

# New Mexico Justice Reinvestment

Update for the Courts, Corrections & Justice Committee  
November 29, 2018

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**Justice Center**

THE COUNCIL OF STATE GOVERNMENTS



# JUSTICE REINVESTMENT

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

The Justice Reinvestment Initiative is supported by funding from the U.S. Department of Justice's **Bureau of Justice Assistance (BJA)** and **The Pew Charitable Trusts**.

# State leaders are using Justice Reinvestment to address a wide array of criminal justice and behavioral health system challenges.



New Mexico has the second-highest violent crime rate in the country.



Arrests and prison admissions for drug offenses are increasing.



New Mexico has the highest property crime rate in the country.



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

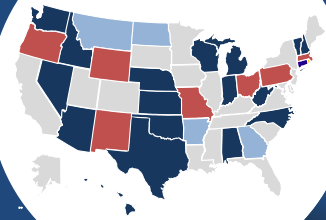
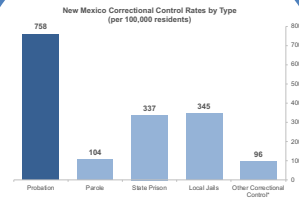
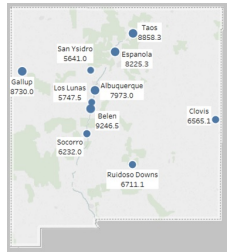


New Mexico has one of the highest rates of overdose deaths in the nation.



The number of people released from prison in New Mexico has decreased, but the reincarceration rate has increased, particularly for women.

Justice Reinvestment (JR) will synthesize multiple efforts to build policies and practices that will increase public safety.



## Statewide Impact

Much of New Mexico's efforts related to public safety have been focused on Bernalillo County/Albuquerque. JR will identify statewide policy options.

## Supported by Research

Understanding "what works" is important to New Mexico. JR brings research expertise to inform policy, and to the extent possible based on data, JR brings fresh analysis of system dynamics.

## Outside Perspective

New Mexico leaders are open to applying lessons learned from other states. JR can inform the process with experience from many states, a bipartisan mission, and respect for the roles of all three branches.

As policy development moves forward in New Mexico, CSG Justice Center staff assist on two fronts.



## JUSTICE REINVESTMENT

- Bipartisan, interbranch working group
- Data analysis
- Stakeholder engagement
- Policy option development



## ADVISING

- Provide state examples
- Connect with outside experts
- Provide input on legislative language

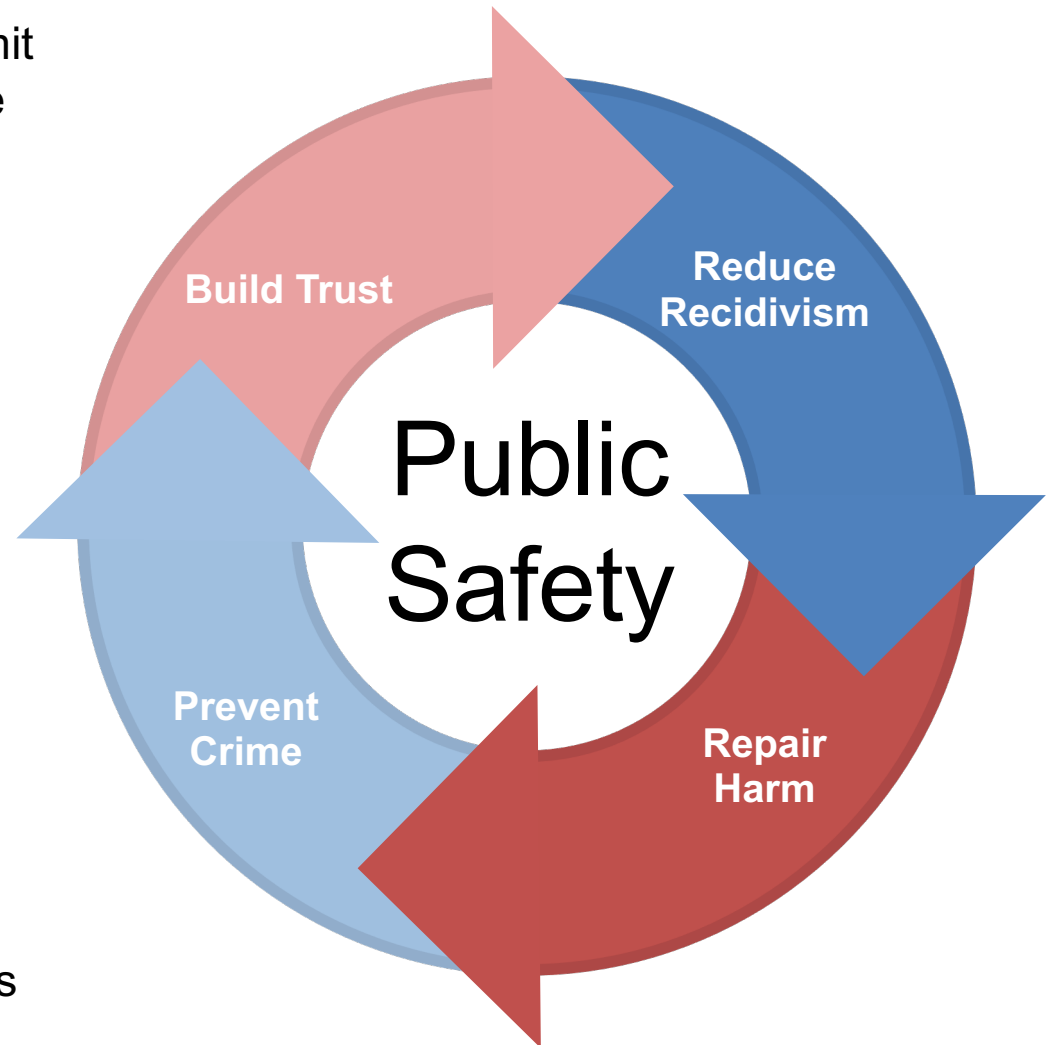
# Increasing public safety is the focus of Justice Reinvestment.

