

HJM16
CRIMINAL JUSTICE AND PUBLIC
SAFETY TASK FORCE

REPORT AND
RECOMMENDATIONS TO THE
LEGISLATURE

OCTOBER 15, 2018

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EXECUTIVE SUMMARY

The House Joint Memorial 16 Task Force is made up of several criminal justice stakeholders with their own specific responsibilities in the criminal justice system. Although autonomous, and with perhaps different philosophical approaches to criminal justice, the Task Force members are to be commended for their collegial and collaborative work on the Task Force. They recognize that their own individual responsibilities and programs do combine with the programs of other stakeholders and thus must work together to make our system of justice cost-effective, efficient and effective.

The Task Force is charged with the responsibility “to identify the issues of primary concern within the state's criminal justice and public safety system and to develop a strategic plan to ameliorate those concerns, including measurable outcomes to help ensure that public investments in improvements to that system are as efficient and effective as possible.” We have considered much of the information that has been presented to the legislative interim Courts, Corrections and Justice Committee, and by the highly competent Legislative Finance Committee Program Evaluation Unit and therefore will not repeat those reports here. Suffice it to say that the legislative findings in HJM16 that crime in New Mexico has increased over the last several years and are predominantly linked to substance use, behavioral health concerns, and strained criminal justice agency budgets are supported by evidence presented to the Task Force. This report will outline the recommendations of the Task Force, what we expect to accomplish with the recommendations, proposed legislation and anticipated costs, benefits, and in some cases the barriers to our recommendations.

Key to improving the criminal justice system is the consistent employment of evidence-based data-driven best practices with a fidelity to requiring programs to measure performance and evaluate their programs in real time. Data collection, integration, sharing and analytics will improve stakeholder collaboration, increase stakeholder capacities for actionable data-driven strategies to improve risk assessment, case management, service delivery and social outreach when required. Stakeholders will also be able to leverage resources and identify gaps in their criminal justice systems.

A timeless unique biometric identifier for each participant in the criminal justice system will allow for the tracking of an individual throughout the system, from arrest, to jail, to court, to prison, diversion programs, reentry programs etc.

despite the commission of multiple crimes in multiple judicial districts or the use of aliases. Behavioral health data is also important for the success of the criminal justice system because it allows relevant stakeholders to be aware of the individuals physical and behavioral health care needs, and allows other stakeholders to duly consider effective diversion or reentry programs. The Legislature should consider amending portions of the New Mexico Mental Health and Developmental Disabilities Code to allow access to behavioral health information necessary for the continuity of care of a criminal justice participant and for de-identified research necessary to evaluate the efficacy of behavioral health programs affiliated with the criminal justice system.

Data-driven policing requires extensive analytical capability. Investing in a program that allows for data-driven policing throughout New Mexico will allow for small area crime concentration policing, problem-oriented policing, and the pursuit of co-offending networks. A data-driven approach will allow a more focused approach to policing with the limited personnel available to law enforcement agencies. Despite the availability of data-driven policing the data must be communicated down to an adequate, trained and equipped police force.

The legislature should consider a cost sharing arrangement with counties and political subdivisions to assist with the recruitment and retention of law enforcement officers and other criminal justice work forces, such as prosecutors, public defenders and correctional officers. There is also a need to devise a mechanism to encourage the most experienced criminal justice workers to remain employed or return to employment, particularly in rural New Mexico, to handle the more complex criminal justice situations and cases. One method would be to allow retirees to return to work at entry level salaries without forfeiting their pension, while continuing to contribute to public retirement funds.

Statewide pretrial services developed with evidence-based best practices will enhance the important goals of assuring the presence of an accused at court proceedings and maximizing public safety.

There currently are insufficient diversion and re-entry programs to help reduce recidivism. Expanding prosecutorial discretion to divert defendants to specialty courts, funding programs that will allow law enforcement officers to divert individuals in lieu of arrest to treatment programs, funding transitional homes either as residential or halfway houses, which comply with evidence-based best practices, will also reduce recidivism.

Child prevention programs with proven efficacy should be funded. Such a program is the PAX Good Behavior Program.

The legislature should consider performance incentive grant programs to share costs with rural New Mexico to promote the recruitment and retention of law enforcement officers, prosecutors, public defenders, corrections officers, behavioral work force, pretrial services programs, diversion and reentry programs, and child wellbeing programs, in exchange for the counties and political subdivisions agreeing to share data, use data-driven policing, require best practices performance measures and real-time program evaluations.

BACKGROUND

Concerned with the increase in crime over the last several years the Legislature unanimously passed HJM16 forming the Criminal Justice and Public Safety Task Force. The memorial and a list of the members of the Task Force is attached as Appendix A.

The Legislature stated in HJM16 that “most of the public safety concerns facing the state are linked to substance use, behavioral health concerns and strained criminal justice agency budgets.”

Thus, the Legislature concluded that

it is critical that the state address issues within the criminal justice system, which will involve evaluating and identifying the areas most in need of support within early childhood intervention programs; law enforcement; prosecutor's and public defender's offices; the courts; corrections facilities and county jails; and the behavioral health care system, among others.

The specific charge to the Task Force is “to identify the issues of primary concern within the state's criminal justice and public safety system and to develop a strategic plan to ameliorate those concerns, including measurable outcomes to help ensure that public investments in improvements to that system are as efficient and effective as possible.”

CONVENING OF THE CJPS TASK FORCE

HJM16 requested the Chief Justice of the New Mexico Supreme Court to convene a criminal justice and public safety task force (CJPS) by April 1, 2018. The first meeting of the CJPS was held on March 29, 2018. All meetings were held at the Greater Albuquerque Chamber of Commerce. During the first meeting each Task Force member described their role in the criminal justice system, the data they collect, and suggestions they have for improving the system. The consensus during the first meeting was that the CJPS should take a data-driven evidence-based approach to addressing issues within the criminal justice system and for making those system-improvement recommendations to the legislature that will likely improve public safety. The history of CJPS meetings and data considered by CJPS are attached as Appendix B.

The following general suggestions originated during the first meeting and have persevered. 1) The need for a unique identifier for criminal justice participants to keep track of individuals as they navigate the criminal justice system, which will also improve reporting of arrests, convictions and disposition information, both statewide and nationally. 2) The need for uniform data collection and sharing among criminal justice partners. 3) The need to better identify and address mental health and substance use issues. 4) The need to amend New Mexico behavioral health laws which currently make it difficult to obtain data regarding mental health and substance use as it affects the criminal justice system. 5) The state must help with the recruitment and retention of law enforcement officers, public defenders, prosecutors, correctional officers, and a behavioral health workforce throughout rural New Mexico. 6) The need for more and better diversion and reentry programs, along with the reduction of barriers to participating in such programs. 7) Evidence-based programs with a fee for outcome approach instead of a fee for service approach, supported by or promising evidence-based practices. 8) Pretrial services throughout New Mexico are needed to assist judges with pretrial release decisions and the risk-based supervision of those released to pretrial supervision. Additional recommendations were offered later in the process once additional information was presented to the Task Force.

RELEVANT INFORMATION FROM PRESENTATIONS

A small percentage of arrestees are responsible for a significant percentage of the crime in New Mexico. Drs. Courtney and McIntyre with the Legislative

Finance Committee and Scott Darnell report that approximately 3.7% of the arrestee population have been arrested ten or more times, accounting for approximately 20% of the arrests. Those who have been arrested three to nine times account for 42% of the arrests.

Significantly crime does not have geographic boundaries. Although the studies that were presented focused on Bernalillo County, other cities including Belen, Taos, Gallup and Espanola reportedly have total crime rates higher than Albuquerque.

As a person's arrest history lengthens, the probability increases that their most serious arrest will be for a violent crime. The data that is available can be mined to determine what crimes the repeat offenders committed for their first few arrests and what happened with the offender in the criminal justice system. Did they initially commit low level crimes? Were they sentenced to probationary terms with no supervision, minimal supervision but no treatment, or to supervision with treatment? How many probation violations occurred before someone was sentenced to prison?

There is a need for more law enforcement officers, prosecutors, public defenders, and behavioral health providers throughout New Mexico. A poll conducted by Brian Sanderoff indicates that 57% of those polled support return-to-work legislation. Enacting return-to-work legislation would attract highly experienced law enforcement officers who can combine their level of field experience with science to be more proactive than reactive in controlling crime. Keeping highly experienced individuals as prosecutors and public defenders to handle the more complex cases would also benefit the criminal justice system.

Data-driven policing can be an effective tool for controlling crime by using extensive analytical capabilities to allocate resources to narrow, offender focused, policing.

A uniform identification system for every criminal justice participant that is required to be shared with all criminal justice stakeholders, and with the Human Services Department and Department of Health, is essential to track individuals despite their use of aliases or their commission of multiple crimes in multiple jurisdictions.

It is difficult to obtain mental health data because the New Mexico Mental Health and Disabilities Code is much more stringent with its confidentiality requirements than is the Health Insurance Portability and Accountability Act.

There is a need for more and better diversion programs and reentry programs. Appropriate level of supervision combined with treatment that addresses behavioral health needs is more effective at reducing recidivism. Government operated halfway houses and other transitional living facilities are lacking.

Real time data collection, integration, sharing and analytics is key to continually analyzing whether programs are working as intended and satisfying relevant performance measures.

GENERAL OUTLINE OF KEY RECOMMENDATIONS

The following recommendations are based on presentations during Task Force meetings, and meetings with individual Task Force members.

1. Amend Chapter 29 Article 3 to require a unique biometric identifier for criminal justice participants to be used by all criminal justice partners. Funding the purchase of fingerprint machines for all county jails is also essential to maximize the utility of the automated fingerprint identification system.

2. Design a statewide framework to support, encourage and accomplish information sharing among criminal justice partners to inform a) data-driven policing, b) evidence-based public policy decisions at the local, county and state level, and c) real-time evaluation of criminal justice processes, outputs and outcomes.

3. Amend behavioral health confidentiality laws to allow access to mental health information necessary for the continuity of care of a criminal justice participant, and for de-identified research necessary to evaluate the efficacy of behavioral health programs associated with the criminal justice system.

4. Require criminal justice partners, and contractors to use or develop evidence-based best practices performance measures.

5. Consider an oversight body to monitor performance measures and assist with access to data essential for real-time evaluation of programs.

6. Amend Section 31-16A-4 to increase prosecutorial discretion regarding pre-prosecution probation, expanding the use of specialty courts such as drug courts, and minimize or eliminate financial barriers to a person's participation in such programs.

7. Fund Law Enforcement Assisted Diversion programs and crisis intervention teams.

8. Support the funding of transitional/re-entry homes either as government operated residential programs or halfway houses that adhere to evidence-based best practices.

9. Consider expanding loan forgiveness programs to assist with the recruitment and retention of law enforcement officers, prosecutors, public defenders, corrections officers, and mental health workers.

10. Devise methods to reward criminal justice workers who are eligible to retire or are retired but would like to return to work so that they remain employed or return to work. One method is return-to-work legislation that allows a retiree to return to work at an entry level salary without jeopardizing retirement, while still contributing to retirement programs.

11. Provide funds to develop or improve pretrial service programs throughout New Mexico.

12. Supplement funding of the PAX Good Behavior Game program for those first-grade classes that want to implement the program.

13. Create performance-incentive grant programs to support county, municipal and other political subdivisions efforts to recruit and retain law enforcement officers, have pretrial services, and expand and improve treatment and supervision alternatives to incarceration, conditioned on their sharing data, using evidence-based best practices, and evaluating programs real-time.

I. UNIFORM STATE IDENTIFIER ACCESSIBLE AND UTILIZED BY ALL CRIMINAL JUSTICE PARTNERS

Section 29-3-11 establishes a uniform crime reporting system. Section 29-3-8 authorizes arresting peace officers or jails to obtain fingerprints, palm prints and photographs of individuals arrested for the commission of felonies or certain specified misdemeanors, each time the individual is arrested. Section 29-3-8 also requires law enforcement officers or jails to assign a state tracking number each time an individual is arrested for a felony or specified misdemeanor. The Justice Information Sharing Council reports that not all jails use fingerprinting machines, which compromises this effort. *Draft Minutes*, September 20, 2017. Task Force members described the need for a unique identifier that is made available to all criminal justice partners, including the Department of Health and the Human Services Department. A unique identifier can make it easier to track an individual throughout the criminal justice system, from arrest, to court, to jail, the prison,

diversion programs, reentry programs, etc., despite the use of aliases or the commission of multiple crimes in multiple counties.

To accomplish this the Task Force recommends amending Section 29-3-8 to define “state identification number” as a biometric-based unique number assigned to an arrestee. At present fingerprints are used for biometric identification. Instead of permitting arresting officers or jails to forward prints and photos to the Department within five days, the prints, photos and state tracking number must be sent immediately to DPS to allow for biometric positive identification. The use of fingerprinting machines makes this possible. However, because not all county jails have fingerprinting machines, or the machines they have are not functioning, the State should finance the purchase and maintenance of this equipment. DPS will be required to make sure that there is only one state identification number for the arrestee. DPS should also be required to forward the state identification number assigned to the arrestee to agencies at all levels of government who are engaged in the apprehension, prosecution, adjudication, incarceration, rehabilitation of criminal offenders and to government agencies who collect, store, disseminate, or use criminal offender record information for research purposes. Finally, the government agencies who receive the state identification number must use the number in their respective case management systems, even if they have their own tracking number. The latter requirement will allow for appropriate data sharing regarding the arrestee.

II. DATA COLLECTION, INTEGRATION, SHARING AND ANALYTICS IS ESSENTIAL FOR EFFECTIVE AND EFFICIENT POLICING AND PROGRAM EVALUATIONS.

Data collection has existed for some time in order to prepare reports required by the legislature. Many stakeholders lack the capacity to analyze the data they do collect. Whether the most relevant data or sufficient data is being collected is fairly debatable. Seemingly not all criminal justice partners collect data that helps them analyze where they are expending resources or where to deploy their resources in a way to make them more efficient? What is not fairly debatable is whether data can promote less visceral and thus better policymaking, or program evaluations. LFC’s “Results First: Evidence-Based Options to Improve Outcomes,” program is a prime example. What is also lacking in New Mexico is data integration, sharing and robust analytics that allow for real-time assessment as

to whether a program is complying with best practices criteria, developing actionable strategies, and disseminating the information to the workforce.

There are already efforts underway to integrate and share data in a way that will allow analytics to measure outputs and outcomes. HHS2020 is one example. HSD has consolidated multiple eligibility systems into one eligibility system. One goal for HHS2020 is to provide real-time information that will allow various government service providers to identify delivery problem areas; identify fraud; waste and abuse; compare programs; evaluate programs and lower costs. Another model titled “Childhood Integrated Longitudinal Databank” (CHILD) is being proposed by New Mexico Appleseed, “a nonpartisan, nonprofit organization focused on improving the lives of the poor and underserved through systemic change”. The Second Judicial District Attorney recently obtained a \$500,000 BJA grant that will support the efforts of the Department of Public Safety to integrate the numerous databases it currently accesses to develop criminal history reports.

In the criminal justice system silos (or stove pipes) of data exist in all New Mexico law enforcement agencies, jails, prisons, probation and parole agencies, courts, specialty courts, diversion programs, reentry programs, public health departments, emergency responders, domestic violence shelters, and community health providers. The ability to connect the silos so that each criminal justice partner can access data relevant to their respective programs would increase efficiency, reduce redundancy, minimize data entry errors, and allow criminal justice partners to evaluate the effectiveness and efficiency of their programs.

