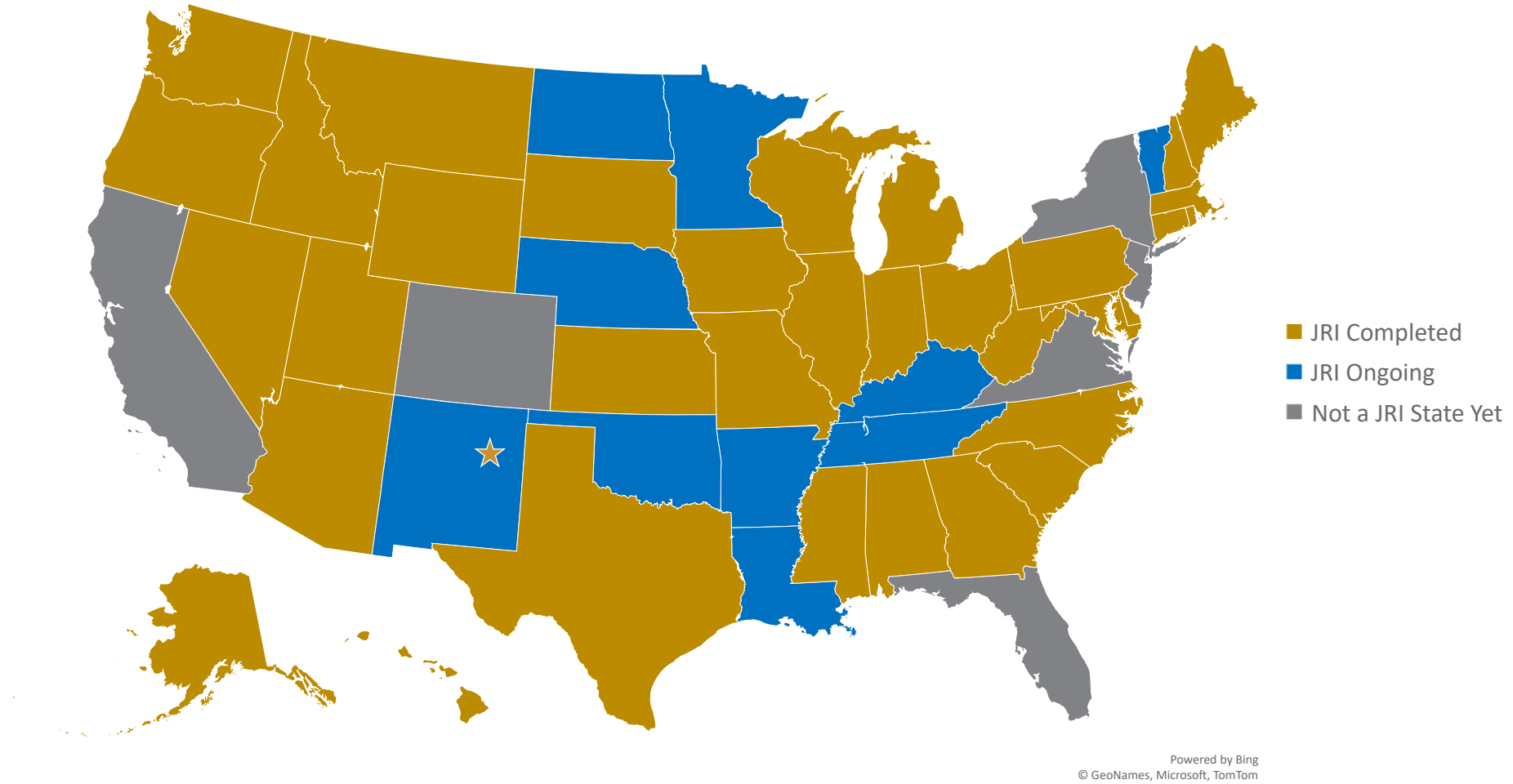
**Reduce
Recidivism**



**Shift
Resources**



**Improve
Public Safety**



The Phases of JRI



Phase I

- Data & System Analysis
- Policy Development
- Legislative Process

Phase II

- Implement Policies
- Measure Outcomes
- Reinvest Savings

Summary of Key Findings

New Mexico's Challenge:



New Mexico communities suffer from insufficient mental health and addiction services that divert law enforcement resources away from resolving more serious public safety threats.

Barriers to Treatment Exist at All System Points



The problems New Mexico faces span the entire justice system

- Lack of adequate crisis and addiction services, especially in remote areas, leave law enforcement as sole responders
- Restrictive eligibility criteria creates underutilization of diversion programs and forces low-level offenders into the prison system
- Reentry planning and supports are not focused on a continuum of care and lead to returns to prison
- Inconsistent funding and lack of efforts to ensure sustainability have created siloes among systems and counties





