

# Update on Crime in New Mexico and Bernalillo County



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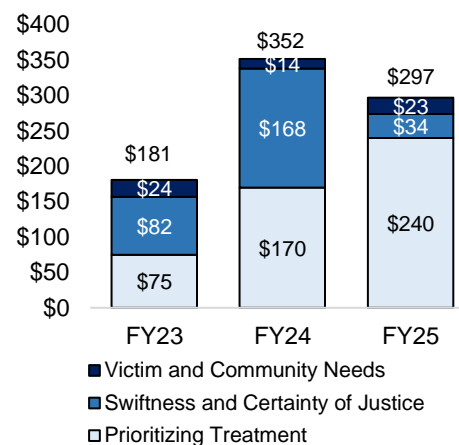
## New Mexico can Reduce Crime by Addressing Root Causes and the Swiftmess and Certainty of Justice

New Mexico’s crime rates remain consistently above the national average, driven by high crime rates in Bernalillo County, which continue to limit the state’s potential. New Mexico could reduce crime by treating its root causes, such as addiction, increasing the certainty offenders will be caught and held accountable, and decreasing the likelihood current inmates will reoffend upon release.

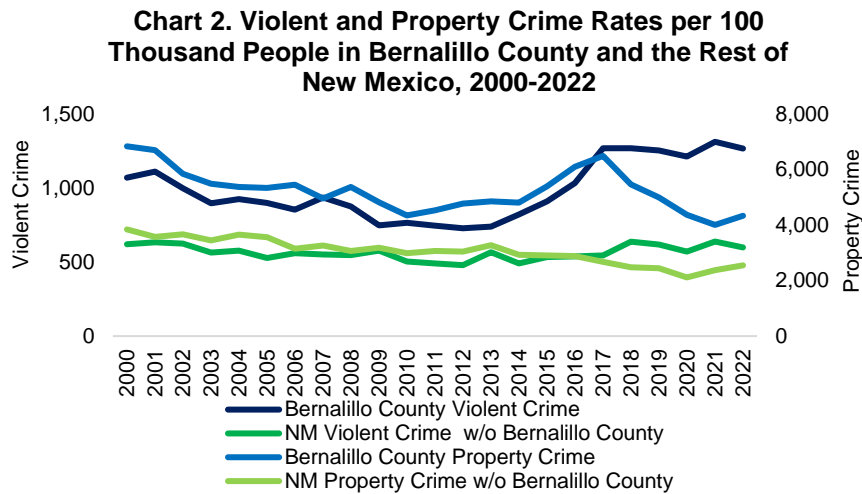
**The Legislature has appropriated roughly \$829 million over the past three years for initiatives to address crime.** The Legislature has broadly directed these appropriations toward (1) prioritizing treatment, (2) improving the swiftmess and certainty of justice, and (3) providing for victim and community needs. From FY23 through FY25, the Legislature appropriated \$484 million for initiatives to prioritize treatment, such as \$50 million in nonrecurring dollars for behavioral health workforce capacity building and \$65 million in recurring funds to increase Medicaid provider rates. The Legislature also appropriated \$259 million toward initiatives to improve the swiftmess and certainty of justice, including \$150 million for law enforcement recruitment and retention efforts and \$40 million for an improved criminal justice information system. Additionally, the Legislature allocated \$54 million for victim and community needs, including \$9 million for violence intervention program grants and \$5 million for youth reemployment and apprenticeships.

**Evidence-based prevention, diversion, and behavioral health treatment programs can help address the root causes of crime but are only available to a fraction of the people who could benefit from them.** Crime is affected by various social and economic conditions such as poverty, lack of education, inaccessible housing, unemployment, lack of services for the mentally ill, and addiction. For example, 65 percent of New Mexico’s incarcerated population has a substance use disorder, while only 9 percent of the general population has a substance use disorder. Research shows substance use disorder treatment is the most effective way to break the cycle of crime and incarceration for offenders with drug abuse and addiction issues. Pretrial services and treatment courts, such as drug courts and mental health courts, are a way to provide offenders with treatment services while also holding them accountable for their behavior. According to LFC Results First cost-benefit analyses, spending on treatment courts has an anticipated \$4 return on investment for every \$1 spent when treatment courts are effectively implemented and used. Participation in New Mexico treatment courts remains below pre-pandemic levels, which suggests the state could reduce crime by diverting low-level offenders into programs treating addiction or addressing other root causes of crime.

**Chart 1. State Appropriations toward Initiatives to Address Crime**  
(in millions, total = \$829 million)



Note. Total recurring appropriation was \$22.8 million in FY23; \$35.4 million in FY24; and \$40.9 million in FY25.  
Source: LFC files



**Despite hundreds of millions of dollars of additional investment, police and prosecution are still not effectively holding criminals to account.** Research shows the *certainty* and *swiftness* of being caught for criminal activity is a more powerful deterrent to crime than the *severity* of the criminal penalties in state law. LFC analysis finds the criminal justice system in Bernalillo County has an accountability gap where arrests, criminal convictions, and prison admissions do not keep pace with trends in criminal activity. This accountability gap is problematic because it means the criminal justice system is not effectively holding offenders accountable. Even during times of increasing crime rates in New Mexico, LFC research has found declining case clearance rates (percentage of reported crimes being solved), low prosecution rates, and low conviction rates.

The 2018 LFC Program Evaluation, *Review of the Criminal Justice System in Bernalillo County*, found a relatively small proportion of criminal defendants (33 percent) were responsible for a majority of felony arrests (61 percent), suggesting a need for police and district attorneys to prioritize the arrest and conviction of the highest-risk offenders. Although most multiple-felony offenders (74 percent) are eventually sent to prison, it often takes several alleged offenses before they are fully prosecuted and convicted of a felony. Most felony cases are dismissed because of insufficient evidence collection or witness cooperation, which indicates New Mexico could reduce the accountability gap through initiatives and investments to improve evidence collection and witness cooperation in the highest-risk cases.

**Increasing program participation in prison and post-release can reduce recidivism.** Almost every inmate incarcerated in jail or prison will eventually reenter the community. However, most released inmates will also continue to exhibit criminal behavior. One of the most significant challenges faced by federal, state, and local governments is to ensure that inmates are prepared to reenter the community with the tools and treatment they need to be successful and to avoid reoffending. Previous LFC reports

**Table 1. Processing of Defendants Through the Criminal Justice System**

Measure	2019	2022
Bernalillo County Violent Crime Rate per 100,000	1,254	1,266
APD Violent Crimes Clearance Rate	32.8%	18.8%
Pre-Prosecution Diversion Completions	79	134
Second Judicial District Attorney Felony Convictions	3,121	1,746
MDC Admits	24,668	14,492

Source: FBI, APD, Second, Judicial Attorney, MDC

Research indicates New Mexico can reduce crime by:

- Diverting low-level offenders into programs treating addiction and addressing other root causes of crime.
- Increasing the probability of offenders being caught and held accountable through increased police presence and improved evidence collection.
- Reducing recidivism by improving prisoner reentry into society.

have recommended enrolling inmates in Medication Assisted Treatment (MAT), Medicaid, behavioral health programs, and educational or vocational programs to reduce their likelihood of committing another crime after being released from incarceration.

## Recommendations

The Legislature should consider:

- Outlining minimum standards for pretrial services, with the Administrative Office of the Courts providing certification for programs that meet these standards;
- Require periodic validation of risk assessments and implement needs assessments for services;
- Require rules for when and for whom to mandate 24-hour live monitoring pre-release via ankle monitors;
- Require reporting and use pretrial performance data to improve safety and report findings on public-facing dashboards;
- Appropriating funds to the Administrative Office of the Courts for certified competency evaluators; and
- Authorizing the pharmacy board and DOH to require pharmacies in high-need communities to make MAT available.

The Administrative Office of the Courts should:

- Work with each judicial district court to increase participation in treatment courts and preprosecution diversion programs; and
- Publicly report aggregate data regarding pretrial release decisions and outcomes.

The Second Judicial District Attorney's Office should:

- Report to the LFC on the effectiveness of its specialty units for prosecuting different case types and reducing the rates of cases dismissed due to issues with evidence collection, victim cooperation, and witness cooperation; and
- Focus on diverting low-level offenders into programs treating addiction and addressing other root causes of crime.

The Albuquerque Police Department should:

- Increase the number of sworn law enforcement officers to meet staffing targets;
- Coordinate with Bernalillo County Sheriff's Office to conduct joint patrols and outreach in hot spots to address areas with a high number of calls for service; and
- Staff field services and specific specialized units of detectives to work towards improving evidence collection and clearance rates.

The New Mexico Corrections Department should:

- Increase participation and successful completion of recidivism-reducing programs; and

- Implement Medicaid-approved transitional services.

The Sentencing Commission should:

- Report to the LFC the outcomes of the crime reduction grants, particularly for the treatment courts, on providing alternatives to incarceration and reducing jail overcrowding.

The Healthcare Authority should:

- Seek a Medicaid state plan amendment to allow for Medicaid coverage 90 days prior to the release of incarcerated individuals, allowing for a smoother transition into services.

# Albuquerque Crime Trends Have Been Flat or Increased while National Crime Rates Decreased

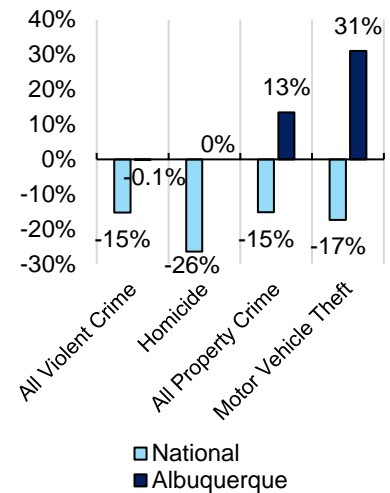
New Mexico’s crime rates are driven by Bernalillo County. Bernalillo County has recently experienced an uptick in property crime, particularly motor vehicle thefts, following a spike in drug-related offenses. These data indicate that poor social conditions contribute to crime in Bernalillo County.

## Violent crime in Bernalillo County is above the national average, and drives New Mexico trends.

The U.S. Federal Bureau of Investigation (FBI) recently released data comparing crime trends from the first quarter (Q1) of 2024 with the first quarter of 2023. Nationally, violent crime and property crime each decreased by 15 percent from Q1 2023 to Q1 2024, with homicides decreasing by 26 percent and motor vehicle thefts decreasing by 17 percent. Albuquerque, by contrast, experienced no difference in violent crime in Q1 of 2023 and 2024. When comparing Q1 2023 to Q1 2024, Albuquerque experienced a 13 percent increase in total property crime and a 31 percent increase in motor vehicle thefts.

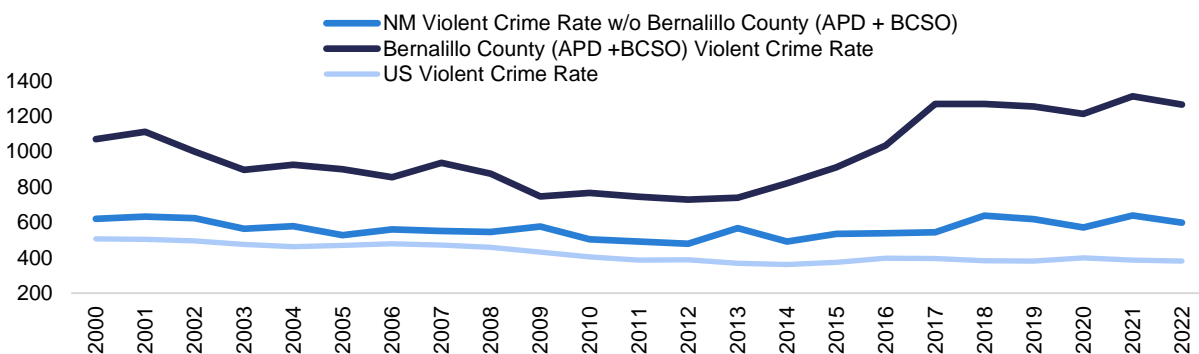
**Violent crime in Bernalillo County remains high and above the rest of New Mexico and the national rate.** The combined violent crime rate, as reported by the Albuquerque Police Department (APD) and the Bernalillo County Sheriff’s Office (BCSO), reached a peak in 2021 at 1,312 crimes reported per 100 thousand residents but declined in 2022 to a rate of 1,266. The violent crime rate in Bernalillo County remains above the national average of 381 per 100 thousand residents in 2022.