The criminal justice system is rich with examples of how sharing data from the various criminal justice silos can make the silos a system. For example, assume John Doe is arrested for a felony. The arresting officer specifies the charges that support the arrest, and might fingerprint the arrestee and assign a state tracking number to the arrest. John Doe is then booked into jail where the jailer may also fingerprint the arrestee and assign a different state tracking number. The jail staff produce a record of his incarceration, which is information that would be useful to attorneys and the courts so that they are aware of his charges, status, and location to arrange for meetings, transportation to and from court hearings, determine the need to preserve Medicaid eligibility, and a number of other important concerns. Any change in his status, release with conditions, re-arrest, etc. is also useful information for criminal justice stakeholders. Pretrial services programs, prosecutors, defenders will need to access criminal history data in

preparation for arraignment and/or preventative detention motions. The jail can also create a separate message to seek diagnosis information about John Doe from general health or behavioral health entities to understand his healthcare needs. If ultimately John Doe is convicted and is eligible for a prison sentence the Department of Corrections (DOC) can be notified as to his sentencing date so that DOC can anticipate his arrival along with any other defendants from throughout New Mexico who are scheduled for transportation to DOC. This will allow DOC to plan and prepare for the new arrivals. If John Doe is diverted into a pre-prosecution probation program he can be informed of dates, and other supervision requirements. His compliance or lack thereof can be captured in a database. Behavioral health providers will be informed regarding his situation for treatment purposes. John Doe's navigation through the system can be included with data involving other criminal justice partners so courts, prosecutors, defenders, diversion programs, reentry programs and other criminal justice system partners, can evaluate their programs. All of this information will be virtually real time. Information sent to research organizations can be de-identified for analytical purposes to assess the efficacy of criminal justice programs.

Other examples will be discussed below under the discussion of performance measures.

A. What is required.

Design a statewide framework to support, encourage and accomplish information sharing among criminal justice partners in a secure, effective, efficient, simple and practical manner to support the administration of justice, public and law enforcement officer safety, and support evidence-based public policy decisions across key decision points with local, state, and national agencies. This could be accomplished with a central repository or the use of application program interfaces.

B. Goals:

1. Improve collaboration and information sharing across justice system stakeholders.
2. Ensure immediate availability of complete, accurate and timely data to improve workforce flow and improve decision-making, program evaluation, reporting, analysis and research.

3. Facilitate information exchange and analysis among participating stakeholders.
4. Safeguard confidential information.
5. Build upon, leverage and enhance the existing criminal justice information systems currently deployed by each agency by allowing them access to other agency data.
6. Enable the effective information flow among stakeholders, both for their immediate benefit and among external stakeholders.
7. Use best practices and adopt the use of national JIS standards (e.g. NIEM, JRA, GFIPM), where applicable.

C. Anticipated benefits:

1. More collaborative, evidence-based decision-making and practices in the local and statewide criminal justice system.
2. Improved decision-making by availability of accurate justice information when it is needed.
3. Increase accuracy of defendant/offender identification.
4. Reduce multiple manual data entry and related errors in redundant data by decreasing or eliminating paper-based processing or multiple manual data entry.
5. Elimination of barriers of time and space – “24/7” access.
6. Greater efficiency in business processes, potentially realizing cost-savings.
7. Enhanced public safety and reduced victimization by making timely, accurate, and complete justice information available to all agencies and decision-makers in the system.
8. Enhanced public safety leads to enhanced economic and cultural quality of life.
9. Improved transparency and public access to appropriate data.
10. Increased public trust and confidence in the justice system and agencies.
11. Increased return on investment and reinvest savings back to justice programs.
12. Development of data-driven actionable strategies.

It is also important to develop common definitions for uniform data collection. For example, the criminal justice system currently has uniform charging codes but do not have uniform disposition codes.

D. Behavioral Health Data Sharing. The legislature should consider amending Behavioral Health laws to conform with HIPAA, but not exceed HIPAA confidentiality requirements. For example, Section 43-1-19 of the Mental Health and Developmental Disabilities Code because it does not clearly allow the dissemination of information for continuity of care purposes. Section 43-1-19(F) prohibits the release of information concerning a client “to any other person, agency or governmental entity or placed in files or computerized data banks accessible to any persons not otherwise authorized to obtain information under this section.” Amending the statute to allow the extraction of data from behavioral health databases, transform and load the data for analytical purposes, will permit data scientists to effectively research whether program strategies are operating as intended, effective and efficient, and to allow political subdivisions, counties and the state to make key policy decisions regarding the allocation of resources. Personal identifying information must not be included in the data or any reports. *See* Section 14-6-1(B) & (C), which permit the custodian of health information to “furnish the information upon request to a governmental agency or its agent, a state educational institution” and others but making it clear that statistical studies and research reports must not “in any way identify individual patients directly or indirectly nor in any way violate the privileged or confidential nature of the relationship and communications between practitioner and patient”.

Under Section 43-2-11 of the Detoxification Reform Act a record of the voluntary commitment of a person intoxicated by alcohol or drugs, must “be confidential and shall not be divulged except on order of the court or upon receipt of a waiver and release duly executed by the client volunteering for commitment”. The same concerns for research are apparent from this language.

E. Data-driven, evidence-based policing.

The National Institute of Justice emphasizes swiftness and certainty of being caught and addressing root causes of crime as the most effective approaches to deterring crime. *Review of the Criminal Justice System in Bernalillo County, Report #18-05, July 19, 2018 pgs. 17.* A sufficient, properly trained, and equipped

police force will advance this objective. Although the Task Force recommends that the state assist local jurisdictions with resources to recruit and retain qualified officers, the state can also invest in data-driven policing that will make policing more efficient with a smaller work force.

With the limited resources that are available it is imperative that the legislature financially support a statewide data-driven, evidence-based approach to controlling crime and evaluating the effectiveness of police strategies such as shifting resources and directing officers to focus on problem places and high-level offenders, increasing the number of civilian crime scene technicians, using surveillance cameras, employing foot patrols, or using behavioral health programs to address low-level offenders rather than arresting them. Data analytics will allow New Mexico to evaluate whether specific law enforcement strategies have increased the potential to prevent, reduce and manage crime. Crime does not have geographic boundaries so it would be a mistake to focus only on one area of the state to employ what are modern effective crime control strategies. Evidence-based, data driven policing should supplement, not replace community-specific knowledge, nor should it remove a police department's authority or responsibility to make crime control decisions. Rather the intent would be to permit law enforcement to be proactive rather than purely reactive and response driven.

Data analytics benefits policing and public safety by allowing law enforcement to employ a narrow, offender focused, place-based methodology, that *focuses on smaller geographic units of analysis, such as: particular people or places* that serve as the primary criminal justice system drivers for an entire area. *University of Cincinnati Institute of Crime Science*. A narrower analytical focus allows for (A) easier measurement of criminal/behavioral activity patterns; (B) timely identification of underlying criminal causative factors so either criminal justice or social service interventions can occur; (C) easier measurement and more timely identification of underlying causative factors allows for quicker action plan development and strategy implementation; (D) also faster modification of the plan if evaluation shows it is needed. *University of Cincinnati Institute of Crime Science*

F. Data-driven, evidence-based program evaluations.

HJM16 requires the Task Force to include in its report “measurable outcomes to help ensure that public investments in improvements to the system are as efficient and effective as possible”. Courts, specialty courts, prosecutors,

defenders, jails, prisons, crime labs, diversion programs, reentry programs, drug rehabilitation programs can all benefit from data-driven, evidence-based program evaluations. For behavioral health contractors, performance-based contracts that are fee for outcome contracts and not fee for service contracts would be a better option to accomplish this goal. Even if the legislature declines to require fee for outcome contracts, data-driven program evaluations should be required of all providers of behavioral health services designed to reduce recidivism. Best practices must be utilized with relevant performance measures employed to continually evaluate whether the program is working as intended, whether policies, procedures, resources or tools were implemented properly, whether the provider is meeting program goals, or whether changes in policies, procedures, resources or tools are necessary. Performance measures can also assist in controlling the limits of the program, budgeting, motivating staff, promoting the program, celebrating successes, learning and improving what may already be an effective program, or developing a new program.

Several resources are available to assist with the development of performance measures. See Justice Research and Statistics Association, *“Building Capacity for Performance Measurement and Evaluation: Performance Measurement for Prisoner Reentry, Delinquency Prevention and Intervention, and Victim Assistance Services*, Michel and Flower (January 2015) citing Bureau of Justice Assistance, Center for Program Evaluation and Performance Measurement, Reentry Programs, Commonly Used Performance Measures (Required by BJA). Retrieved at <https://www.bja.gov/evaluation/program-corrections/reentry5.htm>. An outline of some of the JRSA suggestions follow.

1. Developing performance measures

a. Performance measures require specificity

- i.** specify the subject of the measure
- ii.** specify how the measure will be collected, i.e. courts, law enforcement, probation, jails, community-based service providers, etc., and identify the area of collection whether local, county, statewide, or national data
- iii.** specify when the measure will be collected
- iv.** specify the format in which the data will be collected, and
- v.** for calculations, specify the formula to conduct the calculation

- b. Measure the process-level of program activities
- c. Measure outputs-quantity of products and services delivered
- d. Measure outcomes-the results of the products and services
- e. Program evaluation-did the program cause particular outcomes, i.e. was the persons employment a direct result of participating in the reentry program, which requires one to control for external variables-such as unemployment rate
- f. Performance management-regularly measure outcomes of initiatives to increase efficiency and effectiveness
 - i. Identify the goals and objectives of the initiative
 - ii. Develop a logic model
 - iii. Specify the measurement framework—i.e. data collection plan
 - iv. Collect and analyze performance data by setting success targets based when possible on best practices, and
 - v. Create reporting structures to capture changes in measures to inform decision-making

2. Create an oversight body to monitor performance measures. The Sentencing Commission which already has analytical responsibilities under Section 9-3-10, is a logical choice but will require additional staff support.

III. Diversion, incarceration and reentry programs

A. Increase prosecutorial discretion for preprosecution probation under Section 31-16A-4.

At present a defendant is not eligible for preprosecution probation if they committed any felony within the last 10 years or participated in a preprosecution probation program within the last 10 years, along with other restrictions. Prosecutors should be given greater discretion to select for participation in their respective programs those they believe based on all of the facts and surrounding circumstances are likely to successfully complete the program and not reoffend. Prosecutors should also be given discretion to waive the participation fees which could be a barrier to the accused participating in the program. The LOPD has indicated that an even greater cost barrier to their clients participating in a preprosecution probation program is the requirement that they pay for the cost of

treatment. For example, in Bernalillo County the average monthly program cost for standard supervision is \$160.00, for Level 1 intensive supervision the average monthly cost for someone with insurance is \$360.00, for someone without insurance the cost is \$485.00. For Level 2 intensive supervision the average monthly cost for someone with insurance is \$250.00, for someone without insurance the average monthly cost is \$710.00. Increasing prosecutor's discretion and eliminating or reducing the cost barriers (*see* section 31-16A-7) will allow the prosecution and public defenders to focus their resources on higher risk individuals who are alleged to have committed higher level crimes. To do so the legislature would need to consider funding the treatment for those who are uninsured and not Medicaid eligible, and supplanting the fees that would otherwise go to the Administrative Office of the District Attorneys (AODA). The AODA fees over the last 5 fiscal years have averaged \$260,000.00. A sliding scale approach is a recommended option for defraying program fees and costs.

Increasing discretion could result in more referrals to specialty courts such as drug courts, mental health courts, or restorative justice programs. The likelihood of a positive return on investment for each respective program is 99%, 91% and 63%. *See* LFC Program Evaluation Unit, Report # 18-05.

B. Law Enforcement Assisted Diversion (LEAD)

Last year the Legislature allocated funds for LEAD programs in Bernalillo, Dona Ana, and Rio Arriba. LEAD provides a way for law enforcement officers to divert people with mental illness or substance use disorders away from the criminal justice system into community-based treatment and service providers. Law enforcement officers may refer the individual to such providers at the point of the individuals arrest, or the officer may refer a person they believe is at high risk for arrest for a low-level non-violent crime. A case manager coordinates the care for the individual, which could include intensive case management, individual intervention plans, treatment, education, and job skills training. A successful LEAD program exists in Santa Fe. The Task Force recommends funding LEAD programs. The cost for Bernalillo County is \$400,000.00.

C. Crisis Intervention Team model for pre-booking diversion

Individuals with behavioral health conditions, who may be arrested for minor offenses can be diverted to crisis units. The likelihood of a positive return on investment is 88%. *See* LFC Program Evaluation Unit, Report # 18-05.

D. Crisis Triage Centers Section 27-2-12.20

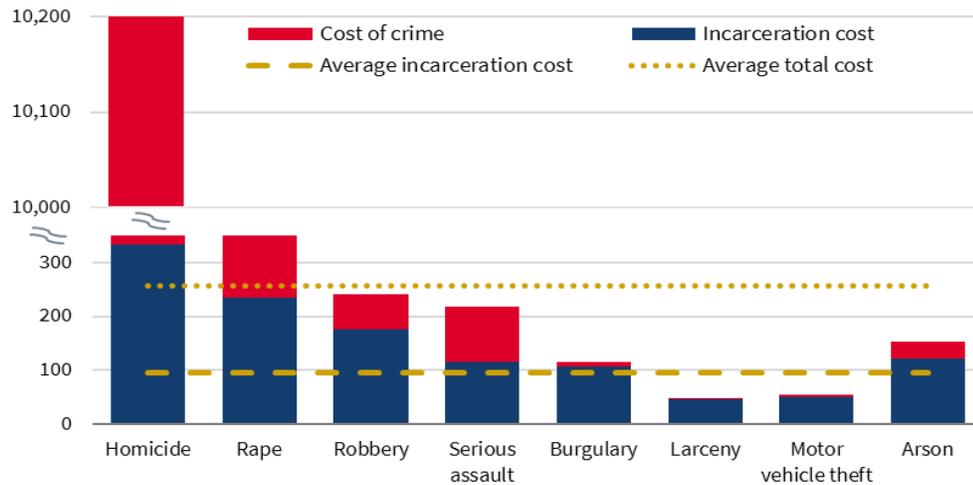
Crisis Triage Centers (CTC) are licensed health facilities that provide stabilization of mental illness crises, substance use disorders or co-occurring crises in either a residential or nonresidential setting for adult or youth. Participation in the program is voluntary and may be outpatient for up to 23 hours or inpatient for up to 8 days. The crisis Triage Centers were established by statute in 2016 and the Department of Health is nearing completion of its regulations for these centers. These services are reimbursable by Medicaid. The challenge is finding facilities for the centers and staffing the facilities.

E. Efficacies of mental health and substance use disorder programs

The Council of Economic Advisers (CEA) in its report: *Returns on Investments in Recidivism – reducing Programs*, May 2018 conclude that evidence-based “mental health programs reduce recidivism by approximately 21 percent and substance abuse programs by 17 percent.” *Id.* pg. 9. “Although programs vary in efficacy, CEA finds that there is an empirical evidence base to support programs that focus on the prisoner’s mental health or substance abuse to prevent future crime. Selected programs may reduce the cost of crime by about \$0.92 to \$3.31 per taxpayer dollar spent on prison reform and long-run incarceration costs by \$0.55 to \$1.96, for a total return of \$1.47 to \$5.27 dollar spent on prison reform.” *Id.* pg. 20. The weighted total cost of crime is approximately \$258,000 per crime, of which \$96,000 represents incarceration costs.

Figure 2. 2017 Average Total Cost per Crime

Thousands of dollars



Sources: Cohen and Piquero (2009); Heaton (2010); McCollister, French and Fang (2010); NIH Public Access (2009); National Corrections Reporting Program (2009); Bureau of Justice Statistics; Federal Bureau of Prisons.

The CEA emphasizes the need for any prison reform agenda to be data driven and evidence based, with funding set aside “to support evidence-building activities including data collection, program evaluation, and policy-relevant research”.

The CEA evaluated several mental health and substance use disorder programs. Regarding mental health programs the CEA reports that “cognitive behavioral therapy (CBT) and multi-systemic therapy (MST) programs, have been shown to be effective in several rigorous evaluations, most definitively for juvenile participants”, with CBT being the most effective intervention for reducing recidivism and MST being more cost-effective. *Id.* pg. 11 The CEA estimate a return on investment for mental health and substance use disorder programs as \$1.47 and \$5.27 respectively, with a crime cost savings of \$0.92 for mental health programs, and \$3/31 for substance use programs.

