



# COURTS, CORRECTIONS & JUSTICE

10 October 2019

UNM Science and Technology Park Rotunda

**Mark R. Shea, Cabinet Secretary**

Tim Johnson, Deputy Secretary / Chief

August M. Fons, Ph. D., Deputy Secretary

- Programs, budgets and budget priorities and legislative priorities;
- Staffing and staff training;
- Sex Offender Registration and Notification Act;
- Compliance with the Criminal Record Expungement Act;
- Live Scan Project – Update;
- Data collection; and,
- Federal Funding.



## OUR VISION

- The NM DPS is committed to providing the highest quality of public safety services for the State of New Mexico.

## OUR MISSION

- To protect human life and property through the detection and prevention of criminal activity and enforcement of state laws. To provide vital leadership, scientific, training, technical, and operational support to the criminal justice community and the public.



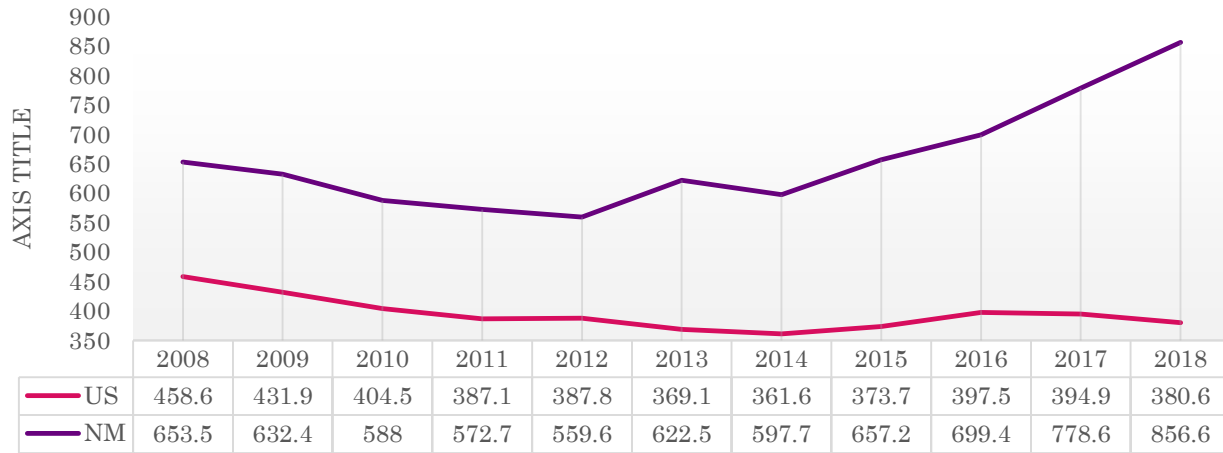
## OUR GUIDING VALUES

- Respect, Excellence, Service, Pride, Ethics, Courtesy and Teamwork.



### Rate of All Violent Crimes Offenses by Population

Rate per 100,000 people, by year



**New Mexico had the nation’s second-highest violent crime rate and its highest property crime rate in 2018.**

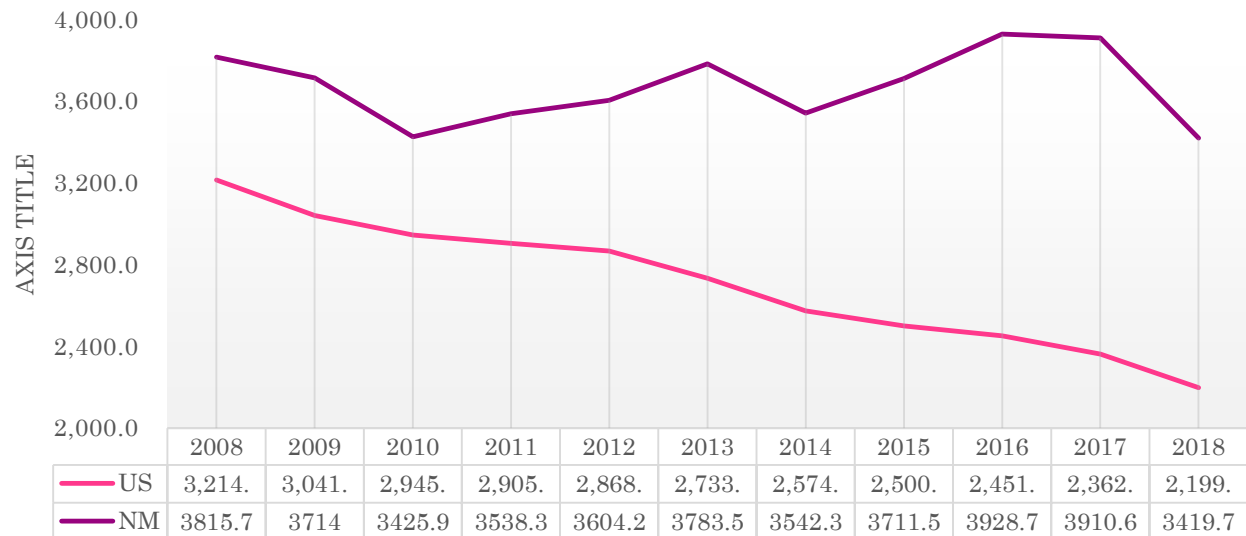
New Mexico did see a 10 percent increase in violent crime, which includes murder, rape, robbery and aggravated assault, with a dramatic **24.2 percent decrease** in robbery.