**Reduce Recidivism:** People who commit crimes are held accountable, receive the intervention needed to change their behavior, and do not reoffend.

**Repair Harm:** Victims are safe, have access to help, understand how the criminal justice system works, see accountability, and heal.

**Prevent Crime:** A state utilizes policing strategies and public safety approaches to decrease crime and violence, not just *reported incidents* of crime.

**Build Trust:** Communities heavily impacted by crime and incarceration are supported, and any underlying conditions of distrust are directly addressed.



JR, the HJM 16 Task Force, and prior legislative efforts all emphasize policies to reduce recidivism.



## REDUCE RECIDIVISM

### JR focus:

- Probation and parole supervision—law and resources
- Behavioral health—connections to deflection, diversion, supervision, and incarceration
- Behavioral health—workforce development

### HMJ 16 focus:

- Performance incentives and measurement
- Continuity of information
- Pre-prosecution diversion, specialty courts, LEAD, pretrial services, and reentry housing

### Prior legislative efforts:

- 2017: HB 306, HB 175, SB 78
- 2015: HB 332, SB 358

Current recommendations from New Mexico's Legislative Finance Committee (LFC) also emphasize recidivism reduction.



## REDUCE RECIDIVISM

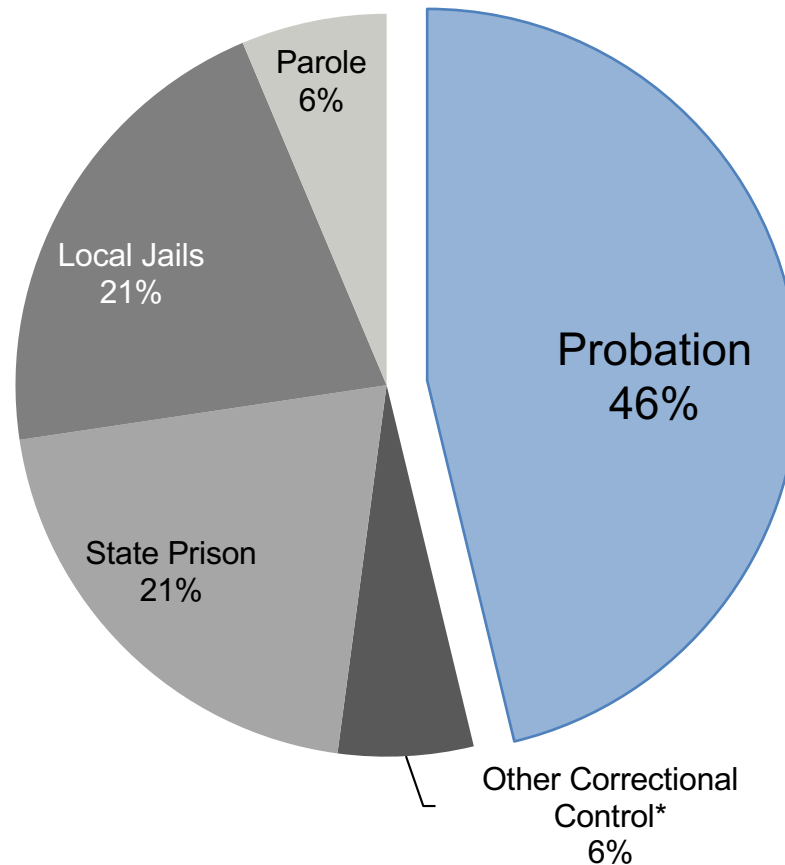
### LFC 2018:

