

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current and previously issued FIRs are available on the NM Legislative Website (www.nmlegis.gov).

FISCAL IMPACT REPORT

ORIGINAL DATE 1/28/2022

SPONSOR Ely/Hochman-Vigil LAST UPDATED _____ HB 84

SHORT TITLE Crime Reduction Grant Purposes SB _____

ANALYST Rabin

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY22	FY23	FY24	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	See Fiscal Implications					

(Parenthesis () Indicate Expenditure Decreases)

Relates to House Bill 86, House Bill 96, and House Bill 152
 Relates to Appropriation in the General Appropriation Act

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 Administrative Office of the District Attorneys (AODA)
 New Mexico Attorney General (NMAG)
 Sentencing Commission (NMSC)
 Department of Public Safety (DPS)

SUMMARY

Synopsis of Bill

House Bill 84 amends the Crime Reduction Grant Act to expand the allowable purposes for which grants may be awarded to include

- Developing or improving coordination of services between law enforcement agencies and treatment programs;
- Establishing law enforcement crisis intervention teams;
- Coordinating access to programs for transitional or reentry homes for individuals recently released from incarceration;
- Recruiting or retaining law enforcement officers, prosecutors, public defenders, corrections officers, and mental health workers;
- Developing or expanding data-driven policing programs; and,
- Staffing a criminal justice coordinating council.

There is no effective date of this bill. It is assumed that the effective date is 90 days following adjournment of the Legislature.

FISCAL IMPLICATIONS

HB84 does not contain an appropriation and is not expected to have any additional fiscal impact, but the bill does relate to a contingent appropriation in the General Appropriation Act (GAA).

The GAA includes a \$2 million nonrecurring appropriation to the Sentencing Commission (NMSC) for crime reduction grants contingent on legislation expanding the allowable uses of crime reduction grants to include

- Developing or improving coordination of services between law enforcement agencies and treatment programs;
- Establishing law enforcement crisis intervention teams;
- Providing access to transitional or reentry homes for individuals recently released from incarceration; or,
- Developing or expanding data-driven policing programs.

HB84 appears to satisfy this contingency.

This nonrecurring appropriation constitutes a one-time expansion of the crime reduction grant program. However, expanding the program could create an expectation that this level of funding will be available for grants in future years.

SIGNIFICANT ISSUES

Research shows the certainty of punishment is a significantly more effective deterrent to criminal behavior than the severity of punishment, but in New Mexico, punishment has grown less certain as crime has increased, with fewer violent crimes solved and more violent felony cases dismissed. Increased criminal case dismissals and reduced admissions to prison inhibit the certainty of justice, especially for serious violent offenses. Improving policing and increasing cooperation and coordination among criminal justice partners could help increase the certainty of punishment for the most violent offenses and provide a stronger deterrent to serious crime.

Data collection in New Mexico's criminal justice system occurs in silos across law enforcement agencies, detention facilities, probation and parole agencies, courts, diversion programs, health departments, emergency responders, and others. Connecting the data so criminal justice partners can access information relevant to their respective programs would increase efficiency, reduce redundancy, minimize data errors, and allow for the evaluation and performance management of programs. LFC's 2018 evaluation of crime in Bernalillo County recommended the Legislature consider legislation to assist agencies in connecting datasets and databases, and Laws 2019, Chapter 192 (House Bill 267), enacted some of these recommendations, including creating the Crime Reduction Grant Act, which established the crime reduction grant program to support evidence-based treatment and supervision alternatives to incarceration, preprosecution diversion programs, specialty court programs, and pretrial services.

Crime reduction grants provide a mechanism to promote innovations for criminal justice reform at a local level with the ultimate goal of reducing crime and improving public safety, and HB84 would allow NMSC to consider several other types of projects that might support this goal. NMSC states it has received feedback expressing a desire for expanding the range of programs that can be funded. Many communities in New Mexico face rising violent crime rates, and the crime reduction grant program takes a statewide perspective to addressing these issues.

NMSC currently receives \$178 thousand annually that it uses to fund crime reduction grants. The GAA includes an increase of \$150 thousand in recurring funding for this purpose, beginning in FY23. However, the allowable uses of these grant funds are limited under existing law, and currently grants cannot be used to support coordination between law enforcement and other criminal justice partners or to provide staff to support criminal justice coordinating councils. Expanding the allowable uses of the crime reduction grants could better deploy those funds in support of criminal justice partner cooperation and coordination.

