

COMPETENCY THROUGH A PUBLIC SAFETY LENS

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Las Cruces Police Department



OVERVIEW

This presentation will address the following topics:

- The severity of the problem in Las Cruces and Dona Ana County
- The resources and capacity in Dona Ana County
- The gaps in existing services
- Case examples



THE SEVERITY OF THE PROBLEM



THE SEVERITY OF THE PROBLEM

- The goal of this part of the presentation is to paint an accurate picture of what law enforcement is seeing with respect to people who have been found incompetent.
- I will use data to illustrate the severity of the problem as much as possible.
- Although this information is specific to Las Cruces, I do not believe we are an anomaly.



LAS CRUCES MUNICIPAL COURT

Year	Total Criminal Cases	Cases Dismissed Incompetent	% of Cases
2018	2102	72	3.4%
2019	1696	65	3.8%
2020	1316	180	13.7%
2021	1258	143	11.4%
2022	1405	200	14.2%
2023*	1139	109	9.6%

*2023 is incomplete data. There are defendants still pending competency evaluations.



FENTANYL CRISIS

YEAR	HEROIN SEIZURES	FENTANYL SEIZURES
2013	207.12 grams	0
2014	1,573.38 grams	0
2015	427.73 grams	0
2016	3,602.18 grams	0
2017	1,373.21 grams	0
2018	2,096.03 grams	851 pills



FENTANYL CRISIS

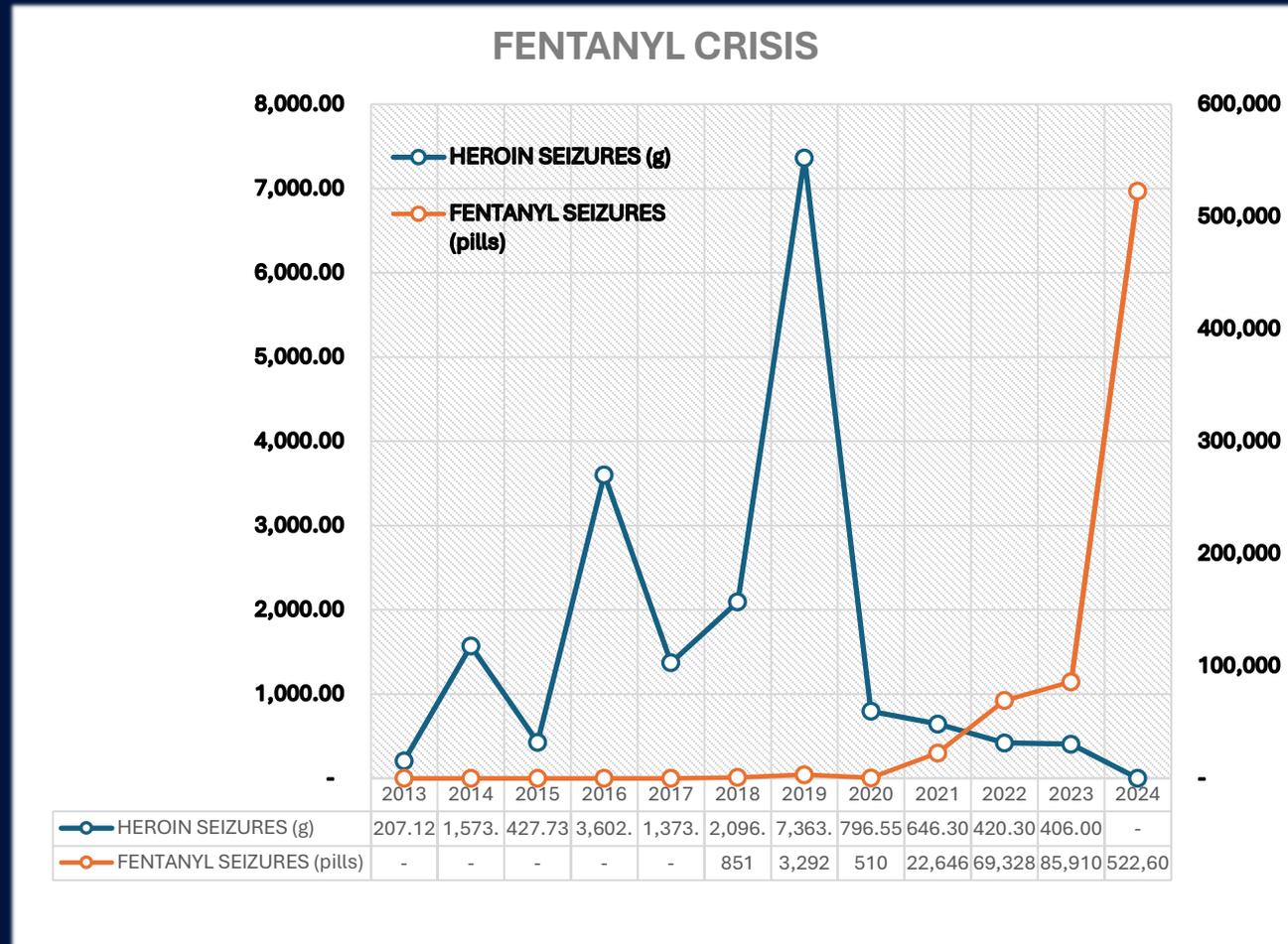
YEAR	HEROIN SEIZURES	FENTANYL SEIZURES
2019	7,363.46 grams	3,292 pills
2020	796.55 grams	510 pills
2021	646.3 grams	22,646 pills
2022	420.3 grams	69,328 pills
2023	406 grams	85,910 pills
2024*	0 grams	522,606 pills**

