

NEW MEXICO
STATE FORUM
on PUBLIC SAFETY

June 19, 2018



The CSG Justice Center helps policymakers apply data and research to improve public safety and strengthen communities.



JUSTICE REINVESTMENT

A data-driven approach to reduce corrections spending and reinvest savings in strategies that can decrease recidivism and increase public safety.



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Six New Mexico officials attended the 50-State Summit on Public Safety to discuss crime, behavioral health, recidivism reduction, and managing corrections costs.

Representatives largely came from four areas:



**Law
Enforcement**



**State
Legislators**



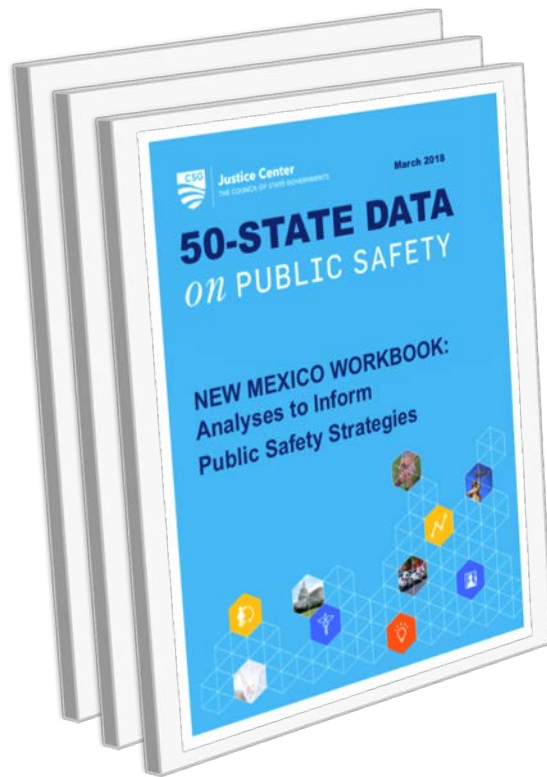
**Behavioral
Health**



**Corrections
Administrators**



70-page workbooks containing national and state-specific data on crime, arrests, recidivism, correctional populations, and other criminal justice system metrics were provided at the summit.



The workbooks not only compiled a large amount of national data repackaged and presented in novel ways, but also included original research gathered from structured interviews conducted with all 50 states on such topics as:

- Recidivism measures tracked and published
- Risk assessment validation
- Use of common identification numbers
- Behavioral health screening
- Supervision expenditures
- Supervision revocation tracking
- Supervision officer training and evaluation

Workbooks for New Mexico and the 49 other states are available at 50statespublicsafety.us/

Today's sessions

9:45 a.m. Improving responses to people in the criminal justice system who have behavioral health needs

11:00 a.m. Advancing strategies to reduce crime

1:30 a.m. Promoting strategies to reduce recidivism

2:45 a.m. Collateral consequences of criminal convictions

Improving Responses to People in the Criminal Justice System Who Have Behavioral Health Needs

Panelists:

Wayne Lindstrom, Director, Behavioral Health Services Division, Human Services Department

Grace Philips, General Counsel, New Mexico Association of Counties

Maggie Hart Stebbins, Bernalillo County Commissioner

Rick Miera, Former Chair, Legislative Education Study Committee, Behavioral Health Counselor

Effectively treating people in the criminal justice system who have behavioral health needs is critical to improving overall health and public safety outcomes.

People with behavioral health needs are overrepresented in criminal justice systems



Arrested at disproportionately higher rates



Longer stays in jail and prison



Limited access to health care



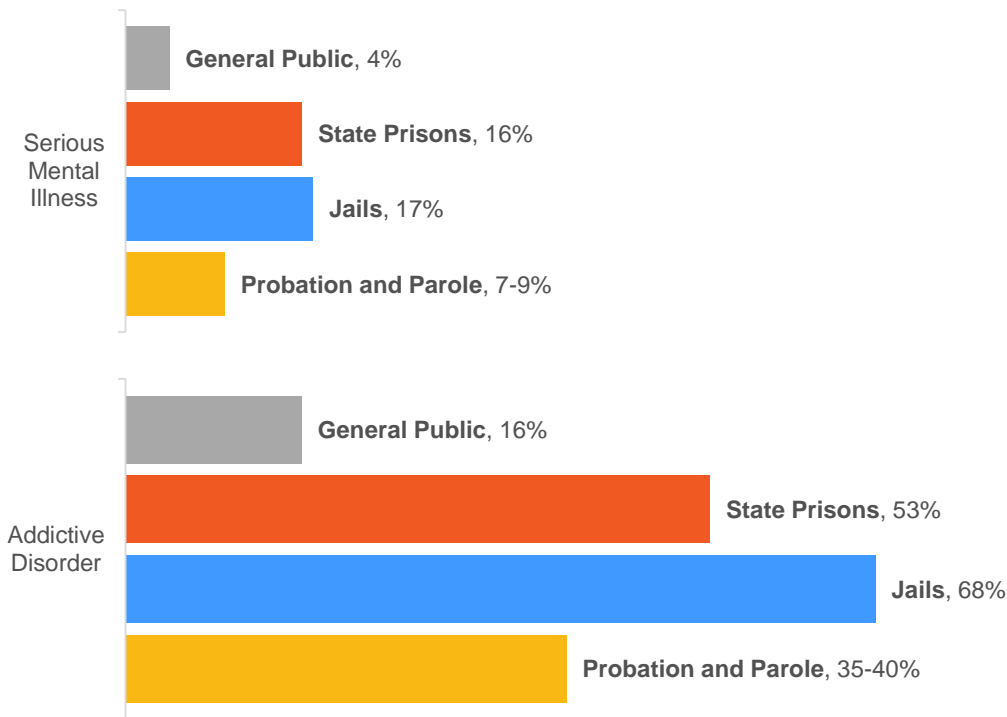
More criminogenic risk factors



People who have substance addictions or other behavioral health needs have higher recidivism rates than those without specialized needs. Addressing these behavioral health needs improves both public health and public safety outcomes.

People on community supervision or in jail or prison have much higher rates of serious mental illness and substance addictions than the general population.

Estimated Proportion of Adults with Mental Health and Substance Addictions in U.S. Population and under Correctional Control and Supervision



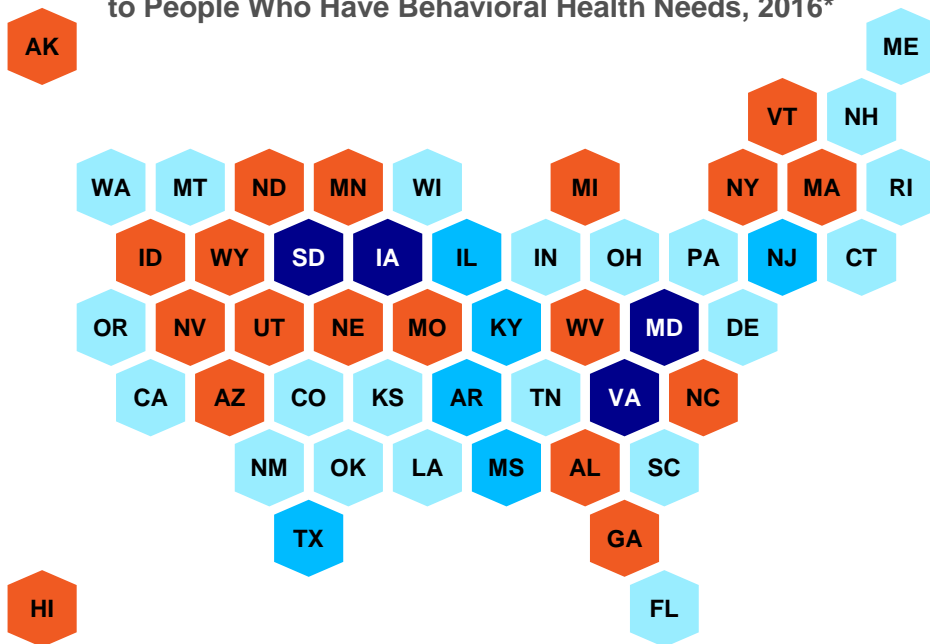
While substance addictions contribute to recidivism risk, mental illnesses are rarely a direct cause of criminal behavior.

However, both are factors in increased law enforcement calls for service and increased jail stays and can interfere with recidivism-reduction efforts and must be addressed through comprehensive case planning.

Source: Alex M. Blandford and Fred Osher, *Guidelines for the Successful Transition of People with Behavioral Health Disorders from Jail and Prison* (New York: SAMHSA's GAINS Center and The Council of State Governments Justice Center, November 2013). <https://csgjusticecenter.org/wp-content/uploads/2013/12/Guidelines-for-Successful-Transition.pdf>.

On the front end, many states, including New Mexico, are trying to improve police responses to people who have behavioral health needs.

State Requirements on Police Training in Responses to People Who Have Behavioral Health Needs, 2016*



19 states

do not have laws regarding training requirements for police on responding to people who have behavioral health needs

6 states

have legislative requirements for the establishment of crisis intervention teams

21 states

have laws requiring training for police on responding to people who have behavioral health needs

4 states

have laws requiring training *and* legislative requirements establishing crisis intervention teams

*Crisis intervention teams are formal partnerships among police departments and mental health care providers with specific training models that agencies must follow. Training requirements related to responding to people who have behavioral health needs include any other training outside of crisis intervention teams.

Source: <http://www.ncsl.org/research/civil-and-criminal-justice/law-enforcement.aspx>

10 counties in New Mexico have joined an initiative to reduce the number of people with mental illnesses in jails.



Reducing the number of people with mental illnesses booked into jail



Increasing connections to treatment

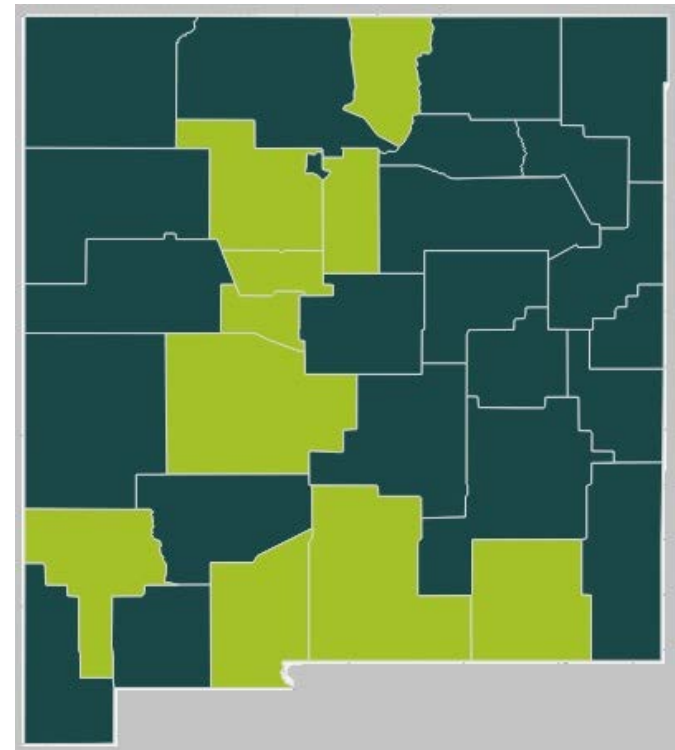


Reducing the length of time spent in jail



Reducing recidivism

Stepping Up Resolutions as of March 2018

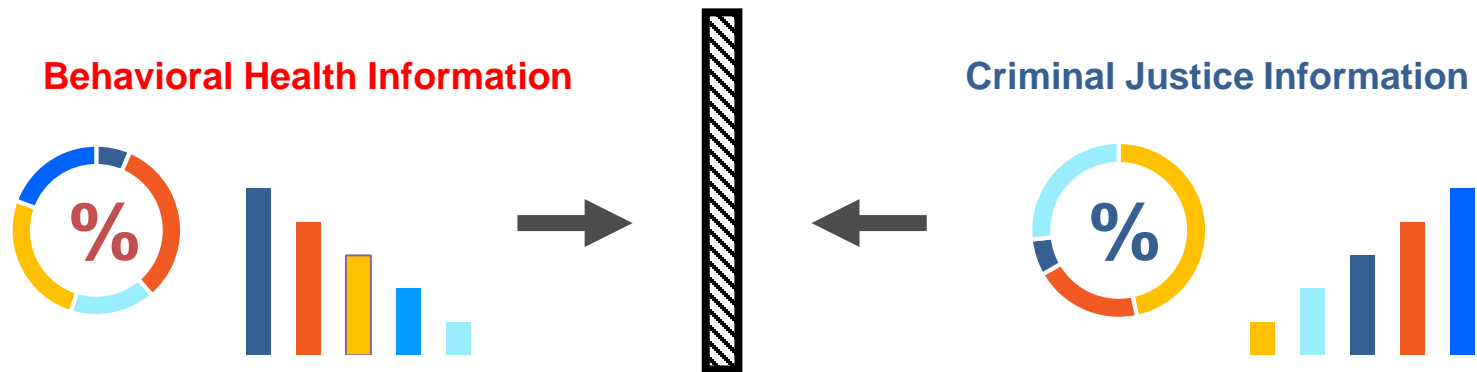


● Counties with resolutions

Improving health and public safety outcomes requires states to address four key challenges at a systemic and statewide level.

- 1** **Improve identification** of people who have behavioral health needs in the criminal justice system
- 2** **Ensure availability** of a comprehensive array of treatment and services
- 3** **Increase effectiveness** of treatment to improve public safety and health outcomes
- 4** **Strengthen collaboration** between behavioral health and criminal justice agencies at the state and local level

Data and case information sharing is crucial, but is often impeded by structural barriers (real and imagined).