Progress was realized in property crimes in 2018, which includes burglary, larceny-theft and motor vehicle theft.

- **12.6 percent decrease** in crimes involving force or threat of force to obtain money, property or other benefit.
- Burglary was down **10.1 percent**
- Larceny theft saw a **13.3 percent decrease**
- Motor vehicle theft **dropped 13.2 percent**

### Rates of All Property Crimes Offenses by Population

Rate per 100,000 people, by year



# FY21 Budget and Legislative recurring priorities



Hire and retain NMSP force to the capacity of 730 FTE.

Add, train and equip up to 60 new / unfunded officers.

Add 18 new FTE to Forensic Laboratory Staffing.

Law Enforcement Academy (LEA) Recurring Board costs.

Traffic and Criminal Software (TraCS) recurring costs.

Administrative Services Division (ASD) Grants Maximizer.



**FY21 Budget  
and Legislative  
non-recurring  
priorities Law  
Enforcement  
Program**

---

NMSP vehicle replacement

---

Search and Recovery Sonar Units

---

Bomb Squad Telemax hybrid Robotic platform

---

CAD computer replacement

---

Records Management System

---

Modems for body camera project

---

Flash roll appropriation extension



**FY21 Budget  
and Legislative  
non-recurring  
priorities  
Statewide Law  
Enforcement  
Support**

---

Records disposition transfer project

---

Comprehensive public records platform (IPRA)

---

Job Task Analysis

---

Agency-wide pay plan study

---

Accounting service contract



# Budget Projection: Law Enforcement Program

| <u>LEP</u>                 | <u>Budget</u>    | <u>Budget Adjustment</u> | <u>FY Need</u>     | <u>Internal Program Transfers</u> | <u>Proposed BARs</u> | <u>Ending Balance</u> |
|----------------------------|------------------|--------------------------|--------------------|-----------------------------------|----------------------|-----------------------|
| General Fund 200           | \$86,837,000.00  | \$360,000.00             | (\$87,173,594.47)  |                                   |                      | \$23,405.53           |
| 300                        | \$1,307,600.00   | \$160,000.00             | (\$993,651.49)     |                                   |                      | \$473,948.51          |
| 400                        | \$21,869,500.00  | \$780,000.00             | (\$21,549,173.16)  |                                   |                      | \$1,100,326.84        |
|                            | \$110,014,100.00 | \$1,300,000.00           | (\$109,716,419.12) | \$0.00                            | \$0.00               | \$1,597,680.88        |
| WD 200                     | \$94,500.00      |                          | (\$94,500.00)      |                                   |                      | \$0.00                |
| <u>LEP Reverting Total</u> | \$110,108,600.00 | \$1,300,000.00           | (\$109,810,919.12) | \$0.00                            | \$0.00               | \$1,597,680.88        |



