



NEW MEXICO  
LEGISLATIVE  
FINANCE  
COMMITTEE

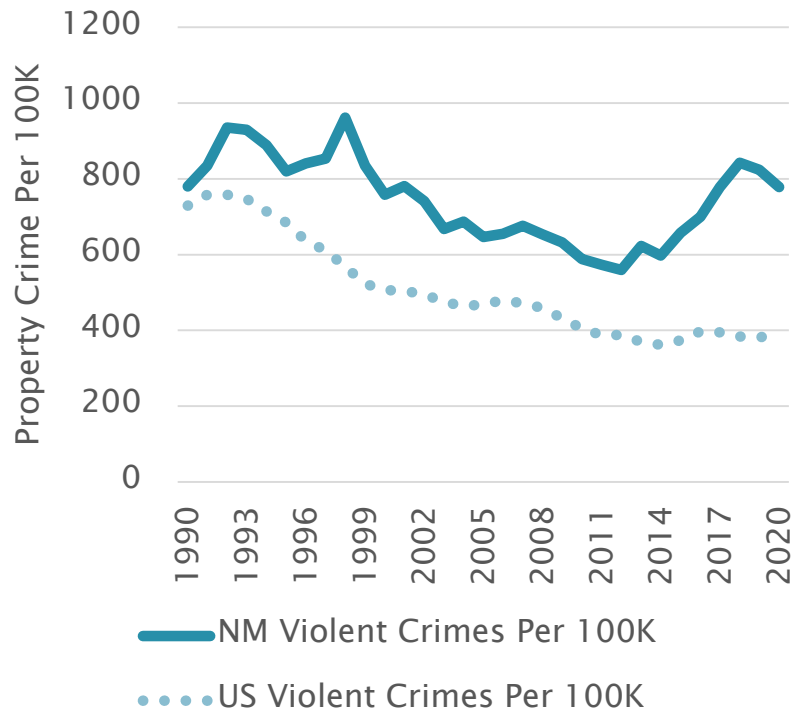
# Update on Crime & Public Safety Legislation

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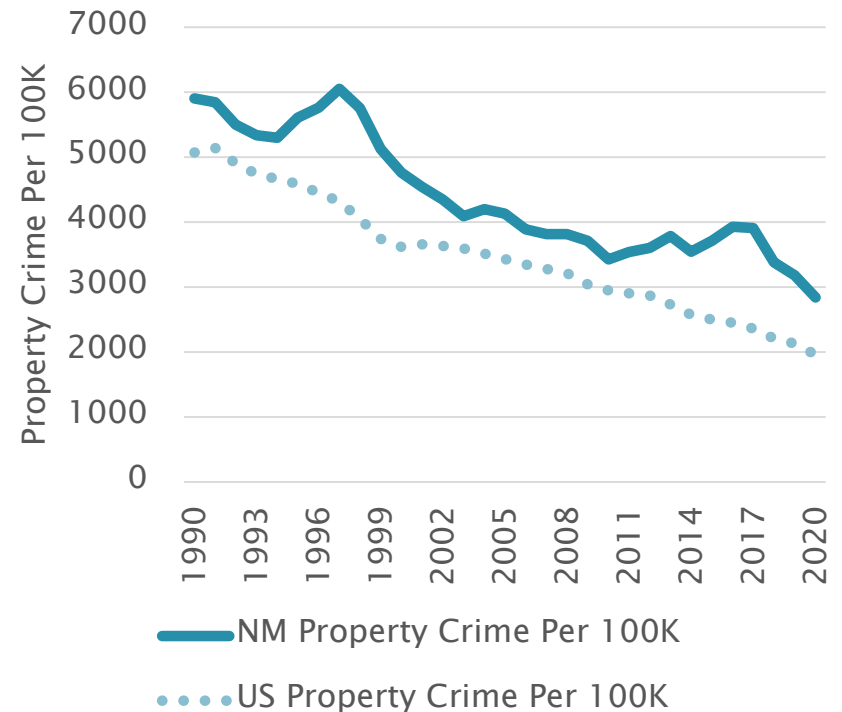
Courts, Corrections and Justice Committee  
*July 25, 2022*