Data sharing for people in both criminal justice and behavioral health systems is necessary for

- Ensuring continuity of care;
- Eliminating duplication;
- Applying consistency in assessment, evaluation, and case planning; and
- Evaluating outcomes.

Policymakers and practitioners are often stymied by persistent beliefs about the impossibility of data sharing, such as

- No one can access addiction information;
- Only health care providers can share personal health information (“PHI”); and
- You always need a patient’s authorization to release information.

Key Takeaways

- Counties in New Mexico have successfully reduced the number of people in county jails, but the percentage of people with serious mental illnesses and substance addictions in county jails has increased.
- With a fragmented behavioral health system, the Bernalillo County jail has become the largest mental health care provider in the state.
- New Mexico had the eighth-highest drug overdose rate in 2015, down from the highest rate in the country in 2005. For decades, New Mexico has struggled to find effective responses to people who have opioid, alcohol, and/or methamphetamine addictions.
- Counties have taken the lead in increasing access to mental health and substance addiction treatment across the state.

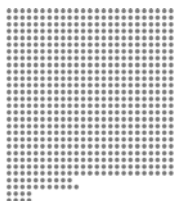
Questions



How can your state improve behavioral health data collection, analysis, and information sharing between state and local criminal justice and behavioral health agencies to strengthen strategic planning, increase access to treatment and supports, and improve outcomes?



How can your state take steps to finance and incentivize the provision of treatment and services that effectively reduce recidivism and advance recovery for people in the criminal justice system who have behavioral health needs?



Are there county-level collaborative efforts to improve health and public safety outcomes for people in the criminal justice system who have behavioral health needs? If so, what can be done to replicate efforts in other counties?



What are the most significant barriers within your state to expanding access to services for people in the criminal justice system?

Advancing Strategies to Reduce Crime

Panelists:

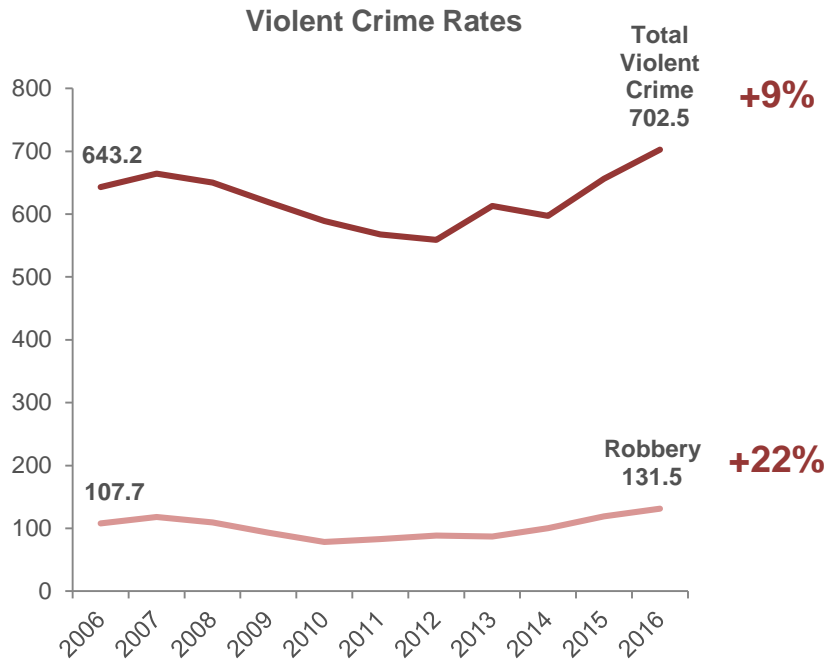
Honorable Edward L. Benavidez, Chief Judge, Bernalillo County Metropolitan Court

Honorable Raul Torrez, District Attorney, Second Judicial District

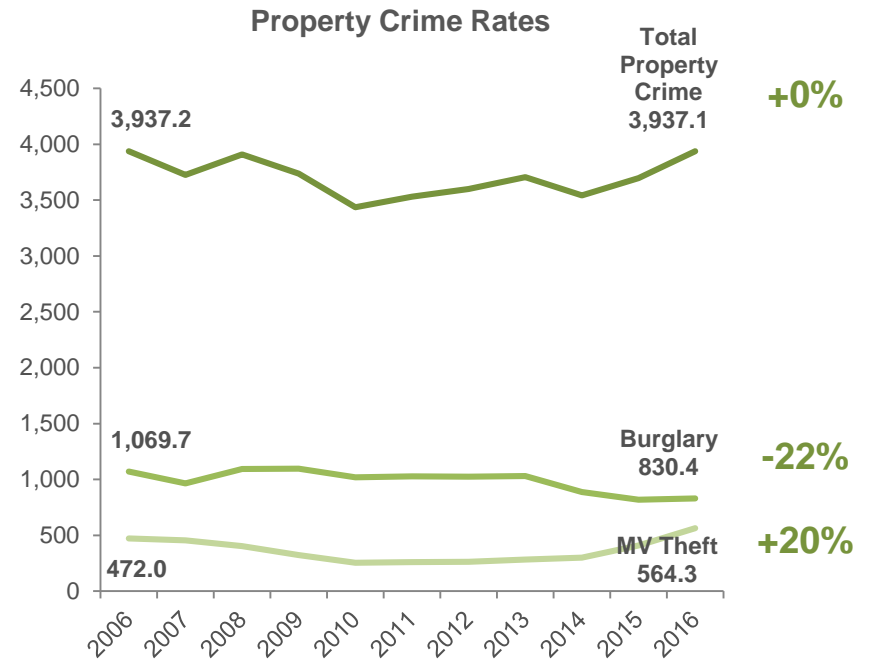
Susan Reyes, Community Health Worker, La Plazita Institute, Leaders Organizing to Unite and Decriminalize (LOUD) Facilitator

Representative Antonio Maestas, Co-Chair, Criminal Justice Reform Subcommittee

New Mexico's violent crime rate increased 9 percent between 2006 and 2016, while the overall property crime rate was stable.



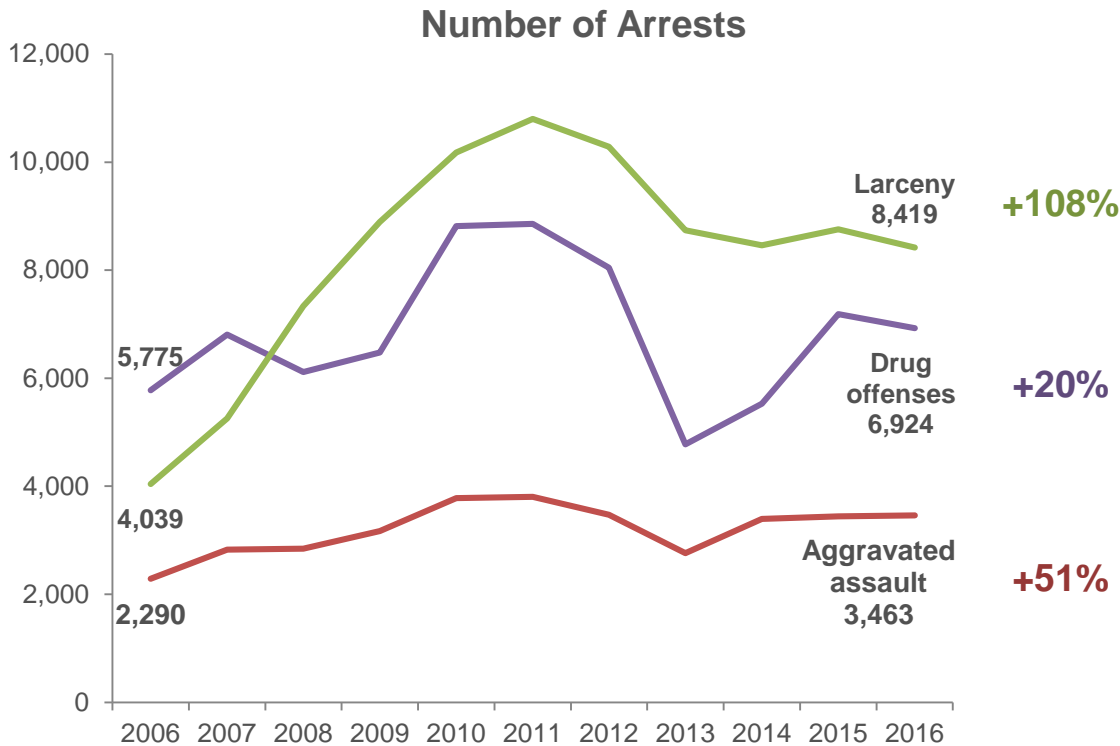
The increase in total violent crime was driven by an increase in robbery offenses



The increase in motor vehicle thefts was offset by a similar decrease in burglaries

Source: FBI, Crime in the U.S., 2006–2016. Rates shown represent the number of incidents per 100,000 residents. Violent Crime Rate includes murder/non-negligent manslaughter, rape, robbery, and aggravated assault. Property Crime Rate includes burglary, larceny/theft, motor vehicle theft, and arson. In 2013, the FBI expanded its definition of rape, which may account for some increases in violent crime.

Increases in arrests have been driven by arrests for larceny, drug offenses, and aggravated assaults.

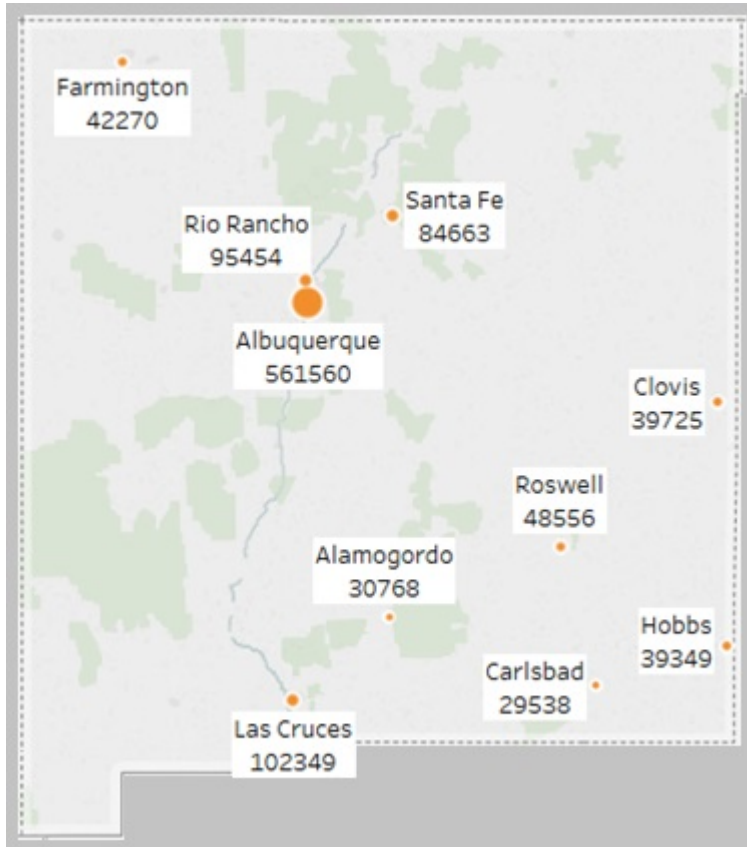


The total number of arrests in New Mexico grew from **72,114** to **77,509**, from 2006 to 2016, a **7% increase**

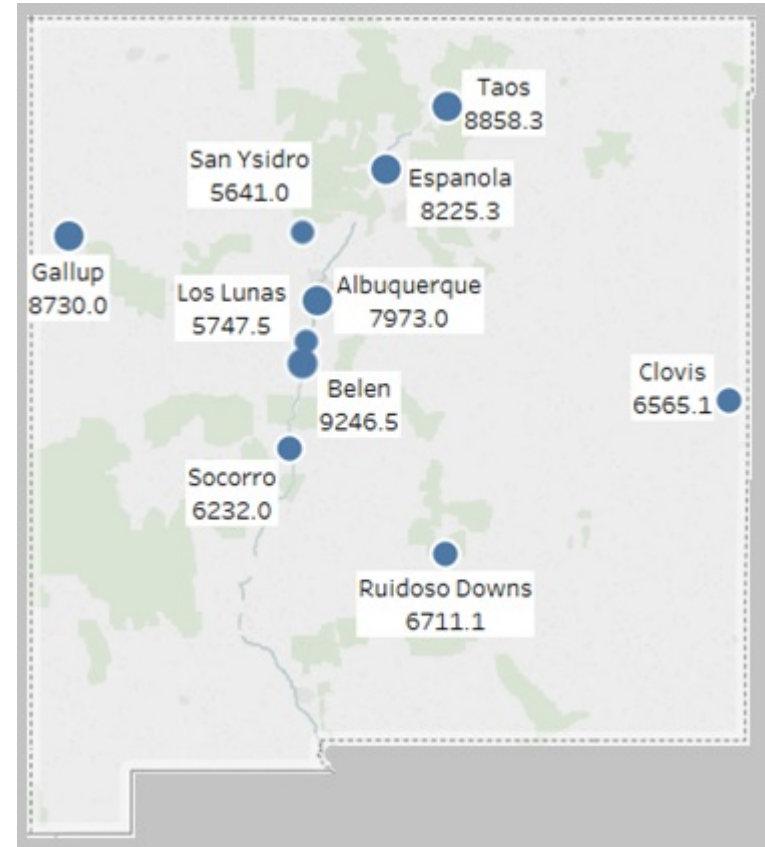
Source: FBI, Crime in the U.S., 2006–2016.