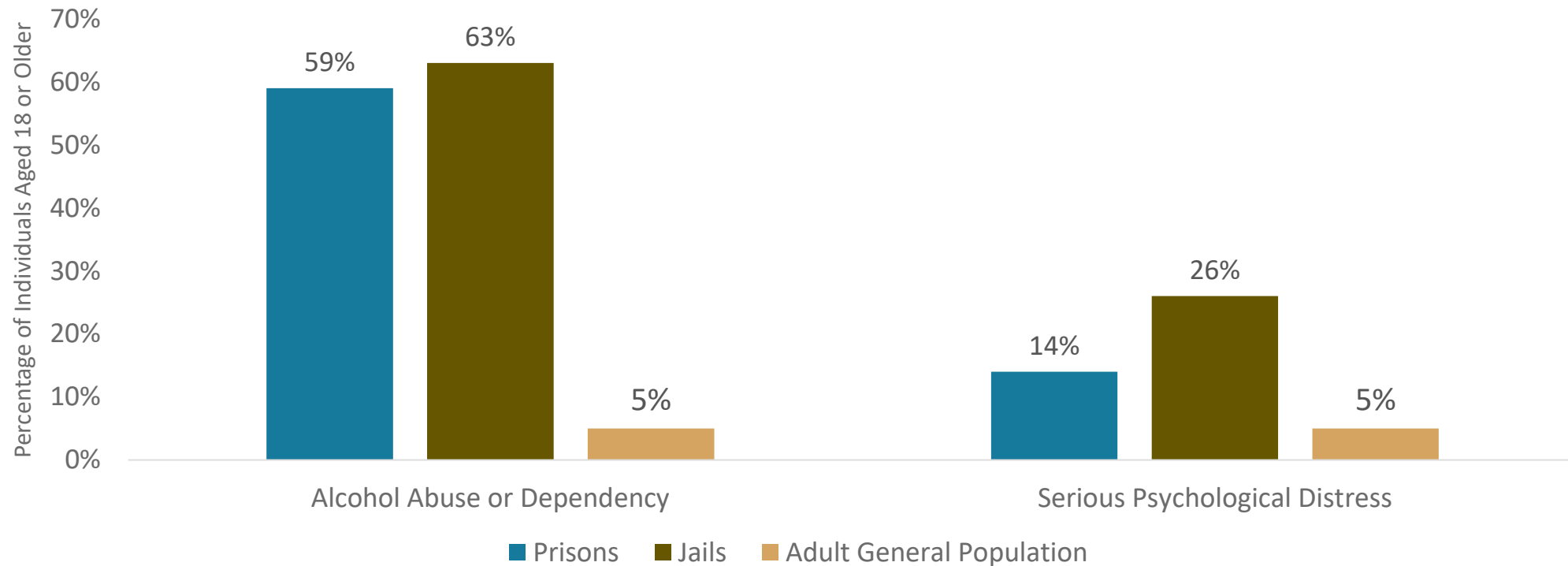
Unmet Behavioral Health Needs are Driving Entrance into the Criminal Justice System

- The US has experienced drastic increases in rates of SUD and Mental Illness in the last decade
- New Mexico has felt the effects – as it ranked 3rd in SUD and 8th in overdose death rates in 2022
- Additionally, the rates of mental illness are above the national average
- The nexus between behavioral health and the criminal justice system further exacerbates these concerns – as the justice-involved population experiences these issues at rates much higher than the general population

Individuals with Behavioral Health Needs Overrepresented in the Criminal Justice System



Behavioral Health Indicators in Prisons and Jails and Adult General Population, 2007-2009 & 2011-2012

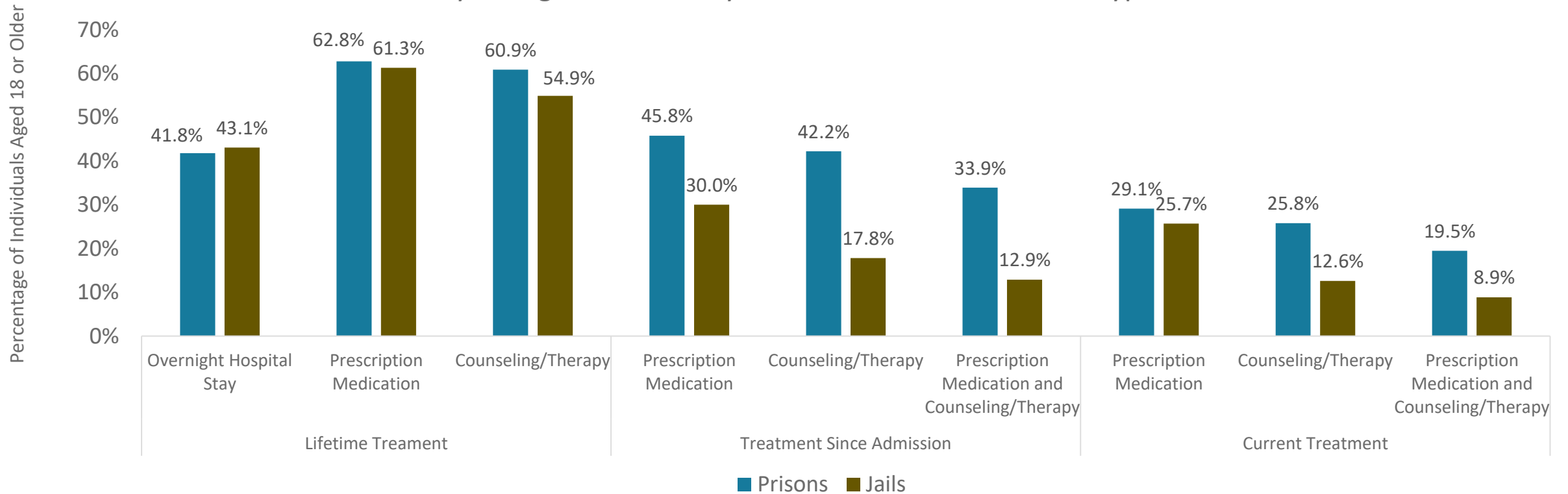


Source: Bureau of Justice Statistics, Special Reports 2011-2012 & 2007-2009

Nearly 75% of Individuals in Prison and Jail Received Mental Health Treatment in Lifetime Prior to Admission