# NM Violent and Property Crime Rates Remain Above US Rates Despite Improvements

## Violent Crimes Per 100K Residents



## Property Crimes Per 100K Residents

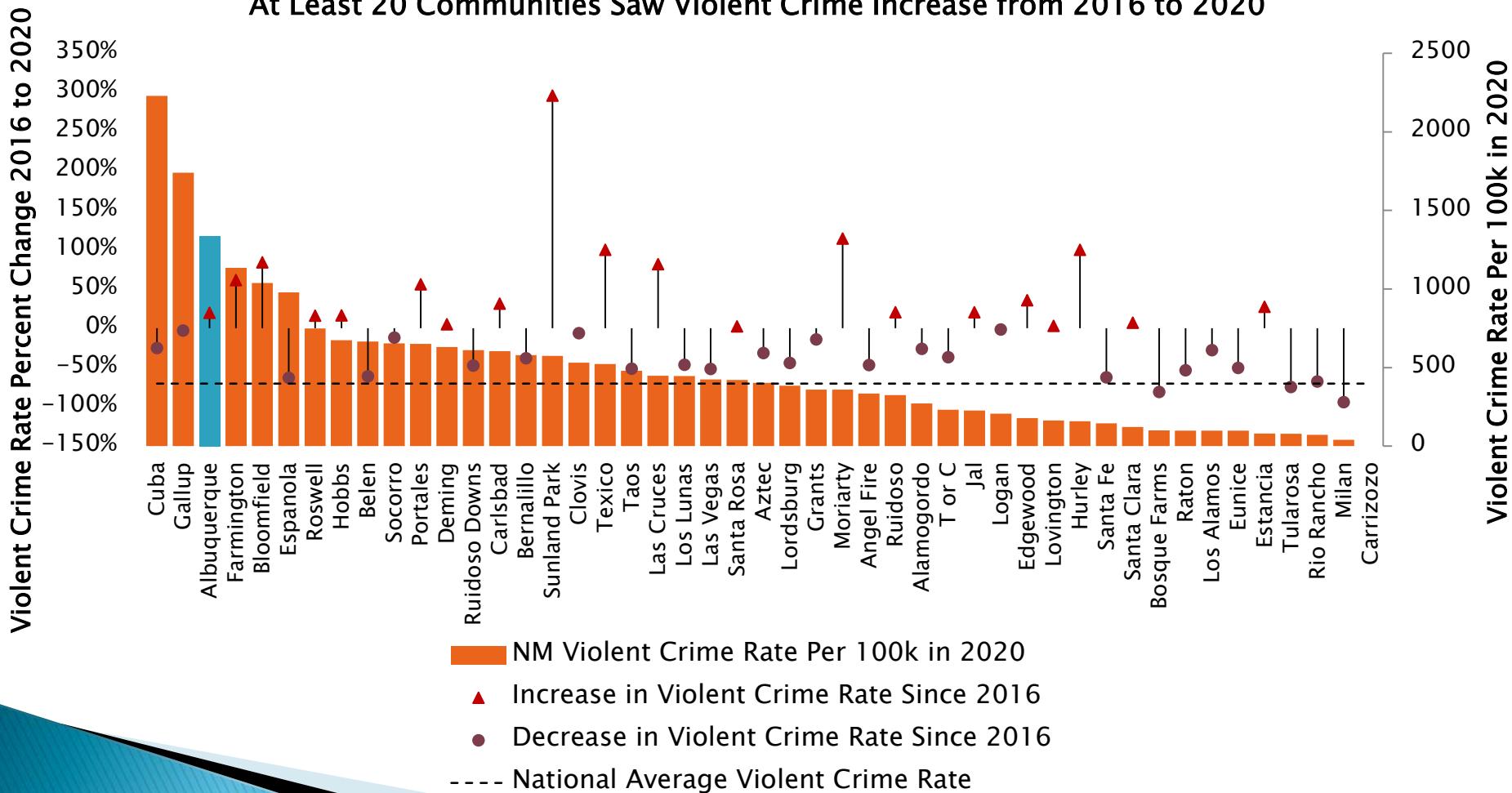


Violent crime rates declining since 2019

Property crime rates declining since 2017

# Some NM Communities Saw Increases In Violent Crime

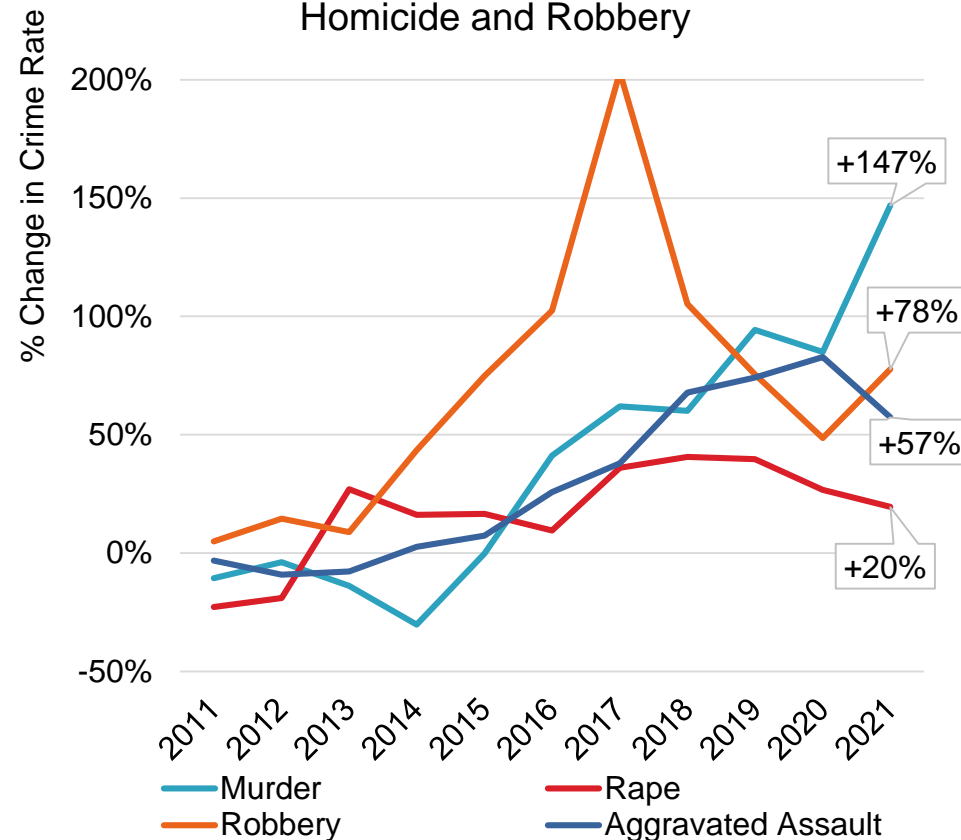
At Least 20 Communities Saw Violent Crime Increase from 2016 to 2020



# In 2021, ABQ Violent Crime Rose in Several Categories

- ▶ Many large cities saw COVID related spikes in violent crime
- ▶ Note these crimes were trending upwards prior to COVID