*Through March 2024

**22,606 pills and 15.3 pounds of fentanyl (approximately 500,000 pills)



FENTANYL CRISIS



TOP FOUR MUNICIPAL COURT DEFENDANTS

Defendant	# of Charges (2021-2023)
Eduardo V.	124
Donald C.	114
Heather C.	61
Juan M.	54

These are only Las Cruces Municipal Court cases.

These people also have cases in the Dona Ana County Magistrate Court and felony cases in district court.



LAS CRUCES MUNICIPAL COURT

Name	2018 Cases	2018 Total Charges	Charges Dismissed for Incompetent	2019 Cases	2019 Total Charges	Charges Dismissed for Incompetent	2020 Cases	2020 Total Charges	Charges Dismissed for Incompetent	2021 Cases	2021 Total Charges	Charges Dismissed for Incompetent	2022 Cases	2022 Total Charges	Charges Dismissed for Incompetent	2023 Cases	2023 Total Charges	Charges Dismissed for Incompetent	2024-March Cases	2024-March Total Charges	Charges Dismissed for Incompetent
Matthew James	0	0	0	0	0	0	0	0	0	1	3	0	0	0	0	0	0	0	0	0	0
Josef Louis	3	4	4	9	12	12	27	29	28	7	7	7	0	0	0	0	0	0	0	0	0
Eric Ray	0	0	0	0	0	0	3	3	0	16	20	0	10	14	0	7	10	0	3	3	0
Aldous	0	0	0	0	0	0	0	0	0	0	0	0	3	3	3	11	13	12	5	5	0
Ana Rut	1	1	0	1	1	0	1	1	0	9	11	0	2	2	0	0	0	0	12	13	0
Heather Lee Couch	0	0	0	5	5	0	4	4	4	14	14	14	22	22	22	16	19	18	0	0	0
Donald James II	0	0	0	3	3	2	11	16	15	16	22	16	30	37	37	6	9	0	0	0	0
Neal Wesley	2	2	0	4	4	0	0	0	0	2	2	0	6	6	0	11	14	0	0	0	0
Stephen Joseph Visnik	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hector Samuel Jr	0	0	0	2	2	0	6	6	6	4	4	3	0	0	0	0	0	0	0	0	0
Miguel A Jr	8	12	0	17	18	0	3	3	0	3	3	0	2	4	0	1	1	0	0	0	0
Richard Charles	3	4	0	0	0	0	17	17	0	4	6	0	2	2	0	5	6	0	1	1	0
Joseph Albert	3	5	0	9	14	0	0	0	0	3	7	0	2	2	0	9	10	0	1	1	0
Frankie Oscar	0	0	0	1	2	0	0	0	0	3	4	0	4	4	0	2	2	0	3	5	0
Juan Carlos	26	30	0	29	33	0	21	22	0	29	34	27	26	32	28	9	9	0	3	3	0
Jonathan Anthony	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	5	7	0	2	2	0
James Ismael	10	10	10	5	7	7	7	7	7	7	8	8	17	21	21	3	3	1	0	0	0