- Use and expand existing evidence-based programs and ensure they are being implemented with fidelity
- Use valid risk-needs scores to match people with programming, especially pretrial services:
  - Ensure the availability of multiple levels of pretrial services
  - Establish coordination with counties to develop and manage pretrial services
  - Encourage counties to invest in pretrial services
- Performance funding for private prisons
- Require treatment with ISP
- Allow transitional living facilities with programming as a parole sanction for low-risk people



The JR approach in New Mexico focuses on the significant probation population to reduce recidivism and avoidable prison admissions.

**Correctional Control Population by Type**



*\*Other Correctional Control includes reported categories of: Federal Prison, Juvenile Incarceration, Civil Commitments, and Indian Country Jails.*

*Source: BJS, Correctional Statistical Analysis Tool (CSAT); Prison Policy Initiative, "Correctional Control: Incarceration and supervision by state" (<http://www.prisonpolicy.org/reports/50statepie.html>). Numbers in this report are based on corrections population counts gathered between 2013 and 2016.*

## JR activity to further develop policies to **reduce recidivism**

	<b>Completed</b>	<b>Next Steps</b>
<b>Probation</b>	<ul style="list-style-type: none"> <li>▪ Interviews with probation regional directors</li> <li>▪ Site visits to probation local offices</li> <li>▪ Interviews with AOC and judiciary</li> </ul>	<ul style="list-style-type: none"> <li>▪ Survey of probation officers</li> </ul>
<b>Behavioral Health</b>	<ul style="list-style-type: none"> <li>▪ Interview with director of Behavioral Health Services Division</li> <li>▪ Input on LEAD and diversion policies</li> <li>▪ Interviews with treatment providers</li> <li>▪ Visit to treatment centers</li> </ul>	<ul style="list-style-type: none"> <li>▪ Interview with NM Secretary of Health and Medicaid Justice Work Group</li> </ul>
<b>Problem-solving courts</b>	<ul style="list-style-type: none"> <li>▪ Meeting with chief justice</li> <li>▪ Interview with Administrative Office of the Courts (AOC) Statewide Problem-Solving Courts coordinator</li> </ul>	<ul style="list-style-type: none"> <li>▪ Study LFC findings and available court data</li> </ul>
<b>Revocations to prison</b>	<ul style="list-style-type: none"> <li>▪ Interview with NM Parole Board</li> <li>▪ Interview with LFC staff</li> <li>▪ Review of statutes</li> <li>▪ Input on probation policies</li> </ul>	<ul style="list-style-type: none"> <li>▪ Refine legislative policy on sanctions in lieu of revocation for violations</li> <li>▪ Analysis of AODA and corrections data</li> </ul>

The JR approach to public safety ensures that victims are heard in the process and that services for victims improve.



## REPAIR HARM

### JR focus:

- Expand the category of professionals to whom crime victims may report being victimized in order to receive compensation
- Provide a general fund appropriation to reinvest in the compensation fund
- Develop process for documenting victim impacts
- Train to clarify roles of victim advocates
- Ensure that all protective orders are accessible and verifiable by law enforcement

### Prior legislative efforts:

- 2017: SB 149, SB 245

The JR approach explores three strategies states typically employ to directly support victims of crime.



### **Assistance to Crime Victims through Grants**

Federal funding provided to states to assist survivors of homicide victims; children who witness violence; and victims of child abuse, domestic violence, sexual assault, drunk driving, hate crimes, and elder abuse. Victims of Crime Act (VOCA), STOP Violence Against Women (VAWA) are key funding sources.