- ▶ The largest increases have been in homicide and robbery
- ▶ In 2022 APD is on pace to match record levels of from 2021

Violent Crime Rates in Albuquerque Rose since 2011, With The Largest Increases in Homicide and Robbery



Source: FBI UCR

# New Mexico lacks timely data on statewide crime trends

- ▶ LEAs are statutorily mandated to provide crime reports to DPS
- ▶ As DPS continues a multi-year transition to the new federal crime reporting system (NIBRS), the agency should be able to provide more timely data

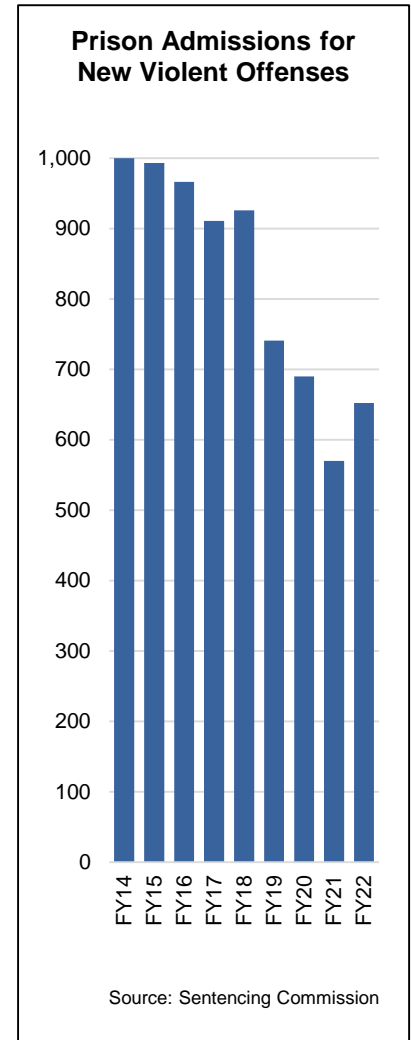
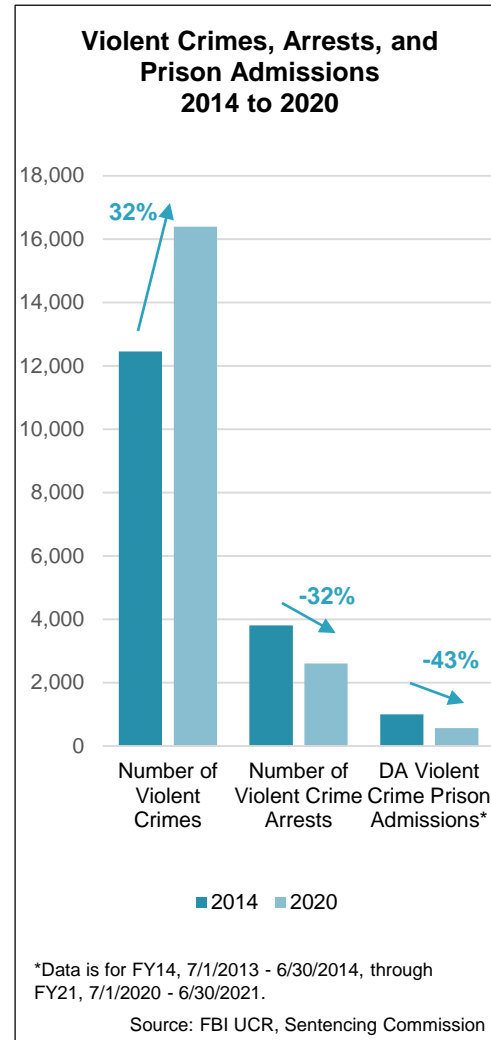
NIBRS Reporting Status of NM LEAs
35 Reporting
29 Testing
51 Not Reporting