# Budget Projection: Statewide Law Enforcement Support Program



| <u>SLESP</u>                               | <u>Budget</u> | <u>Budget Adjustment</u> | <u>FY Need</u> | <u>Internal Program Transfers</u> | <u>Proposed BARs</u> | <u>Ending Balance</u> |
|--|---------------|--------------------------|----------------|-----------------------------------|----------------------|-----------------------|
| General Fund 200                           | \$9,388,200   |                          | (\$8,983,448)  |                                   |                      | \$404,752             |
| 300  | \$896,000     |                          | (\$350,485)    |                                   |                      | \$545,515             |
| 400  | \$2,809,300   |                          | (\$2,669,934)  |                                   |                      | \$139,366             |
|  | \$13,093,500  | \$0                      | (\$12,003,867) | \$0                               | \$0                  | \$1,089,633           |
| LERB FEES                                  | \$4,448,900   | (\$150,000)              | (\$4,113,323)  |                                   |                      | \$185,577             |
| <u>SLESP Reverting Total</u>               | \$17,542,400  | (\$150,000)              | (\$16,117,190) | \$0                               | \$0                  | \$1,275,210           |
|  |               |                          |                |                                   |                      |                       |
|  |               | <u>CCU Overview</u>      |                | <u>Chem Overview</u>              |                      | <u>LEA Overview</u>   |
| <b>FY19 Ending Fund Balance</b>            |               | \$1,692,000              |                | \$829,000                         |                      | \$250,000             |
| <b>FY20 Projected Current Year Revenue</b> |               | \$470,100                |                | \$242,549                         |                      | \$95,900              |
| <b>FY20 Projected Expenditures</b>         |               | (\$751,905)              |                | (\$748,375)                       |                      | (\$50,907)            |
| <b>FY20 Projected Ending Fund Balance</b>  |               | \$1,410,195              |                | \$323,174                         |                      | \$294,993             |



# Budget Projection: Program Support

| <u>ASD</u>       | <u>Budget</u>  | <u>Budget Adjustment</u> | <u>FY Need</u>   | <u>Internal Program Transfers</u> | <u>Proposed BARs</u> | <u>Ending Balance</u> |
|------------------|----------------|--------------------------|------------------|-----------------------------------|----------------------|-----------------------|
| General Fund 200 | \$3,769,000.00 |                          | (\$3,647,531.85) |                                   |                      | \$121,468.15          |
| 300              | \$147,300.00   |                          | (\$142,336.00)   |                                   |                      | \$4,964.00            |
| 400              | \$346,800.00   |                          | (\$346,318.65)   |                                   |                      | \$481.35              |
|                  | \$4,263,100.00 | \$0.00                   | (\$4,136,186.50) | \$0.00                            | \$0.00               | \$126,913.50          |

# NMSP: Vacancy and Turnover Rate Comparison



| Classification                       | Vacancy Rate FY2017 | Turnover Rate FY2017 | Vacancy Rate FY2018 | Turnover Rate FY2018 | Vacancy Rate FY2019 | Turnover Rate FY2019 |
|--------------------------------------|---------------------|----------------------|---------------------|----------------------|---------------------|----------------------|
| Recruits                             | 23%                 | N/A                  | 28%                 | N/A                  | 9%                  | N/A                  |
| Patrolman                            | 8%                  | 13%                  | 7%                  | 11%                  | 1%                  | 11%                  |
| Sergeant                             | 5%                  | 7%                   | 5%                  | 3%                   | 0                   | 7%                   |
| Transportation Inspectors            | 14%                 | 27%                  | 13%                 | 38%                  | 8%                  | 25%                  |
| Transportation Inspector Supervisors | 0                   | 71%                  | 0                   | 0                    | 0                   | 0                    |
| Dispatcher I                         | 20%                 | 60%                  | 40%                 | 40%                  | 0                   | 80%                  |
| Dispatcher II                        | 31%                 | 16%                  | 22%                 | 18%                  | 12%                 | 18%                  |
| Dispatcher Supervisor                | 17%                 | 25%                  | 17%                 | 17%                  | 0                   | 18%                  |
| Total Count for Sampling             | 11%                 | 21%                  | 10%                 | 20%                  | 3%                  | 19%                  |

# NMSP: Attrition Rate



| Classification                       | Number Eligible to Retire | Projection Attrition Rate if they Retire | Cost of Attrition   |
|--------------------------------------|---------------------------|--|---------------------|
| Patrolman                            | 15                        | 3%                                       | \$163,173.60        |
| Sergeant                             | 14                        | 13%                                      | \$227,122.56        |
| Lieutenant                           | 17                        | 35%                                      | \$248,355.04        |
| Captain                              | 9                         | 39%                                      | \$73,531.87         |
| Major                                | 3                         | 60%                                      | \$27,352.80         |
| Dispatcher I                         | 0                         |  |                     |
| Dispatcher II                        | 0                         |  |                     |
| Dispatcher Supervisor                | 0                         |  |                     |
| Transportation Inspectors            | 3                         | 6%                                       | \$98,600.16         |
| Transportation Inspector Supervisors | 1                         | 13%                                      | \$12,671.57         |
| <b>Total</b>                         | <b>62</b>                 |  | <b>\$850,807.60</b> |

