



LFC Newsletter

A publication of the

Legislative Finance Committee

Representative Patricia Lundstrom, Chairwoman

Senator John Arthur Smith, Vice Chairman

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Volume 18 Issue 04

November 2018

From the Chairwoman **Civility**

By the time you read this, New Mexico will have a new governor, among other newly elected officials, and it will be time to set aside the antagonism of the election and get to work.

These are rancorous times. We have become a nation badly and despairingly divided, and elections can bring out the worst in candidates who want to win at all costs. But while running for office requires a certain chutzpah some might find unattractive, the overwhelming majority of your state elected leaders are focused on making New Mexico a better place. Most see themselves as public servants first, and party members second.

Fortunately, local politics are different than national politics, and New Mexico is different than most places. It's hard to demonize a colleague when the small size of the New Mexico House and Senate means you are going to cross paths every day and you probably know the colleague's family. It's hard to lie to or ignore your constituents when they're the neighbors you see 10 or 11 months a year.

That's not to say legislators will always agree on what's best for New Mexico or how to accomplish it. We will definitely disagree, even within our own political parties – intra-party disagreement is part of why Congress got little done in the last two years, even though Republicans controlled the House, Senate, and White House.

Indeed, the legislative process is often ugly – likened to making sausage. But it is because of, not despite, the disagreement that the legislative process works. Balancing the needs of the entrepreneur from Albuquerque, the rancher from Clayton, the oil man from Hobbs, and the environmentalist from Santa Fe is what gets us to real solutions for real New Mexicans.

I've touted the effective collaboration of the LFC in the past, but that ability to work together when you agree and even when you disagree, to be respectful despite differences, largely extends to the rest of the Legislature.

As we look forward to the next legislative session with a new administration and a new mix of legislators – and thankfully put the onslaught of campaign ads and political pleas for donations behind us at least for a while – I have no doubt more than one legislative day will be marked by passionate argument. I am equally confident we will find common ground.

Representative Patricia Lundstrom
Chairwoman

Reforms Need Oversight

New spending on the state's criminal justice system means reforms, slowed by several years of budget shortfalls, are starting to move forward, but policymakers need to make sure the reforms are effective, an LFC staff report says.

In an analysis of the state's criminal justice system being prepared for the committee's multivolume annual recommendation to the Legislature, staff report state lawmakers should take steps to measure activity in the criminal justice system to ensure investments in the system pay off through lower costs and reduced crime.

The criminal justice agencies will present their budget requests to the committee in separate hearings on November 13, 15, and 16.

For FY20, district attorneys have asked for an average 17.4 percent increase in revenue from the general fund, or \$12.7 million more than they will receive this budget year. The courts have asked for \$9 million more, or 5.3 percent, and the Public Defender Department has asked for \$10.3 million more, or a 19.8 percent increase.

All three received significant increases this year.

Staff analysis finds the courts, district attorneys, and public defenders con-

tinue to struggle with implementing reforms already in place.

The case management order issued by the state Supreme Court, which requires that felony criminal cases be completed within a certain time period, has helped reduce a 2,600-case backlog in the district court in Bernalillo County, and the time that defendants in that court wait for disposition has been cut in half. However, the district attorney's backlog has grown to 8,000 cases since the order went into effect in 2015 and both the district attorney and public defender offices say the order has increased their workloads.

The LFC report notes quick disposition of cases can reduce crime by increasing the certainty of prosecution and sentencing.

The process for who can be held prior to trial, authority granted in a constitutional amendment adopted by voters in 2016, also could be improved, the report says. The amendment prohibits the holding of defendants who are not dangerous or a flight risk solely because they can't afford bail and allows holding dangerous inmates before trial.

The courts and counties should work together on services for released defendants to improve both public safety and fair treatment of the accused.

Revocations Push Prison Population Up

Nationally, prison populations have been dropping, but the number of inmates in New Mexico prisons continues to grow, partly because drug-related parole revocations are driving high recidivism rates, an LFC report says.

A program evaluation released in October, [*Corrections Department – Status of Programs to Reduce Recidivism and Oversight of Medical Services*](#), says the total U.S. prison population decreased by 7 percent between 2009 and 2016 while the population in New Mexico increased by 14 percent.

New Mexico's recidivism rate has grown 11 percent since 2010, even though the Corrections Department has implemented best practices in assessing inmate risk and halved the number of inmates serving parole in prisons because of unapproved parole plans.