**Chart 3. Change in Crime Incidents from the First Quarter of 2023 to the First Quarter of 2024**



Source: LFC analysis of FBI crime data

**Chart 4. Violent Crime Rate in Bernalillo County (APD + BCSO Reporting) Remains High while Violent Crime in the Rest of New Mexico Remains Above the National Rate**

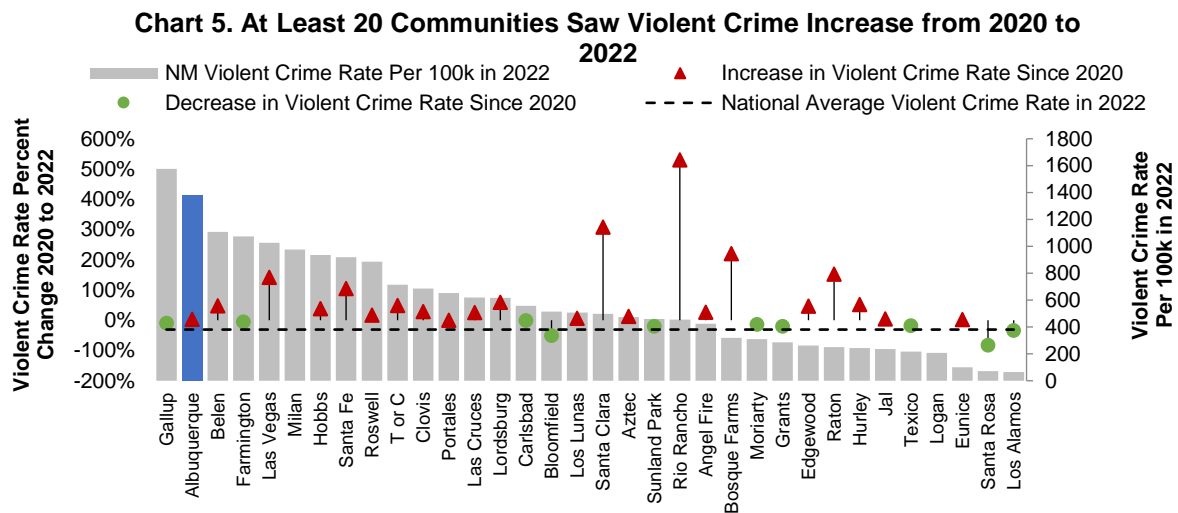


Note. Due to data reporting issues by BCSO in 2018 and 2019, data for BCSO was interpolated based on crime trends reported by APD  
Source: FBI



Violent crime rate in the rest of New Mexico remains above the national rate as well, but less than in Bernalillo County. Property crime rates reported by APD and BCSO remain above the national rate but below their peak reported in 2017. Property crime rates in the rest of New Mexico continue to track similarly to the national rate, including an increase from 2020 to 2021.

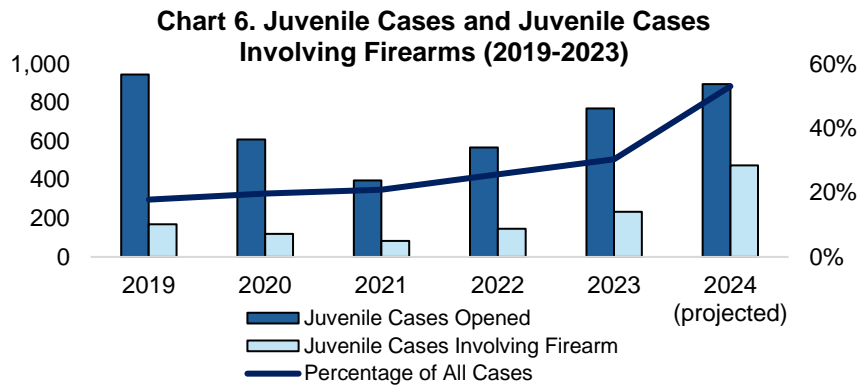
**Albuquerque has the most crime in New Mexico and the second-highest violent crime rate in the state.** Violent crime rates in New Mexico rose slightly from 778.3 incidents per 100 thousand in 2020 to 780.5 incidents per 100 thousand in 2022. In some parts of the state, however, violent crime worsened. In at least 20 communities, violent crime rates in 2022 were up relative to 2020, when LFC last reported on statewide crime trends. In many of those communities, including Albuquerque, violent crime rates exceeded the national average.



Note. Crime data for 2022 was not reported by Alamogordo, Bernalillo, Carrizoz, Cuba, Deming, Espanola, Estancia, Lovington, Ruidoso, Ruidoso Downs, Socorro, Taos, Tularosa  
Source: FBI

**The Second Judicial District Court and District Attorney report an increase in juvenile criminal cases and the percentage of those cases that involve a firearm.** In 2023, the Second Judicial District Court reported 781 juvenile criminal cases, an increase of 38 percent from the prior year. Of those cases, 34 percent were cases involving juveniles with firearms. Through April of 2024, there have been 298 juvenile cases opened, of which 158 (53 percent) had a firearm present. This projects to 894 juvenile criminal cases for the year, or a 14 percent increase from 2023 and a 77 percent increase in cases involving juveniles with a firearm. Similarly, the Second Judicial District Attorney’s Office saw a significant increase in cases involving juveniles with firearms in Bernalillo County in 2023. There were 233 cases involving juveniles with firearms in 2023 compared to 145 such cases in 2022, a 61 percent increase. Because of the increase in cases involving juveniles with firearms, the Second Judicial District Attorney’s Office implemented a new policy in 2024 for felony cases requiring the

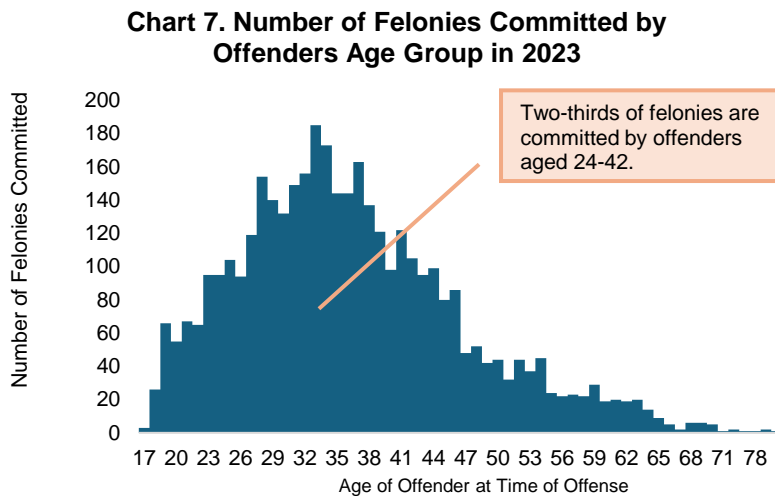
juvenile to inform the prosecutors where they obtained the gun prior to plea agreements.



Note: 2024 projections are based on extrapolations from first quarter actuals data.

Source: LFC analysis of Second Judicial District data

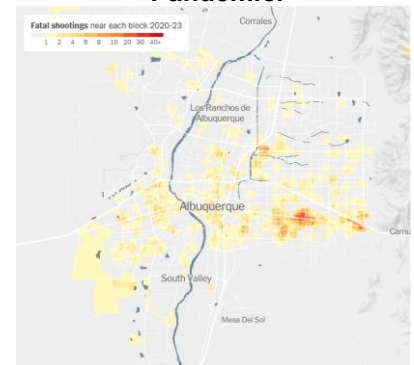
**Although juvenile cases have increased, demographic data show the majority of felonies are committed by men between the ages of 24 through 42 years of age.** In general, adult men are more likely to commit crimes than women or juveniles. Men were 91 percent of New Mexico’s inmate population in 2023, and Bernalillo Metropolitan District Court data indicate 66 percent of felonies committed in 2023 were committed by individuals between the ages of 24 and 42 years.



Source: LFC analysis of Bernalillo Metropolitan District Court data

**Albuquerque experienced 172 more fatal shootings from 2020-23 compared with the previous four years.** The pandemic contributed to the rise in fatal gun violence in multiple ways. The disruption of public schools led to an expansion of youth gang activity. An increase in drug use and drug dealing made violent conflicts more probable. A rise in gun ownership made it more likely for violent disputes to become deadly. The New York Times mapped every gun homicide in the United States since 2020 using data collected by Gun Violence Archive from police and news media accounts. According to the analysis, gun deaths spread into new

**Figure 1. Fatal Gun Violence in Albuquerque Since the Pandemic.**



Note. There were at least 383 fatal shootings in Albuquerque from 2020-23. This map shows how many shootings were within a quarter mile of each block. About 38 percent of people lived near a shooting. There were 172 more fatal shootings in Albuquerque from 2020-23 compared with the previous four years. The share of residents living near a shooting rose by 11 percentage points. This analysis did not include gun suicides.

Source: New York Times.

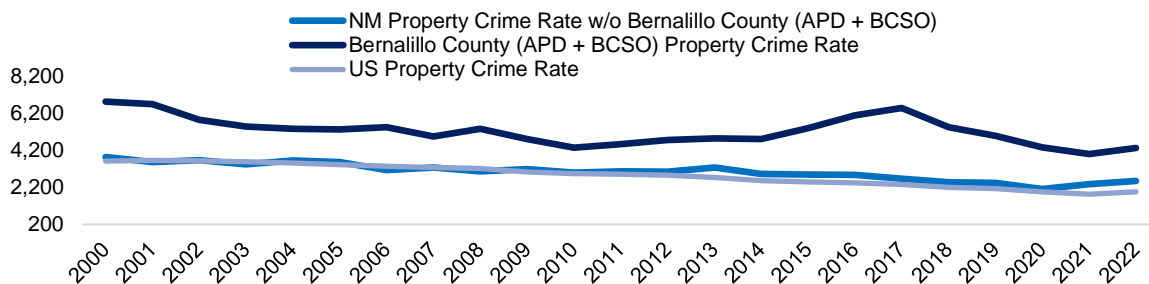
neighborhoods during the pandemic, and an additional 8.7 million Americans (a 23 percent increase from prepandemic years) now live within a quarter mile of a recent fatal shooting. The analysis also found that gun violence rose most sharply in neighborhoods where gun violence predated the pandemic. There were at least 383 fatal shootings in Albuquerque from 2020-23. Figure 1 shows how many shootings were within a quarter mile of each block. About 38 percent of people lived near a shooting, which rose by 11 percentage points after the pandemic.

This analysis indicates that crime is still concentrated in a few areas or hot spots in Albuquerque. The LFC has previously reported on evidence-based policing practices, such as hot spot policing, which is a policing strategy that focuses resources on small geographic areas where crime is committed and concentrated. APD’s real time crime center can map crime and identify hotspots using predictive analytics and real time camera footage, but the LFC previously reported these analytic outputs often go unused by law enforcement officers. Because crime remains highly concentrated in a few geographic locations, coordinated efforts between APD and BCSO to conduct joint patrols and outreach in hot spots to address areas with a high number of calls for service.