### **Crime Victim Compensation**

Reimbursement for eligible victims of violent crime. Expenses covered by the Crime Victims Reparations Commission include medical and dental care, mental health counseling, and loss of income.



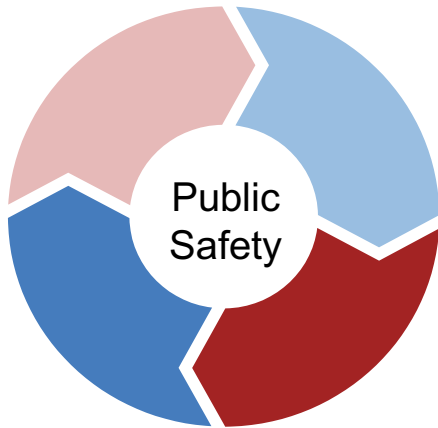
### **Victim Restitution**

Payments made by the defendant to the victim for the harm caused by the crime.

## Activity to develop policies to **repair harm** to victims

	Completed	Next Steps
<b>Victims Compensation, Restitution, &amp; Grants</b>	<ul style="list-style-type: none"> <li>▪ Interview with Crime Victims Reparations Commission</li> <li>▪ Interview with AOC staff attorney</li> <li>▪ Review of victim rights statutes and appropriations</li> <li>▪ Interview with Coalition of Sexual Assault Programs and Coalition to Stop Violence Against Native Women</li> </ul>	<ul style="list-style-type: none"> <li>▪ Analysis of Reparations Commission data</li> <li>▪ Interviews with district attorneys' victim witness coordinators</li> <li>▪ Interviews with stakeholders from Tribal Nations/Pueblos</li> <li>▪ Interview with NM Coalition against Domestic Violence</li> </ul>
<b>Protective Orders</b>	<ul style="list-style-type: none"> <li>▪ Interviews with domestic violence and sexual assault advocates</li> <li>▪ Interview with AOC</li> </ul>	<ul style="list-style-type: none"> <li>▪ Interview with Attorney General Victim Services Unit</li> </ul>

CSG Justice Center staff are advising New Mexico leaders on crime prevention and analytics.



## PREVENT CRIME

### **JR advice:**

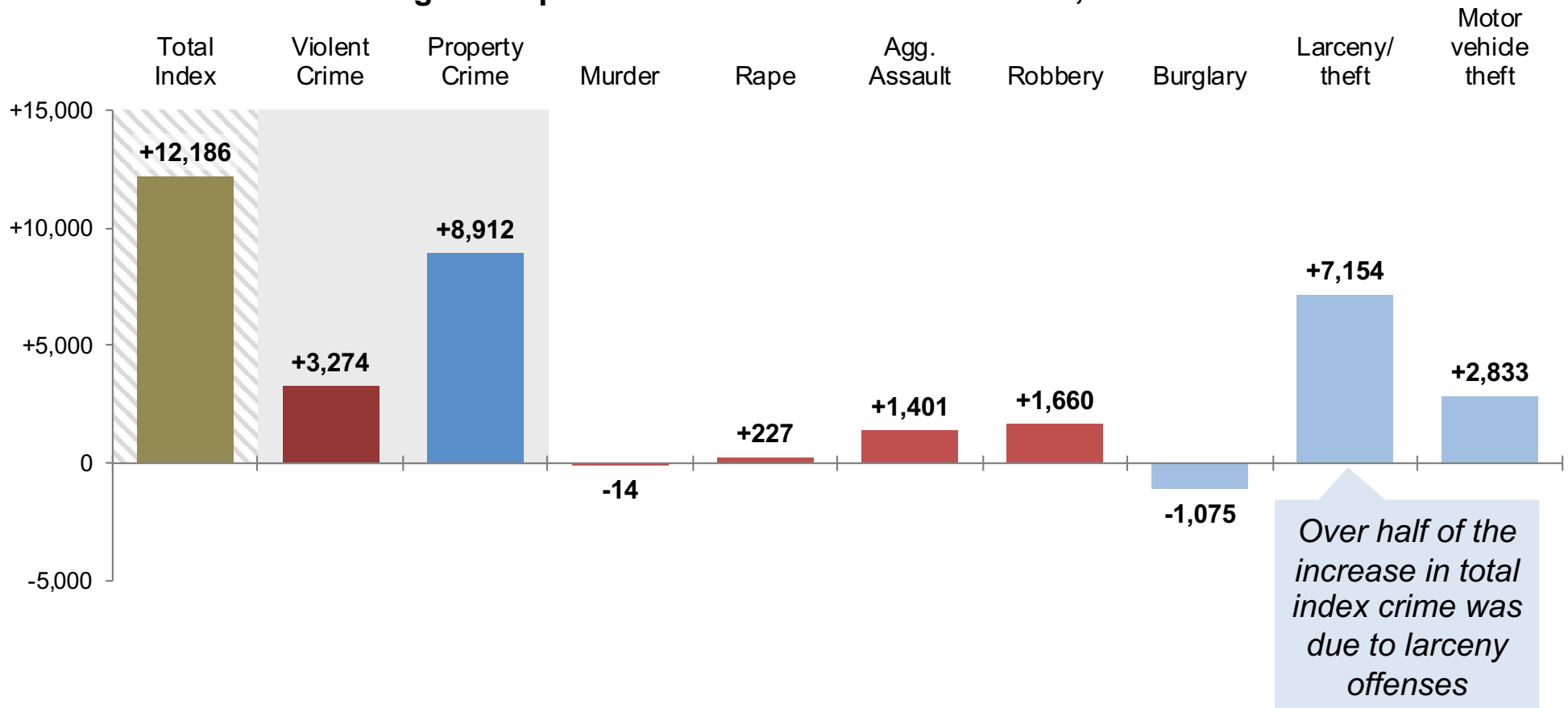
- Identify specific offenses driving increases in crime
- Leverage existing statewide law enforcement efforts and data
- Heed concerns over privacy by ensuring balanced oversight; statewide coverage and careful, inclusive organization are essential
- Determine state support for effective law enforcement beyond data analytics