Figure 3: Return on Investment Per Dollar Spent on Abuse and Mental health Programs

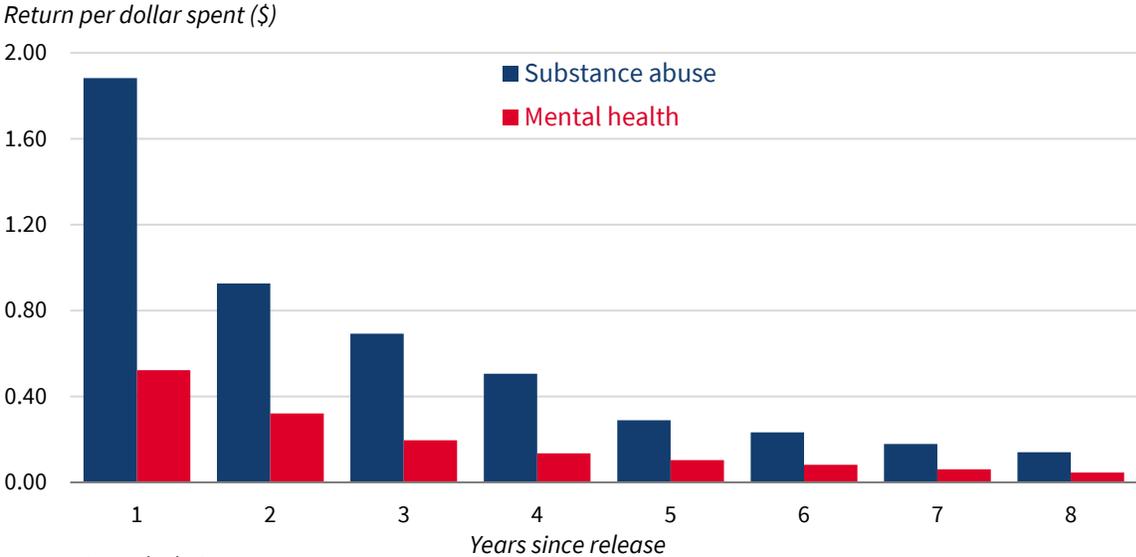
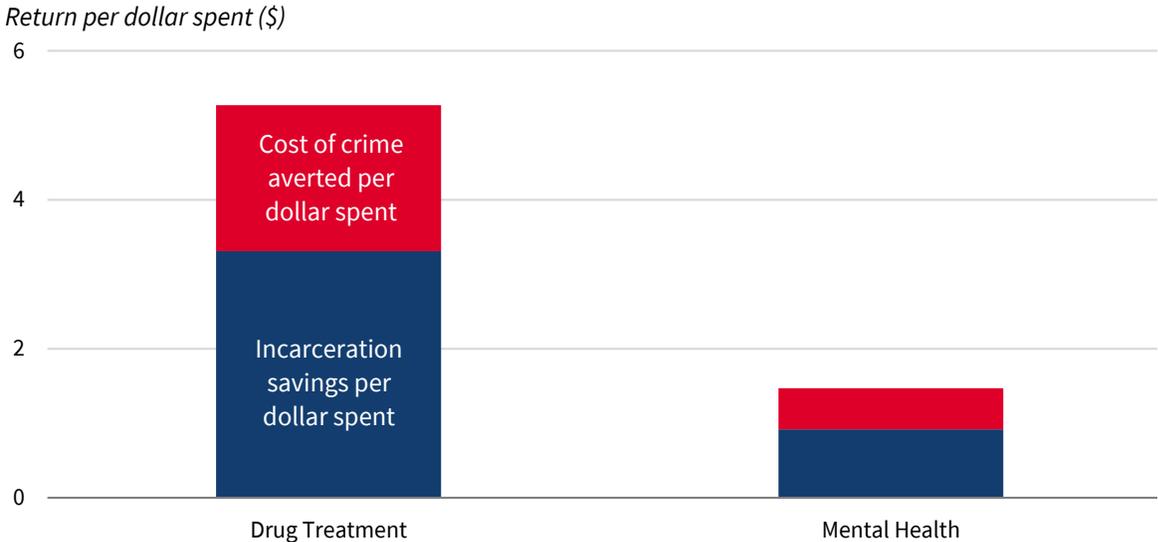


Figure 4. Net Present Value of Return per Dollar Invested in Prison Reform



The LFC Results First report cites Chart 63 for estimates of return on investment for numerous evidence-based behavioral health programs, which also

support a conclusion that New Mexico should invest in evidence-based treatment programs to effectively reduce recidivism and promote public safety.

F. Diversion performance measures

Each diversion program should be required to collect the data essential for it to measure its program processes, outputs and outcomes. The performance measures should be based on best practices. Many resources are available for the development of performance measures based on best practices. For example, the National Institute of Corrections and the National Association of Pretrial Services Agencies produced a document titled “Measuring for Results: Outcome and Performance Measures for Pretrial Diversion Field” attached as Appendix C. The summary states

This publication outlines suggested outcome and performance measures and critical operational data for pretrial diversion programs. Its goals are to present clearly defined and easily calculable measures that pretrial diversion programs can use to gauge progress in achieving their mission and strategic goals, improve business decisions, and illustrate pretrial diversion’s value in an evidence-based criminal justice system. The suggested measures are compatible with established national pretrial diversion standards and appropriate for any program established as a voluntary option to traditional criminal case processing and with a mission to:

Reduce the likelihood of future arrests through appropriate interventions based on thorough assessments and intervention plans tailored to an individual participant’s risks and needs

and/or

Conserve/redirect criminal justice resources to more serious crimes and those that warrant prosecution by providing a meaningful response to participant conduct.

Each measurement description includes a definition, data needed to track the metric, and a sample calculation. Also included are appendices of recommended procedures on setting measurement targets and establishing meaningful quality assurance and quality control. *Id.* pg. vi.

G. Reentry program performance Measures, Bureau of Justice Assistance

An important objective of reentry programs is to reduce recidivism. Although there exist many models for such programs, these programs seek to reduce recidivism by assisting an individual with employment, housing, education, health, mental health, substance use, and family. The Federal Bureau of Justice Assistance requires performance measures for all grantees engaged in prisoner reentry programs. *See* Justice Research and Statistics Association, “*Building Capacity for Performance Measurement and Evaluation: Performance Measurement for Prisoner Reentry, Delinquency Prevention and Intervention, and Victim Assistance Services*,” Michel and Flower (January 2015) *citing* Bureau of Justice Assistance, Center for Program Evaluation and Performance Measurement, Reentry Programs, Commonly Used Performance Measures (Required by BJA). Retrieved at <https://www.bja.gov/evaluation/program-corrections/reentry5.htm>. The National Institute of Corrections and the Urban Institute developed a guide to assist jurisdictions with the development of reentry programs, including multiple methods to measure performance. *See* Transitions from Jail to Community, *Measuring Recidivism at the Local Level: A Quick Guide*. Retrieved on October 31, 2014 at http://www.urban.org/projects/tjc/upload/Recidivism-Measures_final-for-website.pdf.

The performance measures obtained from these publications include:

- A. What is the percentage of recidivism for the target population (TP) since the program began?
 1. Recidivism should be measured in time, i.e. did they recidivate within 6 months, 12 months, or 36 months, and even those who did not complete the program must be accounted for in the recidivism rate.
 2. Recidivism can be defined by arrest, technical violations, conviction resulting in a jail or prison sentence, parole or probation violation.
 - a. If based on arrests, all sources for arrests, local, county, statewide, FBI and NCIC, must be included, keeping in mind that not all arrests result in charges being pursued.
 3. Risk levels must be accounted for because it is improper to compare high risk with low risk target populations. If one program

only accepts low risk clients and has a recidivism rate that is much lower than a program that accepts high risk this must be accounted for.

- B. What is the percentage increase in employment among the target population compared to previous periods?
 - 1. Should also measure the number of jobs over the period of time to get a sense for the TP's *stability of employment*
- C. What is the percentage increase in the TP enrolled in educational programs, either educational or vocational?
- D. What is the percentage increase in the TP completion of educational programs, either educational or vocational, as evidenced by certificates or other documentation?
- E. What is the reduction in number of violations of conditions of supervised release?
- F. What is the percentage of TP fulfilling child support obligations?
- G. What is the increase or decrease in number of TP who have obtained housing?
 - 1. Also measure stability of housing by gathering data on number of address changes over a period of time
- H. What is the percentage increase in the TP who have enrolled, are participating in, or completed substance abuse services?
- I. What is the percentage increase in the TP who have enrolled, are participating in mental health services?
- J. What is the percentage reduction in drug use among the TP for the reporting period?
- K. What is the percentage reduction in alcohol abuse or consumption among the TP for the reporting period?

H. Community Supervision programs for parolees or probationers.

There exist several strategies for reducing recidivism and increasing public safety through improved community supervision practices. Of immediate need are more transitional/re-entry homes either as residential programs or halfway houses so that those being paroled have a place to be paroled, rather than completing their parole in prison or being discharged without any meaningful oversight. Without more transitional homes, those released from prison go back into toxic

environments, or their communities and even family do not want them returning back, which causes an increase in parole eligible inmates remaining incarcerated due to lack of a parole placement plan. Identifying locations for transitional housing, whether the housing should be run by the state or contracted out are policy issues to be addressed by the legislature.

IV. Recruit and retain criminal justice work force.

The National Institute of Justice emphasizes swiftness and certainty of being caught and addressing root causes of crime as the most effective approaches to deterring crime. *Review of the Criminal Justice System in Bernalillo County, Report #18-05, July 19, 2018 pgs. 17.* A sufficient, properly trained, and equipped police force remains an important consideration. However, determining what constitutes an adequate police force is complicated. The Bureau of Justice Statistics has suggested 1 officer per 1,000 persons, and more recently suggests 2.4 officers per 1,000 persons. A workload-based assessment for police staffing would require examining 1) the distribution of calls for service by hour of day, day of week, and month; 2) the nature of calls for service; 3) estimating time consumed on calls for service; 4) calculating the shift-relief factor which shows the relationship between the maximum number of days that an officer can work and actually works; 5) establishing performance objectives; and 6) recognizing that staffing needs will vary. *A Performance-Based Approach to Police Staffing and Allocation, Wilson and Weiss, Essentials for Leaders, August 2012.* Additionally, the recruitment and retention of qualified officers in rural New Mexico also depends on the ability of the local jurisdiction to adequately compensate its police force. State funding should be made available to local jurisdictions to increase officer compensation.

The cost benefit of adding additional law enforcement officers is explained in Report #18-05. “[E]very deployment of one additional officer performing policy as usual should result in about a \$4 to \$1 return on investment (ROI). However, deploying that officer using evidence-based practices (hot spots policing) boosts benefits by about 25 percent raising the ROI to \$5 to \$1. Implementing mobile crisis response shows benefits outweighing the cost by \$5 to \$1.

It is difficult to recruit and retain law enforcement officers, prosecutors, public defenders, corrections officers, a behavioral health workforce, and other

criminal justice employees to work in rural New Mexico. Creating or expanding, and funding loan repayment programs could be a tool to inspire, motivate and encourage young adults to consider public service in these criminal justice fields conditioned on their agreement to work in rural New Mexico. *See i.e.* Section 21-22F-5, which is the loan repayment legislation for public service attorneys. In 2018 the legislature unanimously passed Senate Bill 143 introduced by Senator Ortiz y Pino, which eliminated the \$55,000 salary cap. However, the Department of Education imposed a \$75,000 cap and only pays \$7,200 per year as a repayment benefit. According to the SB 143 Fiscal Impact Report HED receives \$280,000 per year in general funds for the program and only expended \$75,500 in FY17, \$133,600 in FY16. Making it clear that the legislature intended to eliminate altogether the annual salary cap and authorizing the expenditure of more than \$7,200 per year as a repayment benefit so long as the \$280,000 in general fund appropriations each year is not exceeded should be considered. Health Professionals can receive up to \$25,000 in loan repayment benefits per year. It is unclear what CYFD workers could receive. *See* www.hed.state.nm.us.

Adequate compensation that is competitive with the private sector or federal government is an obvious solution. For example, a State Bar of New Mexico survey compiled May 2017 reports that “[a]ttorneys working for City, State or County Governments made an average of \$78,578 compared to an average of \$106,713 made by lawyers working for the Federal Government”. At www.nmbar.org/nmbardocs/pubres/reports/2017LawyerCompensationSurvey.pdf

It is equally as difficult to keep experienced law enforcement officers, corrections officers, prosecutors and public defenders throughout New Mexico. The Task Force encourages the legislature to devise methods to reward those criminal justice employees who are eligible to retire, or are retired but would like to return to work, so that they remain employed or return to employment. One method would allow law enforcement agencies, corrections agencies, prosecutors, the Law Office of the Public Defender, behavioral health agencies, to re-hire retirees at an entry level salary, without the retiree losing their retirement. The retiree and agency would still contribute to the retirement system without any increase in their retirement benefit when they once again terminate their employment. Legislation would have to be drafted to preserve retirement programs and without jeopardizing the upward mobility of those who are already

in the workforce. A sunset provision could also be incorporated to allow the legislature to assess the utility of the return-to-work program.

V. Statewide Pretrial Services

Particularly with the bail reform changes there is a need for statewide pretrial services to assist with:

A. the impartial screening using a validated risk assessment instrument (measures likelihood of court appearance and no new criminal activity) of all defendants regardless of charge to assist Judges in making pretrial release decisions;

B. Background investigations which includes a defendant's criminal history which is used to score a risk assessment.

C. Pretrial release recommendations to the courts based upon risk level and available resources within the jurisdiction.

D. Risk-based supervision of those released to pretrial supervision, to include proactive court date reminders, monitoring conditions of release, and assistance with community referrals to mitigate risk of new criminal activity and failure to appear; and

F. reporting on process and outcome measures to stakeholders.

Source: National Association of Pretrial Services Agencies and ABA Pretrial Release Standards as reported by the NMSC "Assessment of The Second Judicial District Court Pretrial Services Office" February 2014.

The National Institute of Corrections publication "A Framework for Pretrial Justice: Essential Elements of an Effective Pretrial System and Agency" (February 2017) offers a framework of evidence-based best practices for pretrial programs.

The Essential Elements of a Pretrial Services (NIC) program are:

- Dedicated Pretrial Program
- Operational Mission
- Universal Screening
- Validated Assessment Instruments (FTA and new criminal activity)
- Sequential Bail Review
- Risk Based Supervision
- Performance measurement and Feedback

Pretrial services programs must be independent although they can exist under a larger organization, such as courts or probation authorities. A dedicated pretrial service program helps to ensure that the management and oversight of essential functions occur under a single organizational structure to assure better coordination of the evidence-based elements of the program. For example, ensuring release recommendations match available supervision resources. In addition, a dedicated program provides staff and the organization better direction of the mission and goals of the program.

The Task Force recommends having the program with the courts because an accused has a greater level of rights and protections than do parolees or probationers. An accused cannot be forced to discuss the facts and circumstances of the pending case, nor be subjected to punitive conditions such as community service or victim restitution. *Id.* pg. 33. The primary purpose of pretrial release programs is public safety and to assure the presence of the accused at court proceedings. Some states have enacted statutes authorizing pretrial services, which recognize the importance of an independent pretrial services function. *See i.e.* Illinois Criminal Procedure, 725 ILCS 185/0.01, Pretrial Services Act. The Pretrial Justice Institute (PJI) and the American Probation and Parole Association (APPA) also offer strategies for assuring the independence of pretrial release programs. In their 2010 publication “*Promising Practices in Providing Pretrial Services Functions Within Probation Agencies: A User’s Guide*” these organizations encourage the use of distinct mission statements, pretrial-specific job descriptions, distinct policies and procedures, pretrial-specific performance measures, and specific pretrial training programs.