# NMSP Pay Rank



| NMSP Classification       | Rank | Total NM LEAs Surveyed |
|---------------------------|------|------------------------|
| Recruits                  | 12   | 14                     |
| Patrolman                 | 4    | 14                     |
| Sergeant                  | 5    | 14                     |
| Lieutenant                | 3    | 14                     |
| Captain                   | 4    | 14                     |
| Dispatcher I              | 8    | 10                     |
| Dispatcher II             | 10   | 11                     |
| Dispatcher Supervisor     | 7    | 9                      |
| Transportation Inspectors | 7    | 7                      |

| NM Law Enforcement Agencies | Recruit Ranking | Patrolman Ranking |
|-----------------------------|-----------------|-------------------|
| Hobbs                       | 1               | 2                 |
| Carlsbad                    | 2               | 1                 |
| Los Alamos                  | 3               | 3                 |
| <b>NM DPS</b>               | <b>12</b>       | <b>4</b>          |
| San Juan County             | 4               | 7                 |
| Farmington                  | 5               | 5                 |
| Rio Rancho                  | 6               | 9                 |
| Albuquerque                 | 7               | 8                 |
| City of Santa Fe            | 8               | 11                |
| Santa Fe County             | 9               | 10                |
| Bernalillo County           | 10              | 6                 |
| Dona Ana County             | 11              | 12                |
| Las Cruces                  | 13              | 13                |
| Clovis                      | 14              | 14                |

**Note:** Data as of September 2019 based on NM Law Enforcement Agencies DPS competes with for hires.



# 36 Uniform Officers

- 3:** District 1 - Santa Fe
- 4:** District 2 - Las Vegas
- 8:** District 3 - Carlsbad / Hobbs
- 9:** District 5 – Albuquerque / Los Lunas / East Mountains
- 4:** District 6 - Gallup / Grants
- 5:** District 7 - Espanola
- 3:** District 11 – Socorro / Catron County

# 14 Investigations Bureau Agents

- 1:** Zone 1 - Santa Fe / Las Vegas
- 1:** Zone 2 - Espanola / Taos
- 4:** Zone 3 - Albuquerque
- 1:** Zone 4 - Roswell
- 1:** Zone 5 - Las Cruces
- 2:** Tech Unit Crime - Scene Team
- 1:** Tech Unit - Cold Case Homicide
- 1:** Tech Unit - Computer Crimes
- 1:** SIU - Special Investigation Unit
- 1:** Crime Suppression - Auto Theft Suppression Unit

# Other

- 3:** Special Operations Bureau Officers
- 1:** Unmanned Aerial Vehicle Team
- 1:** Crash Reconstruction Unit
- 1:** Aircraft Section
- 1:** Special Projects Bureau
- 1:** Program Implementation
- 6:** Training and Recruiting / Research and Development Bureau
- 2:** Basic Training Bureau
- 1:** Research and Development
- 3:** Advanced Training



***Sex Offender Registration and Notification Act*** – amendments to comply with the Federal Adam Walsh Act; this legislation has been introduced from 2009-2017. The Act compliance package has gone through the legislation process since its federal passage in 2007. The remainder of the compliance issues that NM has is solely with adding the remaining sex offenses in the New Mexico State Statutes. There are seven (7) sex crimes left to be added.

1. 30-9 Patronizing prostitutes (where the victim is a minor)
2. 30-9-4 Promoting prostitution (where the victim is a minor)
3. 30-9-4.1 Accepting earnings of a prostitute (where the victim is a minor)
4. 30-9-12 Criminal sexual contact (misdemeanor)
5. 30-9-20 Voyeurism (where the victim is a minor)
6. 30-52-1(A)(2) Human trafficking
7. 30-28-2 Conspiracy to commit all sex offenses in the predicate list of sex offenses requiring registration

# HOUSE BILL 370 – Criminal Records Expungement Act



1. DPS Office of Legal Affairs has participated in multiple meetings with Administrative Office of the Courts personnel to cooperatively plan implementation of New Mexico's new expungement law.
2. DPS is creating a new rule to assist individuals seeking to expunge their criminal records.
3. The Notice of Rulemaking hearing will be published in the New Mexico Register, the Albuquerque Journal and the NM Sunshine Portal by **November 1, 2019**.
4. A public hearing to allow in-person comments about the proposed DPS expungement rule will be held at the DPS Law Enforcement Academy Auditorium in Santa Fe on **December 4, 2019**, with written comments accepted prior to and until the conclusion of the hearing.
5. The new rule is expected to become effective **January 1, 2020**.