### **HMJ 16 focus:**

- Data collection and sharing
- Biometrics/AFIS linked to tracking

Between 2007 and 2017, increases in larceny and car theft drove the increase in reported index crime.

**Change in Reported Index Crime\* in New Mexico, 2007–2017**



\*Reported crime is based on total index crime per the UCR. Index crimes include murder, rape, robbery, aggravated assault, burglary, larceny, and motor vehicle theft. In 2013, the FBI expanded its definition of “rape” to include more offenses. The FBI did not provide the number of rapes reported in 2017 using the pre-2013 “legacy” definition; therefore, the increase in the number of reported rapes is partially due to the change in definition.

## Activity to further develop policies to prevent crime.

	Completed	Next Steps
<b>Targeted crime prevention</b>	<ul style="list-style-type: none"><li>▪ Analysis of crime trends</li><li>▪ Interview with Albuquerque Police Dept.</li><li>▪ Interview with Insurance Fraud Bureau</li><li>▪ Interview with attorney general</li><li>▪ Interview with Santa Fe sheriff elect</li></ul>	<ul style="list-style-type: none"><li>▪ Interview with secretary of public safety</li><li>▪ Interview with LEAD coordinators</li><li>▪ Analysis of arrest data</li></ul>
<b>Data analytics</b>	<ul style="list-style-type: none"><li>▪ Input on data analytics bill drafting</li></ul>	<ul style="list-style-type: none"><li>▪ Conversation with outside experts</li><li>▪ Conversations with interested parties about the governance and management of data</li></ul>



The JR approach builds public confidence that policy development is balanced and data informed.