PJI and APPA recommend performance measures for both outputs and outcomes. The output performance measures include the number of defendants interviewed, the number assessed for risk of flight or public safety considerations; number of recommendations made to courts; pretrial release and detention rates by risk type; number of defendants supervised, level of supervision, number of defendants who successfully complete supervision. The outcome performance measures include court appearance rates and community safety rates which can be measured by numbers of defendants who were not rearrested. *Id.* pg. 20-21.

Other performance measures are reported in the publication: National Institute of Corrections: Measuring What Matters- Outcome and Performance

Measures for the Pretrial Services Field. This document is becoming the standard among programs and is supported by NIC, NAPSA, and PJI.

Outcomes Measures

- Appearance Rate
- Safety Rate
- Concurrence Rate
- Success Rate
- Pretrial Detainee Length of Stay

Suggested Performance Measures

- Universal Screening
- Recommendation Rate
- Response to Defendant Conduct
- Pretrial Intervention Rate

Suggested Mission Critical Data

- Number of Defendants Released by Release Type and Condition
- Caseload Ratio
- Time from Nonfinancial Release Order to Start of Pretrial Supervision
- Time on Pretrial Supervision
- Pretrial Detention Rate

The Second Judicial District Court has its own pretrial services program. A few other New Mexico district courts also have pretrial services programs, although not as robust as that in the Second Judicial District Court. Establishing pretrial release programs in all district courts could be a viable model, however, rural New Mexico does not have the resources to fund such programs. An alternative approach is to commence pretrial service programs through the Administrative Office of the Courts, first by regions and eventually establishing programs throughout the state with each district court. What is apparent is the immediate need for the legislature to fund these programs.

As to possible funding considerations, the pay ranges for Pretrial Services staff in the Second Judicial District Court are as follows:

3 Background Investigators- Pay range: \$19.231 -\$30.049

3 Judicial Specialist II- Pay range: \$15.22 -\$23.781

- 1 PTS Intake Officer- Pay range \$19.231- 30.019
- 5 PTS Supervision Officer- Pay range \$19.231- 30.019
- 2 PTS Jail- In reach Officers- Pay range \$19.231- 30.019
- 2 Lead Officers- Pay Range \$21.875- 34.180
- PTS Program Manager- Pay Range \$24.615-\$38.461

Background investigators can conduct criminal histories and prepare risk assessment packages for arraignments or preventive detention hearings. In Bernalillo County three investigators can prepare 1,723 criminal histories and 1,249 detention hearing packets. On average, including benefits, a background investigator is paid \$65,000. Judicial specialists enter data for the assessments. A judicial specialist is paid on average, including benefits, \$48,000. One Pretrial Service Officer completes intakes of defendants referred to pretrial services. Five Pretrial Officers prepare release plans, assist with referrals to community services providers and provide supervision and monitoring of defendants. Two Pretrial Officers conduct jail interviews of defendants prior to arraignments. In Bernalillo County during FY18 there were 1,678 referrals to pretrial services, and 1,723 jail interviews. Pretrial Services Officers are paid on average, including benefits, \$68,000. In Bernalillo County, the 5 PTS Officers who provide the supervision carry caseloads of approximately 100 actively reporting defendants, although in rural New Mexico if travel is required the officer's caseload will likely be less.

The assessment, including interviews when necessary, and some supervision responsibilities, such as notification of upcoming court appearances through phone calls, recorded messages, mail, email or text messaging can be handled remotely. For example, the Albuquerque Metropolitan Court background investigation unit conducts background investigations and interviews arrestees via videoconference. The Metropolitan Court ROR night program, which incorporates interviews, reports a 98% appearance rate for those individuals who are released ROR. Metropolitan court is running pilot programs in other jurisdictions to demonstrate the efficacy of implementing a ROR program in other districts from Metropolitan Court. A statewide ROR program can potentially be accomplished with 8 additional FTEs in the Metropolitan Courts background investigation unit.

VI. Child wellbeing programs

Regrettably the Task Force did not have sufficient time to make any detailed recommendations regarding child wellbeing issues. Dr. Andrew Hsi, M.D. with the University of New Mexico and the Institute for Resilience, Health and Justice, was scheduled to discuss child well-being programs with the Task Force, however, he was unable to do so because he was delayed while presenting at a legislative hearing.

According to Dr. Hsi, UNM will advance a Child wellbeing proposal to the legislature which will include among other funding requests, funds to expand the ADOBE Program to Sandoval and Valencia counties. The goals are to stabilize youth discharged from Bernalillo County's youth detention center who live outside of Bernalillo County, and to achieve a uniform model of care for youth leaving detention facilities in urban and rural areas with the intent to expand the program statewide.

Attached as Appendix D is an inventory of children's behavioral health programs which identifies those programs that are evidence based, the anticipated return on investment, and the program cost. Dr. Wayne Lindstrom made a presentation regarding the PAX Good Behavior Game program. The Task Force recommends that the Legislature supplement funding available for the PAX Good Behavior Game GBG by establishing a grant program to be administered by the Behavioral Health Services Division of the Human Services Department that would allow schools to apply for funds to implement PAX in their first-grade classroom. Currently there are 46 different schools in 11 school districts that have the PAX GBG program.

PAX is an evidence-based primary prevention practice that is recommended by the Substance Abuse and Mental Health Service Administration (SAMHSA). It is a classroom management strategy beginning in the first grade which was developed to improve classroom behavior and prevent subsequent criminal behavior. The benefits of the program include improving classroom performance, mental health outcomes and substance use prevention. *See*

<https://www.goodbehaviorgame.org/>

It is the program listed in the LFC Inventory of Children's Behavioral Health Programs, attached as Appendix D, with the greatest return on investment for Promotion and Prevention programs. For every dollar spent New Mexico can expect a \$40.00 return on investment. Since the publication of Appendix D, the

most recent cost benefit analysis on the PAX GBG conducted by the Washington State Institute for Public Policy has shown that the program returns \$57.53 for every \$1 invested. The predicted benefit for the 12,000 New Mexico children currently participating in PAX is detailed in Appendix E.

The PAX programs in New Mexico are currently funded with Federal Opioid funds. The cost per student is \$72.57. By creating a \$500,000 grant fund, 6,889 additional students will benefit from PAX GBG.

VII. Create performance-incentive grant programs

Performance-incentive grant programs funded with general funds can be used to enter into cost sharing agreements with counties and local jurisdictions. Such grants can support county and local jurisdictions efforts to recruit and retain law enforcement officers, have pretrial services, and expand and improve treatment and supervision alternatives to incarceration, all of which will improve public safety. As a condition to receiving grant funds, each participating county or local municipality should be required to enter into appropriate data sharing agreements with other criminal justice partners, require providers to comply with best practices and collect data to measure performance and programs on a real time basis.

Programs related to treatment and supervision alternatives to incarceration could be administered and monitored by the Department of Human Services or in combination with the Department of Corrections.

Appendix A

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE JOINT MEMORIAL 16

53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

A JOINT MEMORIAL

REQUESTING THE CHIEF JUSTICE OF THE NEW MEXICO SUPREME COURT TO
CONVENE A CRIMINAL JUSTICE AND PUBLIC SAFETY TASK FORCE TO
IDENTIFY ISSUES OF PRIMARY CONCERN WITHIN THE STATE'S CRIMINAL
JUSTICE AND PUBLIC SAFETY SYSTEM AND TO DEVELOP A STRATEGIC
PLAN TO AMELIORATE THOSE CONCERNS.

WHEREAS, the crime rates in New Mexico have continued to
increase over the past several years, and the rate of property
crime in Albuquerque is the highest in the country; and

WHEREAS, most of the public safety concerns facing the
state are linked to substance use, behavioral health concerns
and strained criminal justice agency budgets; and

WHEREAS, it is critical that the state address issues
within the criminal justice system, which will involve
evaluating and identifying the areas most in need of support

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underscored material = new
[bracketed material] = delete

1 within early childhood intervention programs; law enforcement;
2 prosecutor's and public defender's offices; the courts;
3 corrections facilities and county jails; and the behavioral
4 health care system, among others;

5 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
6 STATE OF NEW MEXICO that the chief justice of the New Mexico
7 supreme court be requested to convene, by April 1, 2018, a
8 criminal justice and public safety task force to identify the
9 issues of primary concern within the state's criminal justice
10 and public safety system and to develop a strategic plan to
11 ameliorate those concerns, including measurable outcomes to
12 help ensure that public investments in improvements to that
13 system are as efficient and effective as possible; and

14 BE IT FURTHER RESOLVED that the criminal justice and
15 public safety task force be composed of the following members
16 or the members' designee:

17 A. a representative of the courts, appointed by the
18 chief justice of the New Mexico supreme court, to serve as the
19 chair of the task force;

20 B. the attorney general;

21 C. the president of the New Mexico district
22 attorneys association;

23 D. the chief public defender;

24 E. the secretary of corrections;

25 F. the secretary of public safety;

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1 G. the secretary of children, youth and families;

2 H. the secretary of health;

3 I. the secretary of human services;

4 J. the executive director of the New Mexico
5 association of counties;

6 K. the executive director of the New Mexico
7 municipal league; and

8 L. up to four additional members appointed by the
9 chair of the task force; and

10 BE IT FURTHER RESOLVED that the criminal justice and
11 public safety task force present to the legislature a report on
12 its work, including its specific recommendations for
13 improvements to the state's criminal justice and public safety
14 systems, no later than October 15, 2018; and

15 BE IT FURTHER RESOLVED that copies of this memorial be
16 transmitted to the speaker of the house of representatives; the
17 president pro tempore of the senate; the chief justice of the
18 supreme court of New Mexico; the governor; the attorney
19 general; the president of the New Mexico district attorneys
20 association; the chief public defender; the secretaries of
21 corrections, public safety, human services, children, youth and
22 families and health; the executive director of the New Mexico
23 association of counties; and the executive director of the New
24 Mexico municipal league.

APPENDIX A

MEMBERS OF THE CRIMINAL JUSTICE AND PUBLIC SAFETY TASK FORCE

Edward L. Chavez, Chairperson	Retired Justice New Mexico Supreme Court
Sharon Pino	Attorney General's Office
12 th District Attorney John Sugg	NM District Attorney's Association
Bennett J. Baur	Chief Public Defender
David Jablonski	Secretary, Department of Corrections
Amy Orlando	Deputy Secretary, Department of Public Safety
Bryce Pittenger	Children, Youth and Family Department
Wayne Lindstrom	Human Services Department
Steve Kopelman & Grace Phillips	Association of Counties
William Fulginiti	NM Municipal League
Terri L. Cole, CEO	Greater Albuquerque Chamber of Commerce
Robert L. "Bob" Martinez	Fraternal Order of Police
Sandra Dietz, Chair	NM Adult Parole Board
Chief Judge Nan Nash	Second Judicial District Court
Senator Cisco McSorley	New Mexico Senate
Senator Gregory A. Baca	New Mexico Senate
Representative Daymon Ely	New Mexico House of Representatives

Others who occasionally attended as representatives of various appointees included Clara Moran, Attorney General's Office; Henry Varela and Jennifer Saavedra for CYFD, Raul Torrez, Second Judicial District Attorney, Robert "Rick" Tedrow, Eleventh Judicial District Attorney, for the NM District Attorney's Association

APPENDIX B

HISTORY OF TASK FORCE MEETINGS AND DATA CONSIDERED

March 29, 2018 Meeting

Charles Sallee and Jon Courtney, Ph.D., LFC Program Evaluation Manager, presented their interim report “Review of Criminal Justice System in Bernalillo County”. The Task Force discussed goals and deadlines. Consensus centered around a data driven approach to addressing issues within the criminal justice system and offering suggestions to the legislature which the CJPS believe will promote safety in our communities.

May 17, 2018 Meeting.

The following presentations were made to the Task Force.

Scott Darnell and Brian Sanderoff

Part 1: The Geographic Dispersion and Concentration of Crime in Albuquerque

Part 2: A Study on the Characteristics and Criminal Behavior of Arrestees in Bernalillo County (first of its kind, 7-year analysis of arrestee population, using merged data from four separate justice system agencies)

Part 3: Resident Insight Research on the Public’s Experience with Crime and Perceptions of Public Safety and the Criminal Justice System (draws on two focus groups and a scientific survey)

Carl Reynolds, Senior Legal & Policy Advisor, Council of State Governments Justice Center and Michelle Rodriguez

“Opportunities for Justice Reinvestment-Analysis to Inform Public Safety Strategies”.

This presentation suggested a number of ways that New Mexico policymakers can help our criminal justice system and enhance public safety. Excerpts from the Justice Center 50-State Data *on* Public Safety, New Mexico Workbook: Analyses to inform public safety strategies, are attached. Appendix F describes “How State policymakers can help the Criminal Justice system and enhance Public Safety”. Appendix G is a list of “Questions for further research and review”.

Linda Freeman, New Mexico Sentencing Commission Executive Director, Secretary of the Department of Corrections, David Jablonski, and Deputy Secretary of the Department of Public Safety, Amy Orlando

Presentation included:

Number of arrests statewide and historical/geographical trends

Recidivism rates

Number of admissions to prison facilities

Number of probation/parole violators and reasons for revocation

Types of inmates (referred criminal offense) in the prison system

Trends showing that our prisons are housing more violent offenders

Current prison population and anticipated growth

Spike in the incarceration of female offenders

Representative Antonio “Moe” Maestas

Crime Policy Trends in the Legislature: Where do we go from here?

Commissioner Maggie Hart Stebbins

Behavioral health services in Bernalillo County and the challenges of providing a continuum of care

July 5, 2018 interim meeting of a subcommittee

A Task Force subcommittee participated in a videoconference with Dr. Murat Ozer, Ph.D., University of Cincinnati Institute of Crime Science, Dr. Jamie Newsome, Ph.D., University of Cincinnati Corrections Institute, Daniel Gerard, M.S. University of Cincinnati Institute of Crime Science regarding the use of real time data to evaluate programs and conduct data driven policing. The Task Force subcommittee concluded that it would be advisable for the entire Task Force to listen to the presentation. The University of Cincinnati submitted a request for travel expenses to attend the meeting in person. Bernalillo County Commissioner Maggie Hart Stebbins and County Manager Julie Morgas Baca agreed to pay the expenses for the Institute representatives to come to New Mexico. We are grateful to the County for their support of this effort. Dr. Ozer, Dr. Newsome and Mr. Gerard met with several state and Bernalillo County criminal justice partners over the course of three days to evaluate the needs for data collection, integration, sharing and analytics. The Institute agreed to submit a report regarding its meetings and suggestions for how New Mexico can use data analytics to conduct data-driven policing and data-driven program evaluations.

Also during the interim Representative Daymon Ely and I as Chairman of the Task Force met with most of the Task Force members to discuss their individual interests and ideas for improving the criminal justice system. Our discussions with the Task Force members laid the foundation for the August 8 Task Force meeting.

August 8, 2018

The following presentations were made to the Task Force.

Dr. Jon Courtney, Ph.D., LFC Program Evaluation Manager and **Dr. Travis McIntyre, Ph.D.**, LFC Program Evaluator presented their final report and recommendations regarding the Bernalillo County Criminal Justice system, and described some funding sources that are available for criminal justice programs.

Dr. Wayne Lindstrom, Ph.D., Director Behavioral Health Service Division, HSD, and **Bryce Pittenger, LPCC**, Director of Behavioral Health, CYFD, described various diversion and reentry program models for adults and juveniles, which have proven successful.

Dr. Paul Guerin, Ph.D., Institute for Social Research, spoke about developing performance measures with benchmarks for evaluating criminal justice programs.

Dr. Andrew Hsi, M.D. Institute for Resilience, Health and Justice, was scheduled to discuss child well-being programs, however, he was delayed at legislative hearings. His PowerPoint presentation was included with the materials submitted to the Task Force.

Albuquerque Police Chief Mike Geier described the criteria necessary to determine law enforcement needs, and the challenges with the recruitment, retention and training of officers.