The Administrative Office of the Courts (AOC) notes “implementing robust coordinated programs may improve public safety and court appearance rates, reduce recidivism as well as the costs associated with the population that cycles through multiple agencies such as mental health services, emergency rooms, the courts and jails.” By implementing coordinated data systems, local criminal justice partners would be able to make better data-driven decisions, and providing staff to local criminal justice coordinating councils would help improve those entities’ coordination and planning.

The Administrative Office of the District Attorneys (AODA) notes longstanding problems recruiting and retaining prosecutors, especially in rural parts of the state. AODA states expanding the crime reduction grants will help in efforts to recruit and retain qualified prosecutors, public defenders, correctional officers, and mental health workers.

The Department of Public Safety notes the changes proposed by HB84 would make it eligible to receive crime reduction grant funding.

AOC expresses concern that funding some types of programs through grant funds may create issues with program sustainability, noting sustainability of treatment programs is critical to the vulnerable populations served by those programs. AOC notes that programs for transitional or reentry homes, crisis intervention, and treatment programs would require a housing-first approach, community case management, and treatment, and some programs may need additional staff and resources to accommodate a higher number of participants beyond the period of the grant. Additionally, AOC notes a 5 percent cap on administrative expenses allowed under crime reduction grants, which it notes may pose an additional challenge in sustaining some programs.

RELATIONSHIP

HB84 relates to House Bill 152, which appropriates \$10 million to the Local Government Division of the Department of Finance and Administration for Bernalillo County (in consultation with the city of Albuquerque) to

- Provide incentives to recruit and retain public safety and behavioral health professionals;
- Provide equipment for law enforcement and public safety officials in Bernalillo county for focused deterrence programs, training, and community policing initiatives;

- Increase funding for mobile school-based health centers in Bernalillo county; and,
- Expand public housing options in Bernalillo county to support permanent supportive vouchers, single-site housing, and transitional living facilities.

HB84 relates to House Bill 96, which appropriates \$10 million to create a violence intervention program fund to award grants to state agencies, counties, municipalities, or tribal governments disproportionately impacted by violent crimes, including homicides, shootings, and aggravated assaults.

Relates to House Bill 86, which provides retention differential payments to support state police and local law enforcement agencies retain law enforcement officers.

Expanding the allowable uses of the crime reduction grants (as proposed by HB84) will allow those grants to support some of the same goals as HB152, HB96, and HB86. It may be desirable to consider if some of these goals reflect a duplication of effort and ensure these programs would coordinate, if some or all of these pieces of legislation are enacted.

OTHER SUBSTANTIVE ISSUES

Criminal justice coordinating councils were created by Laws 2019, Chapter 192 (House Bill 267). Each judicial district has its own council, which may include representation from each court in the district, the district attorney, the district public defender office, law enforcement agencies, jails, correctional facilities, behavioral health programs, and other agencies and entities agreed upon by the council.

AOC provides the following additional background information regarding criminal justice coordinating councils:

According to the National Network of Criminal Justice Coordinating Councils “a criminal justice coordinating council (CJCC) is the general term used to describe a body of elected and senior justice system leaders that convene on a regular basis to coordinate systemic responses to justice problems. CJCCs differ widely in the membership and structure. However, generally speaking, a CJCC is a partnership of decision makers who have a stake in the effective administration of justice. Typically, the partnership includes representatives from

- The 3 branches of government (executive, judicial, and legislative);
- Multiple levels of government through city, county, and state agencies; and
- Allied stakeholders from various other governmental entities such as education or health and human services, community-based organizations, service providers, and citizens.”¹

Members of criminal justice coordinating councils can apply for crime reduction grants. Currently, applications are sent to NMSC in late spring or early summer. The commission’s Grants Committee meets to review the applications, determine whether an application falls within the statutory criteria for a grant, and decide how much of an application to award. Despite its present limited budget, NMSC notes the program has been quite successful, awarding grants over the first

¹ <https://www.jmijustice.org/network-coordination/national-network-criminal-justice-coordinating-councils/>

three grant cycles to entities in almost every judicial district in the state and prompting innovative local solutions to local issues.

In FY21, NMSC funded five projects in four judicial districts, including projects to add incentives for clients enrolled in treatment courts in Bernalillo County Metropolitan Court and to purchase electronic monitoring equipment for pretrial release in several judicial districts. For the FY22 grant cycle, the commission awarded grants for four projects covering four judicial districts, which include projects to establish a domestic violence specialty court in the 8th Judicial District and to create recreation opportunities for specialty court clients in the 4th Judicial District.

ER/al