Crime in New Mexico is not just a “big city problem.”

Top 10 Cities – Largest Population



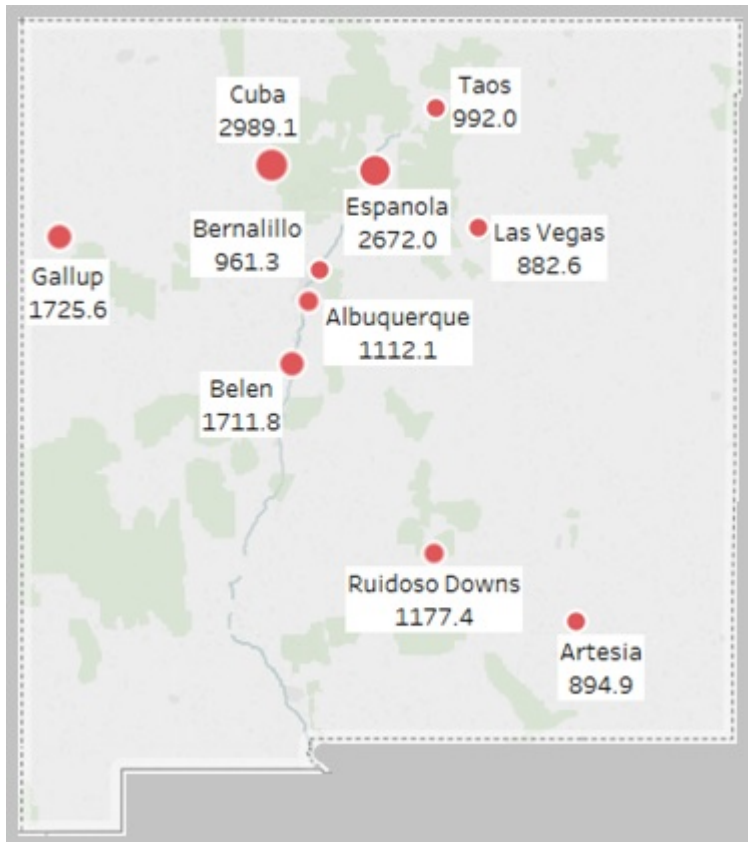
Top 10 Cities – Highest Index Crime Rate



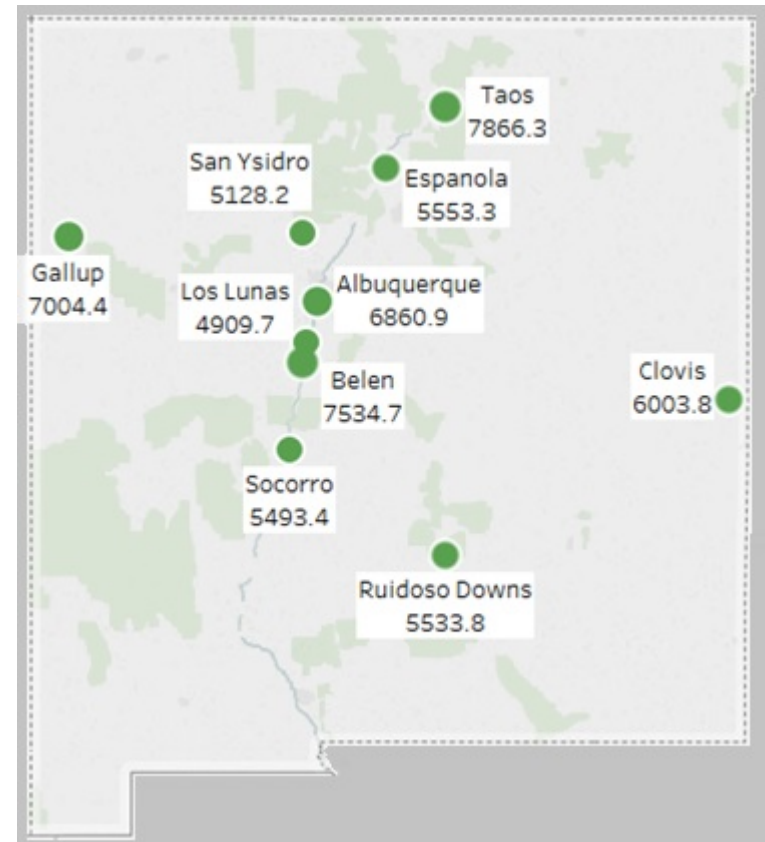
Source: FBI, *Crime in the United States, 2016*. Index Crime Rate includes murder/non-negligent manslaughter, rape, robbery, aggravated assault, burglary, larceny/theft, motor vehicle theft, and arson.

Cities with the highest violent crime rates do not necessarily have the highest property crime rates.

Top 10 Cities – Highest Violent Crime Rate

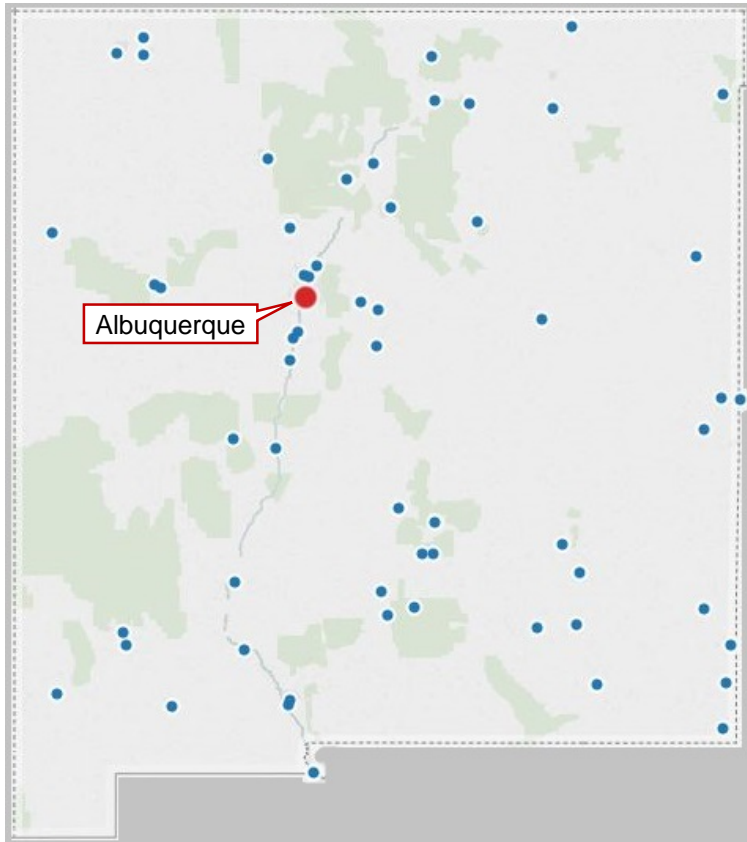


Top 10 Cities – Highest Property Crime Rate



Source: FBI, *Crime in the United States, 2016*. Violent Crime Rate includes murder/non-negligent manslaughter, rape, robbery, and aggravated assault. Property Crime Rate includes burglary, larceny/theft, motor vehicle theft, and arson.

While Albuquerque is not the only New Mexico city with a high crime rate, it does drive much of the state's criminal activity.



Albuquerque accounts for **27%** of New Mexico's resident population, but

43% of reported violent crime

46% of violent crime arrests

47% of reported property crime

42% of property crime arrests

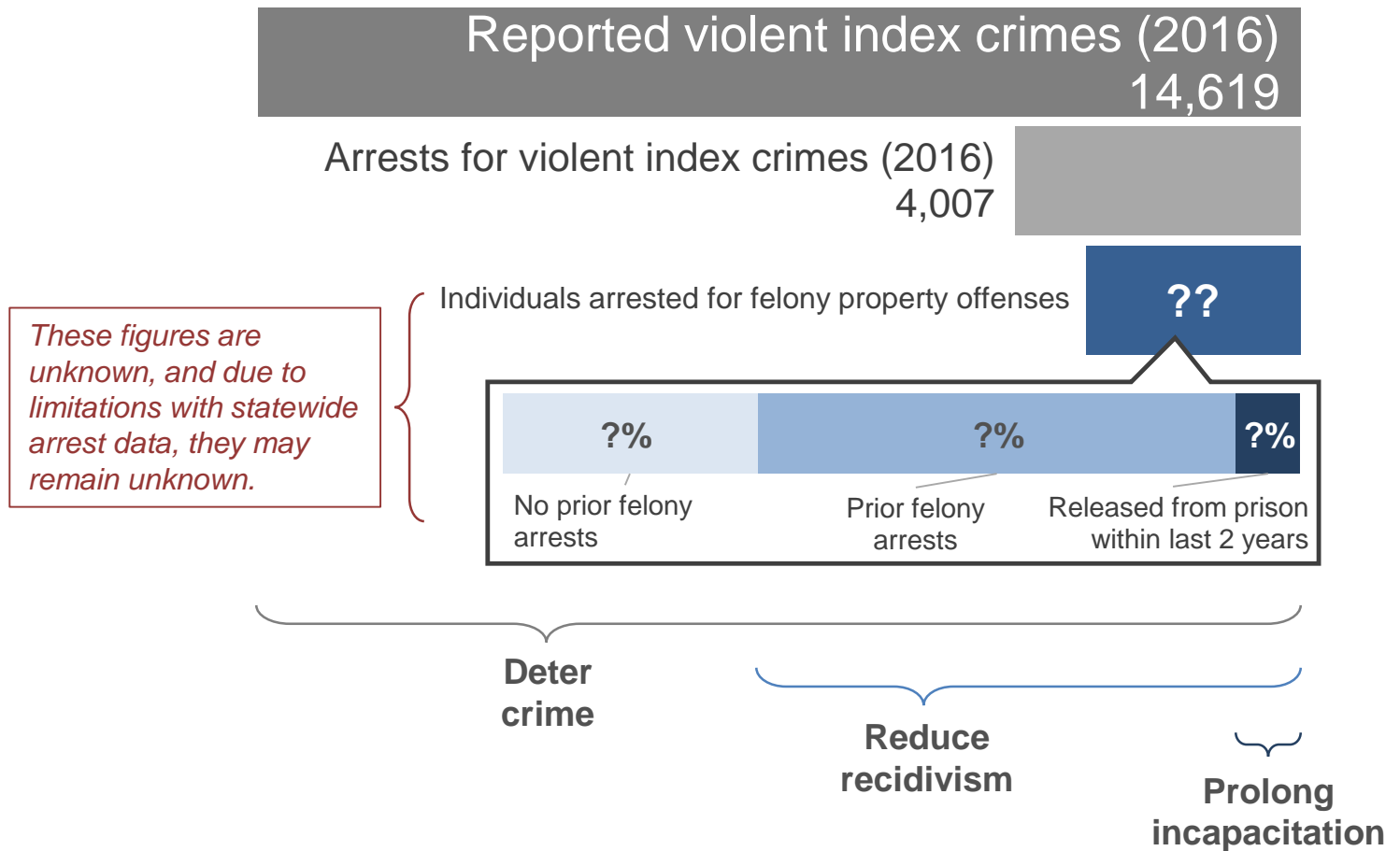
72% of reported robberies

62% of robbery arrests

13% of drug arrests

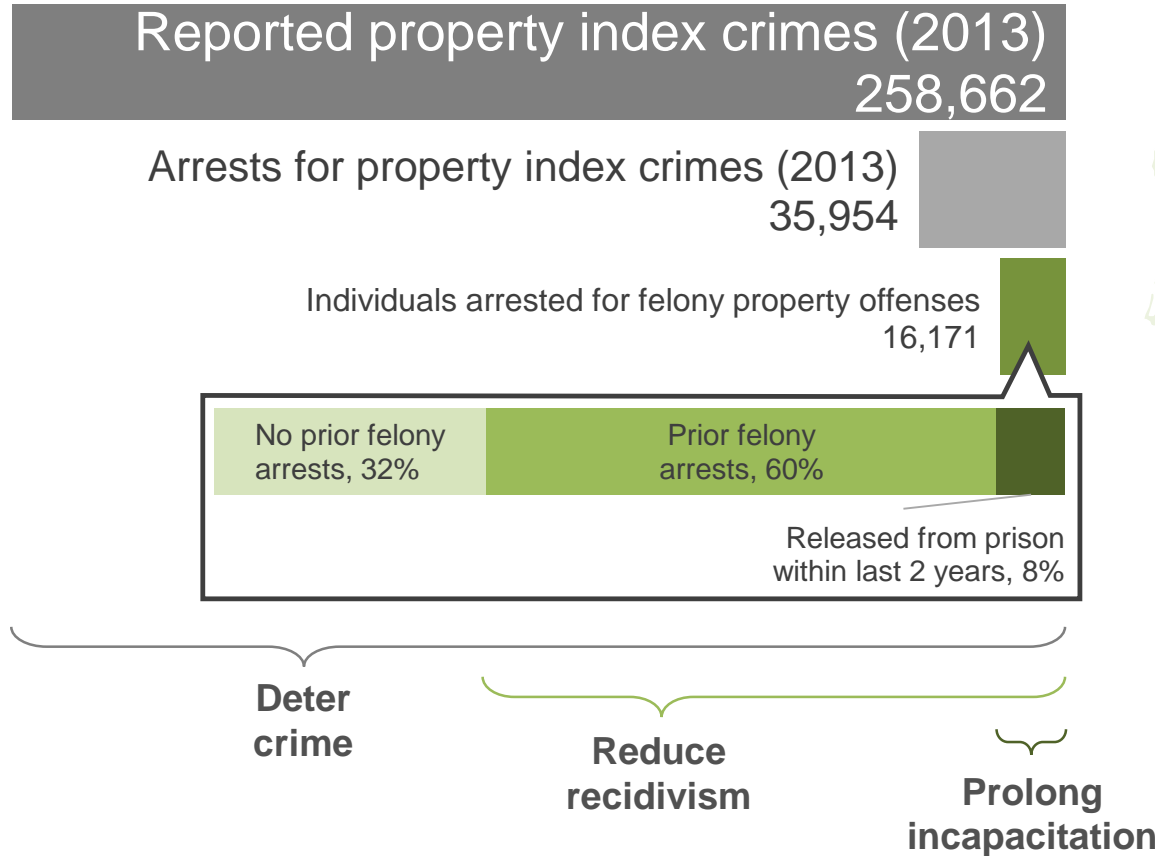
Source: FBI, *Crime in the United States, 2016*. Albuquerque Police Department, *Uniform Crime Reports: Arrests, 2016* (<http://www.cabq.gov/police/annual-reports/uniform-crime-reports-arrests>). Drug offenses are not part of the FBI's reported index crimes, so only arrest numbers were compared here.

