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## FISCAL IMPACT REPORT

**ORIGINAL DATE** 2/13/19

**SPONSOR** Trujillo,CH/Rehm      **LAST UPDATED** \_\_\_\_\_      **HB** 453

**SHORT TITLE** Law Enforcement Assisted Diversion      **SB** \_\_\_\_\_

**ANALYST** Edwards

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY19	FY20		
	\$700.0	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	Minimal	Up to \$78.0	Up to \$78.0	Up to \$156.0	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates Senate Bill 216.

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Department of Finance and Administration (DFA)

New Mexico Sentencing Commission (NMSC)

### SUMMARY

#### Synopsis of Bill

House Bill 453 makes an appropriation of \$700 thousand for operational support for ongoing law enforcement assisted diversion (LEAD) in the city of Santa Fe and the establishment and operation of LEAD in Santa Fe County, Rio Arriba County, Bernalillo County and Dona Ana County to the Local Government Division of DFA.

Remaining funds shall revert at the end of FY20.

## FISCAL IMPLICATIONS

The appropriation of \$700 thousand contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY20 shall revert to the general fund. DFA explains “generally, if an appropriation is budgeted, it creates the expectation that the program will continue in the future and therefore considered recurring.”

DFA states the bill would require LGD to develop a new program, conduct a solicitation in accordance with the Procurement Code, contract with the law enforcement agencies listed in this bill to establish and operate the LEAD program. LGD may require the need for an additional FTE to administer the new program [the average cost of an FTE at DFA is about \$78 thousand].

## SIGNIFICANT ISSUES

NMSC explains:

LEAD programs represent a shift in law enforcement philosophy that has become increasingly popular nationwide. In October 2018, the New Mexico Sentencing Commission published an evaluation of the Santa Fe LEAD program, “Santa Fe Law Enforcement Assisted Diversion (LEAD) An Analysis of the Pilot Phase Outcomes”, available on the [NMSC website](#). As the NMSC wrote in that report:

“In lieu of arrest for a low-level, non-violent drug related crime, individuals are referred by law enforcement into a trauma-informed intensive case-management program where the individual receives a wide range of support services. The aim of the program is to stop the cycle of arrest, prosecution and incarceration by addressing issues such as addiction, untreated mental illness, homelessness and extreme poverty through a public health framework that reduces reliance on the formal criminal justice system.”

LFC’s Volume 2, on page 57-58, explains “Law Enforcement Assisted Diversion (LEAD) is a harm-reduction approach to drug crimes which gives police officers authority to divert persons to services in lieu of prosecution and jail. LEAD allows officers to refer individuals to community-based providers either at the time of arrest or if a person with high-risk for offending is identified. Once a person is referred to a provider, a case manager develops a care plan which may include intensive case management, individual intervention plans, treatment, education, and job skills training. A recent Sentencing Commission study of the LEAD program in Santa Fe determined an average cost of \$7,541 per client per year, a savings of \$1,588 per client per year, or 17 percent, compared with non-LEAD client costs to the justice system. The study also showed LEAD clients saw a significant decrease in the number of arrests six months post-referral. In 2018, the Legislature appropriated \$400 thousand to establish the evidence based LEAD program in Bernalillo, Santa Fe, and Dona Ana counties, however the appropriation was vetoed by the Governor.”

DFA explains:

The Law Enforcement Assisted Diversion (LEAD) program originated in Seattle, WA in 2011 and now operates in 31 localities nationwide, with another 61 in various stages of development. LEAD is a community-based pre-booking diversion program for non-violent drug addicted offenders known to law enforcement officers, who take the initiative to identify and screen potential participants. A trauma-informed intensive case-management

approach is used to engage the participant with appropriate services to address addiction, untreated mental illness, homelessness and poverty through public health agencies rather than relying on the criminal justice system.

The City of Santa Fe implemented LEAD in 2014 and is led by two groups made up of criminal justice community members from the Judiciary, Offices of the District Attorney and Public Defender, City and County Officials, and the Drug Policy Alliance who participate in the LEAD Policy Coordinating and the Case Coordinating Groups; the latter meet twice monthly and includes case coordinators who discuss the status of clients and work together to create case-specific solutions.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

House Bill 453 is a duplicate of Senate Bill 216.

TE/gb/sb