Timothy Francisco	6	11	0	9	9	0	3	3	0	2	2	0	1	2	0	2	4	0	0	0	0
Matthew Jay	10	15	0	10	10	0	0	0	0	3	3	0	5	8	0	0	0	0	0	0	0
Eddie Duran	8	9	9	18	19	4	9	9	8	0	0	0	0	0	0	0	0	0	0	0	0
Justin Dirk	0	0	0	0	0	0	33	37	35	0	0	0	14	20	0	0	0	0	0	0	0
Patrick Rocky	0	0	0	0	0	0	0	0	0	0	0	0	8	0	0	3	3	0	0	0	0
Christopher James Jr	0	0	0	0	0	0	3	4	0	6	6	0	6	7	0	3	6	0	1	1	0
Javier Catarino	0	0	0	0	0	0	1	1	0	0	0	0	1	2	0	0	0	0	0	0	0
Eduardo F Jr	2	3	0	0	0	0	35	43	43	25	32	31	31	44	43	29	33	32	10	13	0
Totals	82	106	23	122	139	25	184	205	146	154	188	106	193	233	154	122	149	63	41	47	0



TOP TEN LCPD OFFENDERS

MUNICIPAL, MAGISTRATE, AND DISTRICT COURT (DONA ANA COUNTY)

Name	2018	2019	2020	2021	2022	2023	Total Arrests	Total Charges
Juan M.	23	25	24	35	36	15	158	211
Eduardo V.	3	1	37	24	42	35	142	209
Logan M.	6	35	32	27	8	6	114	201
Heather C.	1	5	6	15	28	29	84	232
Donald C.	0	3	5	14	28	12	62	220
James P.	13	10	9	5	21	3	61	81
Justin T.	2	0	32	0	21	0	55	81
Neal G.	6	7	2	2	15	18	50	104
Aldous C.	0	0	0	5	11	33	49	66
Timothy R.	8	10	6	7	13	13	49	82



CASE EXAMPLE: ALDOUS C.

FELONY OFFENSES

MISDEMEANOR OFFENSES

Date of Incident	Charges	Final Disposition
5/25/2021	Battery Against a Household Member	Ordered Dismissed: Incompetent
7/24/2021	Indecent Exposure	Ordered Dismissed: Incompetent
8/14/2021	Burglary of a Vehicle, Tampering with Evidence, Injuring/Tampering with a Motor Vehicle	Ordered Dismissed: Incompetent
10/27/2021	Violation of Restraining Order Prohibiting Domestic Violence	Ordered Dismissed: Incompetent
12/17/2021	Burglary of a Vehicle	Ordered Dismissed: Incompetent
2/22/2022	Burglary of a Vehicle	Ordered Dismissed: Incompetent
2/27/2022	Shoplifting	Ordered Dismissed: Incompetent
3/7/2022	Burglary of a Vehicle, Burglary of a Vehicle, Tampering with Evidence	Ordered Dismissed: Incompetent
3/26/2022	Burglary of a Vehicle	Failure to Appear: Prosecutor



CASE EXAMPLE: ALDOUS C.