A comprehensive strategy is required to reduce violent crime.



Source: FBI Crime in the United States, 2016. Violent index crimes include murder/non-negligent manslaughter, rape, robbery, and aggravated assault.

Washington state conducted a similar analysis to develop strategies to address property crime.



Figures based on CSG Justice Center analysis of criminal activity in Washington state

Source: FBI UCR data; CSG Justice Center analysis of Washington DOC and Washington State Police data. Property crimes include burglary, larceny/theft, motor vehicle theft, and arson.

Promising violence-reduction law enforcement strategies exist.

Strategy	Can be used to address
Hot-spot policing	robberies, burglaries
Focused deterrence	gang member-involved violence, homicides, shootings
Place-based problem solving	robberies, shootings, property crime, drug markets
Alternatives to arrest	minor misdemeanors, drug-related crimes, juvenile crime, and incidents involving people who have mental illnesses
Problem solving, including strategic use of crime analysis	identification of patterns and repeat victims, offenders, crimes, locations, times, etc.

Keys to success:

- **Select and tailor a strategy to local problem**
 - Rely on analysis rather than anecdotes, intuition, or external influences (e.g., media, politicians, stakeholders, etc.)
- **Gather community input and buy-in**
 - Strategies that are effective for reducing crime may not be viewed by community members and other stakeholders as legitimate
 - Some “effective” strategies may result in unintended consequences such as an increased use of arrest/incarceration or reduced community trust in law enforcement

Source: Sherman, Lawrence W. “The rise of evidence-based policing: Targeting, testing, and tracking,” *Crime and Justice in America 1975-2025* (Chicago: University of Chicago Press, 2013). p. 377-452.

What can policymakers do at the state level to support law enforcement and reduce violence?

- Ensure that local law enforcement agencies use **evidence-based policing strategies** to combat violent crime
- Advance violent crime reduction efforts by **improving reciprocal trust between communities and police**
- Provide law enforcement officers with the **necessary resources to respond to the needs of their communities**
- **Support officer wellness initiatives** to help improve officer performance and citizen satisfaction
- **Develop and facilitate data-sharing systems** across agencies; across and within jurisdictions; and between law enforcement, health, and social services providers
- **Provide resources to address emerging problems (e.g., opioid epidemic, shifting drug markets)** and focus on long-term solutions rather than short-term responses

Source: Sherman, Lawrence W. "The rise of evidence-based policing: Targeting, testing, and tracking," *Crime and Justice in America 1975-2025* (Chicago: University of Chicago Press, 2013). p. 377-452.

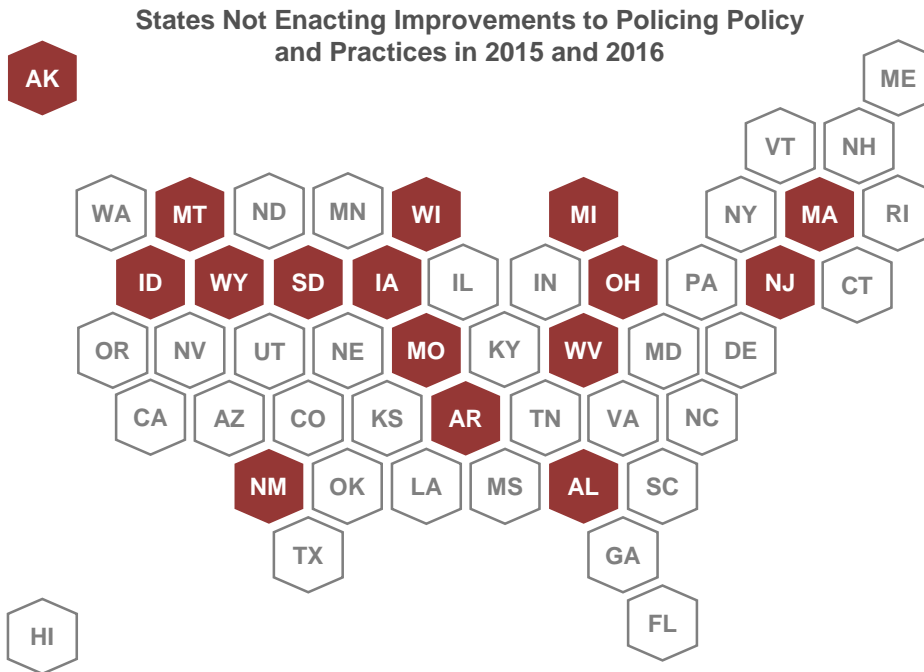
Reducing crime isn't just about increasing the number of officers.

In 2016, New Mexico had **90** law enforcement agencies with **3,176** law enforcement officers – the **sixth highest rate of officers to residents** in the nation. Yet, New Mexico has the **highest index crime rate** and the **third highest index arrest rate**.

State	Rate of Officers to 100k Residents	State Ranking: Rate of Officers	Index Crime Rate (per 100k residents)	State Ranking: Index Crime Rate	Index Arrest Rate (per 100k residents)	State Ranking: Index Arrest Rate
New Jersey	355.6	1	1,789.6	48	420.0	43
Louisiana	335.6	2	3,863.8	3	1,045.2	1
New York	326.3	3	1,921.8	46	587.8	25
Illinois	315.8	4	2,485.3	31	579.7	29
Maryland	285.2	5	2,756.5	28	682.1	13
New Mexico	282.2	6	4,639.6	1	962.8	3
Massachusetts	263.6	7	1,938.0	45	382.7	48
Pennsylvania	259.2	8	2,059.1	42	585.8	27
Tennessee	252.4	9	3,487.0	7	837.3	4
Georgia	248.7	10	3,402.1	11	535.9	35

Source: FBI, Crime in the United States 2016. Crime and arrest rates are per 100,000 residents. Index offenses include: murder/non-negligent manslaughter, rape, robbery, aggravated assault, burglary, larceny/theft, motor vehicle theft, and arson.

New Mexico is one of 16 states with no recent legislation to improve policing policies and practices.

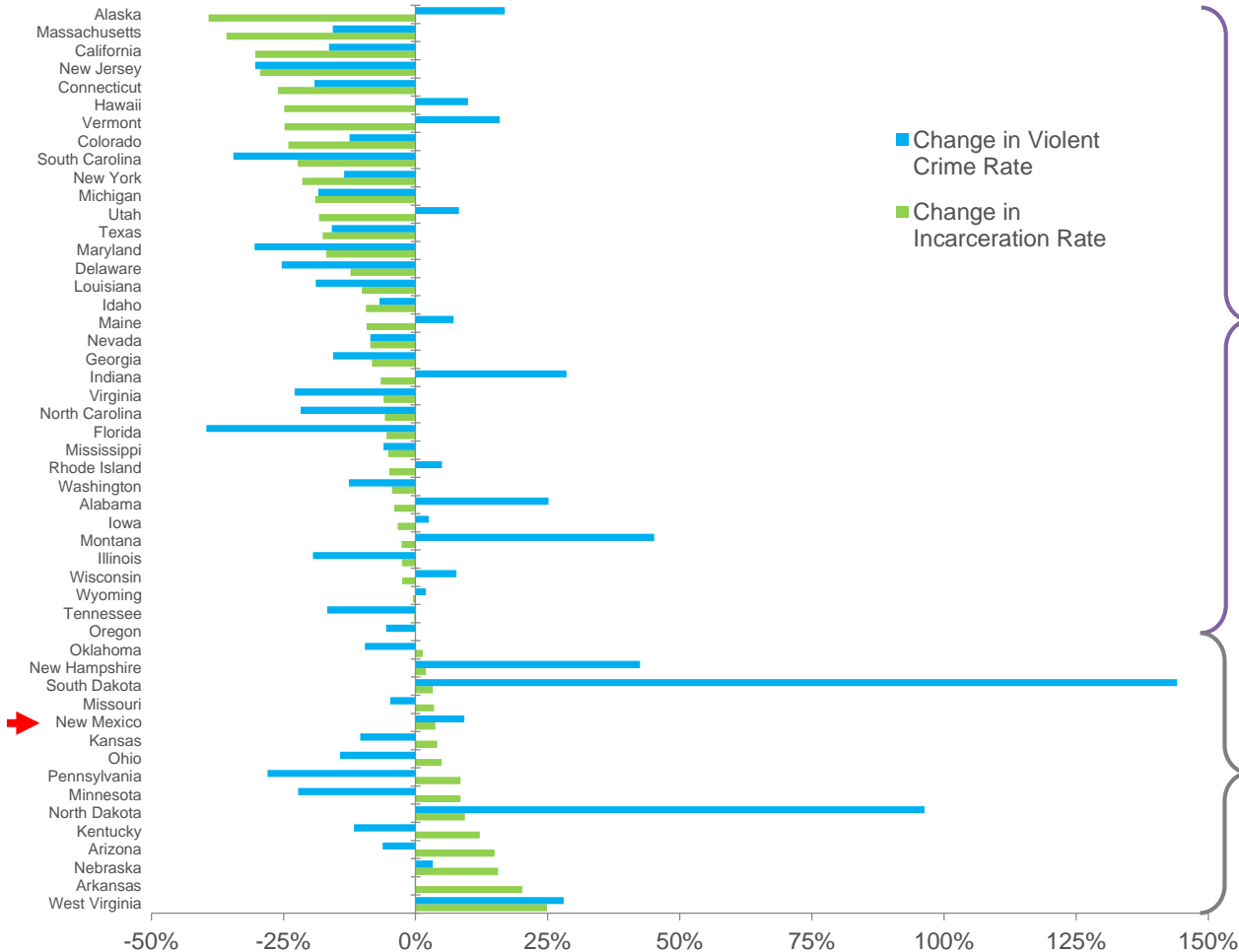


- In 2012, the Department of Justice opened a civil investigation into the Albuquerque Police Department (APD) in response to allegations of excessive use of force
- As a result of this investigation and subsequent technical assistance, APD implemented comprehensive reforms to department policies and practices
- However, no legislation was enacted to apply these reforms to law enforcement agencies across the state

Source: Vera Institute, "To Protect and Serve: New Trends in State-Level Policing Reform, 2015-2016." US Attorney's Office District of New Mexico "JUSTICE DEPARTMENT LAUNCHES INVESTIGATION OF THE ALBUQUERQUE POLICE DEPARTMENT'S USE OF FORCE" (November 2012). US Attorney's Office District of New Mexico "Justice Department Reaches Agreement with the City of Albuquerque to Implement Sweeping Reforms on Use of Force by the Albuquerque Police Department" (October 2014).

Changes in violent crime rates across the country show little correlation to increases and decreases in incarceration.

Change in Incarceration and Violent Index Crime Rates by State, 2006-2016



States with increasing and decreasing violent crime rates while *incarceration has decreased*.

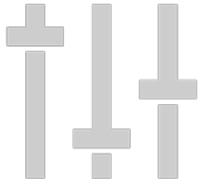
States with increasing and decreasing violent crime rates while *incarceration has increased*.

Sources: FBI, *Crime in the United States, 2006 and 2016*; BJS, *Prisoners series, 2006 and 2016*.

Key Takeaways

- New Mexico's violent crime rate has increased since 2006, while the property crime rate has remained stable.
- The cities in New Mexico with the highest crime rates are not necessarily the cities with the largest populations.
- Increases in crime and arrests are being driven by a few select offenses – robbery, larceny, drug offenses, and aggravated assault.
- While some jurisdictions have made reforms to policing policies and practices, no statewide reforms have been made.
- Resources and deterrence efforts should target people who repeatedly commit crimes, who in many cases are responsible for a disproportionate amount of crime in New Mexico.
- Building and maintaining the trust and confidence of New Mexico citizens is key to improving public safety.

Questions



Which of the three policy levers (deterrence through law enforcement, reducing recidivism, and prolonging incapacitation) has the most inherent appeal in the current climate?



Which has been stressed the most in the legislative process?



What can be done to encourage a focus on deterrence through state support for local law enforcement?