In FY18, half of inmates released in the prior three years were back in

prison.

Parole revocations for technical violations related to drug use are behind half the recidivism rate, the report says.

About one-third of all inmates admitted to the Corrections Department are parolees who return because of failed drug tests and missed appointments.

LFC staff estimate those inmates cost the state \$40 million a year more than if the inmates were in community programs.

The evaluation also notes that New Mexico could release more inmates on medical and geriatric parole and save money on the costs of providing them care inside the prison.

The Corrections Department should track if and how parolees are meeting their needs with community services and implement programs to reduce recidivism, the program evaluation concludes.

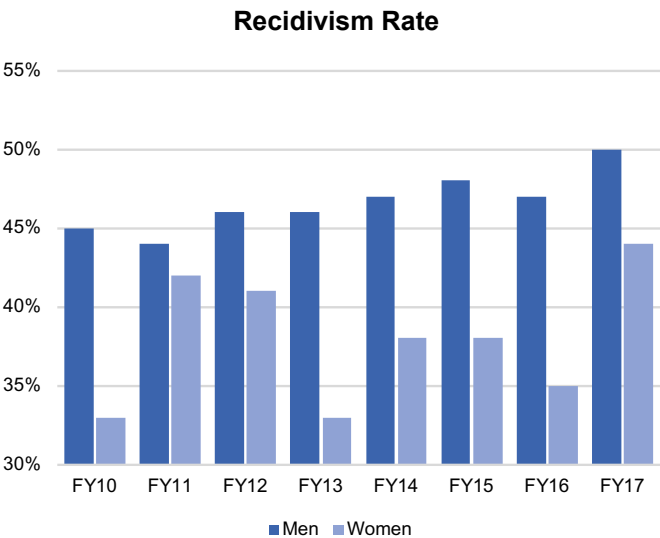
Recidivism Rates Climb

Recidivism rates for men – the share of inmates released from state prisons who return within three years – topped 50 percent in FY17 for the first time in a decade, an LFC report says.

The [program evaluation](#) on the Corrections Department reports the 5 percentage point increase in the recidivism rate for men since FY10 represents about \$6 million in additional costs.

The recidivism rate for women increased from 33 percent to 44 percent over the same period, although the lower number of women inmates means additional costs are lower. New Mexico prisons housed an average of 765 women and 7,325 men in FY18.

Those returning to prison represented more than 40 percent of all admission in FY17, the report says.



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Volume 19 Issue 4

Published monthly in the interim by the Legislative Finance Committee.
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On the Table

Employment Tops Prerecession Peak

New Mexico employment in September exceeded pre-recession levels for the first time. The 19,600 jobs gained in September were 2.3 percent over the same month a year ago and continued a trend started in May 2018 with each month having a higher growth rate than the previous month.

Oil Production Up, Price Down

New Mexico’s monthly oil production hit another all-time high in August, with the state producing 20.8 million barrels according to the Oil Conservation Division. However, New Mexico oil prices continued to slump in late October, trading at about \$51 per barrel.

Full Prison Prompts Parole Uptick

The Parole Board has doubled the number of hearings on its parole hearing dockets at both Western New Mexico Correctional Facility and Springer Correctional Center to reduce the number of inmates eligible for release but serving parole in prison. The Attorney General in October notified attorneys in the prisoner-rights court settlement known as the Duran Consent Decree that women at Western are occasionally being held in day rooms, a violation of the decree.

Report Says Care System Creates Problems

A Health Management Associates review of the Aging and Long-Term Services Department finds the Aging Network’s service structure is needlessly complicated and contributes to inconsistent policies, poor oversight, and discontent among providers. The \$51,000 review commissioned by the department recommends reducing the six planning and service areas to no more than three and notes many states use only one.

Staff Shortage Prompts Care Contract

The Corrections Department has entered into a \$2 million emergency contract with MHM Correctional Services to provide behavioral health services to inmates at the Penitentiary of New Mexico and Central New Mexico Correctional Facility. Behavioral health staff vacancies are 70 percent at PNM and 50 percent at CNMCF. The department reports pay for those positions are up to 40 percent below the market.

Transitions

Erin Thompson, Workforce Solutions Department acting secretary, resigned effective October 19. A designee has not been named. The Luna Community College Board of Trustees named Bruce Moses as the next president. Moses is currently a vice chancellor at Pima County Community College District in Tucson.

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