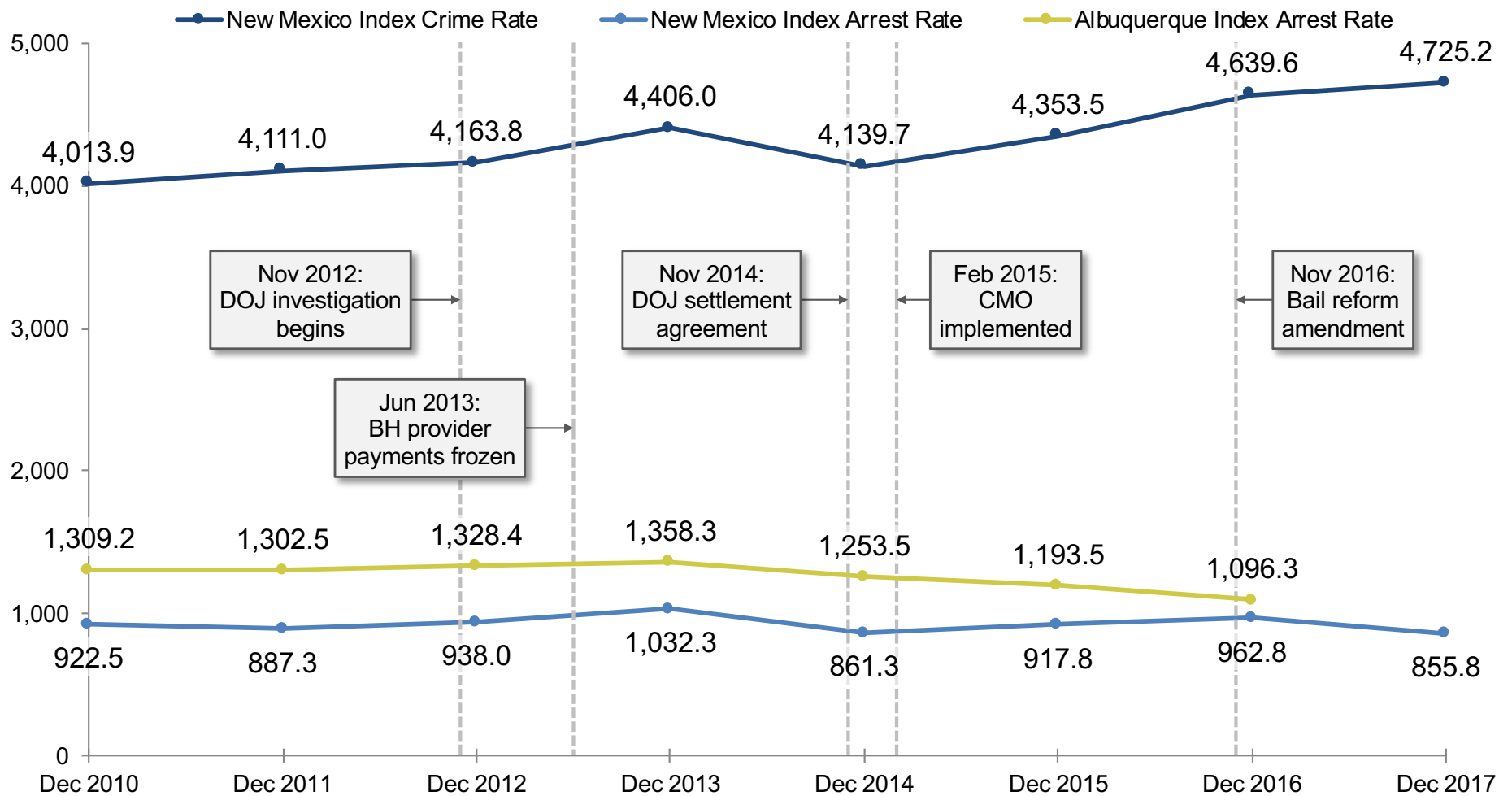
## BUILD TRUST

### **JR focus:**

- Increase public confidence by building capacity to understand criminal justice system data and dynamics
- Use data to monitor and promote systemic equity and fairness
- Include tribal communities in policy development
- Increase and enhance services targeted to women in the system, including legal services
- Demonstrate balance in public safety policies

While New Mexico's index crime rate increased from 2010 to 2017, the index arrest rate decreased slightly.