Sean Pearson, Chief Information Officer, HSD, made a presentation regarding HHS2020, a data gathering system that is being developed at HSD, 90% of the expense for the development is funded with Federal dollars and 10% with state dollars. The title of his presentation was "Roadmap to the Future of Health and Human Services in New Mexico". **This presentation confirmed the value of data integration between relevant silos to evaluate program outputs and outcomes.** The system will assist with the production of reports,

development of real-time dashboards, geospatial mapping of services, trending predictions, etc. It is possible that HHS2020 can benefit from criminal justice data and vice versa.

Dr. Murat Ozer, Ph.D., University of Cincinnati Institute of Crime Science, Dr. Jamie Newsome, Ph.D., University of Cincinnati Corrections Institute, **Daniel Gerard, M.S.** University of Cincinnati Institute of Crime Science “Using Data Analytics to Improve New Mexico’s Public Safety and Criminal Justice Outcomes” The presentation emphasized the value of data-driven policing, but also included a demonstration of how the program can be used to evaluate where resources should be allocated to make programs more efficient and economical.

Dropbox materials

In addition to the presentations the Task Force was provided with materials in a Dropbox for its review and consideration. An index of the materials available to the Task Force is attached as Appendix H. These materials and the PowerPoint presentations will be made available to you upon request.

Appendix C



Measuring for Results

*Outcome and Performance
Measures
for Pretrial Diversion Field*

ACKNOWLEDGEMENTS

The authors would like to thank the members of the Pretrial Diversion Committee of the National Association of Pretrial Services Agencies for the initial concept and development of this publication and NAPSAs President Cherise Fanno Burdeen and former President Peter Kiers for their continued support throughout this project.

We also gratefully acknowledge the following practitioners who served as publication reviewers. Their thoughtful comments and insight as criminal justice professionals greatly improved the publication's content and its value to fellow practitioners.

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We also would like to thank those criminal justice professionals who participated in discussions on outcome and performance measurement, best and promising practices, and recidivism reduction at the National Institute of Corrections *National Symposium on Pretrial Diversion* and NAPSAs *40th Annual Conference and Training Institute* for their contributions and suggestions for this document.

Finally, we would like to acknowledge and thank Morris Thigpen, former National Institute of Corrections Director, NIC Community Services Division Chief Jim Cosby; Lori Eville, NIC Correctional Program Specialist; and the NIC Pretrial Executive Network for their pioneering work in pretrial-related outcome and performance measurement and continued support of the pretrial services field.

Spurgeon Kennedy

Tara Boh Klute

THE EVIDENCE BASED DECISION MAKING FRAMEWORK

A Framework for Evidence-Based Decision Making in Local Criminal Justice Systems

This document supports National Institute of Corrections *Evidence-Based Decision Making Framework* (EBDM). EBDM is a system wide initiative—from pre-arrest through final disposition and discharge—to promote and encourage more collaborative, evidence-based decision making and practices in local criminal justice systems. The Framework *is a way for justice systems to improve system outcomes through true collaborative partnerships, systemic use of research and a shared vision of desired outcomes*. In addition, the Framework equips criminal justice policymakers in local communities with the information, processes, and tools that will result in measurable reductions of pretrial misconduct and post-conviction reoffending.

EBDM is grounded in the belief that risk and harm reduction are fundamental goals of the justice system and can be achieved without sacrificing defendant and offender accountability or other important justice system outcomes. It both explicates the premises and values that underlie our justice system and puts forward a proposed set of evidence-based principles to guide evidence-based decision making at the local level. The Framework also highlights groundbreaking research that clearly demonstrates that we can reduce pretrial misconduct and offender recidivism. It identifies the key stakeholders who must be actively engaged in a collaborative partnership if an evidence-based system of justice is to be achieved.

NIC recognizes pretrial diversion programming as a vital part of an effective criminal justice system. NIC has encouraged EBDM participating jurisdictions to develop or improve their pretrial diversion systems, with the belief that these programs offer a meaningful intervention to criminal behavior and help systems target court, prosecutorial, and corrections resources to cases and defendants where regular prosecution is the more appropriate decision. NAPSA is proud to partner with NIC under this significant criminal justice initiative and to highlight pretrial diversion as a major decision point in America’s justice systems.

THE NATIONAL ASSOCIATION OF PRETRIAL SERVICES AGENCIES

Promoting Pretrial Justice through the Development and Support of Pretrial Services Agencies Nationwide

The National Association of Pretrial Services Agencies (NAPSA) is the national professional association for the pretrial release and pretrial diversion fields. Incorporated in 1973 as a not-for-profit corporation, the Association's goals are to:

- Serve as a national forum for ideas and issues in the area of pretrial services.
- Promote the establishment of agencies to provide such services.
- Encourage responsibility among its members.
- Promote research and development in the field.
- Establish a mechanism for the exchange of information.
- Increase professional competence through the development of professional standards and education.

NAPSA's five-hundred plus members include pretrial practitioners, judges, lawyers, researchers, and prosecutors from forty-four states, the District of Columbia, and Puerto Rico.

NATIONAL ASSOCIATION OF PRETRIAL SERVICES AGENCIES

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SUMMARY

This publication outlines suggested outcome and performance measures and critical operational data for pretrial diversion programs. Its goals are to present clearly defined and easily calculable measures that pretrial diversion programs can use to gauge progress in achieving their mission and strategic goals, improve business decisions, and illustrate pretrial diversion's value in an evidence-based criminal justice system. The suggested measures are compatible with established national pretrial diversion standards and appropriate for any program established as a voluntary option to traditional criminal case processing and with a mission to:

Reduce the likelihood of future arrests through appropriate interventions based on thorough assessments and intervention plans tailored to an individual participant's risks and needs and/or

Conserve/redirect criminal justice resources to more serious crimes and those that warrant prosecution by providing a meaningful response to participant conduct.

Each measurement description includes a definition, data needed to track the metric, and a sample calculation. Also included are appendices of recommended procedures on setting measurement targets and establishing meaningful quality assurance and quality control.

SUGGESTED OUTCOME MEASURES

SUCCESS RATE: The percentage of diversion participants who successfully complete the diversion program.

SAFETY RATE: The percentage of diversion participants who are not charged with a new offense while participating in diversion programs or services.

POST-PROGRAM

SUCCESS RATE: The percentage of participants who complete diversion successfully and are not charged with a new offense during a specific period after program completion.

SUGGESTED PERFORMANCE MEASURES

SCREENING: The percentage of diversion-eligible persons assessed for diversion placement.

PLACEMENT: The percentage of persons appropriate for diversion placement who are placed into diversion and specific diversion programs or services.

COMPLIANCE: The percentage of participants successfully completing specific diversion requirements (community service hours, restitution, fees, etc.)

RESPONSE: The frequency of policy-approved responses to compliance and noncompliance with diversion conditions.

PROVISION: The percentage of assessed and appropriate participants who receive substance abuse, mental health, or other needed services.

SATISFACTION: The qualitative measure of stakeholder opinions of the pretrial diversion program's quality of supervision and services, interactions and worth within the criminal justice system.

SUGGESTED CRITICAL OPERATIONAL DATA

- REFERRALS:** Number of referrals to the diversion program and referral sources.
- TIME TO PLACEMENT:** Time from the defendant's arrest *or* diversion eligibility screen and actual diversion program placement.
- TIME IN DIVERSION:** Time from program entry to successful completion, voluntary withdrawal, or termination.
- TIME IN PROGRAMMING:** Time from entry to successful completion, voluntary withdrawal, or termination for each diversion program component.
- EXITS:** Recorded graduations or other successful completions, voluntary withdrawals, and program terminations.

INTRODUCTION

To remain a valuable component of an evidence-based criminal justice system, pretrial diversion programs must ensure that outcomes match stated mission, goals, and objectives and are reasonably defined, targeted, and measured. The outcome and performance measures suggested here will help individual programs continue to provide their justice systems with proven options to help reduce current misconduct and future crime.

From the 2012 National Symposium on Pretrial Diversion

The National Institute of Corrections (NIC) publication, *Measuring What Matters: Outcome and Performance Measures for the Pretrial Release Field* addressed what NIC and pretrial services professionals viewed as the “the need for consistent and meaningful data to track individual pretrial release agency performance.”¹ *Measuring What Matters* identified outcome and performance measures and mission critical data for pretrial release programs recommended by NIC’s Pretrial Executives Network, a group of directors of established pretrial services agencies nationwide. These data were based on the following definitions:

Outcome Measure: An indicator of an agency’s effectiveness in achieving a stated mission or intended purpose.

Performance Measure: A quantitative or qualitative characterization of performance.

Performance Measurement: Assessing progress toward achieving pre-determined goals, including information on the efficiency with which resources are transformed into goods and services (outputs), the quality of those outputs and outcomes, and the effectiveness of operations in terms of their specific contributions to program objectives.²

Mission Critical Data: Data in areas strategically linked to outcome and performance.

Following the *Measuring What Matters* release, the National Association of Pretrial Services Agencies (NAPSA) recognized that many of the shortcomings in data definition, collection, and analyses noted in the pretrial release field were also deficiencies for most pretrial diversion programs. Few diversion programs have clearly defined outcome and performance measures. Moreover, data collection efforts across programs are inconsistent and lack standardized definitions, making comparisons of program outcomes difficult. Similar to other criminal justice components, the diversion field lacks standard definitions for basic concepts such as *success*, *compliance*, and *recidivism*. Finally, many diversion programs lack the capacity to process large and varied amounts of data to uncover hidden patterns and correlations. This hinders efforts to improve business decisions, illustrate the program’s worth to stakeholders and track strategic outcomes and objectives.

¹ National Institute of Corrections (2011). *Measuring What Matters: Performance Measures for the Pretrial Release Field*. www.nicic.gov/library/025172.

² National Performance Review. (1997). *Serving the American Public: Best Practices in Performance Measurement*. Washington, D.C.: Executive Office of the President.

Through its Pretrial Diversion Committee, NAPSA sought to develop a document with suggested outcome measures, performance measures, and critical operational data for pretrial diversion programs. The initiative began with committee members reviewing the literature on pretrial diversion best practices and the field's historical, legal, and statutory foundations. Committee members also reviewed the available research in the diversion field as well as current performance indicators used by diversion programs and other problem solving initiatives.³ From these, committee members established and vetted a set of suggested outcome and performance metrics. These were presented and discussed with pretrial practitioners and other criminal justice professionals during NIC and NAPSA's 2012 *Symposium on Pretrial Diversion* and workshops at NAPSA's 40th Annual Conference and Training Institute.

The result is the recommended measures and critical operational data presented in this publication. NAPSA believes the suggested measures are appropriate for any program established as a voluntary option to traditional criminal case processing and with a mission to:

Reduce the likelihood of future arrests through appropriate interventions based on thorough assessments and intervention plans tailored to an individual participant's risks and needs and/or
Conserve/redirect criminal justice resources to more serious crimes and those that warrant prosecution by providing a meaningful response to participant conduct

and strategic goals similar to:

- Providing an early opportunity to interrupt the cycle of crime and promote public safety through expedited dispositions or brief and effective interventions focused on behavioral change.
- Modifying behaviors linked to further criminal activity.
- Conserving/redirecting criminal justice resources to offenses where adjudication is a more appropriate response.
- Enhancing personal accountability and responsibility.
- Utilizing intermediate sanctions to reduce reliance on jail.

A central issue for the committee is whether certain recommended measures such as success and safety rates are more "system" indicators than measures of individual agency performance. For example, a success rate depends as much on the number of participants placed into diversion programming, their degree of risk, and the requirements mandated by the court or prosecutor as the quality of the diversion program's screening, placement, or supervision protocols. These

³ DiIulio, J.J., Alpert, G. P. Moore, M.H., Cole, G.F., Petersilia, J., Logan, C.H., Wilson, J.Q. (1993). *Performance Measures for the Criminal Justice System*. (Washington, D.C.: United States Department of Justice, Bureau of Justice Statistics). NCJ 143505. Pennsylvania Commission on Crime & Delinquency, Office of Criminal Justice Systems Improvement. (2011). *Criminal Justice Performance Measures Literature Review Calendar Years: 2000 to 2010*. United States Department of Justice, Bureau of Justice Assistance. *Measures of Drug Court Performance*. <https://www.bja.gov/evaluation/program-substance-abuse/drug5.htm>.

issues notwithstanding, the committee believes the measures identified are critical indicators of diversion program success. It recommends that programs use measurable targets to recognize and offset these external factors. (See *Appendix II: Setting Targets*.)

DATA QUALITY

Data quality—or verifying that information is reliable enough for its stated purpose—is essential to outcome and performance measurement. Data must measure what it reports to measure or it is not useful or trustworthy. Generally, data quality encompasses the following:

- *Accuracy*: the degree of confidence that data are free of error or defect.
- *Completeness*: the extent to which data are not missing and are of sufficient breadth and depth for the task at hand.
- *Consistency*: the degree to which common data across different sources follow the same definitions, codes, and formats.
- *Timeliness*: the degree to which data are up to date.
- *Security*: the degree to which data confidentiality, integrity, and availability is maintained.
- *Fit for Purpose*: the degree to which data are relevant, appropriate, and meet business specifications.⁴

Outcome and performance measurement depend the most on data accuracy and consistency. Pretrial diversion programs implementing a measurement system must establish rules to ensure that data values used for measures analysis are the correct values. These should include policies that outline accepted data definitions, sources and rules for data entry, and controls within information systems to limit entry only to accepted data types. Quality assurance procedures also must exist to ensure reliability of data entry among staff and the proper use of data collection tools, such as risk and needs assessments.

See *Appendix IV* for a discussion on measures data compilation and quality control.

⁴ Steve Bennett, SmartData Collective. <http://smartdatacollective.com/Home/20933>.

OUTCOME MEASURES

“The goal is to transform data into information, and information into insight.”

Carly Fiorina, Executive and President of Hewlett-Packard Co (2000).

SUCCESS RATE

Success rate is the percentage of diversion participants who successfully complete the diversion program. This is the most basic outcome measure for pretrial diversion programs. Successful program outcomes also may help reduce recidivism.⁵

Recommended Data: The total number of diversion program participants and the subset of this population successfully completing program requirements. “Successful completion” may be tracked by program graduation, final discharge, charge reduction or dismissal, or other quantitative data.

$$\text{Success Rate} = \frac{\text{Number of Participants Successfully Completing Program Requirements}}{\text{Total Number of Diversion Program Participants}}$$

Success Rate may be tracked by various participant groups or diversion programming.

SAFETY RATE

Safety rate is the percentage of diversion participants who are not charged with a new offense while participating in diversion programs and services. A new offense is defined as one:

- whose offense date occurs during the defendant’s period of diversion;
- that includes a prosecutorial decision to charge; and
- that carries the potential of incarceration or community supervision upon conviction.

This definition excludes arrest warrants executed during the diversion period for offenses committed before the participant’s diversion placement.

⁵ Gondolf, E. W. (2002). *Batterer Intervention Systems: Issues, Outcomes and Recommendations*. Thousand Oaks, CA: Sage Publications. Taxman, F.S. (2007). “Reentry and Supervision: One Is Impossible Without the Other.” *Corrections Today* 69 no. 2: 98-105. Pew Center on the States. (2011) *State of Recidivism: The Revolving Door of America’s Prisons*. <http://www.scribd.com/doc/52965606/Pew-Report-2011-State-of-Recidivism>.

