

# **Putting The Pieces Together to Solve New Mexico's Behavioral Health Crisis**

## **A Comprehensive Approach to Creating a New, & More Effective Mental Health/Behavioral Health Court System in New Mexico**

By

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Slides & background data from NM Legislative Finance Committee, the  
Miami-Dade County, Florida Eleventh Judicial Circuit Criminal Mental Health  
Project, NM DOH, US World & News Report

# How Can NM Adopt a Florida Post-Diversion Mental Health Program into our Existing Behavioral Health Court Structure?

## Current order and statute guiding operation of Preprosecution Diversion Courts are:

- 1) Supreme Court Order #21-8500-002  
Treatment Court Standards- drug court
- 2) State Statute 31-16A-1  
“Preprosecution Diversion Act”

## What we could adopt:

A Post-Prosecution Diversion Mental Health and Drug Court- Modeled after HB439 from Florida Authorizing the creation of treatment-based mental health court programs, providing for eligibility, program requirements, etc. This would allow judges to court order longer residential treatment upon agreement of the judges, clients & DAs.

## **Dade County Combines Resources**

Unlike New Mexico, Dade County uses a treatment center model ...a one-stop shop for resources in a re-modeled jail building...NM communities could re-model existing buildings to house, and treat those with mental illness, and or use existing, underused residential treatment centers for a year of care using a court-ordered, but a 100%, 24/7 patient-peer support-based approach.

### **Cross System Collaboration**

- Judges
- The Court
- Public Defender
- State Attorney
- Law Enforcement
- Consumers and Families
- Department of Corrections
- Mental Health Providers
- Social Security
- Foundations
- DCF

# Post-booking jail diversion program

The CMHP was originally established in 2000 to divert nonviolent misdemeanor defendants with SMI and possible co-occurring substance use disorders, from the criminal justice system into community-based treatment and support services. In 2008, the program was expanded to serve defendants that have been arrested for less serious felonies and other charges as determined appropriate. Post-booking jail diversion programs operated by the CMHP currently serve more than 400 individuals with serious mental illnesses annually. Over the past decade, these programs have facilitated roughly 5,000 diversions of defendants with mental illnesses from the county jail into community-based treatment and support services.



## Clinical Eligibility

- Must be diagnosed with a primary serious mental illness, i.e., schizophrenia (or other psychotic disorders), schizoaffective disorder, bipolar disorder, major depression or PTSD
- Voluntarily agree to mental health or co-occurring treatment and services



## Legal Eligibility

- All misdemeanors (excluding traffic cases)
- Most serious current charge 3rd and some 2nd degree felony (excluding carrying a concealed weapon, child abuse, and aggravated assault with a firearm) with no more than three prior non-violent felony convictions; or
- Individuals with more serious past or present legal involvement may be considered by the SAO for participation on a case-by-case basis
- NOT or NO LONGER adjudicated incompetent to proceed (ITP)



## Program Criteria

- Must be identified as High or Moderate Risk/Need as determined by validated screening tool assessment during intake process
- Voluntarily agree to random Drug Screening as requested

Key Element for Success: Recovery Centers Across the State for residential, one stop services, peer support, counseling, training, education.

## Miami Center for Mental Health and Recovery



Since 2006, the courts have been working with stakeholders from Miami-Dade County on a capital improvement project to develop a first of its kind mental health diversion and treatment facility, known as the Miami Center for Mental Health and Recovery, which will expand the capacity to divert individuals from the county jail into a seamless continuum of comprehensive community-based treatment programs

that leverage local, state, and federal resources. This project, which is funded under the Building Better Communities General Obligation Bond Program, was established to build on the successful work of the CMHP with the goal of creating an effective and cost-efficient alternative treatment setting to which individuals awaiting trial may be diverted.