## Expungement Stats

1. 2017 – 88 Total
2. 2018 – 89 Total
3. 2019 – 154 (as of Oct. 9, 2019)

Pursuant to NMSA 1978, Section xx-xxxx (Identity Theft), Steps to Filing Your Petition For Expungement, and the Instructions To File A Petition To Expunge Arrest Records and Public Records are available on the website of the New Mexico Administrative Office of the Courts at <https://www.nmcourts.gov/administrative-office-of-the-courts.aspx>

E. Petitioner is the person seeking to have his or her personal records expunged in the Petition to Expunge Arrest Records and Public Records.  
[10.2.200.7 NMAC - N, 1-1-20]

10.2.200.7 A. RAP sheet  
B. signing information and information  
C. Sheet must be  
[10.2.200.7 NMAC - N, 1-1-20]

|           |  |
|-----------|--|
| TITLE 10  | PUBLIC SAFETY AND LAW ENFORCEMENT                                |
| CHAPTER 2 | DEPARTMENT OF PUBLIC SAFETY                                      |
| PART 200  | EXPUNGEMENT OF ARREST RECORDS AND PUBLIC RECORDS RELATED THERETO |

10.2.200.1 ISSUING AGENCY: Department of Public Safety.  
[10.2.200.1 NMAC - N, 1-1-20]

10.2.200.2 SCOPE: All persons who seek to expunge arrest and public records in accordance with the Criminal Records Expungement Act.  
[10.2.200.2 NMAC - N, 1-1-20]

10.2.200.3 STATUTORY AUTHORITY: Section \_\_\_\_\_ of the Criminal Records Expungement Act requires the Department to develop rules and procedures to implement the Criminal Record Expungement Act.  
[10.2.200.3 NMAC - N, 1-1-20]

10.2.200.4 DURATION: Permanent.  
[10.2.200.4 NMAC - N, 1-1-20]

10.2.200.5 EFFECTIVE DATE: January 1, 2020.  
[10.2.200.5 NMAC - N, 1-1-20]

10.2.200.6 OBJECTIVE: The objective of the rule is to provide a procedure whereby persons who seek to expunge arrest records and public records related thereto, may request a DPS RAP sheet, and be informed of the need to obtain the Petitioner's United States Department of Justice Federal Bureau of Investigations FBI RAP sheet.  
[10.2.200.6 NMAC - N, 1-1-20]

### 10.2.200.7 DEFINITIONS:

For purposes of this rule, the following terms have the following meaning:

A. **Arrest records** are records of identification of a person under arrest or under investigation for a crime taken or gathered by an official, including information gathered from the national crime information center or another criminal record database, photographs, fingerprints and booking sheets. Arrest records do not include: 1) citations for driving while intoxicated maintained by the New Mexico Department of Taxation and Revenue; 2) computer-aided dispatch information; or 3) log books relating to breath alcohol testing equipment.

B. **Department** is the Department of Public Safety.

C. **DPS RAP sheet** is the record of a Petitioner's arrests and prosecutions throughout the State of New Mexico, which is maintained by the Department.

D. **Expungement** is the removal from access to the general public of a notation of an arrest, complaint, indictment, information, plea of guilty, conviction, acquittal, dismissal or discharge record, including a record posted on a publicly accessible court, corrections, or law enforcement internet website.

E. **FBI RAP sheet** is the record of a person's fingerprint-based arrests maintained by the United States Department of Justice Federal Bureau of Investigation. The FBI RAP sheet includes the name of the agency that submitted the fingerprints to the FBI, the date of the arrest, the arrest charge, and the disposition of the arrest, if known. The FBI Rap sheet is also known as a person's Identity History Summary.

F. **Public records** are documents relating to a person's arrest, indictment, proceeding, finding or plea of guilty, conviction, acquittal, dismissal or discharge, including information posted on a court or law enforcement website, except those records excluded from the definition of public records in Section xx-xxxx C., NMSA 1978.