Performance and Principles: Measures and National Standards

*Measures gauge how well an organization performs mission-critical functions. However, these functions are **defined** through the organization's mission, vision, and strategic goals. An important resource for pretrial diversion programs in defining mission, vision, and goals is NAPSA's Performance Standards and Goals for Pretrial Diversion/Intervention (2008). These standards provide the philosophical and aspirational foundation for pretrial diversion programming and, by extension, for the field's outcome and performance metrics. The standards outline a system of pretrial diversion that balances fair and equitable treatment of diversion participants with efficient programming and respect for the criminal justice system's goal of harm reduction. Among the values promulgated are diversion eligibility that promotes broad, diverse and inclusive participation; fair and equitable screening and placement procedures; clear and meaningful interventions; programming targeted to specific risk and needs; and measurable and well-defined outcomes.*

The NAPSA Performance Standards and Goals for Pretrial Diversion/Intervention are available at:

Recommended Data: The total number of diversion participants and the subset of this population not charged with a new offense during diversion participation. Programs also may track separate safety rates by charge type (for example, misdemeanors, felonies or local ordinance offenses) and by types of diversion programming and services.

$$\text{Safety Rate} = \frac{\text{Number of Participants Not Charged with a New Offense During Diversion Period}}{\text{Total Number of Diversion Program Participants}}$$

To ensure an accurate measure of safety, diversion programs should have in place a mechanism to identify new offenses, such as access to criminal history information and policies and procedures to guide staff in the frequency of reporting and collecting this data.

POST-PROGRAM SUCCESS RATE

Post-program success rate is the percentage of participants who complete diversion successfully and are not charged with a new offense during a specific period after program completion.

Recommended Data: The number of participants completing diversion successfully and the subset of this population who have no new arrests or citations for alleged criminal activity during a program's defined timeframe following diversion completion.

$$\text{Post-program Success Rate} = \frac{\text{Number of Participant Completions with No New Arrests/Citations}}{\text{Total Number of Diversion Participants Completing Diversion}}$$

Post-program success rate measures recidivism reduction. This is a principle criminal justice outcome and the foundation of the EBDM Framework. Since recidivism reduction depends largely on changing an individual's behavior and thinking towards criminality, the Committee recommends the *post-program success* outcome measure only for diversion programs whose

missions include reducing recidivism by addressing each individual participant’s criminogenic risk and needs factors.

While the generic definition of recidivism—continued criminal behavior following an individual’s completion of conviction or community-based supervision—is accepted within the criminal justice field, practitioners *measure* the term differently. For example, the definition of “reoffending” and the length of time tracked after program completion to a new offense.⁶ The Committee recommends the same definition of “new offense” for the *post-program success rate* measure as used for the *safety rate* measure.

There is no consensus on the most appropriate time frame to track recidivist behavior.⁷ Reporting recidivism rates at one-year and three-year intervals was common in the literature, as was employing multiple reporting intervals (for example, at six months, one year, then 18 months). The committee does not recommend a specific time frame for the *post-program success rate* measure, though we advise pretrial diversion programs not to exceed a three-year reporting period and encourage them to match reporting intervals with the length of diversion programming, with shorter program times producing shorter expected periods of crime-free behavior.

⁶Maltz, M.D. (1984). *Recidivism*. San Diego, CA: Academic Press. Inc. NCJ 146886. (Internet edition available at <http://www.uic.edu/depts/lib/forr/pdf/crimjust/recidivism.pdf>) National Institute of Justice. *Measuring Recidivism*. <http://www.nij.gov/topics/corrections/recidivism/measuring.htm>. Fischer, R.G. (2005).

“Are California’s Recidivism Rates *Really* the Highest in the Nation? It Depends on What Measure of Recidivism You Use.” *The Bulletin*, Volume One, Issue One (September 2005). Department of Criminology, Law and Society, University of California, Irvine.

⁷ Sacks, H. and C. Logan, C. (1979). *Does Parole Make a Difference?* University of Connecticut School of Law Press. Langan, P.A. and Cunniff, M.A. (1992). *Recidivism of Felons on Probation, 1986-1989*. Washington, D.C.: Bureau of Justice Statistics. Sacks, H. and Logan, C. (1980). *Parole: Crime Prevention or Crime Postponement?* University of Connecticut School of Law Press. (within three years of sentencing), Gottfredson, M., S. Mitchell-Herzfeld, and T. Flanagan, “Another Look at the Effectiveness of Parole Supervision.” *Journal of Research in Crime and Delinquency*. 19(2): 277-298. (five years from release).

PERFORMANCE MEASURES

SCREENING

Screening is the percentage of diversion-eligible persons assessed for diversion placement. Screening includes any combination of program interview, application of assessment or eligibility criteria or other methods to determine placement. This measure conforms to national standards that encourage full screening of diversion-eligible individuals and state diversion statutes mandating eligibility for certain participant groups. Measured screening should track all participants who become eligible for pretrial diversion throughout case processing.

Recommended Data: The total number of diversion-eligible individuals and the subset of this population screened.

$$\text{Screening} = \frac{\text{Number of Diversion – Eligible Individuals Screened}}{\text{Total Number of Diversion – Eligible Individuals}}$$

PLACEMENT

Placement reflects the percentage of diversion-eligible persons actually placed into diversion or specific diversion programs or services. It is the measure of the program’s scope and effectiveness in conserving/redirecting criminal justice resources to cases where adjudication is the more appropriate response. *Placement* requires diversion programs to have formal eligibility criteria either by statute, court rule, or program policy.

Recommended Data: The total number of diversion-eligible individuals and the subset of this population placed into the diversion program.

$$\text{Placement} = \frac{\text{Total Number of Diversion – Eligible Individuals Placed into Diversion Program}}{\text{Total Number of Diversion – Eligible Individuals}}$$

COMPLIANCE

Compliance is the percentage of participants who complete specific diversion requirements such as community service, restitution payment, educational programs, mediation, or needs-related services. *Compliance* requires diversion programs to have clear definitions of successful completion of individual components, such as community service, restitution payments, or completion of substance abuse or mental health-related placements.

Recommended Data: The total number of participants placed under diversion programming and the subset of this population who were compliant with diversion requirements. Data also can be collected on compliance with specific diversion requirements.

$$\text{Compliance} = \frac{\text{Number of Compliant Diversion Placements}}{\text{Total Number of Diversion Placements}}$$

RESPONSE

Response measures how often diversion staff respond to compliance and noncompliance with diversion conditions, based on recognized policy and procedures. This measure conforms to national standards for pretrial diversion and evidence-based practices in criminal justice for swift, certain, and meaningful responses to participant and offender conduct.

Besides the ability to track staff responses, this performance measure requires diversion programs to have clear definitions of compliance and noncompliance and procedures outlining appropriate staff responses.

Recommended Data: The number of identified technical violations and the percentage of those violations with a noted appropriate staff response. This includes administrative responses by staff and recommendations for prosecutorial or judicial action.

$$\text{Response} = \frac{\text{Number of Technical Violations with an Appropriate Staff Response}}{\text{Total Number of Technical Violations}}$$

PROVISION

Provision measures the percentage of participants who were assessed and appropriately placed into substance abuse, mental health, or other services. It conforms to the recognized evidence-based practice of risk-need-responsivity by matching supervision and services to an individual's assessed risk and need.

Recommended Data: The number of participants assessed and found in need of specific services and the subset of this population placed into these services.

$$\text{Provision} = \frac{\text{Number of Assessed Participants Placed into Services}}{\text{Total Number of Assessed Participants}}$$

SATISFACTION

Satisfaction is the qualitative measure of how the pretrial diversion program's stakeholders rate the program's quality of supervision and services, interactions, and worth within the criminal justice system. This measure conforms to research in organizational management that shows a

Another performance measure the committee considered was docket control, or the percentage of reduced case filings and adjudications attributable to diversion placements. Decreasing filings and adjudications in cases where diversion programming is a better prosecutorial decision is a vital performance metric for diversion programs. However, the committee believed this performance objective could be tracked as effectively through the screening and placement measures. Nonetheless, we encourage diversion programs to consider whether docket control is a more appropriate measure.

correlation between employee satisfaction and customer satisfaction and organization outcomes.⁸ At a minimum, stakeholders should include diversion program staff, current and former diversion program participants, victims, prosecutors, and the Courts.

Recommended Data: Qualitative data from surveys, focus groups, questionnaires and other sources on stakeholder satisfaction with the pretrial diversion program. Stakeholder-specific information may include:
Diversion program staff: The value of individual staff work; whether individual work ties in with the program's mission and goals; degree of freedom in assigned work areas; sense of teamwork and shared co-worker values; perception that positive staff behavior is recognized and rewarded.
Program participants: Fairness of eligibility criteria, program rules, and program procedures; value of programming and services; opinions about staff; perception of whether diversion participation was worthwhile.

Prosecutor and Courts: Satisfaction with diversion program operations; perception that the diversion program provides a meaningful option for targeted defendants; professionalism of program staff; satisfaction with identified program mission and goals.

Victims: Satisfaction with program outcomes; perception of diversion program's fairness as a sanction; staff responsiveness to needs; satisfaction with restitution or community services programs and procedures.

⁸ Impact of Employee Satisfaction on Customer Satisfaction of T Mobile United Kingdom. *StudyMode.com*. Retrieved April 2011, from <http://www.studymode.com/essays/Impact-Of-Employee-Satisfaction-On-Customer-652636.html>. Harter, J. K., Schmidt, F. L., Agrawal, S., and Plowman, S. K. (2013). *The relationship between engagement at work and organizational outcomes: 2012 Q² meta-analysis*. Omaha, NE: Gallup.

CRITICAL OPERATIONAL DATA

REFERRALS

Number of referrals to the diversion program and referral sources.

TIME TO DIVERSION PROGRAM PLACEMENT

Time from the defendant's arrest *or* diversion eligibility screening and actual diversion program placement.

TIME IN DIVERSION

Time from the participant's official placement into the diversion program (for example, the date of the participant's acceptance of the diversion program contract) to an official conclusion of program participation through successful completion, voluntary withdrawal, or termination.

TIME IN PROGRAMMING

Time from entry to successful completion, voluntary withdrawal, or termination for each diversion program component.

EXITS

Recorded graduations or other successful completions, voluntary withdrawals, and program terminations. Reasons for withdrawals and terminations—for example, a new offense or a participant's decision to proceed with trial—also may be tracked.

CONCLUSION

At the same time, we openly acknowledge that there is much work to be done. An earnest review of the research reveals large bodies in some areas and significant deficits in others, particularly in pretrial justice and prosecution. We must work to fill these. Early reviewers of the Framework have suggested it is incomplete in other ways, including insufficient guidance around important implementation issues. We agree and seek to answer these concerns in the next phase of our work. These are but a few of the challenges that lie ahead.⁹

*Morris Thigpen,
Former Director, National Institute of Corrections*

In the last decade, America’s criminal justice systems have become laboratories for innovative programs and collaborative problem-solving approaches. A body of developing research suggests that these approaches can reduce crime, promote better victim services, and enhance public trust in the justice system. The willingness of criminal justice policy makers and practitioners to look beyond normal court and corrections processes for effective solutions to crime and recidivism is mirrored in the growing interest in adopting or improving pretrial diversion programming. When implemented well, pretrial diversion programs provide an evidence-based intervention to criminal behavior that helps local justice systems implement meaningful responses to participant behavior far sooner in the process and target court, prosecutorial and corrections resources to cases and individuals that warrant prosecution.

The National Association of Pretrial Services Agencies and the National Institute of Corrections believe that these suggested outcome and performance measures and critical operational data will help pretrial diversion programs remain valuable components within evidence-based criminal justice processing. Ensuring that pretrial diversion program outcomes conform to stated missions, goals, and objectives ultimately helps improve overall criminal justice systems and help reduce current misconduct and future criminality. We are proud to offer this resource to all pretrial diversion programs that want to measure for results.

⁹Center for Effective Public Policy. (2010). *A Framework for Evidence-Based Decision Making in Local Criminal Justice Systems: An Initiative of the National Institute of Corrections*. Washington, DC: The Center for Effective Public Policy. Page 3.

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APPENDIX I: SAMPLE MEASURES DIAGRAM

MISSION/OBJECTIVE

Reducing the likelihood of future arrests through appropriate interventions based on thorough assessments and intervention plans tailored to an individual participant's risks and needs

or

Conserving/redirecting criminal justice resources to more serious crimes and those that warrant prosecution by providing a meaningful response to participant conduct

OUTCOME MEASURES

SUCCESS RATE: The percentage of diversion participants who successfully complete the diversion program.

SAFETY RATE: The percentage of diversion participants who are not charged with a new offense while participating in diversion programs or services.

POST-PROGRAM SUCCESS RATE: The percentage of participants in problem-solving diversion initiatives who are not charged with a new offense within a specific time period after diversion program completion.

Strategic Objectives
Conserving/redirecting criminal justice resources to more appropriate cases

Strategic Objective
Enhancing personal accountability and responsibility

Strategic Objective
Reducing arrests by modifying behaviors linked to further criminal activity

Performance Measures

Performance Measures

Performance Measures

SCREENING: The percentage of eligible persons assessed for diversion placement.

PLACEMENT: The percentage of persons appropriate for diversion placement who are placed into diversion programs or services.

SATISFACTION: Stakeholder opinions of the diversion program's quality of supervision, services, interactions, and worth.

COMPLIANCE: The percentage of participants successfully completing specific diversion requirements (community service hours, restitution, fees, etc.).

RESPONSE: The frequency of policy-approved responses to compliance and noncompliance with diversion conditions.

PROVISION: The percentage of assessed and appropriate participants who receive substance abuse, mental health or other needed services.

External Factors/Assumptions

Community ❖ Legal ❖ Defendant ❖ System

APPENDIX II: EXAMPLES FROM THE FIELD

Mental Health Courts

Participant Accountability

- 1 ***In-Program Reoffending:*** The incidence of in-program reoffending (i.e., whether an arrest occurred, yes or no). In-program reoffending is defined as an arrest that results in the offender being formally charged (excluding traffic citations other than driving under the influence) and which occurs between admission and exit. While the date of arrest must fall between the entry date and exit date, the charge date may come after the participant has exited the program. This measure serves as an important measure of offender compliance and the level of supervision received. Hence, it is an indicator for public safety.
- 2 ***Attendance at Scheduled Judicial Status Hearings:*** The percent of scheduled judicial status hearings attended by the participant. The performance measure reflects the level of judicial supervision for each participant.
- 3 ***Attendance at Scheduled Therapeutic Sessions:*** The percent of scheduled therapeutic sessions (defined as services to address mental health and/or substance abuse problems) attended. Therapeutic treatment is an essential element of MHCs.

Social Functioning

- 4 ***Living Arrangement:*** Tracks the progress of MHC participants toward securing a stable living arrangement. Specifically, the percent of participants who are homeless or not at exit, by living status at entry. Adequate housing is a prerequisite for treatment effectiveness.

Case Processing

- 5 ***Retention:*** The percent of participants admitted to the MHC during the same time frame, who exit the program by one of the following means: successful completion, administrative closure, voluntary withdrawal while in compliance, discharge, transfer, and failure/termination. Retention is important in MHCs because it is critical that participants receive treatment and supervision of a duration long enough to affect change.
- 6 ***Time from Arrest to Referral:*** The average length of time between a participant's arrest and referral to MHC. While the referral process is not entirely under the court's control, it is an important component in obtaining relevant and timely information. This is especially true when offenders who are mentally ill are incarcerated and are at risk for decompensation.
- 7 ***Time from Referral to Admission:*** The average length of time between the referral to MHC and when the participant was accepted into the program. The span of time between referral and admission is an important part of controlling the length of time it takes to get a participant into treatment. This measure will help the court identify inefficiencies in the screening and qualification process.

- 8 ***Total Time in Program:*** The average length of time between a participant’s admission into the MHC and permanent exit. If this time span is very short, participants may not be receiving enough treatment and care to affect long term improvement. If it is very long, courts may be devoting too great a share of their resources to difficult cases, denying opportunities to other potential participants.