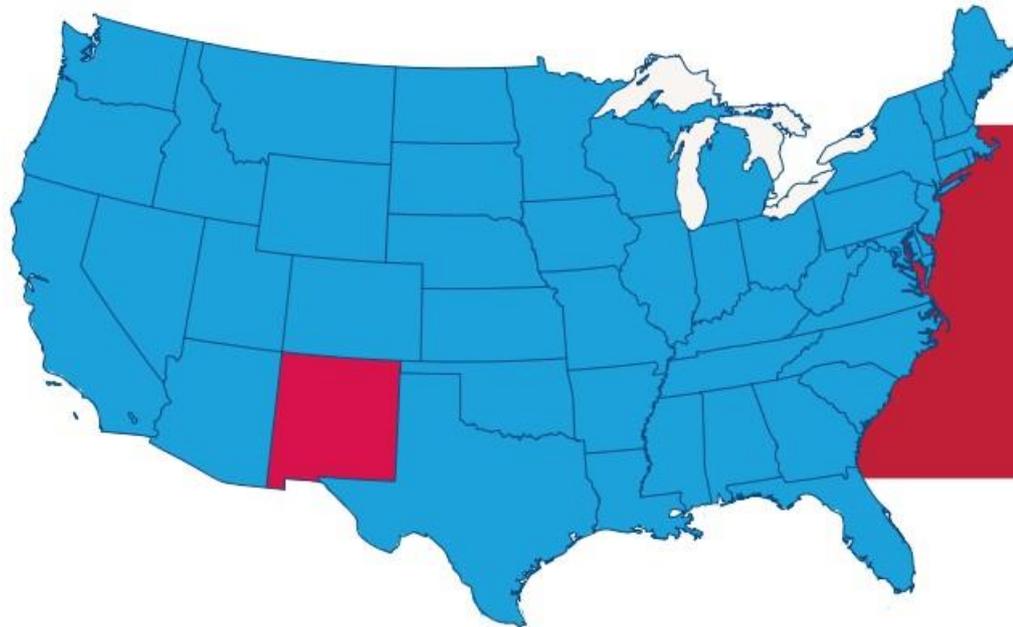
The Center will be housed in a former state forensic facility which has been leased to Miami-Dade County and is in the process of being renovated to include programs operated by community-based treatment and social services providers. Services offered will include crisis stabilization, short-term residential treatment, day treatment and day activities programs, intensive case management, outpatient behavioral health and primary care treatment services, and vocational rehabilitation/supportive employment services. The proposed plan for the facility includes space for the courts and for social service agencies such housing providers, legal services, and immigration services that will address the comprehensive needs of individuals served.



**The vision** for the Center and expansion of the CMHP's diversion programs is to **Create a centralized, coordinated, and seamless continuum of care for individuals who are diverted from the criminal justice system either pre-booking or post-booking.** By housing a comprehensive array of services and supports in one location, it is anticipated that many of the barriers and obstacles to navigating traditional community mental health and social services will be removed, and individuals who are currently recycling through the criminal justice system will be more likely to engage treatment and recovery services. Creation of this facility will also allow for the movement of individuals currently spending extended amounts of time in the county jail into residential treatment programs and supervised outpatient services supported by more sustainable funding sources. It is anticipated that the facility will begin operations in 2022.