### Albuquerque property crime experienced a recent upswing following a spike in drug offenses.

After peaking in 2017, property crime rates in Bernalillo County steadily decreased through 2021. APD has attributed this time period of property crime decreases to an increased focus on shoplifting at retail stores and building stronger cases against serial auto theft offenders. However, since 2021, drug offenses in Albuquerque have more than doubled, and, in turn, property crime increased. Bernalillo County’s increase in property crime following a spike in drug offenses aligns with general research evidence identifying a link between illicit drug use and property crime.

**Chart 8. Property Crime Rate in Bernalillo County (APD + BCSO Reporting) Remains High while Property Crime Rate in the Rest of New Mexico Tracks with the National Rate**

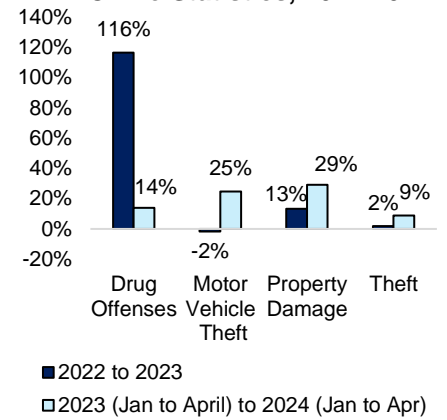


Note. Due to data reporting issues by BCSO in 2018 and 2019, data for BCSO was interpolated based on crime trends reported by APD  
Source: FBI

**Recent upswings in Albuquerque property crime in early 2024 followed a 116 percent increase in drug offenses.** Albuquerque had 4,749 drug offenses in 2023 which was a 116 percent increase from 2022 (2,555 drug offenses). Early 2024 data show sharp upswings in property crime compared with early 2023 data. For example, from early 2023 to early 2024, motor vehicle theft increased by 25 percent (420 offenses), property damage and vandalism increased by 29 percent (883 offenses), and larceny charges increased by 9 percent (512 offenses). These data suggest recent upswings in Albuquerque property crime could be partially fueled by increased drug use and addiction.

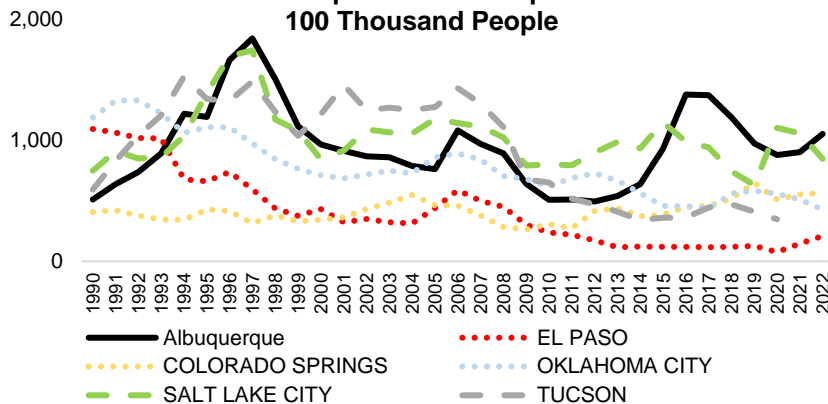
**After a recent uptick in motor vehicle thefts in 2022, Albuquerque motor vehicle thefts exceed comparable metro areas.** Motor vehicle theft has increased in Albuquerque over the two most recent years of reported data. Motor vehicle theft peaked in Albuquerque in 1997, but surged in 2016 and 2017. In 2022, the most recent year of comparable national data, motor vehicle theft reached 1,050 per 100 thousand residents, which exceeded comparable metropolitan areas, including Salt Lake City, Oklahoma City, Colorado Springs, Tucson, and El Paso.

**Chart 9. Percent Increases in Recent Albuquerque Crime Statistics, 2022-2024**



Source: LFC analysis of APD crime data

**Chart 10. Motor Vehicle Theft in Albuquerque and Comparable Metros per 100 Thousand People**



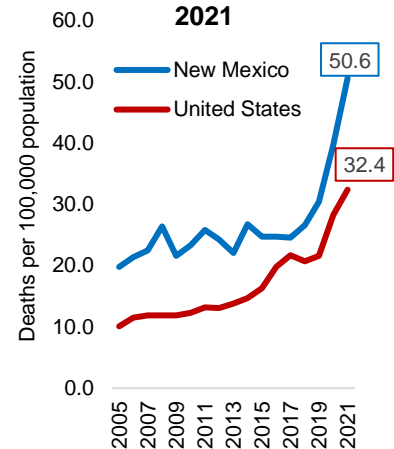
Source: UNM Institute of Social Research analysis of FBI data

**Multiple research studies show the use of illegal drugs is associated with property crime and theft to obtain money for drugs.** The association between illegal drug use and criminal activity is impacted by the frequency of drug use, whether offenders have legitimate sources of income, and the cost of drugs. Research has even identified links between fluctuations in drug prices and changes in crime rates. While illicit drug use has increased in New Mexico, as indicated by increased drug overdose deaths (particularly fentanyl), this trend is likely to impact property and economic crime.

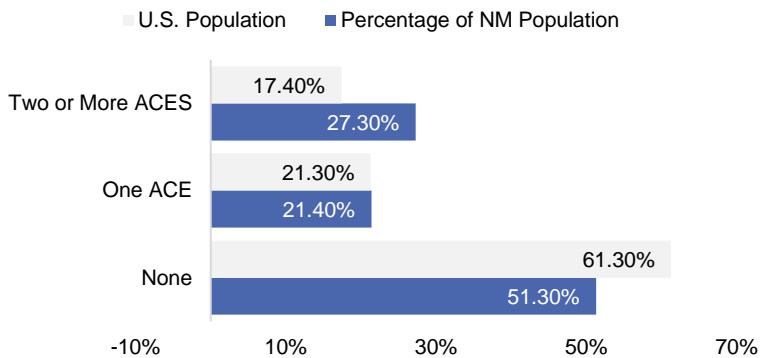
## Poor social conditions contribute to crime in Albuquerque.

Social conditions in Bernalillo County, such as an increase in substance abuse disorders, a high rate of adverse childhood experiences (ACES), poor education outcomes, and high rates of poverty can contribute to high rates of crime. Underlying the substance abuse and behavioral health issues in New Mexico are poor education outcomes, high levels of poverty, and a high rate of ACES. Over the past six years, the LFC has reported on all of these topics. In 2023, the LFC released a progress report on substance use disorders and reported that New Mexico consistently has the highest alcohol-related death rate in the country and ranked sixth nationally for drug overdose deaths in 2021. The 2023 progress report also asserts the state is investing relatively little effort in upstream interventions and prevention efforts, given the magnitude of the state’s high rates of substance use disorder and associated deaths, particularly for alcohol misuse. All of these factors are correlated to criminal behavior and are considered “upstream” in the lifecycle of criminal behavior. New Mexico has the fifth highest percentage (17.6 percent) of people living in poverty of all states.

**Chart 11. Drug Overdose Death Rates, New Mexico and United States 1990-2021**



**Chart 12. Rates of Adverse Childhood Experiences in New Mexico**



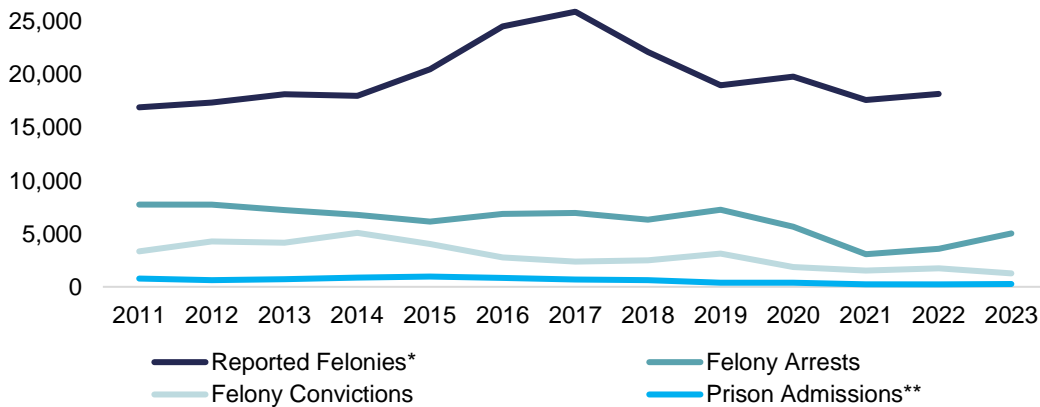
Source: The Child and Adolescent Health Measurement Initiative

Note: Rates are age adjusted to the US 2000 standard population  
 Source: United States - CDC Wonder;  
 New Mexico - NMDOH BVRHS death

## Reported Crimes Far Exceed Arrests and Convictions

Research shows the certainty of being caught is a more powerful deterrent to crime than severity of punishment. For the criminal justice system, this means it is important to prioritize solving crimes and securing convictions, particularly for serious offenses. LFC’s 2018 Bernalillo County crime evaluation found that as crime rose in the mid-2010s, arrests and convictions remained flat or declined, creating an accountability gap for criminal behavior. The accountability gap persists today. Although felony arrests have increased in both 2022 and 2023, they have not reached pre-pandemic levels and were 69 percent lower in 2023 than in 2019. Felony convictions rose in 2022 but fell to their lowest number in 2023, a decrease of 40 percent since 2019. Trends in prison admissions have also not tracked crime, with 70 percent fewer prison admissions from the Second Judicial District in FY22 than in FY19. Some gap between arrests and convictions is desirable to the extent it is driven by the effective use of diversion programs, however, this is unlikely to be the case since only about 400 defendants have opted for participation in programs out of approximately 15 thousand reported felonies and arrests.

**Chart 13. Felony Arrests, Convictions and Prison Admissions Have Not Tracked with Fluctuations in Crime in Bernalillo County**



\*Part I UCR crimes excluding larceny; \*\*Reported by fiscal year

Sources: FBI UCR, Second District Court, Metro Court

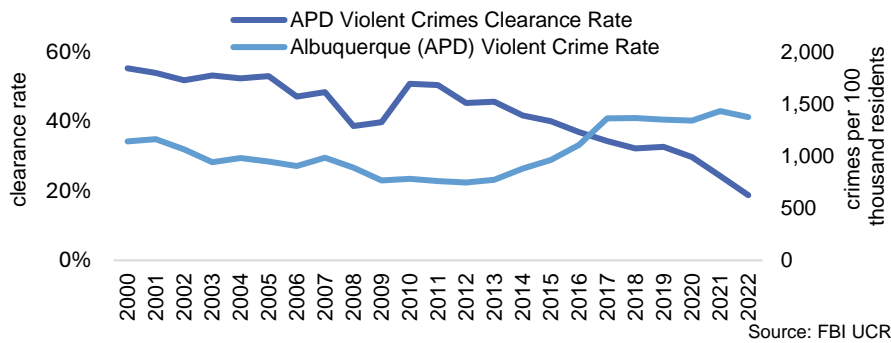
### Declining case clearance rates and low conviction rates suggest Albuquerque law enforcement agencies are not effectively deterring or solving crime.