Date of Incident	Charges	Final Disposition
4/18/2022	Burglary of a Vehicle	Ordered Dismissed: Incompetent
5/11/2022	Burglary of a Vehicle, Burglary of a Vehicle	Ordered Dismissed: Incompetent
6/30/2022	Battery upon a Peace Officer, Battery upon a Peace Officer, Criminal Damage to Property (< \$1,000)	Ordered Dismissed: Incompetent
10/27/2022	Breaking and Entering	Nolle Pros: Pending Grand Jury
11/9/2022	Burglary of a Vehicle	Ordered Dismissed: Incompetent
12/18/2022	Resisting, Evading, Obstructing an Officer	Ordered Dismissed: Incompetent
1/18/2023	Burglary of a Vehicle	Nolle Pros: Pending Grand Jury
2/24/2023	Burglary of a Vehicle	Ordered Dismissed: Incompetent
3/3/2023	Burglary of a Vehicle	Ordered Dismissed: Incompetent
3/20/2023	Resisting, Evading, Obstructing an Officer	Ordered Dismissed: Incompetent



CASE EXAMPLE: ALDOUS C.

Date of Incident	Charges	Final Disposition
3/16/2023	Burglary of a Vehicle	Ordered Dismissed: Incompetent
4/8/2023	Burglary of a Vehicle	Ordered Dismissed: Incompetent
4/15/2023	Burglary of a Vehicle	Ordered Dismissed: Incompetent
4/28/2023	Burglary of a Vehicle, Battery upon a Peace Officer, Battery upon a Peace Officer	Ordered Dismissed: Incompetent
5/2/2023	Aggravated Burglary (Armed after Entering), Larceny of a Firearm	Ordered Dismissed: Incompetent
5/18/2023	Criminal Trespass	Ordered Dismissed: Incompetent
6/1/2023	Burglary of a Vehicle	Ordered Dismissed: Incompetent
7/4/2023	Burglary of a Vehicle	Ordered Dismissed: Incompetent
7/16/2023	Burglary of a Vehicle	Ordered Dismissed: Incompetent
7/19/2023	Shoplifting	Ordered Dismissed: Incompetent
7/21/2023	Criminal Trespass	FTA: Officer



CASE EXAMPLE: ALDOUS C.

Date of Incident	Charges	Final Disposition
7/27/2023	Criminal Trespass	Ordered Dismissed: Incompetent
8/8/2023	Criminal Trespass	FTA: Officer
9/14/2023	Criminal Trespass	Ordered Dismissed: Incompetent
9/21/2023	Resisting, Evading, Obstructing an Officer	Ordered Dismissed: Incompetent
9/23/2023	Criminal Trespass	FTA: Officer
10/8/2023	Resisting, Evading, Obstructing an Officer	Ordered Dismissed: Incompetent
10/8/2023	Assault upon a Peace Officer	Ordered Dismissed: Incompetent
10/17/2023	Burglary of a Vehicle, Assault	Ordered Dismissed: Incompetent
10/23/2024	Burglary of a Vehicle, Battery upon a Peace Officer	Ordered Dismissed: Incompetent
10/27/2023	Criminal Trespass	Ordered Dismissed: Incompetent
10/31/2023	Criminal Trespass	Ordered Dismissed: Incompetent



CASE EXAMPLE: ALDOUS C.

Date of Incident	Charges	Final Disposition
11/20/2023	Indecent Exposure	Nolle Prosequi
11/25/2023	Criminal Trespass	Ordered Dismissed: Incompetent
11/26/2023	Criminal Trespass	Ordered Dismissed: Incompetent
12/2/2023	Nuisances	Ordered Dismissed: Incompetent
12/2/2023	Criminal Trespass	Ordered Dismissed: Incompetent
1/14/2024	Criminal Trespass	Nolle Prosequi
1/22/2024	Burglary of a Vehicle, Burglary of a Vehicle	Ordered Dismissed: Incompetent
1/26/2024	Criminal Trespass	Nolle Prosequi
2/8/2024	Assault upon a Peace Officer	Nolle Prosequi
3/12/2024	Criminal Trespass	Nolle Prosequi
3/13/2024	Criminal Trespass	Case Pending



CASE EXAMPLE: ALDOUS C.