Promoting Strategies to Reduce Recidivism

Panelists:

David Jablonski, Secretary, Corrections Department

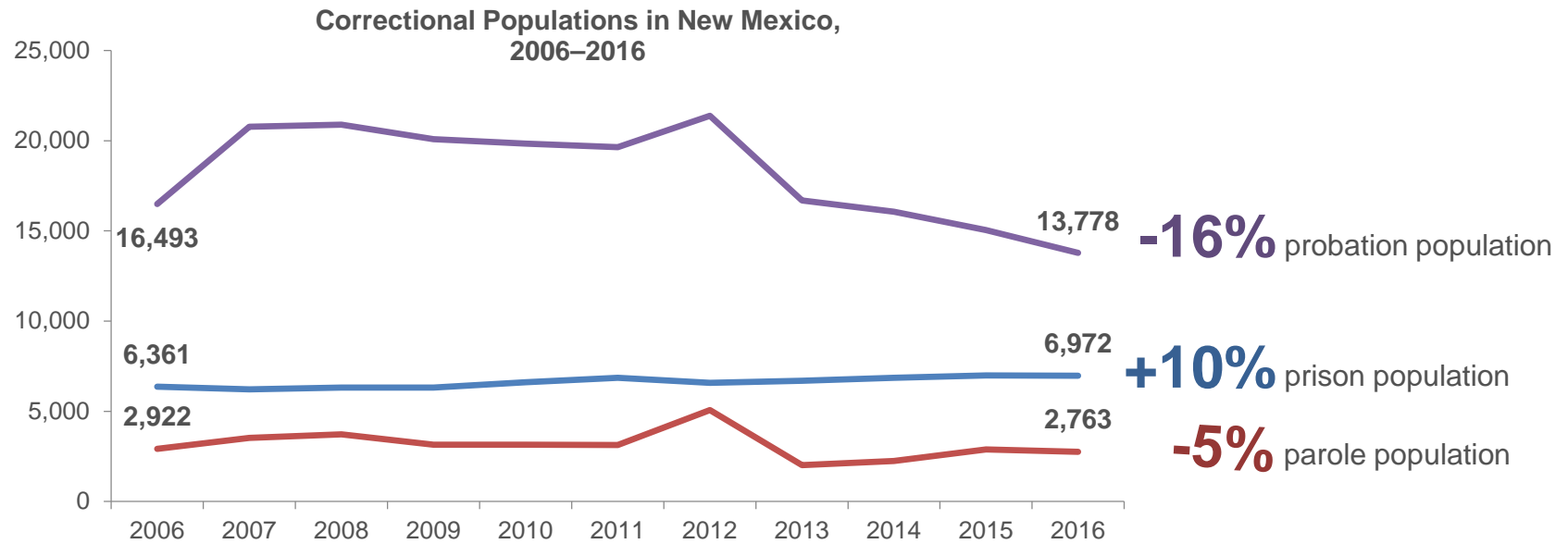
Ben Baur, Chief Public Defender, Law Offices of the Public Defender

John Osborn, Deputy District Attorney, First Judicial District

Linda Freeman, Executive Director, New Mexico Sentencing Commission

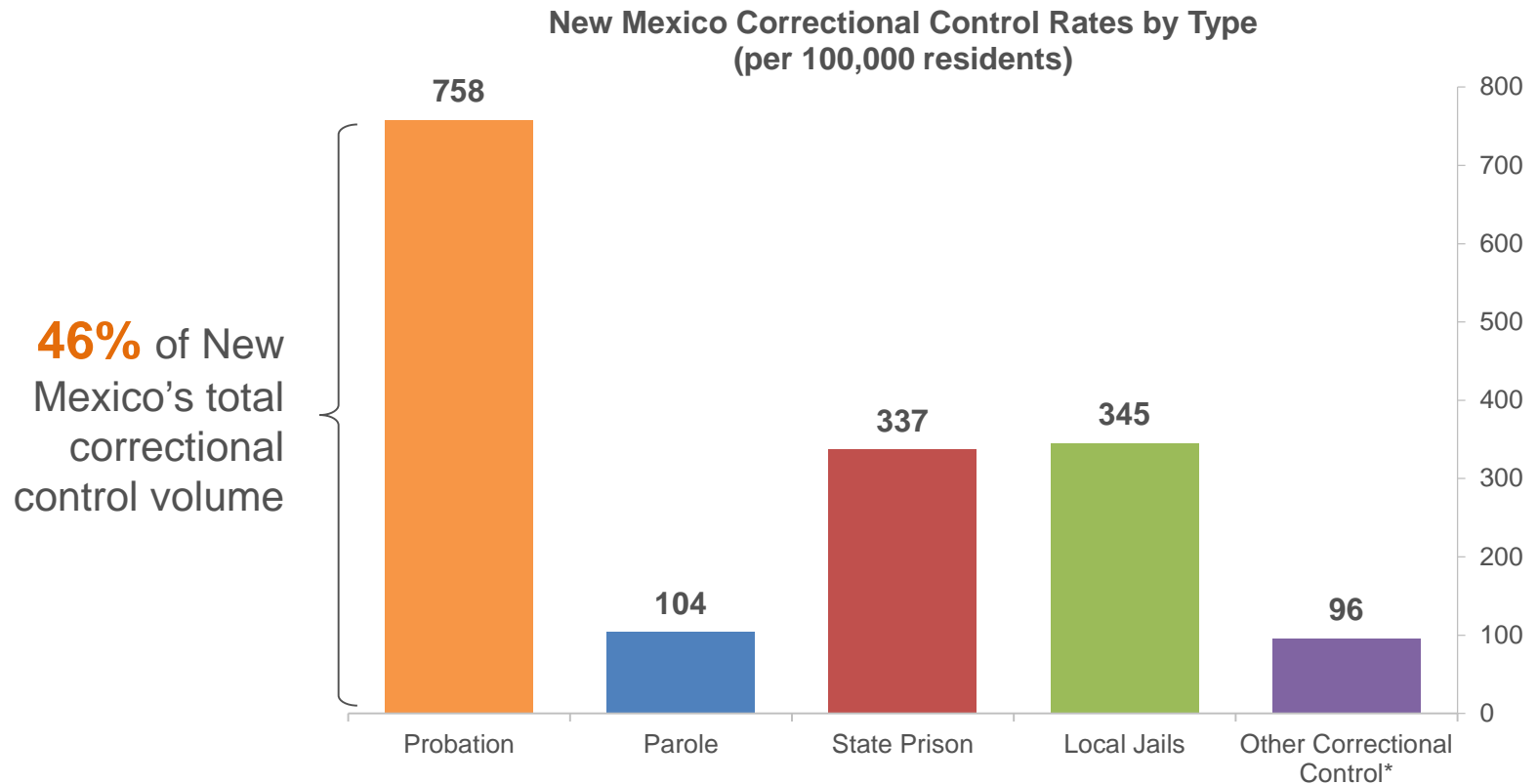
Senator Sander Rue, Co-Chair, Criminal Justice Reform Subcommittee

New Mexico's prison population has increased, while parole and probation populations have declined.



Source: BJS, Correctional Statistical Analysis Tool (CSAT); Vera Institute, *The Price of Prisons* (prison expenditures); CSG Justice Center, structured interviews, Aug. 2017 (supervision expenditures).

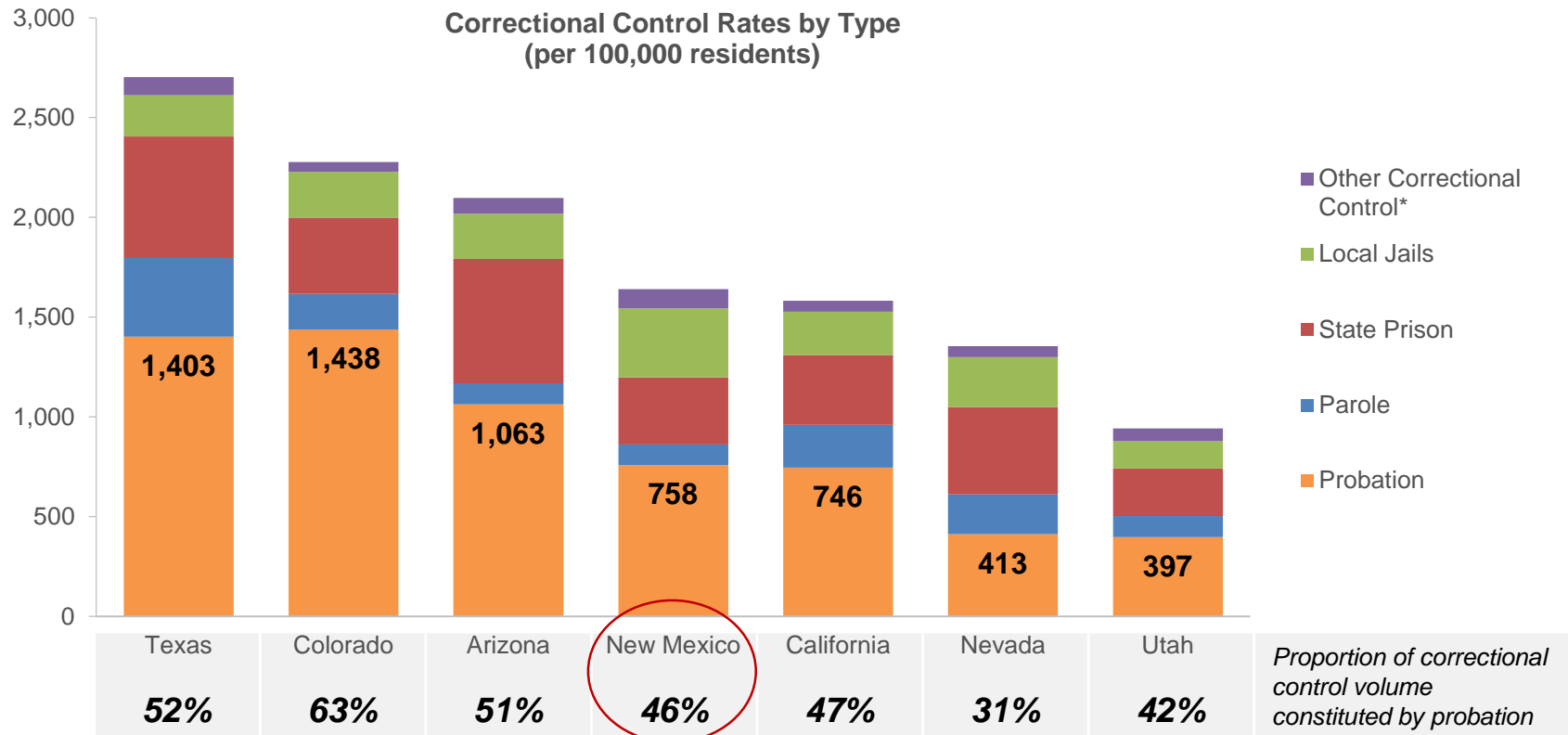
Although the population is decreasing, almost half of all correctional control volume comes from probation.



*Other Correctional Control includes federal prison, juvenile incarceration, civil commitments, and Indian Country jails.

Source: Prison Policy Initiative, Correctional Control: Incarceration and supervision by state, <http://www.prisonpolicy.org/reports/50statepie.html>.

New Mexico uses probation at a lower rate than some of its neighbors, but probation makes up about the same percent of the total correctional control volume.

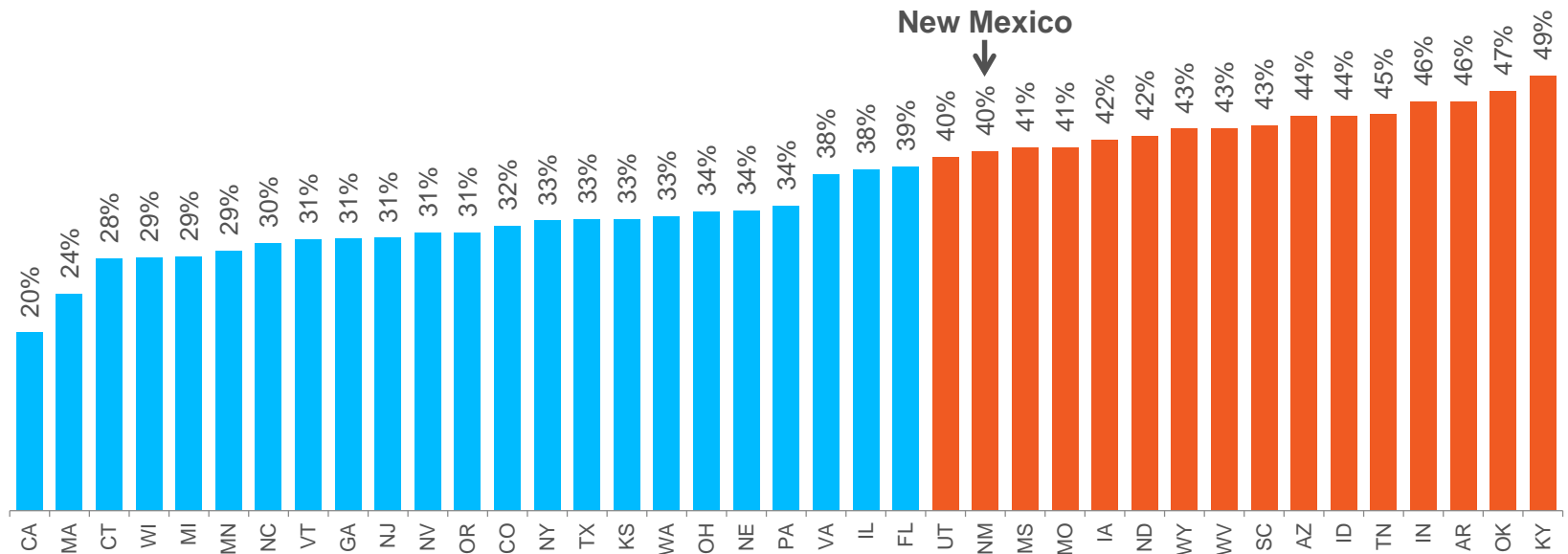


*Other Correctional Control includes federal prison, youth facilities, civil commitments, and Indian Country jails.

Source: Prison Policy Initiative, Correctional Control: Incarceration and supervision by state, <http://www.prisonpolicy.org/reports/50statepie.html>.