Source: DPS

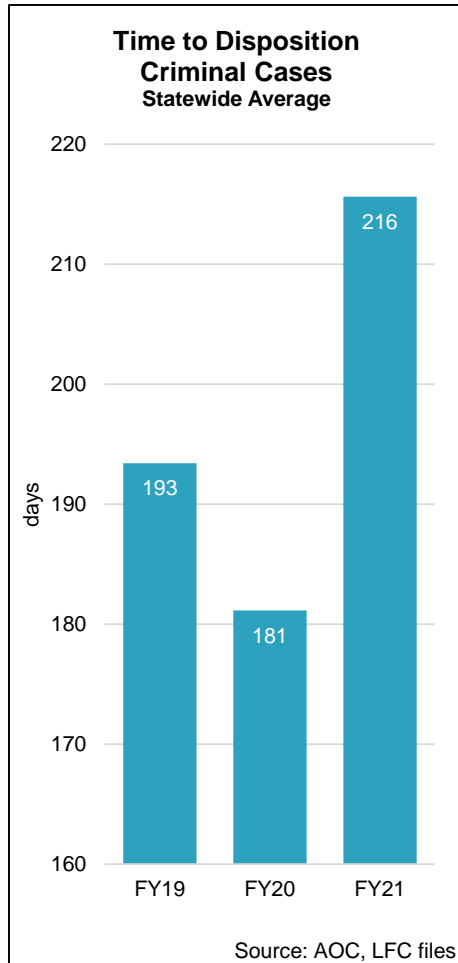
- The two largest LEAs in the state (APD and NMSP) are not currently reporting in the NIBRS system due to changes in their records management systems. DPS is currently working with APD to bring them into the testing phase and expects to begin testing with NMSP when its new system goes live in December
- ▶ 2022 HB68 (omnibus crime bill) provides a significant incentive to LEAs to comply with statutory reporting requirements, as they stand to lose LEPF funding if they do not. DPS received additional funds to help agencies report.

# Certainty of justice has deteriorated

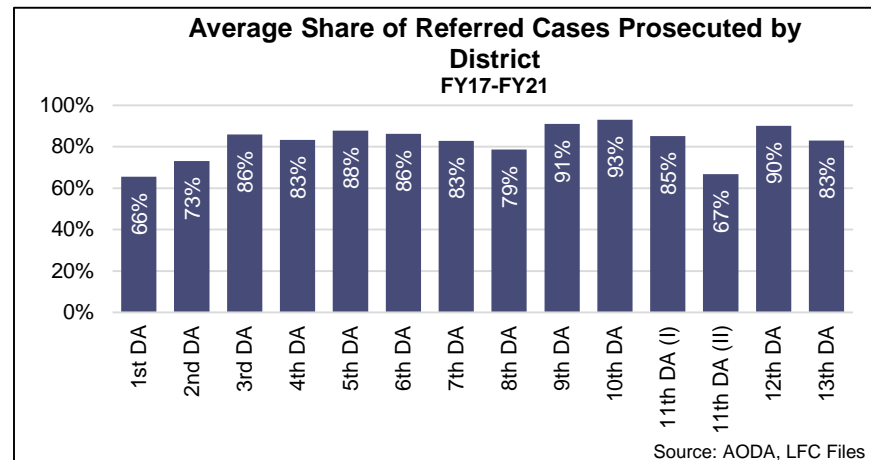
- ▶ 2018 and 2021 LFC Reports Noted An “Accountability Gap” in Bernalillo County
- ▶ Violent crime arrests and prison admissions have not tracked with crime increases
  - Since 2014, violent crime is up over 30 percent while arrests and prison admissions for violent crimes are down over 30 percent