Date of Incident	Charges	Final Disposition
3/23/2024	Criminal Trespass	Nolle Prosequi
3/30/2024	Criminal Trespass	Case Pending
4/8/2024	Criminal Trespass	Case Pending
4/15/2024	Criminal Trespass	Case Pending
5/16/2024	Criminal Trespass	Case Pending
5/27/2024	Criminal Trespass	Case Pending
5/27/2024	Criminal Trespass	Case Pending
5/28/2024	Criminal Trespass	Case Pending



CASE EXAMPLE: ALDOUS C.

- From 2021-2024:
 - 60 total criminal cases
 - 24 of those are felony cases
 - Most dismissed due to competency issues
 - There is no answer for all this crime.
 - Officers are left to interact over and over with these individuals.

CHARGE	# OF TIMES
Burglary of a Vehicle	24
Battery upon a Peace Officer	3
Tampering with Evidence	2
Criminal Damage to Property	1
Aggravated Burglary (Armed)	1
Larceny of a Firearm	1
Breaking and Entering	1
Criminal Trespass	23
Resisting, Evading, Obstructing an Officer	4
Indecent Exposure	2
Assault upon a Peace Officer	2
Shoplifting	2
Battery on a HHM, RO Violation, Assault, Nuisance	1 each



IMPLICATIONS

- A significant amount of crime is committed by a fairly small amount of people who have been deemed incompetent.
- Citizens are repeatedly victimized by these people with no consequences.
- This group of people needs help the most but is the least likely to seek treatment.



IMPLICATIONS

- Citizens are frustrated and angry about this situation.
- Outside of “dangerousness,” there is no mechanism to deal with all this crime or the people committing the crimes.
- Fixing this system is clearly a difficult task, but the silver lining is that doing anything is better than doing nothing.



RECIDIVISM IN LAS CRUCES

Calendar Year	2018	2019	2020	2021	2022	2023	Overall
One-Time Offender	2899	2573	1834	2008	2190	2302	13806
Non-Chronic (2-5 arrests)	907	768	145	563	654	596	3633
Chronic (6-10 arrests)	55	43	37	42	62	50	289
Prolific (Over 10 arrests)	5	5	14	14	24	21	83



EXISTING RESOURCES



CRISIS MANAGEMENT

- Project L.I.G.H.T. (Lessen the Incidence of Grief, Harm, & Trauma)
 - Co-responder model
 - Firefighter paramedic and licensed social worker
 - Las Cruces Police (until scene safety is assessed)
- Crisis Stabilization Unit (CSU)
 - Formally known as the Crisis Triage Center (CTC)
 - Will be operated by PEAK Behavioral Health
 - Will be able to accept voluntary and involuntary (protective custody) patients
 - 45-60 days from being operational



FOLLOW UP PROGRAMS

- Las Cruces Fire Department Mobile Integrated Healthcare (MIH)
- Las Cruces Police Department Crisis Intervention Unit
- Together, they operate “Project Bluebird” to follow up on people who may not be in crisis right now but have generated several responses or have concerning behavior that may escalate to a crisis.
- Las Cruces Police Community Advocates



LONGER TERM SERVICES & PROGRAMS

- Assisted Outpatient Treatment (AOT)
- Assertive Community Treatment (ACT) Teams
 - La Clinica de Familia (LCDF) has one team
 - PEAK Behavioral Health has two teams (one for Las Cruces and one rural)
- Medication Assisted Treatment (MAT)
 - Ideal Options
 - NMDOH
 - PEAK
 - NM Bridge



IN-PATIENT CAPACITY

- PEAK Behavioral Health
 - 88 acute beds
- Memorial Medical Center (5 West)
 - 12 acute beds
- Mesilla Valley Hospital
 - 115 beds