Mental Health Treatment Received by Individuals in Prison and Jail With an Indicator of Serious Psychological Distress by Time Period and Treatment Type, 2011-2012

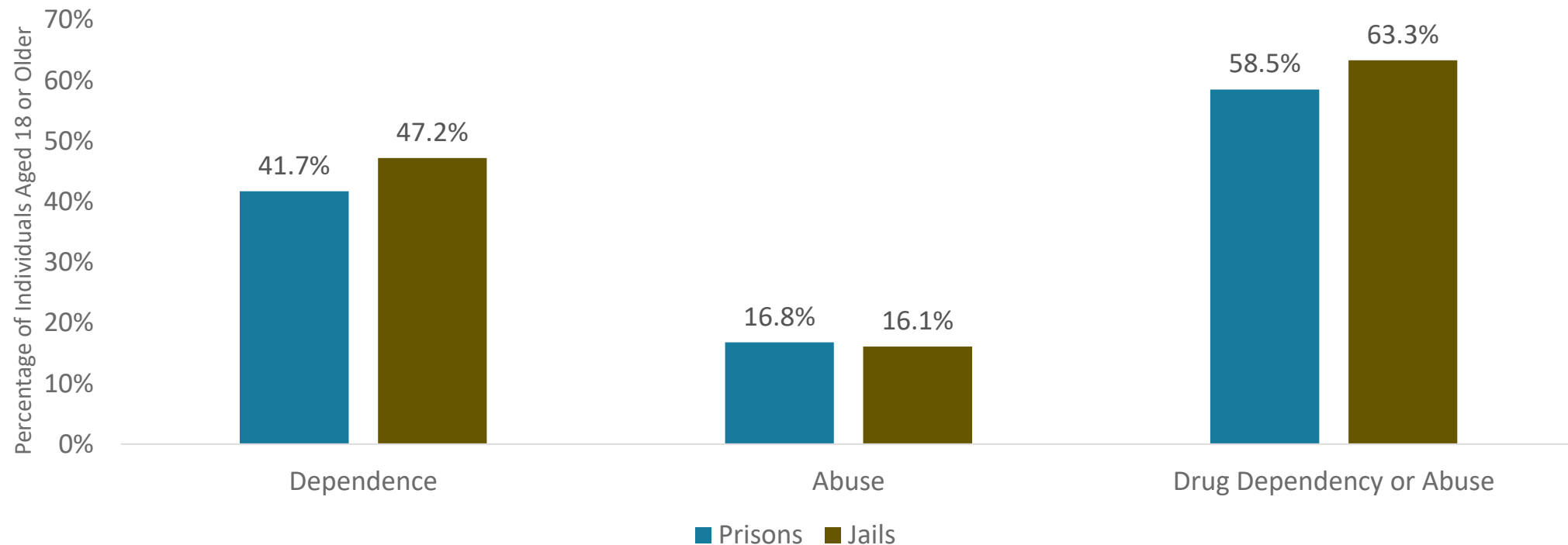


Source: BJS, Special Report 2011-2012

More than Half of Individuals in Prisons and Jails Met Drug Dependency or Abuse Criteria



Individuals in Jail (Sentenced) and Prison Who Met Criteria For Drug Dependency or Abuse, 2007–2009



Source: BJS, Special Report 2007-2009

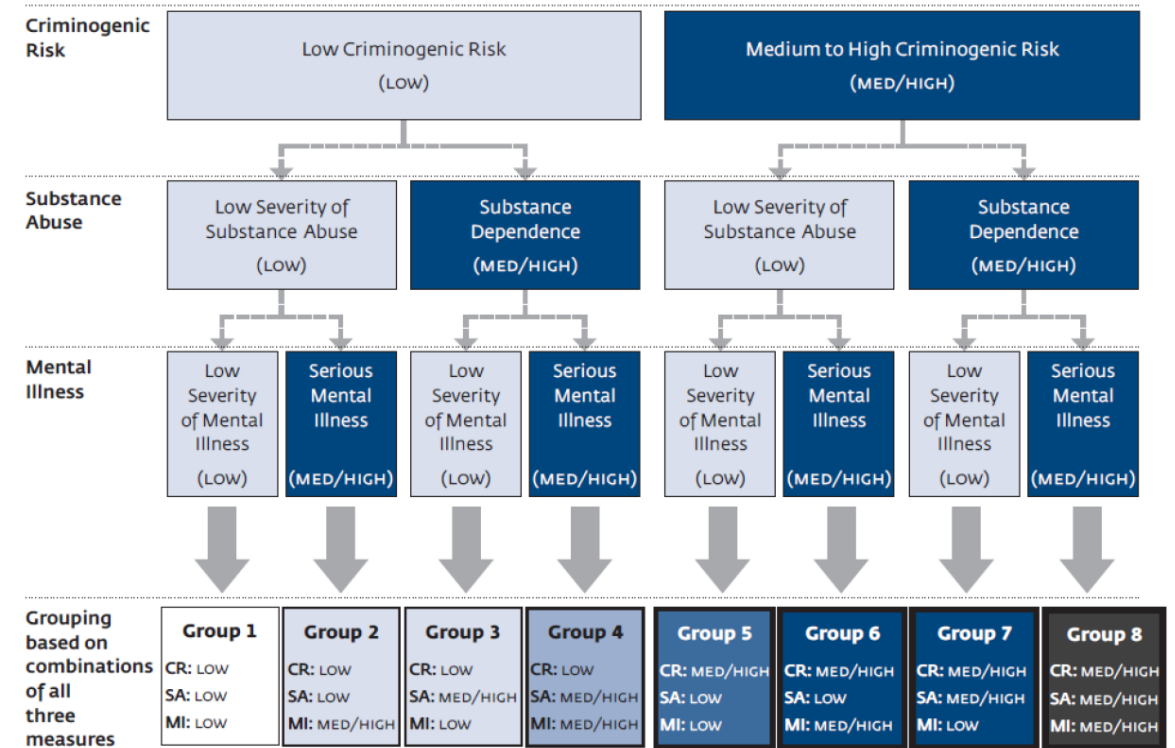
Nearly 50% of MDC Population Medium to High Behavioral Health Needs