# Swiftmess of justice may be slowing



- ▶ Reductions in arrest and prosecutions appear to have reduced judiciary workload, with fewer cases coming into the system
  - Between FY17 and FY21, total prosecutions dropped 27 percent, and the share of referred cases prosecuted fell from 79 percent to 70 percent
- ▶ Despite lower workloads, cases are taking longer to resolve in most districts



# Post-Session Review

- ▶ The GAA and HB68 addressed numerous issues inside and outside the criminal justice system, including:
  - Changes aimed at law enforcement recruitment, retention, and training
  - Creation of new crimes and changes to existing crimes and penalties
  - Changes to pretrial services and electronic monitoring
  - Creation of new judgeships
  - Expansion/creation of grant programs to reduce violence
  - Eliminating the “gay and trans panic” defense



# Law Enforcement Recruitment, Retention, and Training

- ▶ Creates two new funds to support law enforcement recruitment and retention
  - Fund at DPS for 5-year retention stipends (\$5 million appropriation and ongoing funding from the LEPF)
  - Fund at DFA for recruitment and retention (\$50 million appropriation)
- ▶ Changes the system of law enforcement training and oversight
  - Splits the existing Law Enforcement Academy into two separate entities, one for training and one for certification (\$200 thousand LEPF increase for training and \$1 million budget for certification agency built into FY23 budget)
  - Adds new training requirements
- ▶ Changes LEPF and survivors' benefits
  - Increases distributions from the LEPF
    - LEPF distributions contingent on complying with reporting requirements (\$100 thousand GF to DPS to assist with this)
  - Increases survivors' benefits for officers killed in the line of duty (from \$250 thousand to \$1 million)

# New and Changed Crimes

- ▶ Creates five new crimes:
  - Threatening a judge or an immediate family member of a judge (fourth-degree felony)
  - Maliciously sharing personal information of a judge or an immediate family member of a judge (misdemeanor)
  - Making a shooting threat (misdemeanor)
  - Operating a chop shop (third-degree felony) Criminal damage to property by theft or attempted theft of regulated material (tiered penalties ranging from a petty misdemeanor to a fourth-degree felony, depending on the value of the damage or loss due to the crime)
- ▶ Changes to existing crimes:
  - Abolishes the statute of limitations for second-degree murder
  - Expands exceptions for the crime of unlawful possession of a handgun
  - Creates more severe penalties for the existing crimes of felon in possession of a firearm and aggravated fleeing a law enforcement officer in certain circumstances
  - Creates additional sentencing for using or discharging a firearm in certain circumstance

# Pretrial Services & Electronic Monitoring

- ▶ Directs AOC to create a grant program to support pretrial services statewide and develop a framework for the standardization of pretrial services and supervision, incorporating national best practices and exploring use of GPS monitoring or other pretrial services to reduce impacts on jails and prisons
  - \$4 million appropriation for these grants
  - GAA also includes additional nonrecurring appropriations of \$500 thousand for pretrial supervision and \$648 thousand for training for local pretrial programs, courts, and staff
- ▶ Requires any entity in possession of GPS monitoring data on a defendant on pretrial release to make that data available to law enforcement without a warrant if the information is part of an ongoing and pending criminal investigation and there is reasonable suspicion the data is probative

# New Judgeships

- ▶ Creates new judgeships in the 2<sup>nd</sup>, 5<sup>th</sup>, and 13<sup>th</sup> Judicial Districts
  - GAA includes funding for two of these judgeships (the 5<sup>th</sup> and 13<sup>th</sup> Judicial Districts) at \$306 thousand each