Mental Health & Substance Use Resources

- Amador Health Clinic
- PEAK Behavioral Health
- La Clinica de Familia
- Families & Youth Innovations Plus (FYI+)
- Ideal Options
- Community of Hope (Housing)
- Grajeda-Huckaby Housing Fund
- Zia Recovery Center



COURT PROGRAMS

- Specialty Courts
 - Juvenile Mental Health Court
 - Adult Drug Court
 - Adult DUI Court
 - Veterans Treatment Court
- Las Cruces Municipal Court
 - Stability, Opportunity, Support (SOS) Program
- Dona Ana County Magistrate Court Diversion Program



CARE CONTINUUM



CRISIS CARE

- Project LIGHT
- Crisis Stabilization Unit
- Emergency room



RECOVERY SUPPORTS

- Connection to Community providers
- Amador Health Center
- Casa de Peregrinos
- La Clinica De Familia
- Families and Youth Innovations Plus
- Mesilla Valley Community of Hope



OUTPATIENT CARE

- Mobile Integrated Health (MIH)
- Counseling
- Case Management
- Peer Support
- Medication Assisted Treatment (MAT)



INTENSIVE OUTPATIENT

- Medication Assisted Treatment
- Assertive Community Treatment (ACT)
- Assisted Outpatient Treatment (AOT)
- Recovery, Independence, Support, & Empowerment (RISE)
- Stability, Opportunity, Support (SOS)



RESIDENTIAL/ IN-PATIENT CARE

- Fifth West- Memorial Medical Center
- PEAK Behavioral Health
- Mesilla Valley Hospital
- New Mexico Behavioral Health Institute (NMBHI)



CONNECT TO HOUSING CONTINUUM

- Permanent supportive Housing



Doña Ana County SIM Diversion Map

Intercept 0 Hospital, Crisis, Respite, Peer, & Community Services	Intercept 1 Law Enforcement & Emergency Services	Intercept 2 Initial Detention & Initial Court Hearings	Intercept 3 Jails & Courts	Intercept 4 Reentry	Intercept 5 Community Corrections & Supports
<p>Crisis, Warm, and Resource Line(s) NM Crisis Line Peer-to-Peer Warmline National Suicide Prevention Lifeline and Veteran Crisis Line National Crisis Text Line 988</p> <p>Fire and Emergency Medical Services DAC Fire and EMS Las Cruces Fire Department Mobile Integrated Health Project LIGHT American Medical Response Sunland Park</p> <p>Crisis Care Continuum La Clinica de Familia Amador Health Center</p> <p>Hospitals Memorial Medical Center MountainView Regional Medical Center Mesilla Valley Hospital Peak Behavioral Health inpatient services MAT/withdrawal (adult and youth) outpatient programming</p> <p>Veteran Services NM Department of Veterans Services Las Cruces Veterans Center</p> <p>Substance Use (Detox/Withdrawal) Zia Recovery Center</p> <p>Youth & Family Services Youth Resource Center Families and Youth Innovations Plus, Innovative Community Services</p>	<p>911 Public Safety Answering Points Mesilla Valley Regional Dispatch Authority (MVRDA) NMSU Police Emergency Dispatch Center State Police Emergency Dispatch</p> <p>Law Enforcement DAC Sheriff's Office Las Cruces PD Law Enforcement Assisted Diversion (LEAD) Program Hatch Police Department Anthony PD Mesilla PD Sunland Park PD NM State Police</p>	<p>Detention Facilities Doña Ana County Detention Center</p> <p>Courts Third Judicial District Court Doña Ana Magistrate Court Las Cruces Municipal Court</p> <p>Pretrial Services Third Judicial District Court</p> <p>Programs Competency Diversion Pilot Project</p>	<p>DAC Detention Center YesCare (medical and behavioral health services) Medication Assisted Treatment (MAT)</p> <p>Third Judicial District Court Adult Drug Court Juvenile Drug Court Veteran's Treatment Court Doña Ana Magistrate Court DWI Court</p>	<p>DAC Detention Center YesCare Reentry specialists MAT Reentry Program RISE Program Prison Reentry</p>	<p>Probation and Parole Adult Probation and Parole U.S. Probation and Parole Misdemeanor Court Compliance Division – Misdemeanor Probation</p>
<p>← Housing, Transportation, and Peer Navigation Services →</p>					
<p>Mesilla Valley Public Housing Authority</p>	<p>La Clinica de Familia</p>		<p>NAMI</p>		
<p>Las Cruces Housing and Family Services Dep't</p>	<p>Community of Hope</p>			<p>Athena Huckaby Foundation</p>	
<p>← Assertive Community Treatment (ACT) Program, Assisted Outpatient Treatment (AOT), & Medication Assisted Treatment (MAT) →</p>					