G. **Petition** is the Petition to Expunge Arrest Records and Public Records that officially begins the expungement of records process in state district court. The information to be included in the Petition is set forth in the Criminal Record Expungement Act, Section xx-xxxx, NMSA, 1978 and New Mexico Rule of Civil Procedure 1-xxx. The suggested forms for the Petition To Expunge Arrest Records and Public Records Pursuant to NMSA 1978, Section xx-xxxx (Release with no conviction), the Petition To Expunge Arrest Records and Public Records Pursuant to NMSA 1978, Section xx-xxxx (Conviction), the Petition To Expunge Arrest Records, and Public Records





# Live Scan Project / Timeline

- **\$300,000 funding made available via House Bill 2**
- **14 Live Scan machines purchased**
  - Five units will be delivered week of October 28, 2019; Live by November 8.
  - Then five units delivered week of November 18, 2019; Live by December 6.
  - Final four units delivered week of December 9, 2019; live by December 20.
- **Training will take place with each location as they are installed.**
- **Sites with manual fingerprint card submissions prioritized.**
- **Total cost per new Live Scan was \$18,266 / machine.**

## New Live Scan locations

1. Otero County Sheriff's Office
2. Ruidoso Police Department
3. Chaves County Sheriff's Office
4. Valencia County Detention Center
5. Clayton Police Department
6. Guadalupe County Detention Center
7. Eunice Police Department
8. Jal Police Department
9. Artesia Police Department
10. Valencia County Sheriff's Office
11. Curry County Sheriff's Office
12. McKinley County Sheriff's Office
13. Luna County Sheriff's Office
14. Rio Arriba County Sheriff's Office

# House Bill 267 - Criminal Justice Reform Progress



## STATE TRACKING IDENTIFICATION NUMBER (SID) COORDINATION

Institute for Complex Additive Systems Analysis (ICASA) at New Mexico Tech, New Mexico Sentencing Commission (NMSC) and Department of Public Safety are working to implement HB 267.

Anticipated work includes:



Mapping DPS biometric to align with state tracking number (SID), including where it is potentially available to share throughout the statewide criminal justice system.



Developing a strategy to populate the SID into criminal justice records across the state, both for legacy records and for new records moving forward.



Developing an anticipated budget for component entities to achieve that integration.

# Consolidated Offender Query

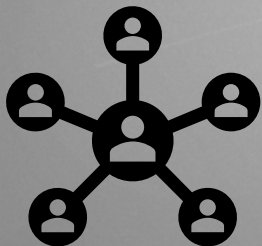
**MISSION:** Enhance statewide public-safety and criminal-justice activities through consolidated data reporting and analytic capabilities, promote data information sharing among stakeholders.