Case clearance rates—or the percentage of reported crimes that are solved—are one way to measure certainty of apprehension. While overall arrests have increased recently, the declining clearance rates for both

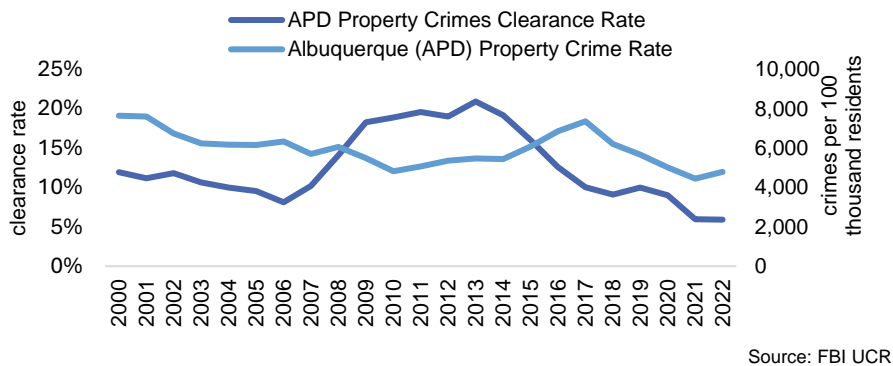
violent and property crimes in Albuquerque indicate offenders are less likely to be apprehended now than a decade ago.

**Less than one in five violent crimes in Albuquerque result in a formal charge—the lowest rate in the last two decades.** Violent crime reported to the Albuquerque Police Department was 1,379 per 100 thousand residents and has remained high since 2017. Clearance rates for violent crimes during this time have fallen to a low of 19 percent in 2022, the most recent year data is available. Similarly, the clearance rates for property crimes have fallen to a low of 6 percent in 2022. However, reported property crime rates have declined since 2017, from approximately 7,400 in 2017 to 4,800 in 2022 per 100 thousand residents. Clearance rates for both violent and property crimes in Albuquerque are about half of the national rate, which nationally are 37 percent for violent crimes and 12 percent for property crimes.

**Chart 14. APD Violent Crime Clearance Rates Continue to Fall as Reported Crime Remains High**

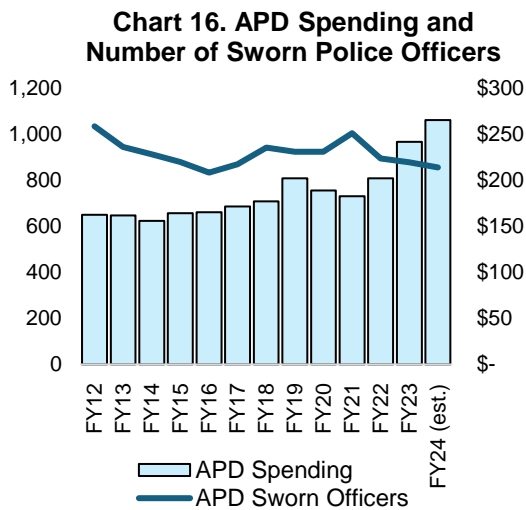


**Chart 15. APD Property Crime Clearance Rates Remain Below 10 Percent as Reported Property Crime Recently Upticked**



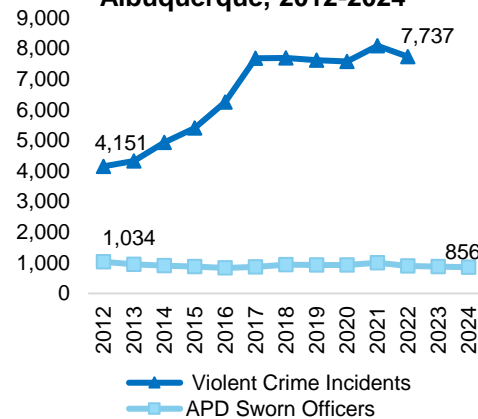
**The number of sworn police officers at the Albuquerque Police Department (APD) decreased 17 percent since 2012, while APD’s budget grew 63 percent, and crime significantly increased.** Violent crime in Albuquerque increased by 3,586 incidents, or 86 percent, from 2012 to 2022, according to available Federal Bureau of Investigation (FBI) crime data. According to APD budget data, between FY12 and FY24 APD’s

budget has grown by 63 percent, or \$102.8 million, from roughly \$162.6 million in FY12 to \$265.4 million in FY24. However, as APD’s budget grew and crime increased, the number of sworn police officers shrank from 1,034 in FY12 to 856 in FY24, a decrease of 17 percent. These staffing decreases are despite APD receiving \$394 thousand from the law enforcement retention fund. The LFC previously reported deploying just one additional police officer should result in about a \$4 to \$1 return on investment and that deploying that officer using evidence-based practices (hot spot policing) boosts benefits raising the return on investment to \$5 to \$1. These data indicate APD has chronic issues recruiting and retaining police officers to keep pace with crime even as the department’s budget has grown.



Source: LFC analysis of Albuquerque budget data

**Chart 17. Reported Violent Crime Incidents and Sworn APD Police Officers in Albuquerque, 2012-2024**

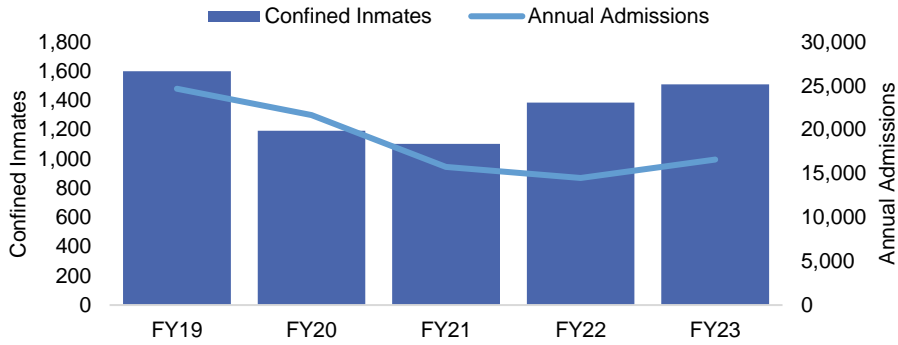


Source: LFC analysis of Albuquerque budgets and FBI data.

***With low conviction and clearance rates, annual admissions and inmate population levels at the Bernalillo County Metropolitan Detention Center remain below pre-pandemic levels.*** In the most recent year of reported data, APD reported annual admissions to the Metropolitan Detention Center increased 14 percent from approximately 14,500 in FY22 to 16,500 in FY23. The number of confined individuals at the Metropolitan Detention Center also increased by nine percent from approximately 1,400 in FY22 to 1,500 in FY23. Although populations at the Metropolitan Detention Center have increased in recent months, it may take one to two years to see a corresponding increase in NMCD populations as cases progress through the criminal justice system.



**Chart 18. Number of Confined Metropolitan Detention Center Inmates and Admissions Per Fiscal Year**



Source: LFC analysis of APD data

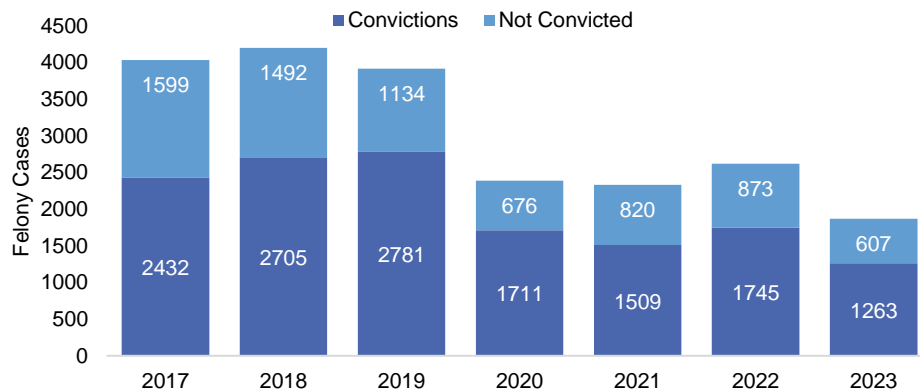
## Most Failed Cases Are Due to Issues with Evidence Collection and Witness or Victim Cooperation

In Bernalillo County, most felony case dismissals are caused by evidentiary or witness and victim cooperation issues. The Second Judicial District Attorney’s Office could address these prosecutorial shortcomings by collaborating with local law enforcement to ensure cases are ready for successful prosecution.

### Low conviction rates indicate justice is not certain for offenders.

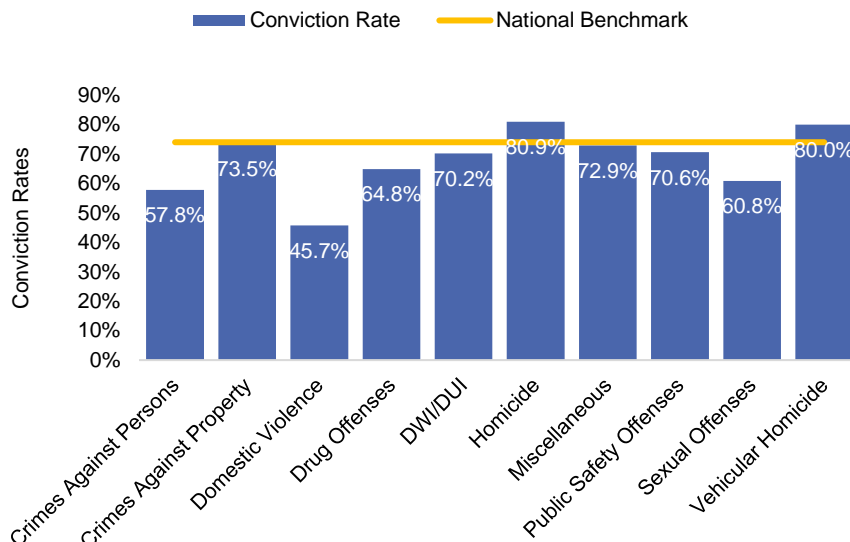
The percentage of cases the District Attorney pursues that are dismissed or in which prosecutors fail to obtain a conviction has remained stagnant between 2017 and 2023, ranging from 60 to 72 percent. According to the National Center for State Courts (NCSC), 74 percent of felony cases result in convictions, putting prosecutorial performance in the Second District below the national average in the last seven years. Analysis indicates conviction rates are highest for homicide (81 percent) and vehicular homicide cases (80 percent) and lowest for domestic violence (46 percent), crimes against persons (58 percent), and sexual offenses (61 percent). There are multiple obstacles to securing convictions, including prosecutors declining to prosecute, not pursuing, or screening cases out due to issues with evidence, witness or victim cooperation, or police procedure. Low conviction rates compromise the certainty of justice and suggest law enforcement agencies and prosecutors need collaborative strategies to improve communication to build better cases and bring them to a swift resolution.

**Chart 19. Convictions for Felony Cases in the Second Judicial District from 2017-2023**



Note: Includes only felony cases and excludes open cases.  
Source: LFC analysis of Second Judicial District Court data

**Chart 20. Conviction Rates for Multiple Types of Felony Cases in the Second Judicial District from 2017-2023 Do Not Meet the National Benchmark**

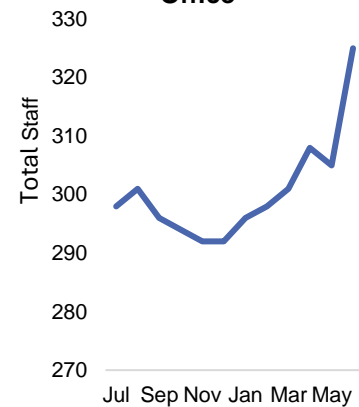


Note. Includes only felony cases and excludes open cases. National Center for State Courts (NCSC) national benchmark is 74 percent of all felony cases result in convictions.