HOUSING IN DONA ANA COUNTY



GAPS IN THE SYSTEM



WHERE WE CAN DO BETTER

- More housing options
- Resources in rural areas
- Crisis resources for youth
- Follow up after crisis care
- Forensic beds in Southern NM



THE BIGGEST GAP IN THE SYSTEM

- Criminal Competency and the lack of restoration for anyone other than the small percentage of people who go to NMBHI (dangerousness).
- Assisted Outpatient Treatment (AOT) has a lot of potential but is too weak to help those who need it most.
- Ultimately, we have extremes in the system.
 - Criminal
 - Go to Las Vegas
 - Case Dismissed
 - Civil
 - Assisted Outpatient Treatment (AOT)
 - No Substance Use Disorder (SUD) option for mandated treatment (e.g., Casey's Law)
 - Emergency Mental Health Evaluation
 - Civil Commitment for 30+ days



FOR ANYONE FOUND TO BE INCOMPETENT

WILLINGNESS TO GET TREATMENT

NO



YES

**CRISIS
CARE**

**RECOVERY
SUPPORT**

**OUTPATIENT
CARE**

**INTENSIVE
OUTPATIENT**

**RESIDENTIAL
L/ IN-
PATIENT
CARE**

**CONNECT TO
HOUSING
CONTINUUM**



CASE EXAMPLE CIVIL: J.R.

- 101 LCPD responses
- Many involve her having a knife and threatening herself and others
- Many involve her outside or in a roadway with a knife
- She has threatened LCFD MIH and the ACT Teams with a knife
- She has escalated to firearms and generated a SWAT callout when she began firing out of her apartment randomly toward other apartments.
- AOT ineffective
- Guardianship ineffective
- NMBHI ineffective
- Inpatient hospital stays ineffective



CASE EXAMPLE CIVIL: ALDOUS C.

