

New Mexico Justice Reinvestment Potential Policies Outline

This JR effort and the collective energy in New Mexico have the potential to form a breakthrough moment for the state, which is poised for bold improvements in public safety and behavioral health. There are three themes emerging for the JR team:

- A. Prevent more crime and restore victims when crimes occur.
- B. Provide accountability with treatment.
- C. Balance punishment and cost.

Blue Text = HJM 16 Recommendation

Black Text = Initial JR Policy Idea

A. Prevent more crime and restore victims when crimes occur.	
No.	Policy Ideas
1	<p>Continue to benchmark efforts to identify and reduce crime</p> <ul style="list-style-type: none"> ▪ Amend Chapter 29 Article 3 to require a unique biometric identifier for criminal justice participants to be used by all criminal justice partners ▪ Fund the purchase of fingerprint machines for all county jails, which is essential to maximize the utility of the automated fingerprint identification system
2	<p>Work is underway to bring data analytics to policing and prosecution</p> <ul style="list-style-type: none"> ▪ Heed concerns over privacy by ensuring balanced oversight ▪ Statewide coverage and careful, inclusive organization are essential ▪ Leverage existing statewide law enforcement efforts and data ▪ Apply lessons to data capture for systemic improvements
3	<p>Less effort is focused on restoring victims and the communities where crime and trauma are more prevalent (CSG will draft)</p> <ul style="list-style-type: none"> ▪ Reduce reparations denials by requiring better notification to victims ▪ Expand list of certified professionals whom crime victims may “report” to in order to receive compensation (ex. Medical professionals, victim counselors, licensed therapists, etc.) ▪ Clarify roles of victim “advocates” statewide ▪ Provide a general fund appropriation to reinvest in the compensation fund
B. Provide accountability and treatment	
No.	Policy Ideas
1	<p>Energy is rightly focused on deflection and diversion through law enforcement, prosecution, and pretrial. In general:</p> <ul style="list-style-type: none"> ▪ Statewide coverage and careful, inclusive organization are essential ▪ Ensure behavioral health is integrated with all such efforts ▪ Eligibility should be expansive and not dependent on flawless conduct ▪ Effort should be rewarded with credit even if diversion is unsuccessful
2	<p>Strengthen pretrial practices and services</p> <ul style="list-style-type: none"> ▪ Provide funds to develop or improve pretrial service programs throughout New Mexico.

3	<p>Expand the use of diversion programs</p> <ul style="list-style-type: none"> ▪ 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.* ▪ Fund Law Enforcement Assisted Diversion programs and crisis intervention teams.* ▪ Adopt certification program for drug courts (CSG will draft) ▪ Incentivize the use of diversion programs by offering credit for time served while in the program (CSG will draft) ▪ Fund the public defender to create a legal services unit targeted to serve women, as in the example of Tulsa, OK http://www.abajournal.com/magazine/article/defending_mothers_legal_aid_oklahoma <p><i>*CSG has provided bill drafts on pre-prosecution diversion and a new program concept titled "law enforcement connections to treatment"</i></p>
4	<p>Expand behavioral health service and workforce</p> <ul style="list-style-type: none"> ▪ Supplement funding of the PAX Good Behavior Game program for those first-grade classes that want to implement the program. ▪ 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. ▪ 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.

C. Balance punishment and cost.

No.	Policy Ideas
1	<p>Focus on reducing recidivism for the population under supervision</p> <ul style="list-style-type: none"> ▪ Clarify the purpose of probation and refine DOC's supervision mission* ▪ Establish caseload sizes that allow supervision officers to focus resources on people who are most likely to reoffend ▪ Improve supervision workforce practices, such as hiring, training, and evaluation ▪ Provide supervision officers with tools to respond swiftly and appropriately to the behavior of people on supervision* ▪ Develop and use incentives and sanctions to avoid unnecessary revocations* ▪ Optimize use of assessments for people in misdemeanor compliance programs (CSG will draft) <p><i>*CSG has provided a bill draft covering these ideas</i></p>
2	<p>Provide resources to prevent in-house parole and encourage controlled release</p> <ul style="list-style-type: none"> ▪ Provide for parole board approval of DOC recommendations for controlled release (CSG will draft) ▪ End use of private prison beds for release-eligible inmates to remove any financial incentive (CSG will draft) ▪ Build up supportive housing capacity and ensure adequate capacity and gender-responsive treatment for women / Support the funding of transitional/re-entry homes either as government operated residential programs or halfway houses that adhere to evidence-based best practices

3	<p>Examine sentencing patterns for refinements</p> <ul style="list-style-type: none"> ▪ Ensure Sentencing Commission has the resources and data for more analysis (HJM 16 and JR) ▪ Match resources to needs across the state ▪ Avoid disparities in sentencing that undermine fairness
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D. Improve data collection and information sharing (HJM 16)

	<p>Policy Ideas</p> <ul style="list-style-type: none"> ▪ 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.* ▪ 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. ▪ Require criminal justice partners, and contractors to use or develop evidence-based best practices performance measures. ▪ Consider an oversight body to monitor performance measures and assist with access to data essential for real-time evaluation of programs. <p><i>*CSG has provided bill draft to expand information sharing permission</i></p>
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