# Grant Programs

- ▶ Expands allowable uses of crime reduction grants (\$150 thousand additional recurring and \$2 million nonrecurring appropriations in GAA) to include:
  - Developing or improving coordination of services between law enforcement agencies and treatment programs
  - Establishing law enforcement crisis intervention teams
  - Coordinating access to programs for transitional or reentry homes for individuals recently released from incarceration
  - Recruiting or retaining law enforcement officers, prosecutors, public defenders, corrections officers, and mental health workers
  - Developing or expanding data-driven policing programs
  - Staffing a criminal justice coordinating council
- ▶ Creates new program to provide violence intervention program grants to entities DOH finds are disproportionately impacted by violent crimes, including homicides, shootings, and aggravated assaults (\$1.7 million recurring and \$9 million nonrecurring appropriations in GAA)

# “Gay and Trans Panic” Defense

- ▶ Prohibits the use by a defendant of a strategy called “gay panic” or “trans panic” as a defense, justification, or excuse for a crime
  - The “gay panic” or “trans panic” defense refers to the assertion by defendants that they acted in the belief or knowledge that they had been propositioned in a nonthreatening, nonviolent manner by someone thought to be or known to be gay, bisexual, or transgender

# Outstanding Issues

- ▶ Need improved utilization of care addressing root causes (LFC studying this now)
- ▶ Expand opportunities for Medicaid-funded MAT in the community for justice-involved populations, including individuals on pretrial services or community supervision and those involved in drug courts
- ▶ Ensure police training and oversight is adequate, especially training in evidence-based policing tactics and in-service training in new practices<sup>1</sup>
- ▶ Monitor law enforcement recruitment and retention efforts and impact of legislative investments and new grant programs
- ▶ Consider legislation establishing basic requirements and use of pretrial best practices<sup>1</sup> (LFC will hold a LegisSTAT hearing on AOC/pretrial this fall)
- ▶ Consider reforming probation and parole to reduce reincarceration for technical parole violations<sup>2</sup>
- ▶ Consider proposals to better connect offenders reentering the community with employment opportunities
- ▶ NMCD should fully implement COMPAS, implement MAT, and better track and evaluate programming outcomes<sup>2</sup>

<sup>1</sup>See [2018 LFC Bernalillo County Crime evaluation](#)

<sup>2</sup>See [2018 LFC NMCD Evaluation](#)

# 2022 Interim / 2023 Legislative Session Preview

- ▶ Staff stand ready to assist members in developing a criminal justice/public safety work plan and ensure the budget recommendation supports legislative policy priorities





**Questions?**



# NEW MEXICO LEGISLATIVE FINANCE COMMITTEE

## For More Information

- [2022 Volume 1](#): Pages 55 to 67
- [2022 Post-Session Review](#): Pages 24 to 28, Pages 84 to 86
  - [Session Publications - Budgets](#)
    - [Performance Report Cards](#)
    - [Program Evaluations](#)

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# Attachments

- ▶ Highlights of LFC 2022 interim work plans for justice and public safety
- ▶ FIR for 2022 House Bill 68

## **LFC 2022 Interim Work Plan**

### **Justice & Public Safety Detail of Highlighted Items**

LFC staff's 2022 interim work will relate to many of the outstanding issues from prior reports as well as follow-up on significant reforms and investments made as part of the omnibus crime bill and public safety funding package in the 2022 legislative session. Key work plan items include:

- Convene legislative public safety fiscal working group to propose cost-saving reforms and investments in evidence-based programming and other methods to improve criminal justice outcomes
- Convene a panel of experts to provide insight on current research- and evidence-based strategies to reduce violent crime outside the traditional criminal legal system (July 20)
- Monitor planning for new Law Enforcement Certification Board to ensure limitations of the existing Law Enforcement Academy Board are avoided
- Monitor and evaluate implementation and administration of over \$75 million in funds for public safety grant programs established by HB68 and/or the 2022 GAA to ensure they are having the intended impact, including establishing performance measures
- Monitor AOC and court efforts to provide 24/7 pretrial supervision monitoring and improve pretrial services
- Evaluate proposals to expand supervision, increase detention, or change requirements to allow noncourt personnel to access GPS location monitoring records
- Examine the process of granting and revoking parole (including analyzing parole files, attending hearings, and interviewing and observing NMCD reentry staff and probation and parole officers) and provide policy and budgetary recommendations to address issues in this area to reduce barriers to successful reentry and reintegration (including reduced rates of incarceration of release-eligible inmates and parole revocations)
- Use NMCD's programming plan (due September 1) to assess the agency's FY24 budget request and direct funds to effective programs
- Monitor NMCD reentry and recidivism reduction programming pilot projects