# The Stats Are Clear...

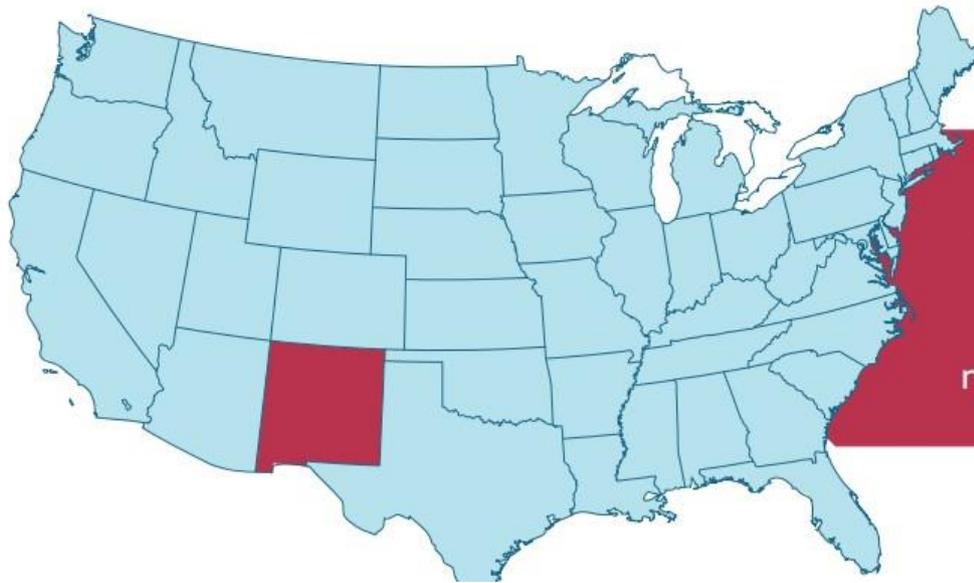
## DRUG OVERDOSE IN NEW MEXICO



New Mexico had the  
**11th\* HIGHEST DRUG OVERDOSE  
DEATH RATE IN THE US** in 2020.

\*rate is based off the CDC ranking and is subject to change as final rates adjust  
(CDC, National Center for Health Statistics site last updated March 1, 2022)

# ALCOHOL USE IN NEW MEXICO



New Mexico has the **HIGHEST** alcohol-related death rate **IN THE NATION**

New Mexico's death rate (86.6 per 100,000 population) in 2020 was more than twice the national rate (41.5 per 100,000 population) in 2020.

-NMDOH

Equivalent to 801 deaths per every 11 hours

# Report Card on Repeat Offenders in New Mexico...is What We are Doing Keeping People Out of Jail & ERS?

According to World Population Review Report:  
Recidivism Rates by State 2022

The three-year recidivism rate for New Mexico is 49.1%

Recidivism is the tendency of a convicted criminal to repeat or reoffend a crime after already receiving punishment or serving their sentence.

According to the National Institute of Justice, almost 44% of criminals released in the US return before the first year out of prison.

Repeat offenses by those unhoused with mental health and co-occurring addictions are even higher due to lack or low use of current residential treatment.

## Criminal Mental Health Project



The Eleventh Judicial Circuit Criminal Mental Health Project (CMHP) was established to divert nonviolent misdemeanor defendants with SMI, or co-occurring SMI and substance use disorders, from the criminal justice system into community-based treatment and support services. Since the inception, the program has expanded to serve defendants that have been arrested for less serious felonies and other charges as determined appropriate. The program operates two components: pre-booking diversion consisting of Crisis Intervention Team (CIT) training for law enforcement officers and post-booking diversion serving individuals booked into the jail and awaiting adjudication. All post-booking participants are provided with individualized transition planning including linkages to community-based treatment and support services.

The CMHP's success and effectiveness depends on the commitment of stakeholders throughout the community. Such cross-system collaboration is essential for the transition from the criminal justice system to the community mental health system. Program operations rely on collaboration among community stakeholders including: the State Attorney's Office, the Public Defender's Office, the Miami-Dade County Department of Corrections and Rehabilitation, the Florida Department of Children and Families, the Social Security Administration, public and private community mental health providers, Jackson Memorial Hospital-Public Health Trust, law enforcement agencies, family members, and mental health consumers.



A Key to Success:  
An evidence based  
model in place for 20  
years, that includes  
both pre and post  
booking programs that  
works effectively to give  
all persons with  
behavioral health issues  
a chance to recover,  
and stay out of jail...

Well accepted by the  
AOC, and our supreme  
court.

# Progress Report

Program Evaluation Unit  
Legislative Finance Committee  
August 26, 2021

## Addressing Substance Use Disorders

### Summary

Additionally, little progress has been made to close one of the most glaring gaps in the treatment system—the criminal justice system. Insufficient access to effective treatment in jails and prisons and to evidence-based diversion programs help to perpetuate cycles of substance abuse and incarceration.

## **Final Recommendation**

- The Legislative Finance Committee in their Aug, 2021 report states that we need to close one the most glaring gaps...to the need for residential treatment, and evidence-based programs such as the Dade County model already approved by the AOC, and supreme court justices...through the behavioral health courts...
- We can all agree...our strong legislators have a clear opportunity to make a lasting improvement in our behavioral health crisis... Thank you for seriously considering adopting a mental health court diversion program bill in the 2023 session.