MDC Intake Assessment Framework

- 1,606 individuals on 6/7/2024
- 794 scoring between 6-8
 - 122 were a risk score of 6
 - 520 were a risk score of 7
 - 152 were a risk score of 8
- 801 individuals stated they were unhoused
- 1,180 individuals stated they were unemployed

FIGURE 5. Criminogenic Risk and Behavioral Health Needs Framework*

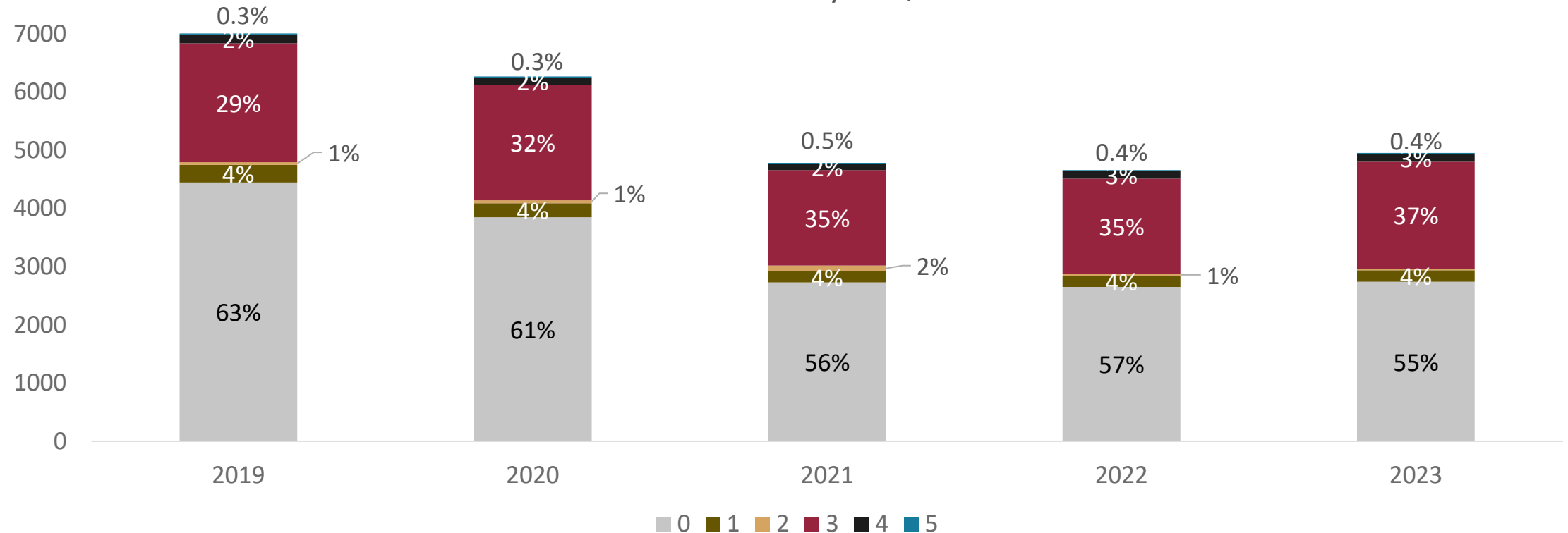


*Data received from the Metropolitan Detention Center on 6/7/2024

Nearly Half the Prison Population in New Mexico Has a Mental Health Code



Mental Health Codes by Year, 2019-2023

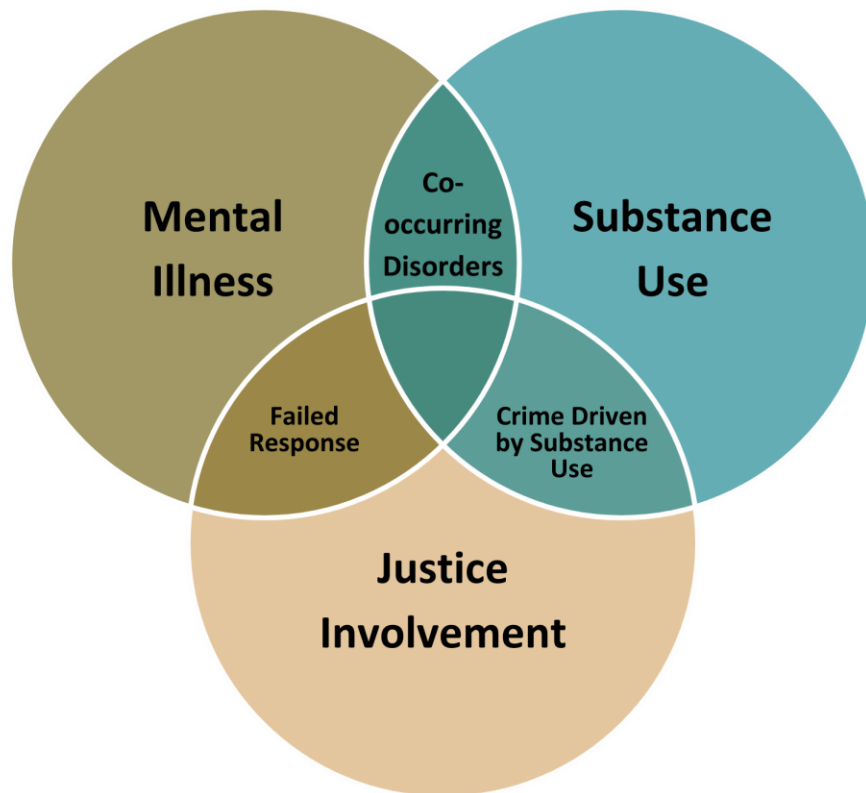




Public Health Responses Drain Public Safety Resources

- Substance use drives low-level crime
- Law enforcement is the primary, and often sole, responder to behavioral health challenges in the state, especially in rural areas