Source: LFC analysis of Second Judicial District Court Data

**The Second Judicial District Attorney is implementing promising initiatives, which have yet to impact overall performance, but recent staffing increases may improve performance.** In 2018, APD launched its Shield Unit, a team of 10 APD employees tasked with compiling and sharing discovery evidence, which has been housed in the Second Judicial District Attorney’s Office since April 2023. Although the LFC reported in 2018 that such a unit was a promising practice to increase indictments and improve evidence collection, the number of indictments and conviction rate data from 2017-2023 does not indicate a significant impact. Since January 2023, the Second Judicial District Attorney’s Office has hired 120 staff, including nearly 60 attorneys. With these staffing increases, the Second Judicial District Attorney has implemented and staffed specialty teams to focus on different types of cases, including a domestic violence team, a team focusing on cases involving offenders between ages 18 and 25 charged with felonies involving firearms, and a victim advocate program to provide assistance and case information to victims and their families. Although initial outcomes of these team’s effectiveness are not yet available, the Second Judicial District Attorney’s Office should continue to monitor and report to the LFC on their effectiveness at prosecuting these types of cases and reducing the rates of cases dismissed due to issues with victim or witness cooperation.

**Chart 21. FY24 Headcount at the Second Judicial DA's Office**

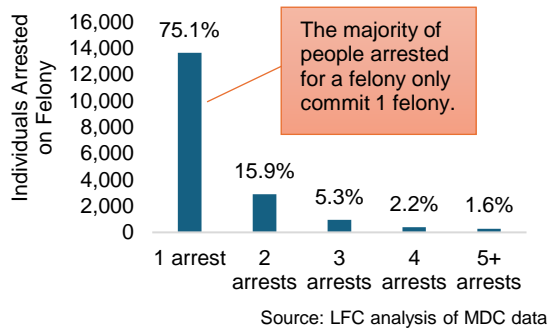


Source: 2nd District Attorney

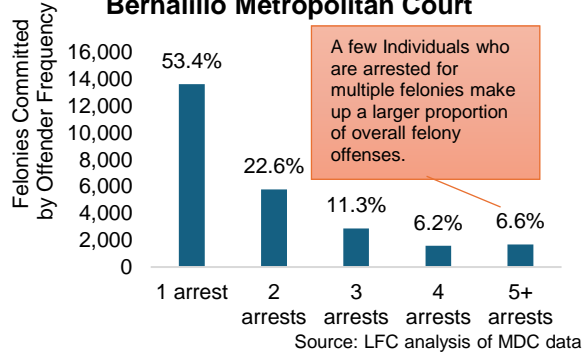
## Relatively few defendants are responsible for most felony arrests in Bernalillo County.

Between 2017 and 2023, law enforcement made approximately 288 thousand arrests of 186 thousand unique defendants, including 26 thousand felony arrests of 18 thousand unique defendants. Individuals with multiple felony arrests make up a relatively small percentage of the total population arrested for a felony (25 percent) but are responsible for a larger percentage of all felony arrests (47 percent). Although a large majority (75 percent) of the individuals arrested for a felony received only one felony arrest and no more, a relatively small subset of total felony defendants are arrested for almost half of felony offenses.

**Chart 22. Felony Arrests per Person, 2017-2023 Bernalillo Metropolitan Court**



**Chart 23. Felony Arrests Share per Person Based on Frequency of Multiple Felony Arrests, 2017-2023 Bernalillo Metropolitan Court**



## Most felony case dismissals are because of evidence collection problems.

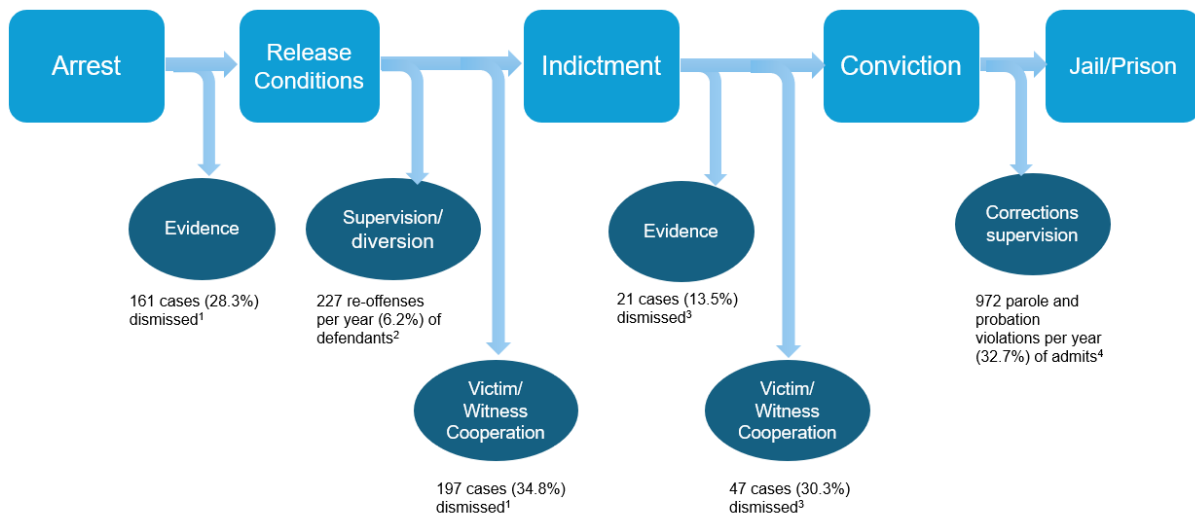
Cases can be dismissed for various reasons including insufficient evidence and lack of victim or witness cooperation. There are multiple stages in the criminal justice process where these issues can lead to case dismissals. LFC staff analyzed a representative sample of repeat offenders to determine case outcomes and common reasons for their dismissal. Based on this analysis, LFC staff found most dismissals for repeat offenders were due to issues with evidence collection and victim or witness cooperation.

***The criminal justice system is complex with many stages where cases can be dismissed because of evidentiary issues.*** A simplified flow through the criminal justice system starts when law enforcement gathers evidence on a crime, makes an arrest, and the defendant is placed in detention. The Second Judicial District Attorney then initiates prosecution in Metro Court, potentially offering an early plea deal, a defense attorney is assigned, and the court sets the conditions of release from the detention facility. The defendant is placed on pretrial services, which monitor compliance with conditions of release and report violations. The Second

Judicial District Attorney collects initial evidence from police, shares it with the defense, and determines the strength of the case. The Second Judicial District Attorney will then attempt to indict the defendant on the charges that it believes can prove with probable cause to have been committed and may make a plea offer to the defendant based on the strength of the case and the potential penalties faced. If the plea is rejected, the case proceeds to trial, where deadlines are imposed on collecting and sharing further evidence, and additional plea negotiations can commence. If the defendant is found guilty by a jury, they are sentenced by a judge in the case and could be incarcerated or given conditional probation, where they are monitored by the Corrections Department for compliance.

Figure 2 illustrates this process. At each stage, the legal system must operate to ensure the defendant’s rights are protected, that the best interest of justice is served and that those convicted are held accountable. As such, there are places where a case or accountability for a defendant can lead to an outcome other than incarceration, such as case dismissal, diversion, probation, or plea agreement.

**Figure 2. Simplified Felony Process through the Legal System and Where Cases Fall Out 2017-2023**



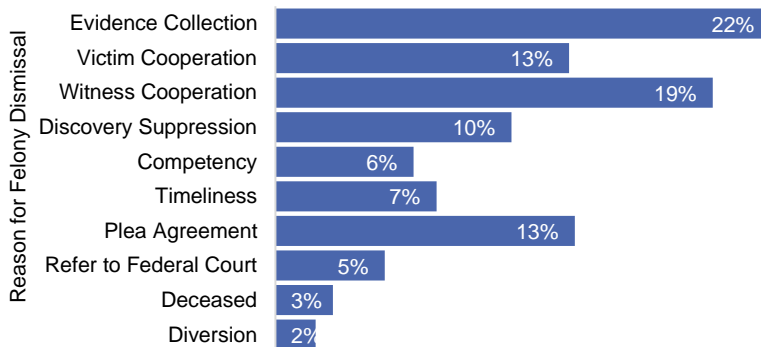
Source: 1. LFC analysis of 2017-2023 Bernalillo County Metropolitan Court data of most recent felony charge of individuals with four or more felony arrests (677); 2. Percent of felony defendants charged with new felony 60 days from prior felony release 2017-2023; 3. LFC analysis of 2017-2023 Second Judicial District Court data of most recent felony charge of individuals with four or more felony arrests (741); 4. Sentencing Commission analysis on FY17 – FY23 NMCD admissions with Bernalillo estimated as percent of total admissions.

**Most felony case dismissals result from issues with evidence collection or victim or witness cooperation.** In order to evaluate how individuals can accrue multiple felony arrests in short periods of time, LFC staff analyzed a random, statistically representative sample of recent felony cases for individuals charged with four or more separate felonies within the Bernalillo County criminal justice system from 2017 to 2023. The LFC identified 677 individuals at the Bernalillo County Metropolitan Court and 741 individuals at the Second Judicial District Court who met this criteria. Based on case disposition, the LFC identified 569 individuals at Metro

Court and 155 individuals at the Second Judicial District Court who had cases dismissed by the court or prosecutor due to reasons of possible evidence collection, victim cooperation, or witness cooperation. Of the Metro Court sample, a representative sample of 230 was selected for analysis. Court records detailed varying reasons why individuals cycled through the system with such frequency, with varying levels of accountability.

Staff further analyzed the reasons for case dismissals throughout the sample by three categories: evidence collection, victim cooperation, witness cooperation, discovery suppression, and other reasons. For additional information on the methodology LFC staff utilized to code cases, see Appendix A. Chart 27 illustrates how these reasons were distributed among cases that were not indicted or convicted in the sample. Evidence collection was one of the primary reasons why cases were not indicted or convicted in 22 percent of cases. Victim or witness cooperation led to dismissal in 32 percent of cases. Specifically, lack of cooperation from witnesses, including police officers not being present, was a factor in 19 percent of cases. In comparison, victims’ lack of cooperation was a factor in 13 percent of cases.

**Chart 24. Reasons for Any Felony Charge Dismissed in the Sample (n = 385)**



Source: LFC Analysis of AOC Odyssey data, MDC data, Second Judicial District Court data

**Competency evaluations are delayed due to an insufficient number of qualified and certified health evaluators.**

Although only a small portion (2 percent) of felony cases are dismissed due to competency each year, this is a high-needs population. When defendants are found incompetent, their cases are dismissed unless they are evaluated by certified personnel and found dangerous. The state’s ability to fully reach and treat these individuals is hindered by a shortage of qualified behavioral health practitioners.

**Only 2 percent of cases are dismissed due to competency each year.**

***Two percent of all felony cases are dismissed because the defendant is ruled incompetent. In comparison, 8 percent of cases involving***

***individuals with four or more felonies are dismissed for this reason.***

At Bernalillo Metropolitan Court, 512 out of 25 thousand felony cases (2 percent) were dismissed due to incompetency, involving 294 individuals (1.6 percent of all charged). From 2017 to 2023, 51 cases (7.5 percent) involving individuals with four or more felony charges were dismissed due to incompetency, compared to 4 percent from 2011 to 2017. During the same period, there were 4,644 cases involving 1,916 individuals where competency was raised, with two-thirds of these individuals ruled incompetent. Of these, about one-third were for violent offenses, one-third involved individuals identified as "familiar faces," and one-tenth involved "familiar faces" with violent offense charges.

Competency determination is an extensive and complex process, involving at least two state statutes and related rules. Generally, whenever a defendant's competency to proceed in a criminal case is questioned, case proceedings are suspended, and the defendant is given an evaluation by a certified professional with the findings subsequently reported to the court. The court then holds a hearing to issue a ruling on the defendant's competency and, when the defendant is ruled incompetent, dangerousness. Dangerousness has a statutory definition that the court is required to apply. If there is no finding of dangerousness, the case is dismissed, and the district attorney may seek involuntary commitment under the Mental Health and Developmental Disabilities Code. The defendant may be held for a limited period of time in order for the district attorney to commence those proceedings.