**Index Crime and Arrest Rates: New Mexico and Albuquerque**



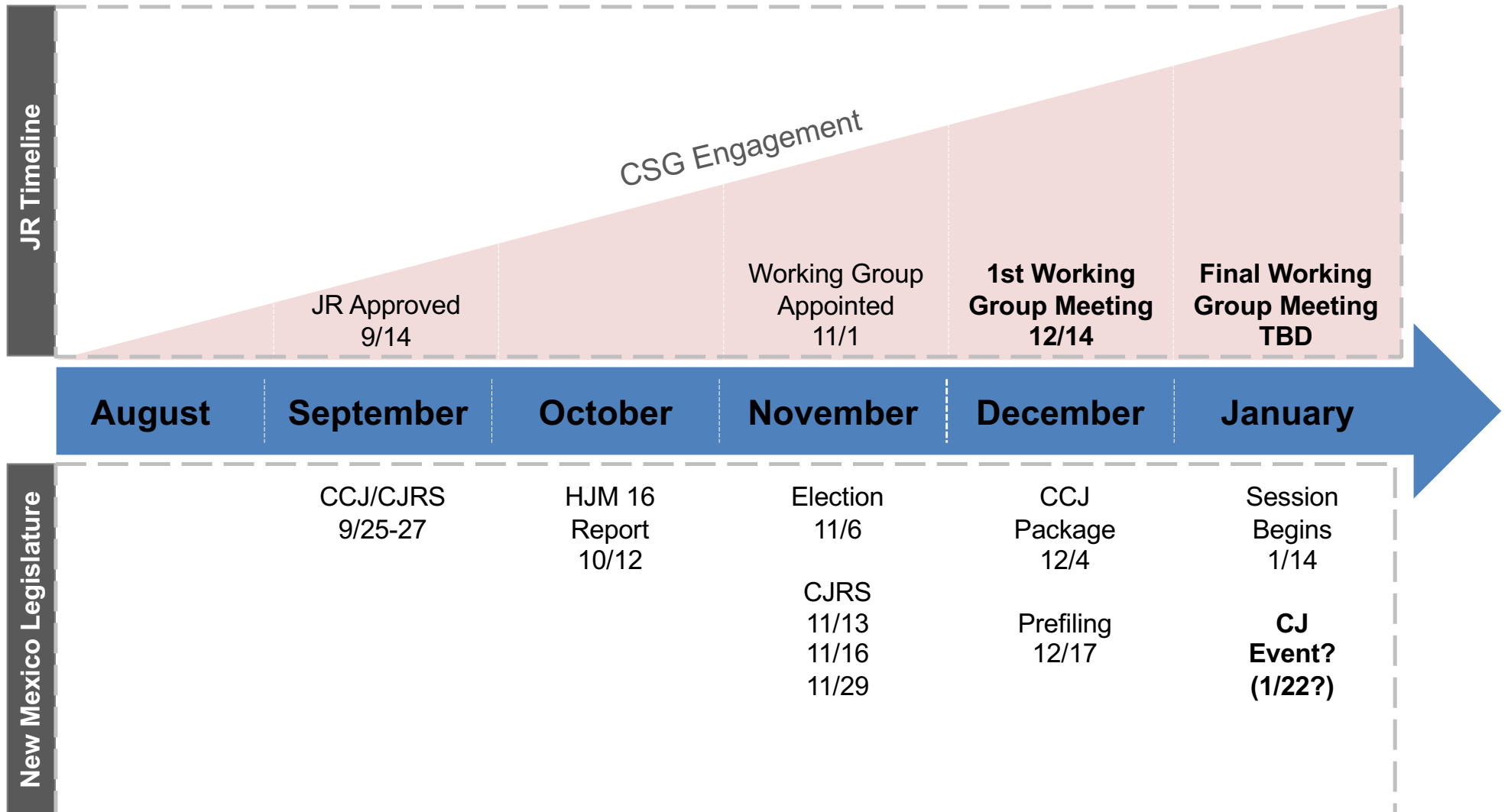
Rates calculated per 100,000 residents

Source: FBI, "Crime in the United States" reports by year; Albuquerque Police Department annual reports by year; US Census American Communities Survey 1-Year Population Estimates for Albuquerque by year. Index crime offenses are: murder, rape, robbery, aggravated assault, burglary, larceny/theft, and motor vehicle theft. Albuquerque crime numbers for all years and arrest numbers for 2017 were not available as of November 2018.

# Activity to develop policies to build trust in New Mexico’s criminal justice system

	Completed	Next Steps
<b>Public confidence</b>	<ul style="list-style-type: none"> <li>▪ Meeting with State-Tribal Judicial Consortium</li> <li>▪ Meeting with ACLU</li> <li>▪ Interview with Crossroads for women</li> <li>▪ Interview with secretary of Indian affairs</li> </ul>	<ul style="list-style-type: none"> <li>▪ Analysis of demographic data</li> <li>▪ Meeting with the business community</li> </ul>
<b>Balance in public safety policies</b>	<ul style="list-style-type: none"> <li>▪ Interview with Association of District Attorneys</li> <li>▪ Interview with Office of the Public Defender</li> <li>▪ Interview with Department of Public Safety</li> </ul>	<ul style="list-style-type: none"> <li>▪ Analysis of AODA sentencing data and NMCD prison and probation data</li> </ul>

The accelerated Justice Reinvestment timeline and the New Mexico legislative timeline will converge in January.



# THANK YOU



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