- Limited options to divert at earlier decision points have left incarceration as the only option, as eligibility for these programs is restrictive
- The system lacks resources to focus on more serious threats to public safety
- New Mexico outpaced national rates of crime by 69% in 2022 and 2023

Misdirected Responses Lead to Justice Involvement



Substance use drives low-level crime.

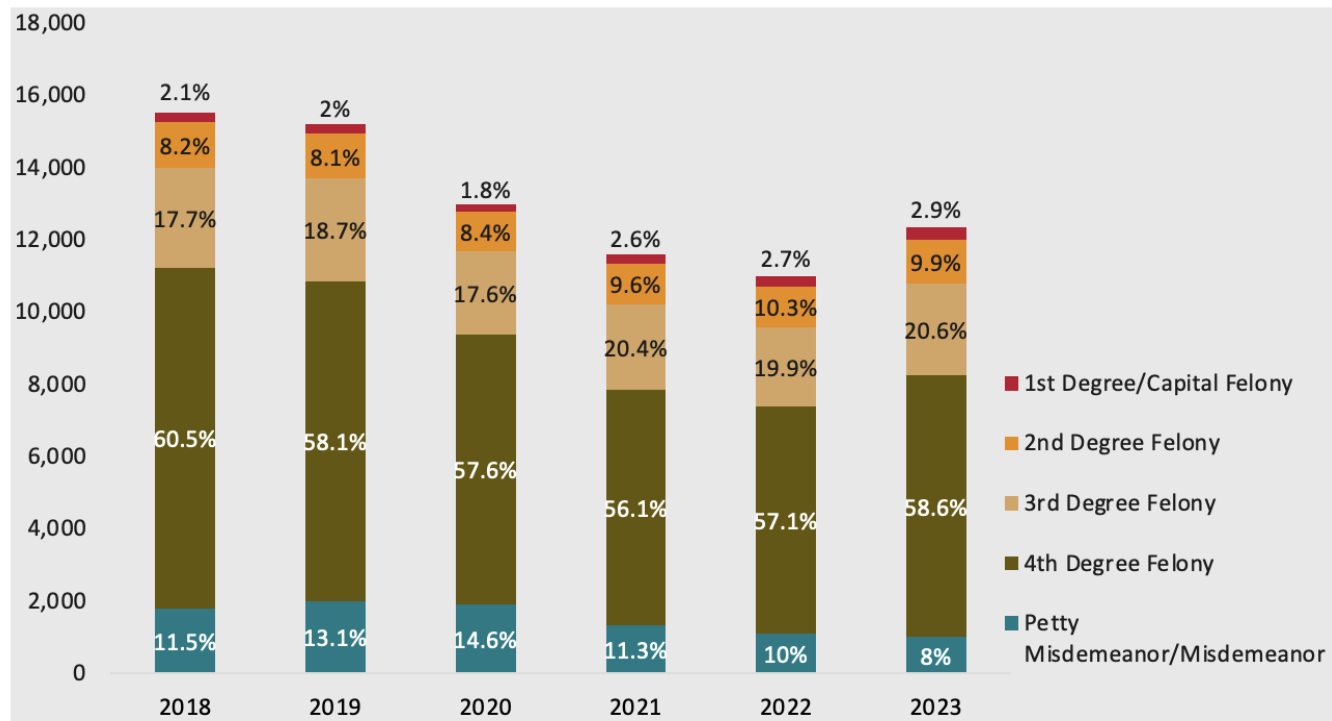
While rates of serious crimes are still well above national averages, low-level criminal conduct driven by substance use contributes to the highest call volume and use of resources throughout the state.

This cycle also exacerbates challenges including homelessness and unemployment.