In 2014, New Mexico was one of 16 states where at least 40 percent of people serving sentences in state prison had been convicted of property or drug offenses.

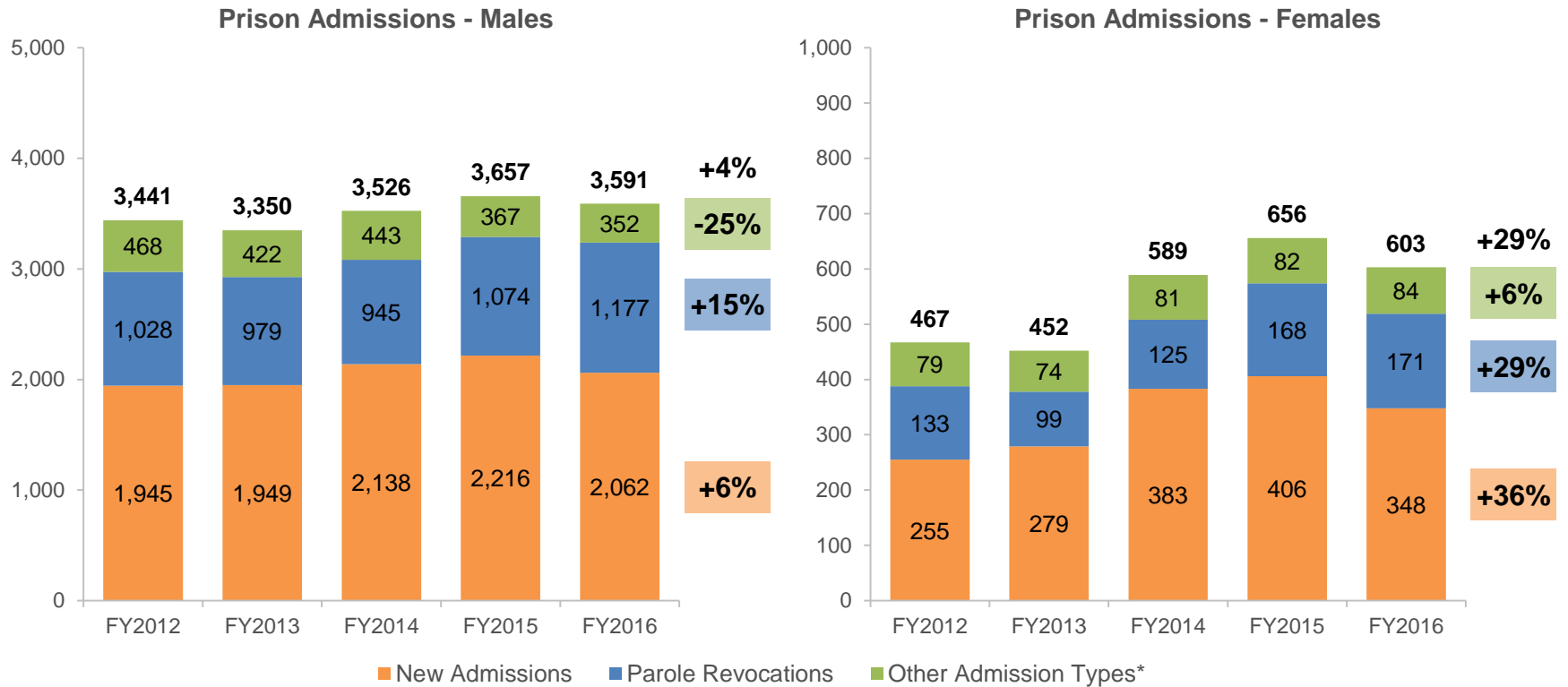
Percent of People in Prison for Property or Drug Offenses, 2014*



*2014 was the latest year of National Corrections Reporting Program (NCRP) data available for download. 2013 data was used in 9 states (ID, IL, MI, MN, ND, NJ, OH, VA, VT) due to inconsistent reporting in 2014. Eleven states were excluded altogether from the analysis due to lack of reporting through NCRP data collection or NCRP prison population totals that were inconsistent with BJS prison population totals (AK, AL, DE, HI, LA, MD, ME, MT, NH, RI, SD).

Source: CSG Justice Center analysis of National Corrections Reporting Program data, obtained from ICPSR. <https://www.icpsr.umich.edu/icpsrweb/ICPSR/studies/36404>

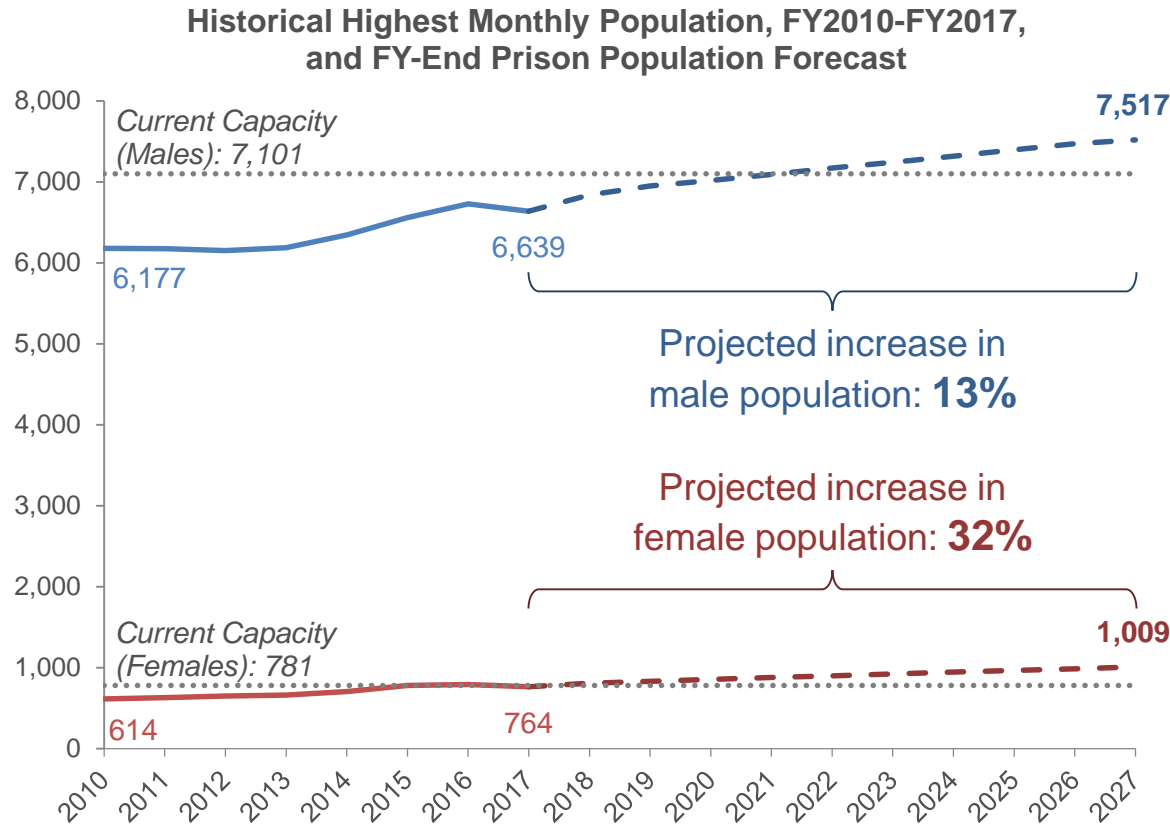
Prison admissions for new offenses and parole revocations are increasing for both males and females, but the increases are much larger for females.



*Other admission types includes probation and diagnostic admissions

Source: New Mexico Sentencing Commission, "NEW MEXICO PRISON POPULATION FORECAST: FY2018 — FY 2027" (July 2017).

New Mexico's female prison population is rapidly increasing and is projected to exceed capacity in FY2018.

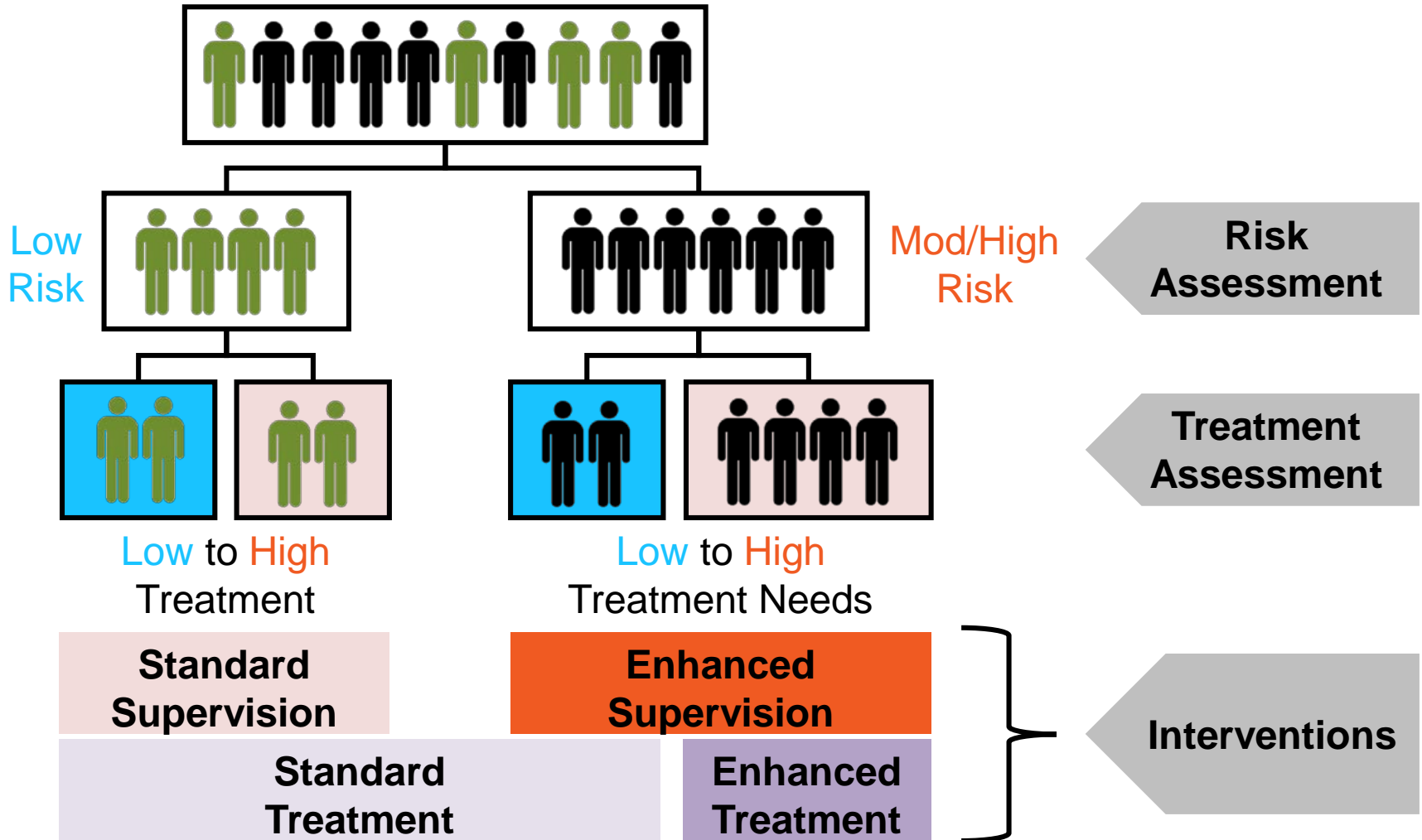


The male prison population increased **7%** between FY2010 and FY2017, from 6,177 to 6,639

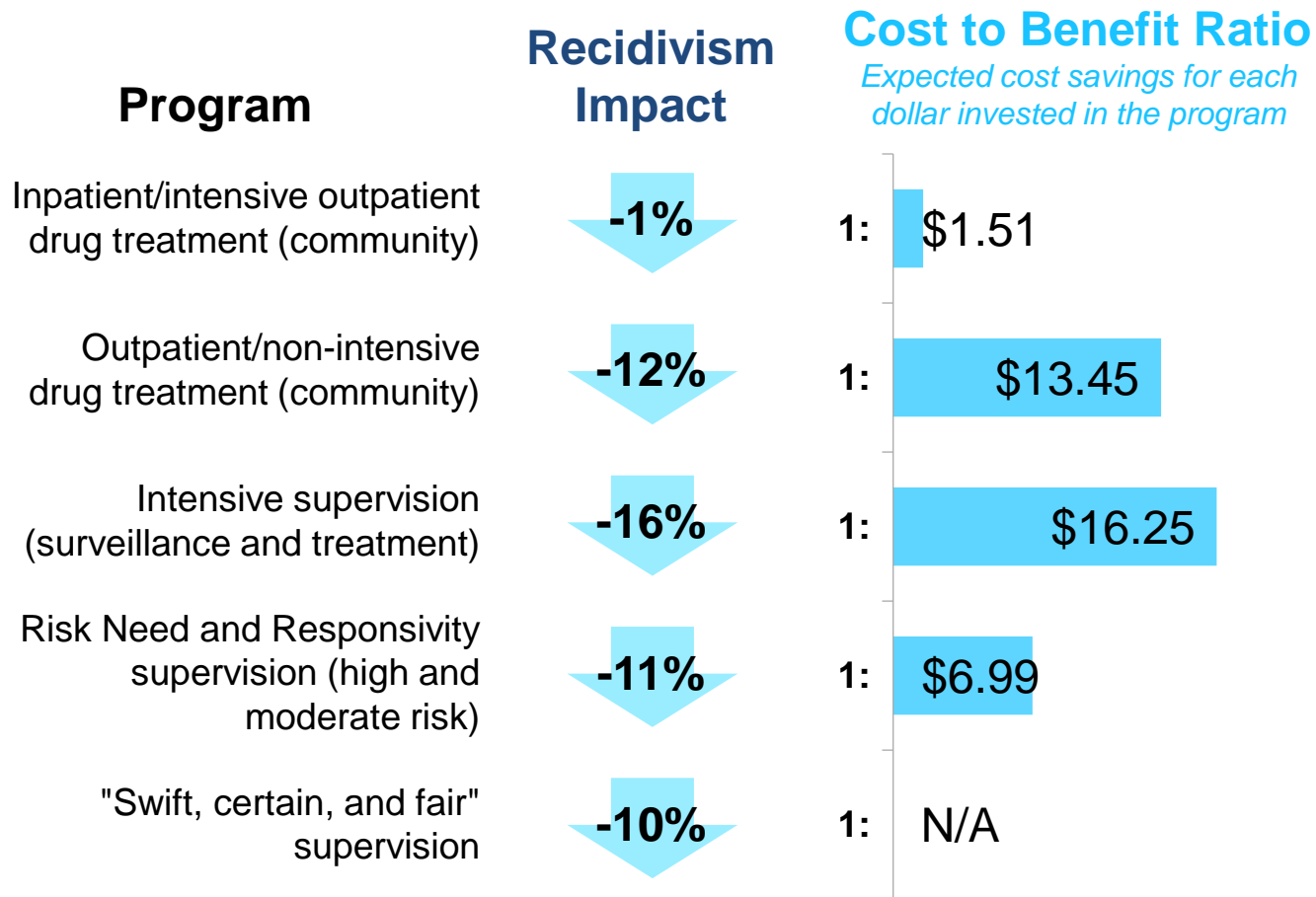
The female prison population increased **24%** between FY2010 and FY2017, from 614 to 764