Collaboration

- 9 ***Team Collaboration:*** The percentage of time that information relevant for discussion at the pre-docket meeting is available to the team. This provides a gauge to the court of the level of collaboration across the entire MHC team and allows for the identification of gaps in information sharing. With this measure, courts can investigate a lack of resources or lack of commitment by individuals/agencies. This is NOT a measure of attendance at pre-docket meetings.
- 10 ***Agency Collaboration:*** The percentage of time that a MHC representative was notified within 24 and 48 hours that a participant in the program was arrested. This measure assesses the timeliness of the basic flow of communication between corrections (jail) and the MHC program so that services and medication are maintained during time spent in detention. Effective inter-agency collaboration will improve the effectiveness of the MHC and its operations.

Individualized and Appropriate Treatment

- 11 ***Need-Based Treatment and Supervision:*** The goal of this measure is to align participants’ diagnosis and criminogenic risk with the appropriate treatment and service dosage. The measure provides courts with an indicator of whether the resources available for supervision and treatment are allocated based on need. Operationally, it measures the percentage of participants who receive the highest (and alternatively lowest) level of services and supervision and whether those are the same participants who are designated as having highest (and lowest) needs. Achieving this will provide the necessary balance for effective use of tax payer money, ensuring public safety and improving the welfare of the participant using need-based, individualized, and appropriate treatment.

Procedural Fairness

- 12 ***Participant-Level Satisfaction:*** Perceived fairness of the program by the participant as expressed in a short 5-question survey. Research indicates that the perception of fairness is often more important than the actual outcome of the case (e.g., procedural justice), making this measure important in gauging the perception of the participant.

Aftercare/Post-Exit Transition

- 13 ***Participant Preparation for Transition:*** Percent of correct responses by the participant identifying sources of assistance (e.g., for medication or mental health symptoms) to be used after exiting the program. This measure provides the MHC with an assessment of whether participants are prepared for their transition by ensuring that needed treatment and services will remain available and accessible after their court supervision concludes.
- 14 ***Post-Program Recidivism:*** Percentage of participants who reoffended within two years after exiting the MHC. This performance measure is an important measure of the lasting outcomes of the court’s program as well as public safety. It captures longer-term outcomes, as compared to Measure 1 “In-Program Reoffending” and is thus reflective of the effectiveness of the program.

Waters, N.L., Cheesman, F.L., Gibson, S.A. and Dazevedo, I. (2010). *Mental Health Court Performance Measures: Introduction and Overview* Williamsburg, VA: National Center for State Courts.

Drug Courts

1. **Retention:** The percentage of a particular admissions cohort that exited the drug court program, broken down by the type of exit (e.g., graduation, termination, voluntary withdrawal, or death). Retention is necessary to keep drug court participants in treatment long enough to realize an effect. Research indicates that three months of drug treatment may be the minimal threshold for detecting dose-response effects, 6 to 12 months may be threshold for clinically meaningful reductions in drug use, and that 12 months of drug treatment appears to be the “median point” on the dose-response curve (i.e., approximately 50% of clients who complete 12 months or more of drug abuse treatment remain abstinent for an additional year following completion of treatment). Longer retention not only indicates success in treatment but also predicts future success in the form of lower post-treatment drug use and re-offending.
2. **Sobriety:** (1) Average length of continuous sobriety or (2) the average number of failed tests. Sobriety, both during and after drug court participation, is a goal of all drug courts because it fosters offender rehabilitation, public safety, and offender accountability. Research has shown that increasing amounts of time between relapses is associated with continued reductions in use. Both the trends and the average of these measures should be useful performance measures.
3. **In-program Recidivism:** The rate at which drug court participants are rearrested during the course of their participation. Drug courts are expected to produce low rates of in-program recidivism among drug court participants in comparison to other more traditional interventions for drug offenders such as probation or community-based treatment. The combination of judicial supervision, treatment, and rewards and sanctions that uniquely characterize drug courts are expected to lower recidivism, a finding supported by research.
4. **Units of Service:** The rate of delivery of drug court activities that address the needs of drug court clients. Services must be delivered in sufficient dosage to drug court participants to be effective. Service units should be based on actual attendance of a drug court participant in one of the recommended or mandated activities. Units of service for outpatient services are measured by counting sessions or episodes. For inpatient services, units of service are measured by the number of days the service was provided.

Heck, Cary. (2006). *Local Drug Court Research: Navigating Performance Measures and Process Evaluations*. Washington, DC: Bureau of Justice Assistance, U.S. Department of Justice.

APPENDIX III: SETTING TARGETS

Performance goal: A target level of an activity expressed as a tangible measurable objective, against which actual achievement can be compared.

National Performance Review. (1997).

A *performance target* is a numeric goal for an outcome or performance measure. It is a specific gauge of performance achieved against performance expected. Well-defined, ambitious, and attainable performance targets can help organizations deliver expected services and outcomes and identify needed programmatic and systemic strategic changes. Conversely, static or unreasonable targets can encourage lower expectations, thereby minimizing the program's influence as a system partner or burden organizations with objectives that are inconsistent with its mission and resources.

Given variances nationwide in participant populations, court operations and justice system practices, the committee believed recommended universal targets for each stated measure is impractical. Instead, the committee recommends that individual pretrial diversion programs adopt the SMART (specific, measurable, achievable, realistic and time-bound) method to set effective targets.

SPECIFIC

Specific targets are clear and unambiguous. They describe exactly what is expected, when, and how much. For example, a specific target for *screening* would be: "process 95% of participants eligible by statute or local rule for pretrial diversion." Because the targets are specific, the pretrial diversion program can easily measure progress toward meeting them.

MEASURABLE

An effective target answers the questions "how much" or "how many." Each target must be a set number or percent. Further, each target must be based on existing and retrievable data. Programs must assess their information management capacity to determine a target's feasibility.

ACHIEVABLE

Targets must not be either out of reach or below an acceptable standard. Targets set too high or too low become meaningless and eventually worthless as indicators. The organization's most recent past performance (around the last two years) usually is a good indicator of what is feasible—at least as a beginning target.

REALISTIC

Realistic targets consider an organization's resources and the areas it actually can influence.

TIME-BOUND

Effective targets have fixed durations—for example, a calendar or fiscal year—that allow time to achieve or calculate the outcome or performance measure.

OTHER RECOMMENDATIONS

- ▶ If establishing initial targets, set a minimum target and a stretch target. The minimum target should be one the agency believes is the most manageable while the stretch target would serve as the rate the agency would strive to accomplish. Programs also can set a minimum target for the first year or two of performance measurement and a stretch target for future years.
- ▶ Consider trends to establish a target baseline. If past data exist for performance on a particular measurement, examine that data for trends that can serve as a baseline for setting targets for future performance.
- ▶ Use SWOT analysis to gauge the program’s internal *strengths* and *weaknesses*, as well as its external *opportunities* and *threats*. Consider target rates that can help build on strengths and leverage opportunities, as well as minimize weaknesses and threats.
- ▶ Get feedback from stakeholders: their expectations can yield insights in setting appropriate targets.
- ▶ If available, consider the performance targets of comparable diversion programs.
- ▶ Consider current or planned internal or external initiatives that may affect set or potential targets.

APPENDIX IV: COMPILING MEASURES DATA

Two men were examining the output of the new computer in their department. After an hour or so of analyzing the data, one of them remarked: “Do you realize it used to take 400 men at least 250 years to make a mistake this big?”

Unknown

All good outcome and performance measurement systems have strict procedures for quality of data entry, compilation, mining, and interpretation. These procedures encompass at least the following areas.

Outcome and Performance Measure Definition and Identification of Measure Targets: This includes a clear definition of each measure as well as definition and identification of the data elements being measured. For example, if a diversion program adopts the recommended definition of “safety rate,” program management should determine the types of new arrests/citations or subsequent court dispositions that would be considered “new offenses.” Managers would then determine whether data meeting that definition is available, either in automated or manual form, and reliably accurate.

Diversion program management also should schedule regular reviews to ensure that identified measures still meet the program’s mission and objectives and that targets are still ambitious but reasonable. For example, the *Government Performance and Results Modernization Act of 2010* (PL 111-352) recommends that federal government agencies review all outcome and performance measures and targets every two years.

Structure of Automated and Manual Data Entry Systems to Accommodate the Defined Measures: Program management should ensure that automated and manual data entry systems can accommodate tracking of defined measures. The diversion program should also have a clear protocol for recommending and developing revisions to the data entry systems needed to record and extract the data to be measured properly.

Entry of Measure and Critical Operations Data by Appropriate Staff into the Program’s Production Database: The program should establish and track clear procedures for staff entry of all outcome and performance related data. If data are from external sources (for example, a link from another agency’s information system), the program must have procedures to ensure correct definition and mapping of these data to its own information system.

Extraction of Data from a Production Database to an Analysis Database: If the program uses a separate analytical program to calculate outcome and performance measure data, managers must ensure that the external program meets accepted programming and collection rules to:

- *Extract* data from the production database and other external sources;
- *Transform* data from production coding to that of the analytical software; and
- *Load* data into the analytical software.

Reporting Data to Program Management and Stakeholders: To ensure data availability for immediate and long-term decision-making and performance budgeting, program managers should establish definite reporting expectations for outcome and performance data. Data reports and analyses should be used routinely to manage the program, plan the program's budget and to market the program to other system stakeholders.

Appendix D

TABLE 3. INVENTORY OF CHILDREN'S BEHAVIORAL HEALTH PROGRAMS

Program Name	Description	Evidence Based Practice?	Return on Investment per dollar spent	Used in New Mexico?	Total New Mexico Program Cost
Good Behavior Game	School based intervention that focusing on increasing child self regulation to decrease dysfunctional behavior.	YES	\$40	YES	\$665,000
Hope Initiative	Media campaign to decrease opioid and prescription drug use in Bernalillo and pain medication	NO		YES	
A Dose of Reality	School based program focused on increasing resiliency skills in children to decrease substance use	NO		YES	\$100,000
Dare to Be You	Multilevel prevention program focusing on increasing positive parenting skills in order to decrease the likelihood of child behavioral health problems and child welfare involvement	PROMISING		YES	\$50,000
Triple P (all levels)	Home visiting program for non parental caregivers to teach how to engage with children and keep them safe	YES	\$9*	Only level 2 available in NM	\$3,136
Family Friends and Neighbors	Universal homegrown home visiting model where practitioner focuses on health and wellness of mother and baby	PROMISING		YES	\$151,500
First Born- excluding Chi St. Joseph's	Similar to model above but with added case management services	PROMISING		YES	\$3,073,800
First Born-Chi St. Joseph's model	Short term home visiting for mothers immediately after childbirth	NO		YES	\$5,182,000
Great Start Family Support	Federal program for low income families to improve child outcomes related to health and development and to strengthen families	NO		YES	\$175,000
Early Head Start	Family based home visiting to prevent child abuse and neglect focused on teaching parenting skills	YES	\$0.20*	YES	\$12,164,349
Nurturing Parenting	Homegrown home visiting focused on child safety and parenting skills with case management	YES		YES	\$347,571
Home Based	Home visiting by nurses to focus on health and wellness of child with a focus on child development and safety	NO		YES	\$1,004,500
Nurse Family Partnership	Home visiting program focused on parent education, school readiness and family support for children up to age 5	YES	\$10*	YES	\$749,226
Parents as Teachers	Broad group of home visiting programs with specific standards for practitioners as well as a specified curricula	YES	\$2*	YES	\$2,717,987
Other Standards Based Home Visiting Programs	Behavioral therapy focused on restructuring thoughts and behaviors to lead to change in feelings and actions related to previous trauma.	YES	\$1+	YES	\$4,068,123
Cognitive Behavioral Therapy (CBT) for Child Trauma	Similar framework as above.	YES	\$8	YES	\$2,668,385
CBT for PTSD	Similar use of behavioral therapy, but focused on cognitive training and targeting problem solving to improve self regulation of behavior	YES	\$864	YES	\$4,673,442
Intervention	Similar behavioral treatment as above, focused on cognitive restructuring and increasing emotional regulation	YES	(\$31)	YES	\$7,349,281
CBT for Children with ADHD	Above therapy but with the use of antidepressants	YES	\$1	YES	\$2,057,380
CBT for Adolescents with Depression	Use of behavioral techniques in a group setting focused on improving emotional regulation and cognitive restructuring	YES	\$0.18	YES	\$2,057,380
CBT Plus Antidepressants for Adolescents with Depression		YES	\$24	YES	\$3,086,070
Group CBT for Child Depression		YES		YES	\$3,086,070

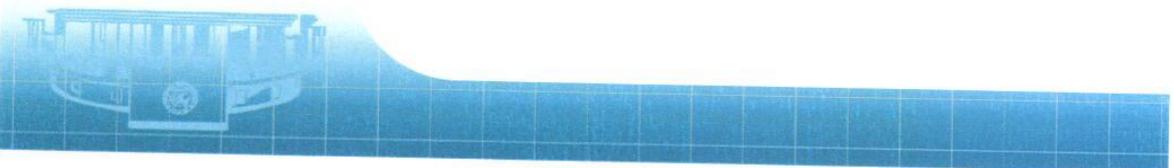
Source: Results First Analysis. *Based on adult information, *Return on Investment information from 2014 LFC Child Maltreatment or Early Education Reports, First Born and Nurturing Parenting are promising based upon federal MIECHV funding.

Program Name	Description	Evidence Based Practice?	Return on Investment per dollar spent	Used in New Mexico?	Total New Mexico Program Cost
Group CBT for Anxious Children	Behavioral therapy focused on restructuring thoughts and behaviors to lead to change in feelings and actions related to anxiety.	YES	\$10	YES	\$247,222-\$370,833
Eye Movement Desensitization and Reprocessing for Play Therapy	Individual treatment where client focuses on traumatic memory while therapist guides the client to refocus. Therapist creates a relationship with the child using play to match the developmentally appropriate communication style of children	YES	\$9	YES	\$1,113,626-\$2,672,704
Multisystemic Therapy for Youth with Serious Emotional Abuse	Team delivered treatment to child and parents to improve symptoms and family relations	NO		YES	\$2,364,505-\$5,911,262
Multidimensional Family Therapy for Substance Abuse	Same as above but for substance abuse	YES	\$2	YES	\$6,727,641
Brief Strategic Family Therapy	Family based treatment for youth with substance use and behavior problems to engage youth, increase parental involvement, decrease conflict and increase community collaboration	YES	\$0.64	YES	less than \$900,738
Parent Child Interaction Therapy for Children with Motivational Interviewing	Therapist focused on maladaptive interactions and problems within the family for children at risk of serious behavior problems	YES	\$2	YES	\$900,738-\$2,161,771
Parent Child Interaction Therapy for Families In-Progress	Focus on increasing attachment through therapist observing parent child interactions while coaching the parent	YES	\$3	YES	\$2,161,771
Seeking Safety	Manualized therapy to treat trauma and substance use by focusing on safety, treating trauma, focusing on ideals, and attention to self care	YES	\$29	YES	\$1,832,311-\$3,591,330
Parent Child Interaction Therapy for Families In-Progress	Same as Parent child interaction therapy above	YES	\$33	YES	\$22,400
Parent Infant/ Parent Child Psychotherapy	Attachment based intervention to improve relationship between parent and child, thus improving child behavior problems by increasing feelings intense parent child psychotherapy focused on creating infant attachment with caregiver	YES	\$5*	NO	N/A
Infant Mental Health Teams	Intense family and community base therapy for youth with antisocial behaviors	See Narrative		YES	\$513,500
Multisystemic Therapy for Child Abuse and Neglect	Same as above but for youth who have experienced child abuse and neglect	YES	\$3	NO	\$754,652
Multisystemic Therapy for Juvenile Offenders	Intense family and community base therapy for youth with antisocial behaviors	YES	\$3	YES	\$6,727,641
Multisystemic Therapy for Problem Sexual Behavior for Youth in State Institutions	Same as above but for youth with problem sexual behavior	YES	\$2	YES	\$6,727,641
Functional Family Therapy for Youth on Probation	Structured family based intervention with a multistep approach to reduce risk and enhance protective factors within the family	YES	\$11	NO	N/A
Juvenile Drug Courts	Same as above	YES	\$8	NO	N/A
12-Step Facilitation	Therapeutic courts involving a team of stakeholders with several components including treatment, monitoring, incentive and sanctions	YES	\$5	YES	\$3,022,500
Wraparound Services	Program that encourages patients active participation involving a brief structure and manual driven approach usually with weekly meetings	YES	\$10*	YES	Not enough data
CBT for Juvenile Offenders	Intense and individualized care planning and coordination where a team develops and monitors the care plan	YES, PROMISING		YES	\$231,202
	Skill building in group or individual setting with foundation in traditional behavioral approaches	Yes	\$33	YES	Not enough data

Source: Results First Analysis. *Based on adult information. #Return on Investment information from the 2014 LFC Child Maltreatment Report. Cost ranges are due to ranges from LFC survey of provider treatment modality utilization.