The Lowest Felony Class Absorbs the Majority of Public Safety Resources



Fourth Degree Felonies Make Up Largest Percentage of Case Filings in 2023.



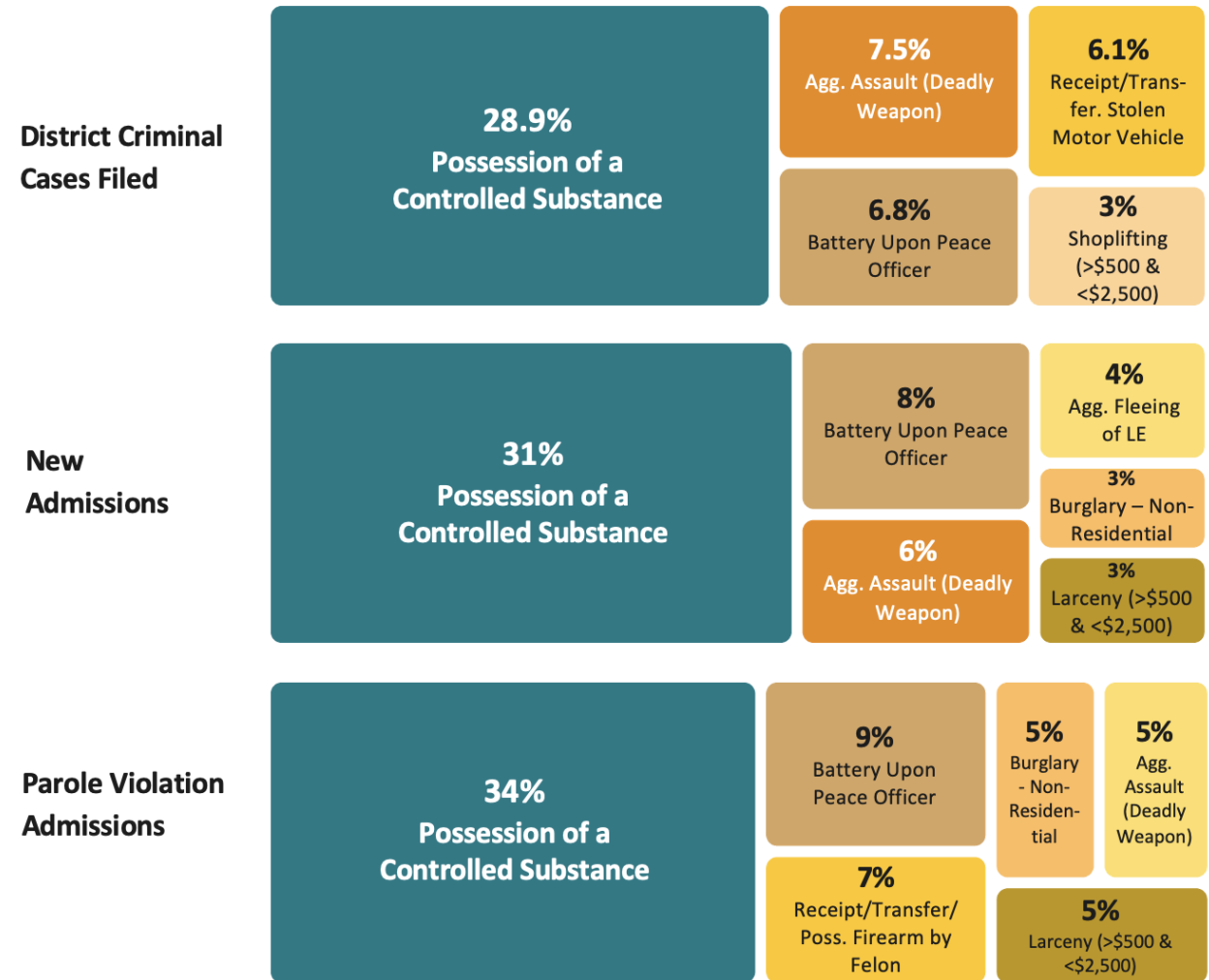
- From arrests to parole violations, fourth degree felonies make up the largest proportion of offenses
- Despite the decline and rise of case filings since 2018, fourth-degree felonies were consistently the most common class – nearing 60% each year

Source: Data from the AOC & provided by the New Mexico DataXChange, Analysis by CJI

Drug Possession Most Common Fourth-Degree Felony Across Criminal Justice Stages in 2023



Possession makes up approximately one-third of fourth-degree felonies – from case filings to parole violation admissions.



Public Safety Responses are Not Designed to Solve Public Health Challenges.

- Law enforcement officers note most individuals they arrest have some level of behavioral health need
- Officers are pulled from the street for hours to coordinate behavioral healthcare
- Responding to crises and low-level crimes driven by substance use strains law enforcement resources and limits their capacity to focus on more serious threats to public safety



Shifting from Public Safety to Public Health Responses

Promising initiatives, but at a limited scale.



- Promising initiatives include Albuquerque Community Safety (ACS) and the implementation of the 988 Suicide and Crisis Lifeline
- There is a limited inventory of options across the state
- Promising diversion programs and treatment modalities do not meet the scale of the need for services



Behavioral Health Challenges Drive Recidivism

- Substance use drives recidivism
- Readmissions to prison are more likely for drug offenses
- Reentry support is lacking
- Supervision conditions are not tailored to individual needs
- Responses to violations lack accountability measures and do not take into consideration risk and responsivity factors

Revolving door through state and county detention facilities.