## OBJECTIVES

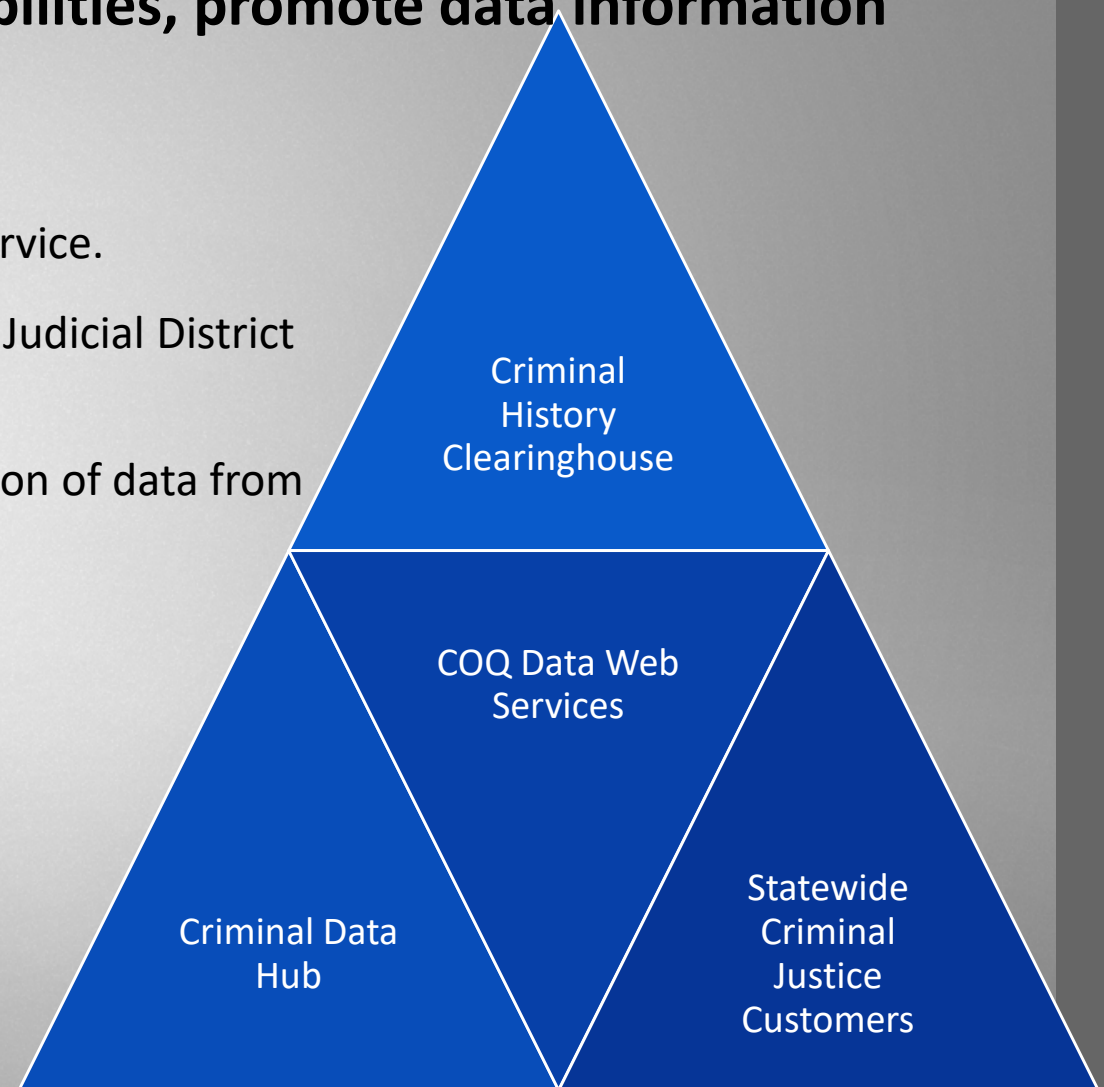
1. Develop a Consolidated Offender Query (COQ) data web service.
2. Implement the COQ service for use by the DPS, the Second Judicial District Attorney's Office, and other valid users.
3. Develop additional analytic capabilities associated with fusion of data from the COQ.

## PROJECT STAKEHOLDERS

1. DPS Law Enforcement Records Bureau
2. Bernalillo County District Attorney's Office
3. U.S. Department of Justice BJA
4. New Mexico Tech / ICASA



**Upon completion COQ will be accessible to all NM public-safety, criminal-justice and approved public entities.**



# Sexual Assault Evidence Kits (SAEK)



RECEIVED 1,498 SEXUAL ASSAULT EVIDENCE KITS (SAEK)