Program Name	Description	Evidence Based Practice?	Return on Investment per dollar spent	Used in New Mexico?	Total New Mexico Program Cost
Residential Treatment Centers	Intense inpatient treatment for child behavioral disorders	NO		YES	\$44,125,111
Treatment Foster Care	Out of home treatment for child behavioral disorders where child stays with a foster family and receives behavioral services	NO		YES	\$23,039,926
Multidimensional Treatment Foster Care	Intensive therapeutic foster care focusing on skills training and therapy with support for foster and biological parents	Yes	\$2	NO	N/A
Relapse Prevention	Cognitive behavioral approach teaching clients to anticipate problem and identify strategies to avoid substances	Yes	\$44	YES	Unable to calculate full cost
Restorative Justice	Meetings with victim and offender with a trained mediator	Yes	\$57	YES	Unable to calculate full cost
Wilderness Experience Programs	Programs exposing youth to the outdoors using challenge as a means to help youth through self discovery	Yes	\$4	YES	\$599,340

Source: Results First Analysis. *Based on adult information.



Appendix E



pax | Good Behavior Game



Predicted Benefits of PAX GBG in Your School, District, Tribe or Community When First Grade Students Reach Adulthood After 1-2 Years of PAX GBG Exposure*

Site Estimate for: *Students in New Mexico Who have Had PAXGBG*

Enter number of First Graders at school, district, Tribe or community>>>>>>

12,000

<<< Enter number of First Graders

1,032	Fewer young people will need any form of special education services
668	More boys will likely graduate from high school.
802	More boys will likely enter university
1,065	More girls will likely graduate from high school
832	More girls will likely enter university
117	Fewer young people will commit and be convicted of serious violent crimes
1,154	Fewer young people will likely develop serious drug addictions
789	Fewer young people will likely become regular smokers
425	Fewer young people will likely develop serious alcohol addictions
582	Fewer young women will contemplate suicide Indicator of serious mental illness
789	Fewer young men will attempt suicide Indicator of serious mental illness
\$156,240,000	Predicted financial net savings to students, families, schools, communities, state/federal governments
\$23.67	Estimated Cost of PAX GBG Materials Per Child for Lifetime Protection
\$22.00	Estimated Cost of External Training & Technical Supports Per Teacher Prorated per Child's Lifetime
\$26.80	Estimated Cost of Internal Supports for Implementation and Maintenance by Teachers Prorated per Child's Lifetime

Get this estimator for your district, community or state at <http://bit.ly/PAXGBG-estimator-2015>

Note: The forecasts are based on multiple randomized, longitudinal control trials of the active ingredients of this evidence based practice. Benefits will vary as consequence of the quality of implementation, training, supports, commitment, and other variables; the predicted impact is greater for first-grade children with higher entering risks for internalizing and externalizing disorders. The cost-savings and lifetime benefits increase if trained teachers use this evidence-based based strategies in succeeding years for new entering cohorts of grade one children. While PAX GBG has well-documented immediate benefits for students, teachers and schools in other grades, limited randomized longitudinal data exist to forecast similar benefits for other grades at this time. Copyright © 2013-14, PAXIS Institute, All rights reserved. This estimator may not be used for any other evidence-based program than PAX Good Behavior Game®.

To Insert into a report: Please save as PDF or print to PDF. You can insert such PDF's into Microsoft Documents.
For More Information: Go To: <http://bit.ly/NREPP> or www.GoodBehaviorGame.org

Appendix F
NM Workbook: Analyses to Inform Public Safety Strategies
March 2018
Council of State Governments

How State policymakers can help the Criminal Justice system and enhance Public Safety

Page 7. State policymakers can help local law enforcement and other criminal justice stakeholders by taking the following steps:

- Examine crime, arrest, and victimization data.
- Expand data collection metrics.
- Enhance data sharing to improve public safety.

Issues for NM: do we have a system that gives supervision officers and law enforcement the ability to determine when people on their caseloads are arrested? Do we submit crime and arrest data to the National Incident-Based Reporting System, and are there advantages to NM for doing so? *See* pgs 16, 19 Page 21. To help local leaders improve responses to people who have behavioral health needs in local criminal justice systems, state leaders can take the following steps:

- Improve the identification of people who have behavioral health needs in the criminal justice system.
- Ensure that a range of behavioral health treatment and service options are available within jails and prisons and in the community for people in the criminal justice system.
- Increase the effectiveness of treatment and support services to improve public safety and health outcomes.
- Strengthen collaboration between behavioral health and criminal justice agencies at the state and local level.

Issue for NM: What is our capacity of behavioral health care providers, particularly in rural NM?

Page 25. State leaders can support consistency in jail policies and practices across the state and expand promising efforts to promote public safety and control costs statewide, if they take the following steps:

- Support collection and analysis of jail data.
- Adopt policies that improve pretrial decisions and reduce burdens on jails.

Page 32 State policymakers can work with local law enforcement agencies to support improvements by taking the following steps:

- 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.

Page 36 States can be better positioned to understand and positively impact recidivism trends by taking the following steps:

- Track and publish multiple measures of recidivism.
- Expand recidivism tracking to include the probation population.
- Use measures that permit more timely analysis in addition to cohort-based measures.
- Set recidivism-reduction goals for all people leaving prison and people on probation.

Issues for NM: How do we track recidivism for people exiting prison, jail, and for those on probation or parole? How do we measure recidivism: reincarceration, reconviction, re-arrest? Does NM publish probation or parole revocations resulting in reincarceration? Does NM have a unique state identification number for each person in the criminal justice system that exists across data systems?

Page 43 State policymakers can support corrections agencies in adopting and refining their use of risk and needs assessments by taking the following steps:

- Design policies to support the statewide use of risk and needs assessment.
- Establish quality assurance practices for the use of risk and needs assessment, including routine validation.

Issues for NM: What risk assessment tools do we have for the parole and probation population and what is NM doing to validate the tools? Do the probation and parole agencies screen the parole and probation population for behavioral health needs?

Page 47 State leaders can help improve the effectiveness of supervision by taking the following steps:

- Focus supervision resources on people who are most likely to reoffend.
- Ensure that supervision officers are trained to deliver impactful supervision.
- Provide supervision officers with tools to respond swiftly and appropriately to the behavior of people on supervision.

Page 53 To provide people on supervision with the resources they need to succeed, policymakers can take the following steps:

- Use programming and treatment that works to reduce recidivism.
- Ensure sufficient availability of treatment and programs.
- Reduce barriers to housing.
- Reduce barriers to employment.

Page 57 In recent years, states have shown that it is possible to use information about criminal justice trends and their influences to effectively predict and manage changes in populations and costs. In order to spend public safety dollars most effectively, policymakers must take the following steps:

- Identify how much states spend on corrections and supervision.
- Analyze prison and supervision population trends to understand how these trends are driving costs.
- Assess how state correctional populations are projected to change.

Page 62 In order to find solutions that can yield greater public safety, policymakers can take the following steps:

- Revise sentencing practices to prioritize prison space for people convicted of serious and violent offenses.
- Hold people on probation accountable with sanctions that are proportional to behavior.
- Improve the efficiency and consistency of the parole decision-making process and preparation for release.

Issue for NM: Do we have an office that assists criminal justice stakeholders with the identification of available federal grants, and who can assist stakeholders prepare grant applications? See list of federal grants available to CJ stakeholders on pages 67-68.

Appendix G
NM Workbook: Analyses to Inform Public Safety Strategies
March 2018
Council of State Governments

Questions for Further Research and Discussion

Page 20.

5. Is there a council, task force, or commission in your state comprising state and local criminal justice officials that regularly examines crime, arrest, and victimization trends and other public safety challenges?
6. How are state and local officials coordinating to develop and implement strategies to reduce crime?
7. What are the most pressing public safety challenges for local law enforcement agencies in your state?
8. What kind of demographic information does your state require to be collected and reported on when people are arrested, sentenced, admitted to incarceration, or start supervision?
9. Do law enforcement and corrections agencies have the ability to share information effectively?

Page 24

3. What more can your state do to promote the use of uniform, validated screening and assessment to systemically identify people who have mental illnesses and addictive disorders upon entry into jails and prisons?
4. How can your state improve behavioral health data collection and information sharing between criminal justice and behavioral health agencies to strengthen service planning, access to treatment and services, and accountability?
5. How can your state take steps to finance and incentivize the provision of treatment and services that effectively reduce recidivism and improve recovery for people who have behavioral health needs in the criminal justice system?
6. What more can be done in your state to model and incentivize collaboration between criminal justice and behavioral health systems and strong multi-agency partnerships, both at the state and local level?
7. What steps are your state taking to reduce the prevalence of people with mental illnesses in jails and overdose deaths for people who are at a high risk of overdosing when they exit incarceration?

Page 31

4. How could your state further support local governments in managing the size of their pretrial population?
5. How might your state help local jails improve data collection and reporting?
6. What more could your state do to support use of pretrial risk assessments?

Page 35

3. How can your state ensure that law enforcement has access to the latest research on strategies to combat violent crime?
4. How can state leaders support law enforcement agencies to use data and adopt effective strategies to combat violent crime?

5. What can state leaders do to ensure that your state crime lab can keep up with the processing volume to solve and prevent crime?
6. How might state leaders ensure that law enforcement officers have the training they need to respond effectively to people who have behavioral health needs?
7. How can your state assist local law enforcement in strengthening trust with the communities they serve?

Page 42

5. What steps can your state take to improve comprehensive recidivism data collection and reporting?
6. How can state leaders help strengthen data sharing across different parts of the criminal justice system?
7. Does your state have a recidivism-reduction goal for people leaving prison? What would be an appropriate goal for your state?
8. Does your state have a recidivism-reduction goal for people starting probation supervision in a given year? What would an appropriate goal be for your state?

Page 46

3. What should your state do to ensure that risk assessments are conducted across the criminal justice system?
4. How can your state ensure that results of risk assessments are interpreted consistently across agencies and across different tools?
5. What can your state do to ensure that risk assessment tools are validated regularly and check for bias?
6. What should your state do to ensure that people who conduct risk assessments are properly trained on their use?
7. What can your state do to ensure that risk assessments are used to inform supervision and service delivery?

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4. What further steps can your state take to ensure that supervision resources are focused on people who are most likely to reoffend?
5. How can training for your state's probation officers be strengthened or improved?
6. How can your state increase reliance on evidence-based supervision practices?

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3. Does your state assess the availability of treatment and programming and determine necessary funding levels to meet the needs of people who are most at risk of reoffending?
4. What steps might your state take to reduce the impact a criminal record has on a person's ability to find housing and employment, when appropriate?
5. How might your state increase the accountability and performance of programs and treatment that are either offered or funded by supervision agencies?
6. Aside from employment, what other key barriers to success can your state address to better support people leaving incarceration?

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4. What is your state's process for projecting changes in correctional populations? Is managing corrections population growth a shared responsibility of stakeholders across the criminal justice system?
5. How can your state ensure that supervision agencies regularly develop population projections?
6. Is the data necessary to understand the factors that impact the size of your state's correctional populations available? Are you able to identify both the largest contributors and those most recently responsible for increases/decreases?

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1. What percentage of people admitted to prison in your state are revoked from probation or parole? (page 63)
2. What percentage of the prison population in your state is composed of people who have been convicted of property or drug offenses? (page 64)
3. What percentage of people leave prison with a period of post-release supervision in your state? (page 65)
4. What is the felony probation rate in your state? (page 66)
5. What more can your state do to reduce the cost and prison population impact associated with revocations of people on supervision?
6. What strategies can your state use to hold people who have been convicted of low-level property and drug offenses accountable while minimizing the need for costly incarceration?
7. What more can your state do to ensure that people receive supervision tailored to their risk and needs upon release from prison?

Appendix H Dropbox Documents

1. House Joint Memorial 16 Criminal Justice and Public Safety Task Force
2. Status Report of LFC “Review of Criminal Justice System, Bernalillo County”
3. Workbook and Public Safety Strategies.
4. CYFD Key Quarterly Performance Measures Report 2018
5. Brennan Center for Justice “What caused the crime decline”
6. Brennan Center for Justice 2016 Crime Analysis
7. Opportunities for Justice Reinvestment in New Mexico
8. Sequential Intercept Model
9. Transforming the Mental and Behavioral Health System
10. Incarceration and Homelessness Research Review
11. Research Report Behavioral Health Programs for Adults
12. New Mexico Return to the Early Days of Managed Care
13. February 2011, Law Enforcement Leadership Role for Pretrial Release and Detention Process
14. Frequently asked Questions about Public Safety Assessments
15. May 2016 The Hidden Costs of Pretrial Detention
16. Pretrial Criminal Justice Research
17. 2012-13 Evidence Based Pretrial Release
18. PSA Examples for Kentucky
19. Issue Brief: Science Provides Guidance on Managing Defendants
20. Frequently Asked Questions about Pretrial Release Decision Making
21. Effective & Most Efficient Pretrial Release Option
22. NM AOC FY 2012-2015 Conviction Percentage
23. Annual Bookings and Releases Chart
24. BCMDC Criminal Justice Reforms and Jail Population
25. Prevalence of Serious Mental Illness Among Inmates
26. BCMDC Psychiatric Services Unit-PSU-Review
27. BJS 2002 Substance Dependence, Abuse and Treatment of Jail Inmates...Quick Facts
28. Justice Reinvestment Initiative Data Snapshot
29. Resident Insights on Crime, Public Safety and the Criminal Justice System
30. LFC Review of Bernalillo Criminal Justice System, Updates and Benchmarks
31. Criminal Justice Reform report, draft
32. Rethinking restrictive housing fact sheet
33. Rethinking restrictive housing report
34. HJM 16 State Public Safety Strategies, Carl Reynolds
35. Saving Lives, Money & Safety
36. NMCDDPS Presentation 051718
37. 2011-2017 NM Drug Courts Measure Comparison
38. 2014-2017 NM Judiciary Statistical Addendum
39. ADC Graduation Recidivism
40. Court Recidivism Rates
41. Court Statistical Reports
42. Drug Court recidivism rates

43. Reinvestment materials

- A. CSG Justice Reinvestments
- B. Pew Trusts Reform Criminal Justice with Reinvestments
- C. Urban Institute Reinvestment Initiative Data
- D. Returns on investments in Recidivism Reducing Programs

Appendix I
Other Documents provided to Task Force Members

1. Measuring Recidivism at the Local Level: A Quick Guide
2. Justice Research and Statistics Association “Building Capacity for Performance Measurement and Evaluation: Performance Measurement in Prisoner Reentry, Delinquency Prevention and Intervention, and Victim Assistance Services
3. Urban Institute, Performance Measurement to Evaluation
4. Institute for Social Research, Developing Performance Measures
5. Center on Quality Policing, Selected International Best Practices in Police Performance Measurement
6. Crime Science, Police Performance measurement: an annotated bibliography
7. Adams County Information Sharing, “Vision, Mission and Goals”
8. Adams County Management Control Agreement
9. Adams County Criminal Justice Coordinating Council, Justice and Health Dashboard with an Analytics Toolset
10. National Association of Pretrial Services Agencies, Measuring for Results: Outcome and Performance Measures for Pretrial Diversion Field
11. LFC Results First: Evidence Based Options to Improve Outcomes