If there is a finding of dangerousness, the options moving forward are varied and depend on the likelihood that the defendant may be restored to competency with treatment. Those amenable to treatment may be held in a secure facility and provided treatment until competency is restored, at which point a trial may commence. Those who are not amenable to treatment or who, after a period of treatment, are determined not to be making progress toward competency may, for certain offenses, be detained in a secure Department of Health facility for a period of time equal to the maximum sentence which they would have been subjected if convicted. If a defendant is ruled incompetent but not ruled dangerous under the statutory definition, the individual cannot legally stand trial for the charges. In these circumstances, the law permits the Department of Health to seek involuntary civil commitment, a cumbersome statutory process.

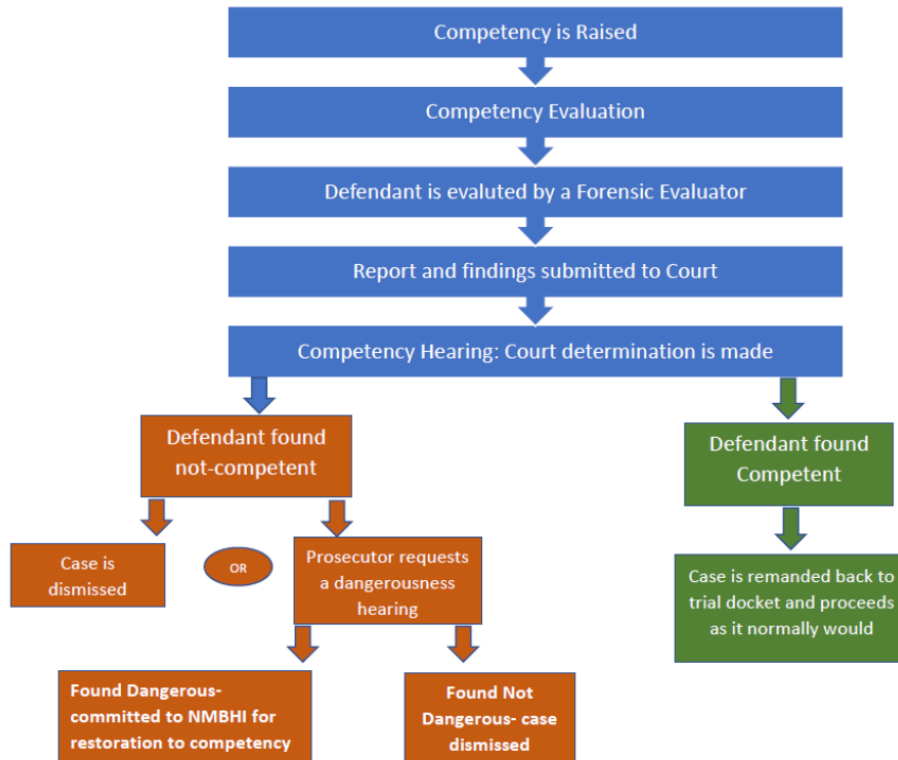
**Recent Legislation has Proposed Reforms to the Competency System**

Legislation proposed during the 2024 regular legislative session (House Bill 233 and Senate Bill 16) would have:

- Required courts to conduct hearings determining competency and dangerousness on the same day in felony cases,
- Required courts to order treatment and potential detainment for defendants found incompetent and dangerous,
- Allowed the state, a defendant's family, healthcare provider, or district court to refer the defendant for an assessment for potential civil commitment.

Agency analysis of the proposed legislation noted the lack of behavioral health providers to treat incompetent defendants across New Mexico. The proposed legislation did not pass during the 2024 legislative session.

**Figure 3. Felony Competency Process**



Source: Presentation to Crime and Criminal Justice Committee

***A competency evaluation for a defendant can take an average of about one to three months to be seen by an evaluator if the defendant is in custody and 6 months to over a year if the defendant is out of custody.***

The evaluator’s report can take an additional 30 days to prepare and submit to the court following an evaluation. Stakeholders informed LFC staff that New Mexico has a shortage of qualified certified evaluators, which can lead to further delays in completing competency evaluations. LFC has previously reported on the state’s shortage of behavioral health providers. The state currently has approximately 22 certified competency evaluators operating on a contract basis.

***New Mexico’s Behavioral Health Institute operates below full capacity.***

New Mexico Behavioral Health Institute in Las Vegas is the only public psychiatric hospital in the state. The hospital provides adult psychiatric services, serving approximately one thousand admissions annually. There are 88 beds designated for forensic patients, individuals in custody mandated for treatment by a criminal or civil court, which average 67 percent utilization. These data indicate that defendants found to be incompetent and dangerous do not appear to be limited by the capacity to receive services, but instead are limited by the number of qualified behavioral health providers certified to provide competency and dangerousness evaluations.



## Programs to Divert Low-Level Offenders Are Limited or Underutilized

There are various points in the criminal justice system where agencies can “intercept” offenders and connect them with services and treatment, which are part of a framework called the Sequential Intercept Model (SIM). The SIM helps communities identify resources and gaps in services at each intercept and develop local strategic action plans. The SIM mapping process brings together leaders and different agencies and systems to work together to identify strategies to divert people with mental and substance use disorders away from the justice system into treatment. The SIM identifies six potential points in the criminal justice system where individuals can be diverted, including community services, law enforcement, initial court hearings and initial detention, courts and jails, reentry, and community corrections.

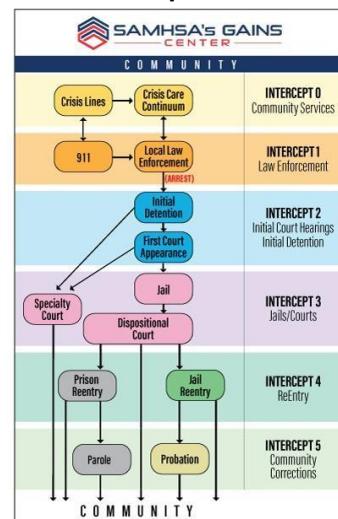
In Bernalillo County, the Albuquerque Community Safety Department (ACS) and programs like Bernalillo County’s Law Enforcement Assisted Diversion (LEAD) represent municipal level resources available at the law enforcement intercept level. Pre-prosecution diversion programs represent resources available during initial detention and court hearings. Programs such as medication-assisted treatment at the Metropolitan Detention Center represent a resource in the jails to provide treatment. To enhance the justice system's ability to identify potential resources and treatment options for individuals on pretrial release while balancing the need for public safety, the Legislature could consider adopting a comprehensive framework for statewide pretrial services, aligned with national best practices. For additional information regarding the SIM, see Appendix B.

### Law enforcement diversion programs are promising but need reporting on impacts to the criminal justice system.

Law enforcement are often the first responders in criminal complaints or calls for service for individuals experiencing homelessness, mental health issues, or substance use disorders. ACS and Bernalillo County’s LEAD program represent opportunities at the law enforcement intercept level to divert those individuals to treatment or service resources. Although these efforts are promising, the use of LEAD is underutilized and further reporting on outcomes and impacts is needed.

***The Albuquerque Community Safety Department diverts five percent of APD’s call volume, but impacts on subsequent criminal justice system involvement are not yet known.*** ACS launched in September of 2021 to respond to emergency nonmedical calls not believed to involve

Figure 4. Sequential Intercept Model



Source: SAMHSA

violence or the threat of violence. Dispatchers route calls for disturbances, issues involving mental health or homelessness, possible suicides, welfare checks, and other calls believed to be nonviolent and nonmedical to the department. In the first two years, the department received nearly 50 thousand calls for service, of which 28 thousand were directly diverted from law enforcement. The department is currently diverting approximately five percent of APD's call volume. Half of ACS's responses result in an informational referral and one in six calls result in a transport or warm handoff to a service provider. ACS should monitor and report on the department's impact on those individuals served and whether there has been a reduction in subsequent criminal justice system interaction.

***Bernalillo County's Law Enforcement Assisted Diversion (LEAD) program is an evidence-based strategy to divert low-level offenders to treatment, but updated performance outcomes should be reported.***

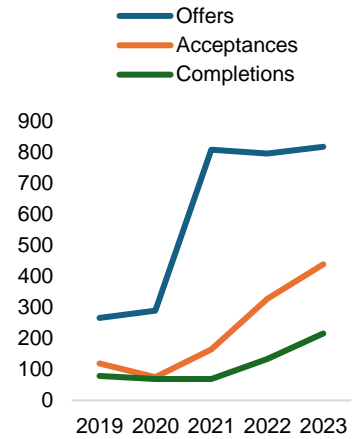
Bernalillo County's LEAD program, a collaborative effort between APD, BCSO, and the Behavioral Health Initiative, launched in 2019 with the goal of diverting low-level offenders to services and treatment for drug, mental health, or physical health issues rather than arresting and jailing them. When the LFC last reported on the LEAD program in 2022, the program only had two case managers, just two officers making referrals, and had referred less than one hundred individuals to services since its inception. The University of New Mexico's Institute for Social Research (UNM ISR) reported in 2023 the LEAD program has encountered difficulties in low volume of contact between participants and case managers compared to the program in other states, and there have been 511 referrals through LEAD with 206 participants since 2021. UNM ISR concluded that there was not enough data to determine if the program had been effective at improving outcomes due to low referral and enrollment. Evaluations of LEAD programs elsewhere in the U.S. have found reductions of recidivism among participants as well as improved housing and employment outcomes. The Bernalillo County LEAD program should publicly report updated performance measures and outcomes.

**More individuals are diverted through pre-prosecution diversion, but participation in treatment courts remains below pre-pandemic levels.**

Pre-prosecution diversion programs and treatment courts provide opportunities to justice-involved individuals who might be experiencing mental and substance use disorders treatment services and resources prior to prosecution. Defendants are not accepting offers of pre-prosecution diversion programs. Although the Legislature has prioritized treatment courts in recent years, treatment court participation remains below pre-pandemic levels. Additionally, having substance use treatment options for individuals in jail awaiting their first court appearance or trial can help address root causes of crime and prevent recidivism.

**Prosecutorial offers to diversion are increasing in the Second Judicial District Attorney’s Office, but acceptances and completions have lagged.** At the Second Judicial District Attorney’s Office, pre-prosecution diversion redirects participants into treatment if they are deemed low-level non-violent offenders. Pre-prosecution diversion programs in New Mexico intervene before formal charges are filed, offering first-time or non-violent offenders the chance to avoid prosecution by completing specific program requirements under prosecutorial oversight. Failure to complete diversion programs may lead to prosecution. Offers, acceptances, and completions for pre-prosecution diversion have increased every year since 2020. The office enrolled 440 participants in 2023, with half the participants completing the program. However, only about half of defendants accept offers for pre-prosecution diversion options.

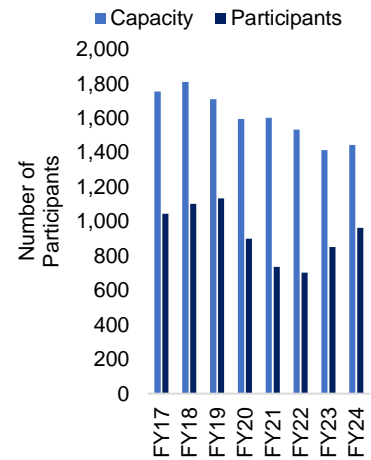
**Chart 25. Pre-Prosecution Diversion Outcomes (2019-2023)**



Source: Second Judicial District Attorney’s Office

**Treatment courts offer a diversion option from traditional sentencing and can produce better outcomes for certain populations, but outcomes providing alternatives to incarceration and reducing jail overcrowding are unknown.** Treatment courts, such as drug or mental health courts, operate post-charge and involve intensive supervision and structured treatment overseen by a judge and a multidisciplinary team. Failure in treatment courts can result in traditional sentencing. In recent years, the Legislature has prioritized treatment courts as evidence-based interventions. The 2018 LFC evaluation on the criminal justice system in Bernalillo County noted treatment courts can produce better outcomes for select criminal justice-involved populations by addressing some of the root causes of crime and avoid costly incarceration. For behavioral health, the Legislature budgeted \$1.1 billion for collaborative healthcare agencies to spend in FY25. In addition to recurring operating budgets for the treatment courts, the Legislature has invested \$2.6 million since FY21 in treatment court programs across nine judicial districts through crime reduction grants administered by the New Mexico Sentencing Commission (NMSC). NMSC should report to the LFC on the outcomes of its investments through the crime reduction grants, particularly for the treatment courts, which attempt to provide alternatives to incarceration and reduce jail overcrowding.