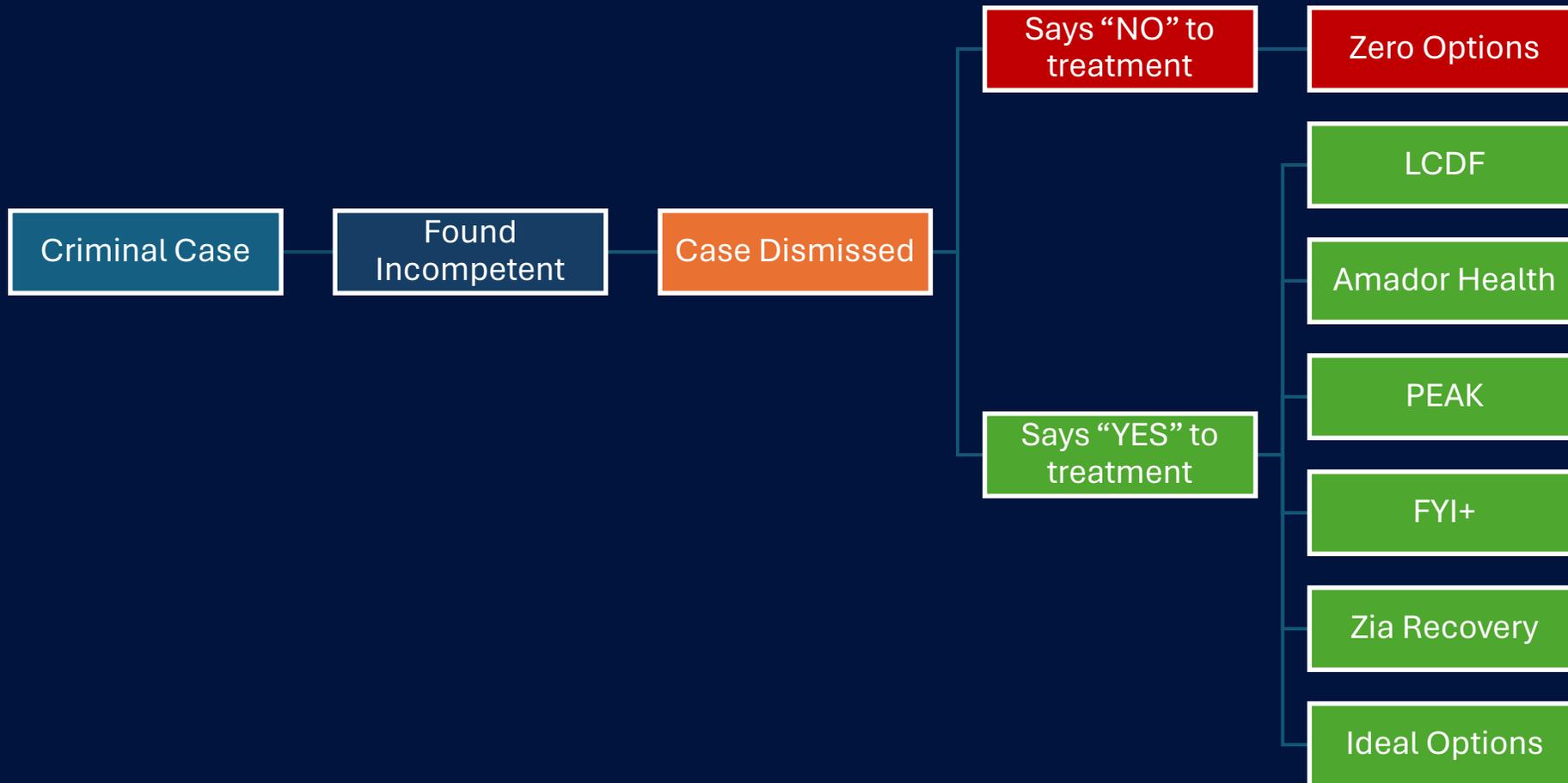
- 60 Criminal Cases in three years
 - 24 felony cases



CHARGE	# OF TIMES
Burglary of a Vehicle	24
Battery upon a Peace Officer	3
Tampering with Evidence	2
Criminal Damage to Property	1
Aggravated Burglary (Armed)	1
Larceny of a Firearm	1
Breaking and Entering	1
Criminal Trespass	23
Resisting, Evading, Obstructing an Officer	4
Indecent Exposure	2
Assault upon a Peace Officer	2
Shoplifting	2
Battery on a HHM, RO Violation, Assault, Nuisance	1 each



CASE EXAMPLE CIVIL: ALDOUS C.



COMPELLED TREATMENT

“You can lead a horse to water, but you cannot make them drink”

“But you can make them thirsty!”

- 50-60% of La Clinica de Familia’s US Probation Office and NM Department of Corrections patients continue treatment.
- Compelled treatment (e.g., AOT) can be successful at reducing subsequent arrests and protecting the health and safety of those engaged in the treatment (Segal, 2022) (Gilbert et al., 2010).



SUMMARY

- The criminal competency problem is significant in New Mexico.
- Despite available resources, there is no mechanism to treat people who commit crimes and do not want help.



QUESTIONS



REFERENCES

- Segal, S. P. (2022). Protecting Health and Safety with Needed-Treatment: the Effectiveness of Outpatient Commitment. *Psychiatric Quarterly*, 93(1), 55–79.
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