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FISCAL IMPACT REPORT

SPONSOR Stapleton ORIGINAL DATE 1/22/2018
LAST UPDATED 2/06/2018 HJM 9/aHCPAC/aHF1#1

SHORT TITLE Public Safety Data Needs SB

ANALYST Edwards

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY18	FY19	FY20	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	\$0.0	At least \$1,000.0	At least \$1,000.0	At least \$2,000.0	Nonrecurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB 134 – Bernalillo County Criminal Activity Data

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Public Safety (DPS)
Law Office of the Public Defender (LOPD)
Bernalillo County Metropolitan Court (BCMC)
New Mexico Sentencing Commission (NMSC)
Administrative Office of the Courts (AOC)

Responses not Received From

New Mexico Corrections Department (NMCD)
Administrative Office of the District Attorney (AODA)

SUMMARY

Synopsis of House Floor Amendment #1

House Floor Amendment #1 places the Legislative Council as the primary coordinator of the task force.

Synopsis of House Consumer and Public Affairs Committee

The House Consumer and Public Affairs Committee (HCPAC) measure strikes “Department of Public Safety” and inserts “Criminal Justice Reform Subcommittee,” making the subcommittee the primary coordinator of the task force instead of DPS.

Synopsis of Original Bill

The measure calls for the Department of Public Safety (DPS) to create a task force to undertake a coordinated, statewide, public safety study to: examine needs of communities to address crime, consider criminal code changes, gather data to analyze crime trends, and develop a matrix to catalog efforts, programs, initiatives, and their costs. The task force would include participation from DPS, university, tribal, municipal and county law enforcement, courts, corrections department, LOPD, district attorneys, and other relevant parties.

Recommendations are to be presented to the appropriate interim committee, most likely the Courts, Corrections and Justice Committee, and the Legislative Finance Committee before November 30, 2018.

FISCAL IMPLICATIONS

DPS submitted the following fiscal analysis:

“The fiscal impact is indeterminate but significant to the tune of several millions of dollars as it pertains to the scale of the request. Further, the cost period is anticipated to be well into FY20.

The level of research required, coordination, and specialized analytics required to meet the objectives of the Memorial are substantial to say the least. While DPS does have crime data available, DPS does not have the capabilities of this magnitude regarding:

1. The broad research to perform an assessment of needs to address crime of municipalities and counties individually or overall;
2. The legal staff available to perform the extensive Criminal Code research, examine case law and evaluate patterns in criminal cases relative to criminal patterns;
3. Evaluate crime patterns and gather data across agencies to formulate a scientific-based model for decision making;
4. Assess the funding required to build and sustain the state’s criminal justice system to meet the needs internally.

This is a substantial project, and one that requires specialized resources in multiple areas. While it is clear that the other participating agencies could contribute resources if available, it would still require DPS to purchase the services of contracted staff to lead, coordinate, integrate and perform a major portion of the research for this project.

This project is outside of the scope of the DPS. DPS does not have the in-house expertise, funding mechanism, nor dedicated resources required to perform this project. Further, the scope of this project is unlikely to be completed in the timeframe provided. See Fiscal Issues for more comments.”

Multiple projects with similar objectives are ongoing or are currently being considered. Laws of 2016, Chapter 10, created the criminal justice clearinghouse at DPS with the goal of allowing judges to more quickly assess risk during arraigning and sentencing. Criminal history records are generated from databases at the Children, Youth and Families Department, the Administrative Office of the District Attorneys, the AOC, the National Crime Information

Center, and the Corrections Department. In the 2016 legislative session, DPS was appropriated \$600 thousand to create the database; the department estimated the project will cost the state almost \$1 million to create and implement over the next three years. Currently, the data is available only to the 1st Judicial District and data is consolidated into a report manually on request via email. The complete automation of the process and access for all courts is estimated to cost an additional \$430 thousand with annual maintenance of \$36 thousand.

The office of the Second Judicial District Attorney in Bernalillo County is pursuing implementation of Intelligence-Driven Prosecution through the establishment of a Crime Strategies Unit (CSU). The implementation is partially in response to the increased crime rate in Bernalillo County and the City of Albuquerque. The Office requested \$4.1 million for 19 FTE for the unit, which would make it the most heavily staffed CSU in the nation. LFC analysis using national benchmarks shows a fully staffed CSU in Bernalillo County should consist of between 4 and 11 staff funded from multiple sources, not just state general fund, and cost around \$600 thousand.

SIGNIFICANT ISSUES

All responding agencies recognized the importance of the bill's goals, but expressed concern about DPS being the proper host of the project.

AOC stated the development of a science-based model and public safety-based matrix illustrating the effectiveness of initiatives and programs may be valuable tools supporting law enforcement efforts in high crime areas.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relates to house Bill 134 which would create a criminal data pilot project at the Second Judicial District Attorney to study criminal activity in Bernalillo County specifically.

TRE/sb/jle