**Chart 26. Statewide Treatment Court Capacity and Participation**



Source: LFC analysis of court data

**Statewide treatment court participation was rising prior to FY20 but then fell for several years during the pandemic.** Although statewide treatment court participation showed signs of growth in FY23 and FY24, treatment court participation and capacity remain below pre-pandemic levels as of the third quarter of FY24. Furthermore, treatment court capacity has steadily declined over the past several years because the courts initially overestimated their capacity. Although treatment court capacity has declined, budgets for their programs have not. The Administrative Office of the Courts (AOC) should report to the LFC on projected budgets based on treatment court’s utilization and operational needs. In Bernalillo County, treatment court participation decreased by 98 participants, or 30 percent,

from FY19 to FY24, while treatment court capacity decreased by 267 participants, or 53 percent. However, in the third quarter of FY24, the Second Judicial Court reported that both the adult treatment court and young adult treatment court were overcapacity by 20 individuals, while other treatment courts remained underutilized. Wait times for treatment courts already at capacity in the Second Judicial District are up to four months in 2023, potentially delaying services for these individuals. These data indicate New Mexico and Bernalillo County could expand capacity and prioritize increasing participation in evidence-based treatment courts to reduce wait times.

***Efforts at MDC to fully implement a MAT program are ongoing, and implementation is still ramping up.*** For those individuals with substance use disorders who spend time in jail while awaiting their first court appearance or trial, having access to comprehensive substance use treatment could be important to addressing root causes of crime and prevent recidivism. MDC is currently working towards establishing a seven-day-a-week addiction medicine program. Metrics to track the program's success, such as the number of inmates returning to the facility and making it to their first appointments post-discharge, are being developed, with plans to start data tracking in the fall. Currently, Bernalillo County is in the process of expanding provider capacity and refining the discharge planning process to ensure seamless transitions for inmates into community services.

## **Bail reform shows signs of success, with few defendants on pretrial release reoffending and a higher rate of pretrial detention motions being granted.**

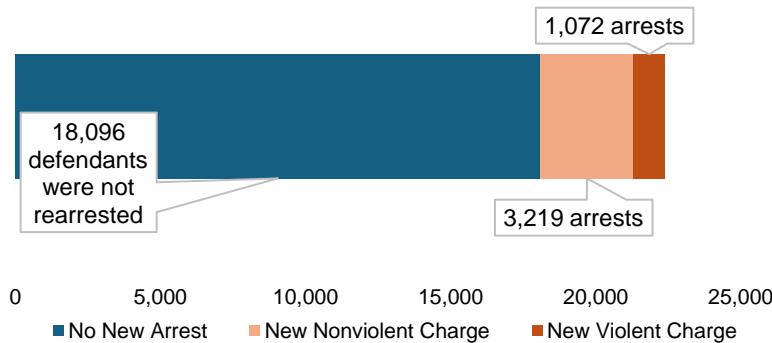
In 2016, New Mexico voters approved a constitutional amendment regarding bail reform, requiring prosecutors to file motions to detain accused offenders before trial. Over 80 percent of defendants released into the community prior to trial do not commit new crimes. In recent years, prosecutors have been more successful at filing motions to detain defendants who could be dangerous to the community. These trends substantiate New Mexico's use of validated risk assessment tools but could benefit from additional data transparency.

***Today's bail reforms seek to base pretrial detention on individual defendants' risk to the community.*** After voters approved a constitutional amendment in 2016, defendants are only eligible for detention if they are accused of a felony and if a prosecutor files a motion for pre-trial detention. Judges consider the nature of the current offense, the strength of evidence against the defendant, the defendant's criminal history and ability to comply with conditions of release, the likelihood that pretrial supervision can mitigate any public safety risk a defendant poses, and the results of risk assessments, among other factors. Judges in the Second Judicial District utilize an empirical risk assessment tool called the public safety assessment

(PSA) that helps identify defendants at high risk for committing new crimes and missing court dates as one of the factors in their decision-making. Although eliminating all risk from a system is impossible, pretrial release systems, such as the one implemented in the Second Judicial District, must balance public safety protection with civil liberties enshrined in the U.S. Constitution.

***New arrests of defendants on pretrial release represent a small fraction of overall crime reported in Bernalillo County.*** In 2021, the Institute for Social Research (ISR) at the University of New Mexico released the results of the first outcomes analysis of bail and pretrial release reforms in Bernalillo County. An updated analysis in 2024 by ISR found similar results. Of those defendants released pending trial, 80.8 percent picked up no new charges while on pretrial release, 14.4 percent were arrested on a new non-violent charge, and 4.8 percent were arrested on a new violent charge. These outcomes are comparable to other jurisdictions using validated risk assessment tools to inform pretrial release and supervision. While low clearance rates could mean more crimes than arrests are occurring, the outcomes among pretrial defendants in Bernalillo County have remained consistent across several ISR studies.

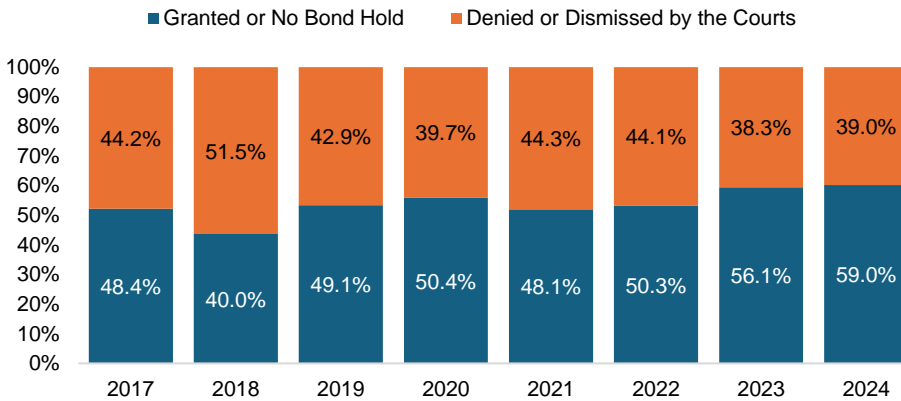
**Chart 27. 81 Percent of Defendants on Pretrial Release in Bernalillo County Do Not Pick Up New Charges, 2017 - 2023**



Source: UNM Institute of Social Research

***The rate of pretrial detention motions granted has increased in the past two years.*** For a judge to grant a pretrial detention motion, the prosecutor must prove by “clear and convincing evidence” that the defendant is dangerous and that no conditions of release can ensure the safety of the community or any individual. “Clear and convincing evidence” is a high legal standard. So far in 2024, 59 percent of pretrial detention motions have been granted out of nearly 400 motions. In 2023, 56 percent of pretrial detention motions were granted. Prior to 2023, the rate of pretrial detention motions granted was under 50 percent.

**Chart 28. Ratio of Preventive Detention Motions Granted and Dismissed**



Source: UNM Institute of Social Research

**The New Mexico Supreme Court issued rules for re-offenders of certain offenses to remain in custody prior to trial.** In May 2024, the New Mexico Supreme Court issued rule changes that call for defendants with a pending felony or certain misdemeanors who are arrested again on new felony counts or certain misdemeanors (including DWI, negligent use of a gun, aggravated battery, stalking, and domestic violence) to remain in custody until a judge in the initial case decides whether to modify or revoke their conditions of release. The revised rules include other changes, including removing an option for judges to require mental health or addiction treatment as a condition of release from jail and prohibiting judges from using the results of a “public safety assessment,” which measures prior violent convictions and failures to appear in court, to decide whether someone is released or kept in custody until their trial.

**To enhance the justice system's fairness and efficiency, New Mexico's Legislature and Judiciary should consider adopting a comprehensive framework for statewide pretrial services, aligned with national best practices.** Key components should include the implementation of validated and transparent risk assessment tools to inform release decisions, the development of tailored pretrial services such as supervision tailored to individual risk and needs, and the provision of necessary mental health and substance abuse treatments. The statutory framework should also focus on fostering collaboration among courts, law enforcement, public defenders, and community organizations, along with comprehensive training on pretrial processes for each involved agency. Additionally, any framework should establish robust mechanisms for ongoing data collection and analysis to assess the program's effectiveness and facilitate necessary adjustments on an ongoing basis.

**Research indicates best practice is for judges to utilize a validated risk assessment tool as a factor in their decision-making to detain accused offenders prior to trial.** Many states have begun to implement

statutory frameworks for the use of pretrial risk and needs assessment tools. Research on pretrial services best practices have, in recent years, coalesced around a handful of best practices and guidelines to ensure a successful pretrial services program. A pretrial services program should provide a pretrial risk assessment for all defendants detained in custody in a correctional facility following arrest and for any defendant for whom the prosecution requests a pretrial risk assessment.

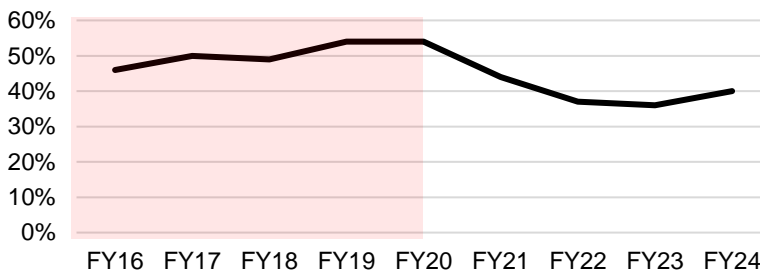
***Pretrial detention processes in the Second Judicial District rely on an offender risk assessment tool, which has been validated, but could be more transparent.*** In selecting a pretrial risk assessment tool, the pretrial services program should ensure risk assessment methodologies, data sources, and algorithms are empirically validated to the pretrial population of New Mexico. The program should require regular validation of any pretrial tool and evidence-based instruments. Although the pretrial risk assessment tool has been previously validated by the University of New Mexico's Institute for Social Research, which is in the process of validating the tool again, AOC should publicly report on aggregate data regarding release decisions and outcomes. AOC should work with each judicial district court to establish pretrial programs in all judicial districts that reflect these best practices.

## Recent Increases in Recidivism Suggest the Need for Improved Treatment and Reentry Services

Every year, the New Mexico Corrections Department (NMCD) releases around 3,000 offenders into communities statewide, of which approximately 1,200 are expected to recidivate within three years. Reducing the rate at which these offenders commit new crimes is crucial to improving public safety and is one of the most important metrics of NMCD’s performance. Recent increases in overall recidivism and recidivism by participants in specific addiction recovery programs, as well as varied outcomes on NMCD reentry programs, point to a need for improved treatment and reentry outcomes.

***New Mexico’s three-year recidivism rate recently increased, reversing a multiyear downward trend.*** As of the second quarter of FY24, the three-year recidivism rate at NMCD is currently at 40 percent. This marks a 4 percent increase from the recidivism rate reported in FY23. This increase reverses a downward trend in recidivism rates reported from FY20 to FY23. New Mexico was one of a few states whose recidivism rates increased since 2008. New Mexico’s recidivism rate in 2022 was the fourth highest in the nation and remained above the national average of 27 percent.