Source: New Mexico Sentencing Commission, "NEW MEXICO PRISON POPULATION FORECAST: FY2018 — FY 2027" (July 2017). Numbers shown in chart are the actual populations for FY2010 through FY2017 and the long term forecast population for FY2018 through FY2027.

Use risk and needs assessments to inform key supervision and programming decisions.

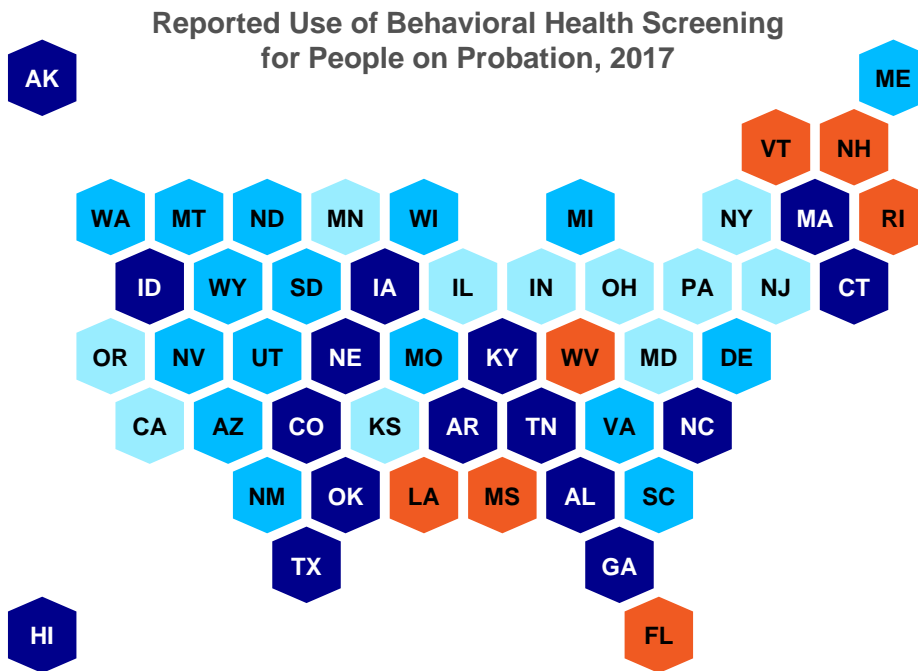


Existing research shows that when done well, probation and treatment have the potential to curb recidivism.



Sources: WSIPP, Inventory of Evidence-Based and Research-Based Programs for Adult Corrections, http://www.wsipp.wa.gov/ReportFile/1681/Wsipp_Inventory-of-Evidence-Based-Research-Based-and-Promising-Programs-for-Adult-Corrections_Report.pdf.

New Mexico is among 16 states where probation agencies report universal screening for behavioral health needs by using specialized behavioral health screening tools.



7 states

have probation agencies that report using screens for behavioral health needs intermittently or not at all

16 states

have probation agencies that report using criminogenic risk and needs assessment tools for everyone on probation

11 states

have probation agencies that report that the use of behavioral health screens varies by county or local jurisdiction

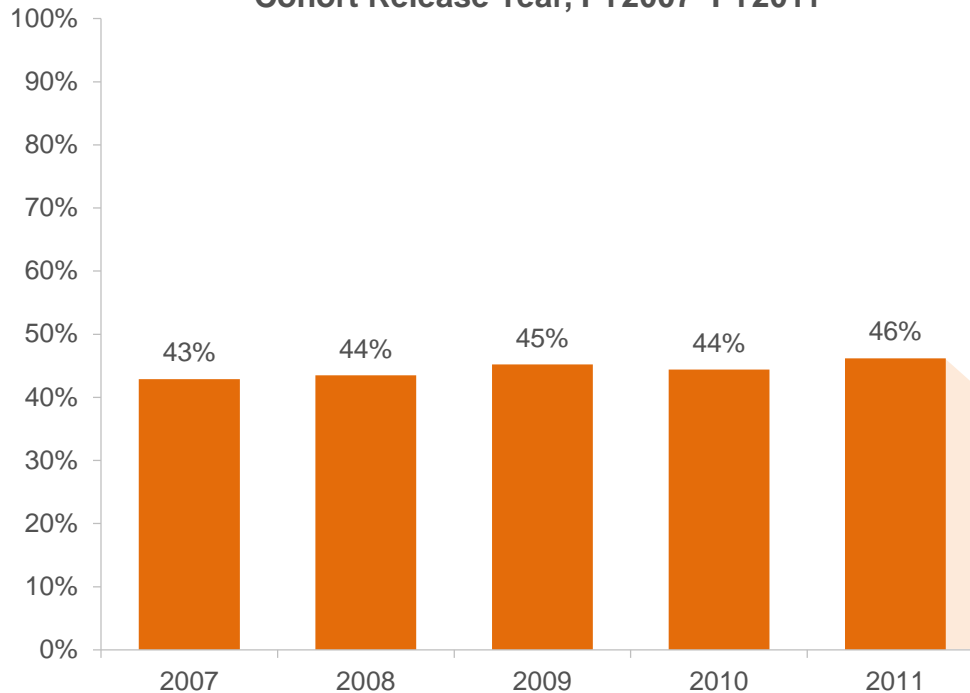
16 states

have probation agencies that report using specialized screens for behavioral health needs for everyone on probation

Source: CSG Justice Center, structured interviews, Aug. 2017.

New Mexico's reincarceration rate has been stable in recent years, but it only represents one aspect of recidivism activity.

New Mexico Three-Year Reincarceration Rates by Cohort Release Year, FY2007–FY2011



Other measures of recidivism include:

- Rearrest
- Reconviction
- Revocation of supervision

Just under half of all people released from prison in FY2011 had returned to prison at least once by the end of FY2014.

Reincarceration is defined as the percentage of people released from New Mexico Corrections Department facilities who return to prison for any reason within three years of release.

Source: New Mexico Sentencing Commission, "Understanding Recidivism: Definitions and Return to Prison Rates for Individuals Released from New Mexico Prisons FY 2007—FY 2011" (September 2015).

To analyze crime/recidivism trends, state databases must be able to link records of people across arrest, sentencing, and corrections data.

Common Sources of Criminal Justice Data				
Law Enforcement	Courts	Probation	Prison	Parole
Felony Arrests	Felony Sentences	Placements	Admissions	Placements
Misdemeanor Arrests	Misdemeanor Sentences	Terminations	Releases	Terminations
		Population Snapshots	Population Snapshots	Population Snapshots

If a state has a system-wide identifier (e.g., state ID), information from these case data files can be linked, which allows for more detailed analysis of how people move through the state's justice system.

Arrest Data	Sentencing Data	Probation Data	Prison Data	Parole Data
State ID Number	State ID Number	State ID Number	State ID Number	State ID Number
Booking Number	Docket Number	Probation ID Number	DOC ID Number	DOC ID Number

Key Takeaways

- While probation and parole populations have decreased in New Mexico, almost half of all correctional control volume comes from probation.
- New Mexico's prison population has grown 10% in the last decade and is projected to grow another 15% by 2027, driven by a rapidly increasing female prison population.
- Since 2012, prison admissions for parole revocations have increased 15% for males and 29% for females.
- New Mexico currently spends eight times more on prison than on probation and parole, and can expect to spend more as the prison population continues to grow.
- New Mexico is not using a state identifier to track people across criminal justice data systems, which can limit the types of crime and recidivism analyses that are possible.

Questions



What budgetary and policy deficits for the Corrections Department are preventing greater adoption of EBPs?



Where in the state does the Law Offices of the Public Defender see the greatest need for improved recidivism reduction?



Which is the bigger frustration for prosecutors, recidivism or prison and jail capacity?



What are critical deficits in data capture and quality that impair the Sentencing Commission's ability to provide policy-relevant information?



With greater state resources becoming available, what are the legislature's priorities for new investments?

Collateral Consequences of Criminal Convictions

Panelists:

Paul Haidle, Senior Policy Strategist, ACLU of New Mexico

Sen. Bill B. O'Neill, Advisory Member, Courts, Corrections and Justice Committee

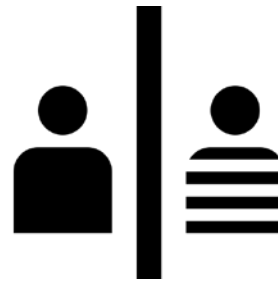
Cory Lee, Director of Therapeutic Services, Crossroads for Women

Adriann Barboa, Field Director, Forward Together

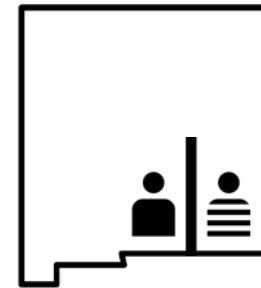
Criminal records impact individuals, families, and communities.



One in 15
working-age
adults has a
criminal record.



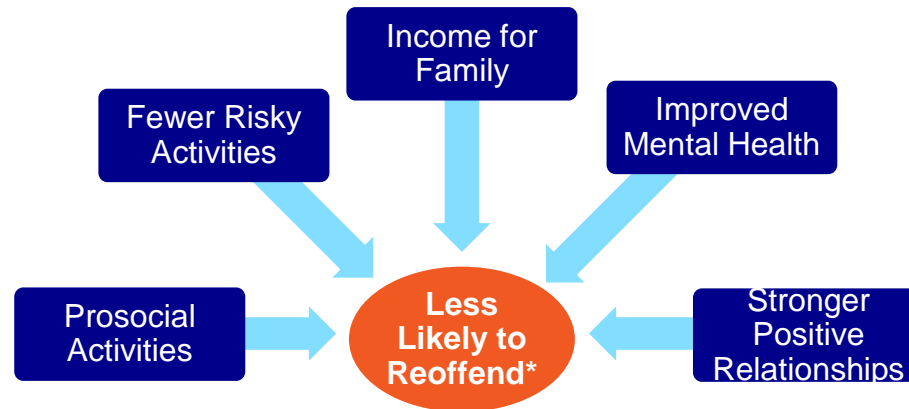
2.7 million
children have a
parent behind
bars.



10 percent
of the children in
New Mexico have
a parent behind
bars.

Sources: The Pew Charitable Trusts (2010), "Collateral Costs: Incarceration's Effect on Economic Mobility"; Bucknor & Barbor (2016), "The Price We Pay: The Economic Costs of Barriers to Employment for Former Prisoners and People Convicted of Felonies"; Schmitt & Warner (2010), "Ex-offenders and the Labor Market"; Devah Pager, "The Mark of a Criminal Record," American Journal of Sociology 108, no. 5 (2003): 937-75, <https://niccc.csgjusticecenter.org/>; Annie E Casey Foundation, A Shared Sentence: The Devastating Toll of Parental Incarceration on Kids, Families and Communities (2016).

Criminal records impair employment, which is an important part of successful reentry.