- Individuals in behavioral health crisis cycle quickly through county detention facilities
- Collateral consequences to continued reincarceration
- Drug possession comprises more than a third of prison admissions due to a parole revocation
- Barriers to diversion options include eligibility criteria

Substance Use Drives Probation & Parole Violations



80% of individuals with a probation or parole violation had at least one pertaining to a substance-related condition of supervision.

Barriers to Reentry:

- Maintaining recovery/lack of support
- Transportation
- Provider shortage in rural areas
- Program eligibility and waiting lists
- Balancing steady employment and supervision requirements

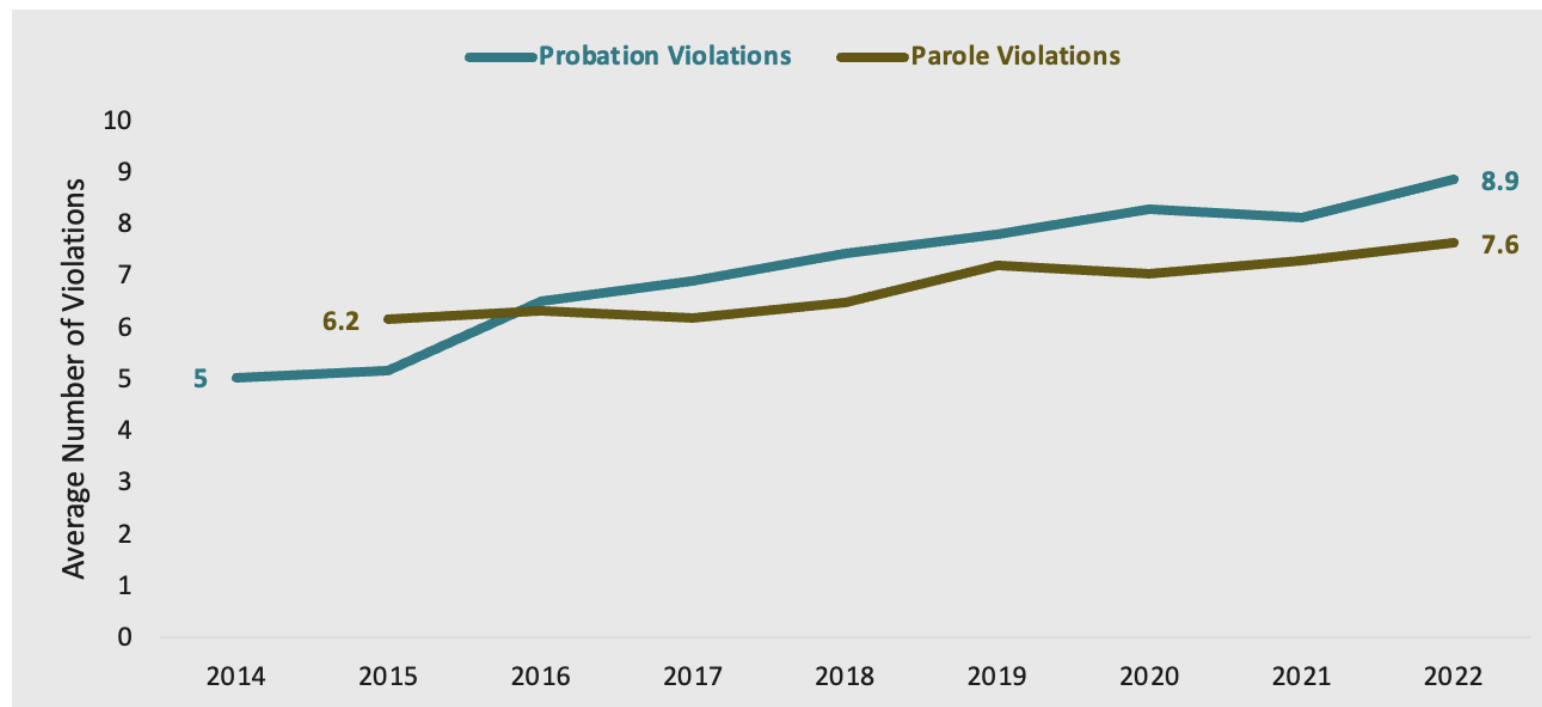


Source: Data from NMCD, Analysis by CJI

Number of Violations Per Person Who Violate Increased



Average Number of Probation and Parole Violations Among Individuals with Violations 2014-2023.