**Chart 29. Percent of Prisoners Reincarcerated within 36 months (Total/Avg)**



\*NMCD has reported overall recidivism was calculated incorrectly between FY16 and FY20 but has not provided corrected numbers.

Source: NMCD and LFC

***NMCD is not fully implementing a validated inmate risk assessment tool to identify correctional needs, which would help reduce recidivism.*** The U.S. Government Accountability Office reports that effectively reducing recidivism begins with a validated risk and needs assessment tool and includes targeted programming to ensure that individuals receive the necessary treatment to successfully reenter society. Evidence-based recidivism reduction strategies are a key focus at both the



national and state policy levels. In 2020, the LFC produced a report on inmate classification and found that inmates are frequently placed in higher security levels than indicated by the NMCD's inmate classification tool. A 2024 report by the University of New Mexico's Institute for Social Research corroborated these findings when validating NMCD's inmate classification practices between 2015-2021. Both reports indicate that NMCD is not fully implementing evidence-based practices in its daily operations. This includes the proper reporting of performance metrics.

***The reporting of performance metrics on transitional housing services and reentry services must be improved by NMCD.*** Since FY21, the Legislature made significant investments in programs like transitional housing and reentry services to support offenders' reintegration into society and reduce recidivism. These investments include expanding housing options, providing comprehensive support services, and enhancing job training and educational opportunities for individuals transitioning out of the correctional system. However, reporting on the success of these investments has been sparse. The New Mexico Corrections Department implemented a pilot program providing extended financial and residential support to inmates on parole or dual supervision in Clovis and Las Cruces. The program included immediate therapeutic services, housing, and essential needs upon release. Despite some success in employment and treatment engagement, many participants recidivated, leading to recommendations by NMCD for shorter-term financial support and enhanced therapeutic interventions to foster independence and reduce substance use. NMCD should implement Medicaid-approved transitional services and report on outcomes to the LFC.

***NMCD operates a variety of reentry programs with varied completion rates, with some increasing recidivism rates, indicating room for improving reentry program performance.*** As of FY23, NMCD had 34 programs geared toward successful reentry. Of these programs, 18 were defined as evidence-based, 15 were defined as research-based, and one was defined as promising. In total, the programs cost NMCD \$12.9 million to operate. Reentry programs focused on a wide range of topics, including domestic violence prevention, behavioral and mental health, substance abuse, and vocational training. Reentry program completion rates vary from a low of 25 percent to a high of 100 percent. Completion rates may vary due to program design, resource availability, and individual motivation. High completion rates signify successful engagement and benefit, while low rates may indicate barriers hindering individuals.

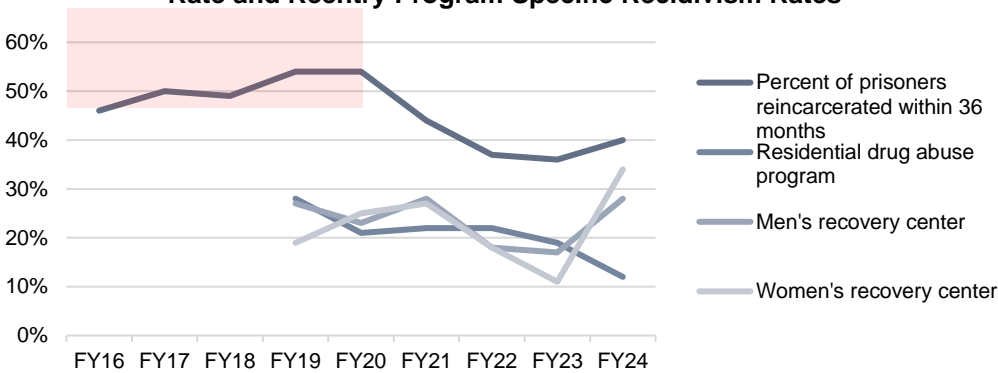
**NMCD is experiencing a program and service shortage despite major investments**

"When discussing programming and services, participants often mentioned the shortage of resources across all facilities and how this ultimately impacted inmate placement."

"Participants in all focus groups expressed a need for more programming and services at all facilities. They noted that if more programming and services were available at all custody levels, the NMCD would not need to use mandatory overrides for mental health and medical restrictions which currently override inmates to higher custody levels because necessary services are not available in some lower-level facilities. The lack of programming and services was discussed as a factor related to mandatory overrides."

Source: UNM Institute of Social Research

**Chart 30. Statewide Three-Year Recidivism Rate and Reentry Program Specific Recidivism Rates**



Note. NMCD has reported overall recidivism was calculated incorrectly between FY16 and FY20 but has not provided corrected numbers.  
Source: NMCD and LFC

**Expanding access to behavioral health coverage and substance abuse treatment is key to addressing recidivism.** Of the incarcerated population, 59 percent are dealing with a mental health disorder, and 65 percent are dealing with a substance use disorder. Strategies aimed at reducing recidivism include expanding Medicaid coverage to inmates' and ensuring medication assisted treatment (MAT) is available pre-release. Regarding Medicaid coverage, the Healthcare Authority should seek a Medicaid state plan amendment to allow for Medicaid coverage 90 days prior to the release of incarcerated individuals, allowing for a smoother transition into services. To expand MAT access, the Legislature should consider authorizing the pharmacy board and DOH to require pharmacies in high-need communities to make MAT available. These strategies should be paired with successful recidivism-reduction programs at NMCD to promote offenders' successful reentry into society.

Strategies to address behavioral health and substance use disorder in the incarcerated population include:

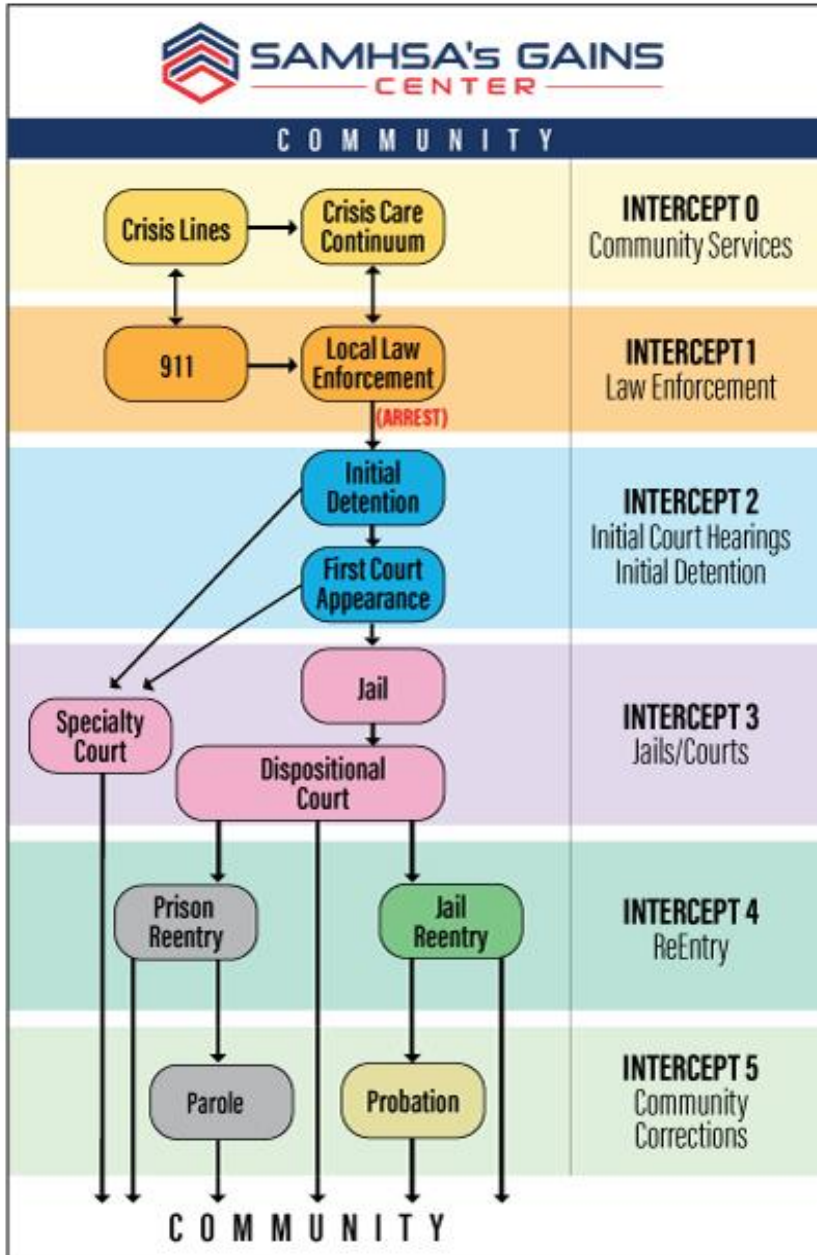
- Expanding access to Medicaid post-release
- Expanding access to MAT pre-release
- Ensure that NMCD is continuously implementing successful recidivism-reducing programs

## Appendix A. LFC Methodology for Case Disposition Review

Dismissals were counted for every felony case introduced into the system at the Metro Court level onward. The exact reason for case dismissals is not always explicitly stated in the court records were available for analysis, so staff developed a categorization rubric. Generally, if records indicate the prosecutor dismissed cases immediately or “in the best interest of justice”, or declined to proceed with prosecution, it was assumed this was due to a lack of evidence that a crime could be proved to have occurred. If domestic and family violence crimes were dismissed or hearings were not held because witnesses did not appear to testify, it was assumed this was due to a lack of victim or witness cooperation. If the defense filed successful discovery suppression motions or cases were dismissed on technicalities caused by database communication issues, it was assumed this was caused by discovery issues resulting in suppression. These estimates may miscategorize the actual reason for case dismissals. For instance, there may not be evidence or victims or witnesses may not be cooperative because a crime was not committed. However, documents made available for this analysis do not explicitly capture this information and so simplified estimates are necessary for process analysis.

## Appendix B. SAMHSA's Sequential Intercept Model

Figure 4. Sequential Intercept Model



Source: SAMHSA

The Sequential Intercept Model (SIM) details how individuals with mental and substance use disorders come into contact with and move through the criminal justice system. The SIM helps communities identify resources and gaps in services at each intercept and develop local strategic action plans.

The SIM mapping process brings together leaders and different agencies and systems to work together to identify strategies to divert people with mental and substance use disorders away from the justice system into treatment. The SIM identifies six potential points in the criminal justice system where individuals can be diverted, including community services, law enforcement, initial court hearings and initial detention, courts and jails, reentry, and community corrections:

***Intercept 0: Community Services.*** Involves opportunities to divert people into local crisis care services. Resources are available without requiring people in crisis to call 911, but sometimes 911 and law enforcement are the only resources available. Connects people with treatment or services instead of arresting or charging them with a crime.

***Intercept 1: Law Enforcement.*** Involves diversion by law enforcement and other emergency service providers who respond to people experiencing mental and substance use disorders and allows people to be diverted to treatment instead of being arrested or incarcerated.

***Intercept 2: Initial Court Hearings/Initial Detention.*** Involves diversion to community-based treatment by jail clinicians, social workers, or court officials during jail intake, booking, or initial hearing.

***Intercept 3: Jails or Courts.*** Involves diversion to community-based services through jail or court processes and programs after a person has been booked into jail. Includes services to prevent the worsening of a person's illness during their stay in jail or prison.

***Intercept 4: Reentry.*** Involves supported reentry back into the community after incarceration to reduce further justice involvement of people experiencing mental health and substance use disorders. Involves reentry coordinators, peer support staff, or community in-reach to link people with proper mental health and substance use treatment services.

***Intercept 5: Community Corrections.*** Involves community-based criminal justice supervision with added support for people experiencing mental health and substance use disorders to prevent violations or offenses that may result in additional periods of incarceration.