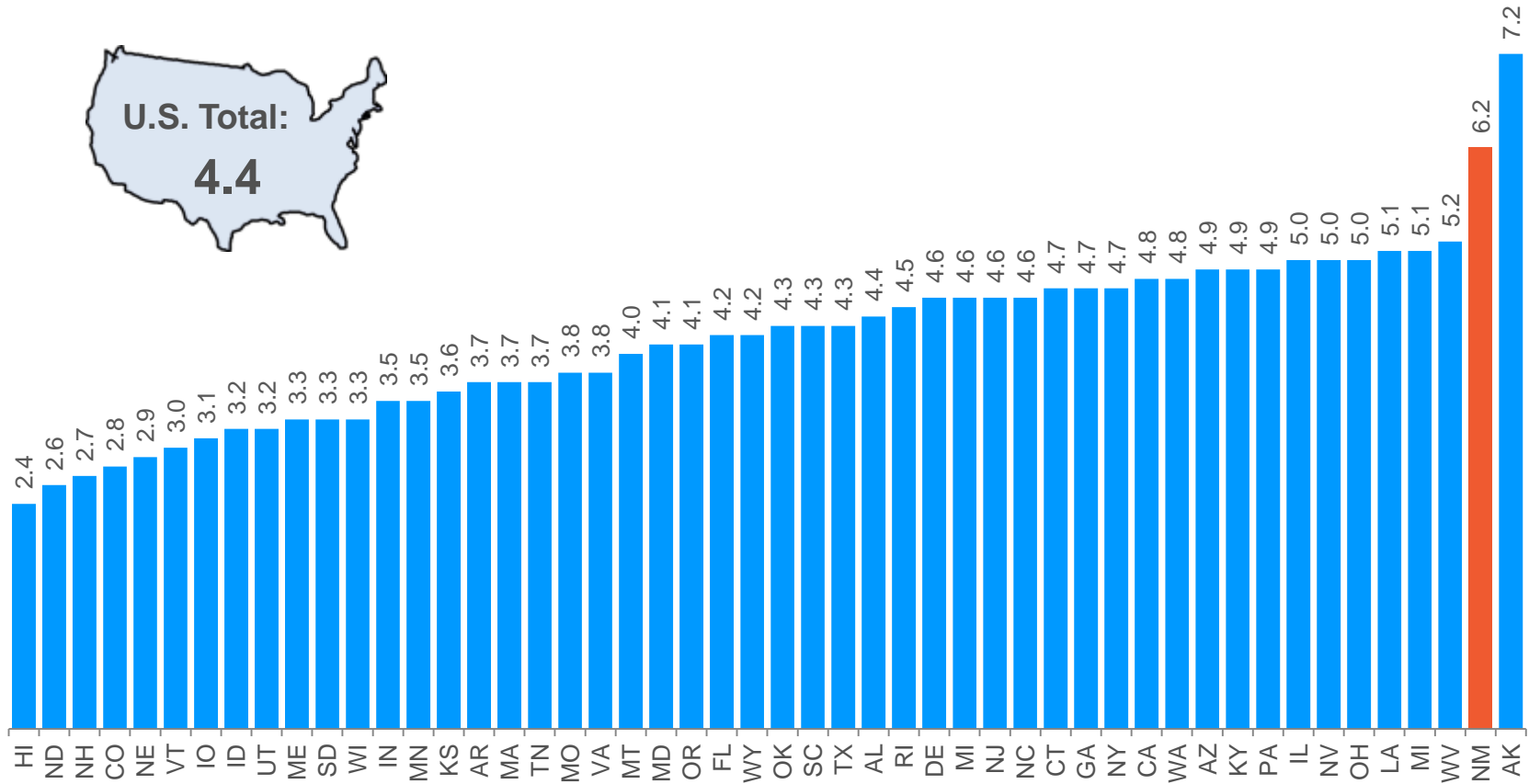


**Especially when earnings are above minimum wage and jobs are stable.*

- For men, serving time reduces annual earnings by **40 percent**.
- Family income is reduced **22 percent** while a father is incarcerated.
- The effect of a criminal record is **more pronounced for black applicants** than for white applicants.
- Our economy loses **\$78-87 billion** in annual GDP when people with records can't work.

Source: Graffam et al. Variables affecting successful reintegration as perceived by offenders and professionals. *Journal of Offender Rehabilitation* 40, no. 1-2 (2004): 147-171; Visher et al. *Employment after prison: A longitudinal study of releases in three states*. Washington, DC: Urban Institute, Justice Policy Center, (2008).; . Sampson, Robert J., and John H. Laub. *Crime in the making: Pathways and turning points through life*. Harvard University Press, (1995). The Pew Charitable Trusts (2010), "Collateral Costs: Incarceration's Effect on Economic Mobility"; Bucknor & Barbor (2016), "The Price We Pay: The Economic Costs of Barriers to Employment for Former Prisoners and People Convicted of Felonies"; Schmitt & Warner (2010), "Ex-offenders and the Labor Market", Devah Pager, "The Mark of a Criminal Record," *American Journal of Sociology* 108, no. 5 (2003): 937-75.

In 2017, New Mexico had the second-highest unemployment rate in the country.



Source: Bureau of Labor Statistics unemployment rates by state, 2017. <https://www.bls.gov/lau/lastrk17.htm>

National reentry resources can be used to put state policies in context.

CSC

Clean Slate
CLEARINGHOUSE



Learn About Your State
Learn about policies for clearing records in your state.



Find A Lawyer
Find a lawyer who specializes in record clearance.



Compare States
Compare record clearance policies across all states and territories.

NICCC

**NATIONAL INVENTORY OF THE
COLLATERAL CONSEQUENCES
OF CONVICTION**

CCRC

COLLATERAL CONSEQUENCES RESOURCE CENTER

Collateral Consequences of Criminal Conviction and Restoration of Rights: News, Commentary, and Tools

New Mexico

Restoration of Rights, Pardon, Expungement & Sealing

Source: <https://cleanslateclearinghouse.org>; <https://niccc.csqjusticecenter.org/map>; <http://ccresourcecenter.org/>

CSC summarizes New Mexico's record clearance laws, which are minimal compared to other states.

Adult Criminal Record Policies

Convictions

Records relating to offenses committed by a victim of human trafficking due to duress, coercion, use of force, threat, or fraud can be sealed by the court. [N.M. Stat. Ann. § 30-52-1.2.](#)

Diversion/Deferral Program

Records relating to a case dismissed following the successful completion of probation in a first-time controlled substance charge can be expunged by the court if the petitioner was not over the age of 18 at the time of the offense. [N.M. Stat. Ann. § 30-31-28\(D\).](#)

Factual Innocence

Records of arrest and conviction containing the name of an identity theft victim as the perpetrator of a crime can be expunged. [N.M. Stat. Ann. § 31-26-16.](#)

Non-Conviction Arrests

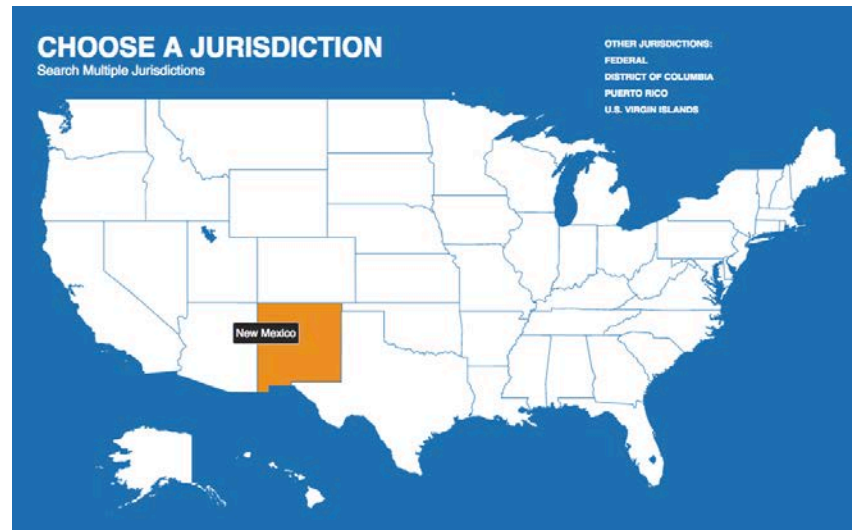
Records of an arrest for a misdemeanor or petty misdemeanor not involving moral turpitude for which there is no final disposition can be expunged by the Department of Public Safety. [N.M. Stat. Ann. § 29-3-8.1.](#)



Source: <https://cleanslateclearinghouse.org/states/new-mexico/policies/>

NICCC identifies 680 collateral consequences in New Mexico statutes and rules.

Citation	Title	Triggering Offense Category	Consequence Type	Duration Category
N.M. Stat. Ann. § 01-13-13	Deny/suspend/revoke nursing home administrator license (health care)	Any felony, Any misdemeanor	Discretionary	Permanent/Unspecified
N.M. Stat. Ann. § 01-13-8	Deny nursing home administrator license (good moral character) (health care)	Any felony, Any misdemeanor	Discretionary	Permanent/Unspecified
N.M. Stat. Ann. § 01-14B-21	Deny/suspend/revoked speech-language pathology/audiology/hearing aid dispensing license (health care)	Any felony, Any misdemeanor	Discretionary	Permanent/Unspecified
N.M. Stat. Ann. § 01-28B-8	Deny certified public accountant certificate (good moral character)	Any felony, Any misdemeanor	Discretionary	Permanent/Unspecified
N.M. Stat. Ann. § 01-30-15	Deny/suspend/revoked real estate appraiser license/certificate/registration (property)	Any felony, Any misdemeanor	Mandatory/Automatic	Permanent/Unspecified
N.M. Stat. Ann. § 01-6-11	Deny medical/surgical license (good moral character) (physician)	Any felony, Any misdemeanor	Discretionary	Permanent/Unspecified
N.M. Stat. Ann. § 01-6-13	Deny medical/surgical license by endorsement (good moral character) (physician)	Any felony, Any misdemeanor	Discretionary	Permanent/Unspecified
N.M. Stat. Ann. § 01-6-15	Deny/suspend/revoked medical/surgical license (physician)	Any felony, Any misdemeanor	Discretionary	Permanent/Unspecified
N.M. Stat. Ann. § 01-6-15.1	Suspend medical/surgical license (violent offenses/crimes related to profession) (physician)	Any felony, Any misdemeanor	Discretionary	Permanent/Unspecified
N.M. Stat. Ann. § 01-8-11	Deny psychologist license (good moral character) (health care)	Any felony, Any misdemeanor	Discretionary	Permanent/Unspecified



448 consequences relate to employment or licensure, for example:

[N.M. Stat. Ann. § 61-17A-21](#)

Deny/suspend/revoke barber/cosmetology license

Crimes of moral turpitude, dishonesty

Source: <https://niccc.csgjusticecenter.org/search/?jurisdiction=34>

CCRC includes the Restoration of Rights Project, summarizing the law in each state.

NEW MEXICO

I. Restoration of Civil/Firearms Rights

- A. Vote
- B. Firearms
- C. Juvenile dispositions

II. Discretionary Restoration Mechanisms

- A. Executive pardon
- B. Judicial sealing or expungement

III. Nondiscrimination in Licensing and Employment

- A. Criminal Offender Employment Act (1974)
- B. Ban-the-Box for public employment
- C. Caregiver employment

COLLATERAL CONSEQUENCES RESOURCE CENTER

Collateral Consequences of Criminal Conviction and Restoration of Rights: News, Commentary, and Tools

HOME RESOURCES RESTORATION OF RIGHTS NEWS/VIEWS ABOUT THE CCRC CONTACT US



- Deferred imposition of sentence
- Conditional discharge
- Conditional discharge for first-time drug possession
- Juvenile records
- Arrest records

Source: <http://ccresourcecenter.org/state-restoration-profiles/new-mexico-restoration-of-rights-pardon-expungement-sealing/>

New Mexico enacted the Criminal Offender Employment Act in 1974.

“. . . conviction **shall not operate as an automatic bar** to obtaining public employment or license or other authority to practice the trade, business or profession. A board, department or agency of the state or any of its political subdivisions **shall not make an inquiry regarding a conviction on an initial application** for employment and shall only take into consideration a conviction after the applicant has been selected as a finalist for the position.

B. The following criminal records shall not be used, distributed or disseminated in connection with an application for any public employment, license or other authority:

- (1) records of arrest not followed by a valid conviction; and
- (2) misdemeanor convictions not involving moral turpitude.”

New Mexico’s lack of statutory authority for expungement of arrest records stands out as a source of controversy.

The New Mexico Supreme Court has held that while courts have a degree of inherent authority to direct expungement of arrest records, a case must be “egregious” in order to justify this relief.

Stump v. Albuquerque Police Dept., No. S-1-SC-35912 (March 23, 2017).

“There is no statute, rule, or constitutional provision that provides for the expungement of an adult’s felony record in New Mexico.*

[*There have been at least eleven attempts since 2005 to pass a statute on expungement that would provide the type of relief Stump requests. . . .]

Courts which recognize the inherent authority to expunge arrest records have done so sparingly and only under extraordinary circumstances.”

Policymakers must consider different dimensions regarding criminal record clearance.

- Effect**
- Ensure purpose of legislation is achieved by clearing records from all publicly available sources

- Eligibility**
- Frequently limited to nonviolent, non-sexual offenses
 - Fewer restrictions on misdemeanors, in general

- Timing**
- Philosophy of clearance: to assist reintegration or to reward good behavior?
 - Use available research to ensure waiting periods are appropriate to offense

- Process**
- Automating process ensures judicial economy, reduces costs, and increases access

- Cost**
- High fees hinder access
 - Ensure waiver for indigence

Key Takeaways

- Including the voices of formerly incarcerated people and people who are impacted by the justice system is essential to making informed policy decisions.
- New Mexico lacks statutory authority for clearing arrest records.
- New Mexico has one of the highest unemployment rates in the country.
- There is a large pool of talented people who could contribute to New Mexico's workforce, but are barred from contributing because of a criminal record.

Key Takeaways

- The state should support:
 - counties with investments in access to high-quality behavioral health treatment and interventions;
 - local law enforcement agencies to develop training and strategic programs to prevent crime; and
 - the Department of Corrections to strengthen supervision and reduce recidivism.
- Investments in components of the justice system should be balanced across the system, including treatment, law enforcement, prosecution, defense, courts, and corrections.
- Investments should be made in human capital to increase employability, including through record clearance policies.
- Policymakers must hear the voices of all the people affected by policies.



Justice Center

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