COMPLETED: 1,427



IN PROCESS: 71



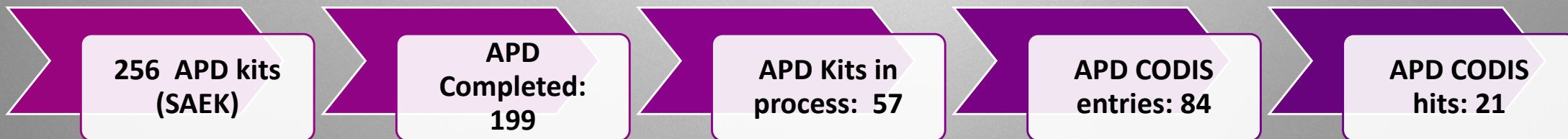
CODIS ENTRIES: 450



CODIS HITS: 184

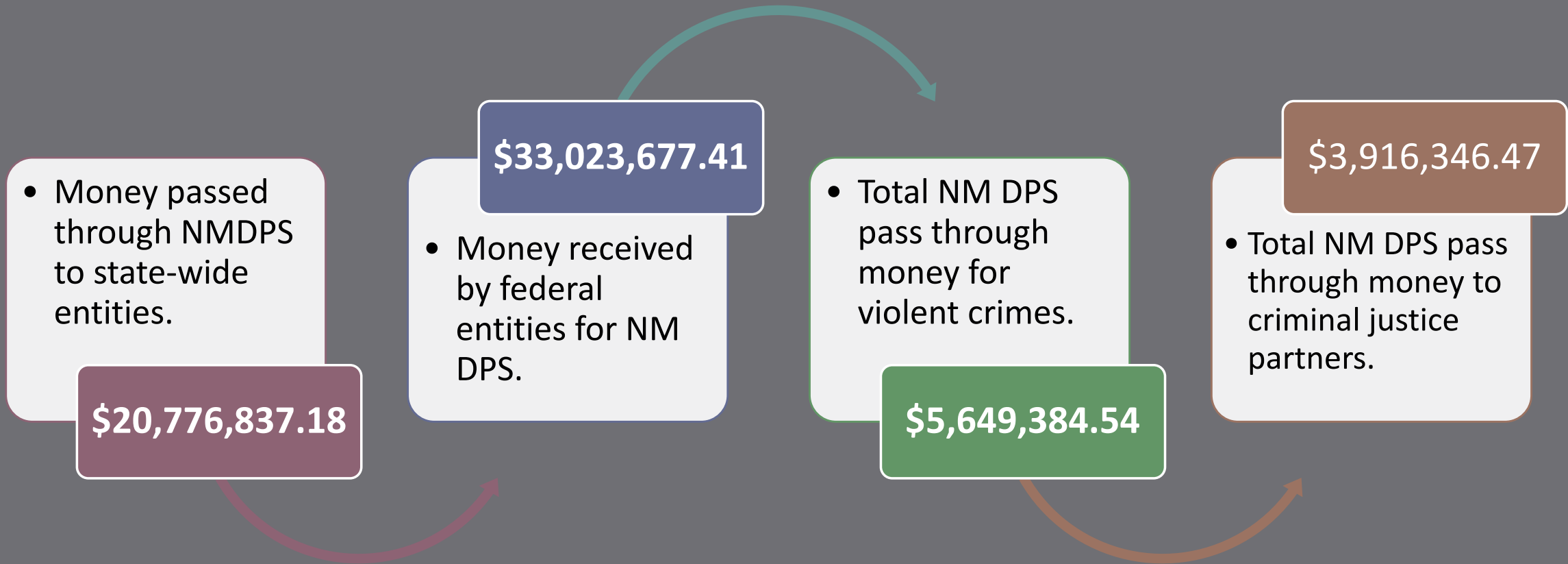
During the summer of 2015, the Department of Public Safety initiated a statewide inventory of Sexual Assault Evidence Kits (SAEK). New Mexico law enforcement agencies reported they had 5,409 kits in their inventory, of which 3,948 are from Bernalillo County Sheriff’s Office and Albuquerque Police Department. **December 2018 – DPS agreed to assist APD process some of their SAEK backlog.**

New Mexico law enforcement agencies reported they had 1,133 rape kits for DPS. The backlog was completed in June 2018. Since hiring a SAKI coordinator in May 2017, an additional 365 kits have been identified across the state. DPS has received 1,498. The final 71 kits are in the testing process.



NOTE: Data as of Oct. 7, 2019.

# TOTAL DPS Federal Grant Funds



# NMDPS\_Sub Recipients

1. N.M. DPS Forensic Laboratory Bureau (FLB)
2. City of Albuquerque Police Department Crime Lab
3. UNM - Office of the Medical Investigator
4. N.M. Department of Health – Scientific Laboratory Division
5. N.M. DPS - Sexual Assault Kit Initiative Program (SAKI)
6. Region 1 Drug Task Force
7. Region 2 Drug Task Force
8. Region 3 Drug Task Force
9. Region 4 Drug Task Force
10. Region 5 Drug Task Force
11. Southwest Investigative Fugitive Team
12. New Mexico State Police (NMSP)
13. Bernalillo County Sheriff's Office (BCSO)
14. N.M. Corrections Department
15. N.M. DPS Law Enforcement Records Bureau (LERB)
16. U.S. Attorney's Office
17. Santa Fe County Sherriff's Office
18. Second Judicial District Court
19. Twelfth Judicial District Attorney

# Entities awarding to NMDPS

1. U.S. Department of Justice
2. National Institute of Justice
3. Bureau of Justice Assistance
4. U.S. Department of Transportation/  
Federal Motor Carrier Safety Assistance
5. U.S. Department of Energy
6. N.M. Department of Transportation
7. U.S. Army Corps of Engineers
8. N.M. Crime Victims Reparation  
Commission
9. Office of National Drug Control Policy
10. Curry County
11. Dona Ana County
12. Hidalgo County
13. Luna County



**QUESTIONS?**

**Thank You!**

**Appreciate  
your time  
and interest.**