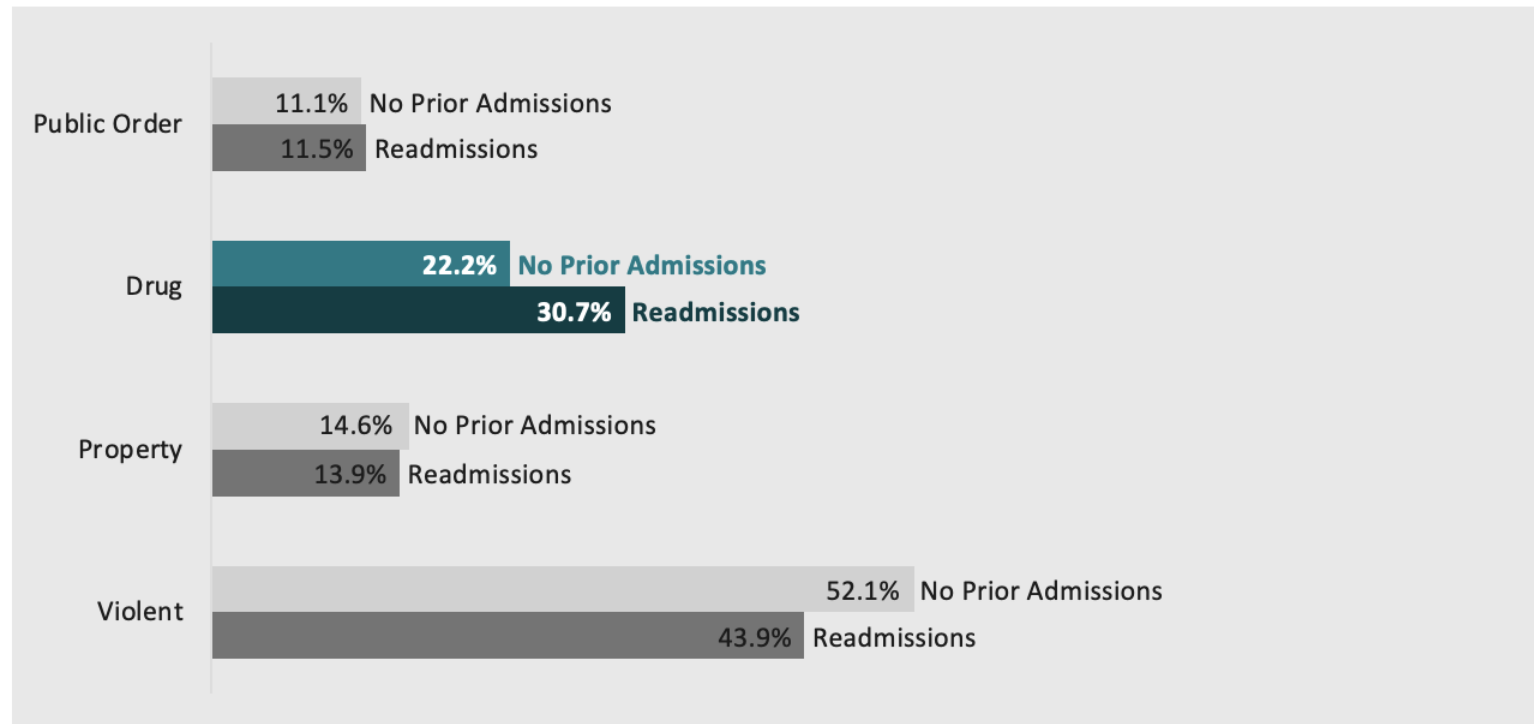


Source: Data from NMCD, Analysis by CJI

Readmissions to Prison on a Drug Offense 40% More Likely for Individuals with Prior Admission



Crime Categories for 2023 New Admissions, No Prior Admissions v. Readmissions (%)



Source: Data from NMCD, Analysis by CJI

Reentry Challenges are Tied to Individual Risk and Needs

Importance of responding to criminogenic risk factors.

- Risk-Needs-Responsivity Model: reduce the risk of recidivism by assessing for criminogenic needs and targeting them in treatment
- Without treatment, individuals are likely to recidivate
- Successful reentry and reintegration into society is dependent on the treatment of underlying behavioral health challenges



Summary of Policy Recommendations

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

Strengthen and Prioritize Public Safety and Public Health Responses



- Moving addiction and mental health-related conduct into the public health system
- Establishing statewide crisis response
- Enhancing collaboration between system partners
- Creating a public crime data dashboard

Challenge: Current public safety responses do not produce positive public health outcomes

- Improve collaboration to deflect people away from justice involvement and towards public health services
- Ensure appropriate and timely interventions when someone is experiencing a crisis to decrease involvement with the criminal justice system
- Ensure the appropriate experts respond to crises to minimize harm, and crime to preserve public safety

Focus Prison Resources on Serious and Violent Offenders



- Addressing wide range of conduct included in lowest felony class
- Creating more accountability for individuals charged with possession
- Improving sentencing outcomes for individuals with behavioral health needs

***Challenge:* There is an overreliance on public safety resources to address lower-level behavioral health related offenses and violations instead of addressing more serious offenses and violations**

- Expand access to effective interventions for individuals with behavioral health needs
- Create more accountability and pathways to justice for more serious offenders

Prioritize Resources for High-Cost, High-Need Individuals



- Tailoring probation conditions to individual risk and needs
- Establishing standardized and timely responses to violations
- Expanding MAT treatment

Challenge: Limited resources are not focused on the factors driving recidivism

- Utilize assessments, improve coordination, and expand effective interventions to improve supervision outcomes and reduce returns to incarceration

Reinvest Savings and Ensure Sustainability of Interventions



- Infrastructural support
- Reliable funding streams
- Intergovernmental collaboration

Challenge: Sustainability and collaboration has been a consistent challenge for New Mexico

- Invest in proven strategies that address underlying challenges to maintaining public safety and public health
- *Timely* solutions and *proactive* strategies to ensure sustainability of recommended interventions are needed for New Mexico

The Working Group's Recommendation:



Move mental health and addiction treatment and crisis response to the public health system, thereby allowing law enforcement to focus on serious public safety threats.

Questions?

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