

New Mexico Justice Reinvestment

Carl Reynolds, Senior Legal and Policy Advisor

Michelle Rodriguez, Policy Analyst

Celine Villongco, Policy Analyst



Justice Center

THE COUNCIL OF STATE GOVERNMENTS



JUSTICE REINVESTMENT

A data-driven approach to reduce corrections spending and reinvest savings in strategies that can decrease recidivism and increase public safety

The Justice Reinvestment Initiative is supported by funding from the U.S. Department of Justice's **Bureau of Justice Assistance (BJA)** and **The Pew Charitable Trusts**.

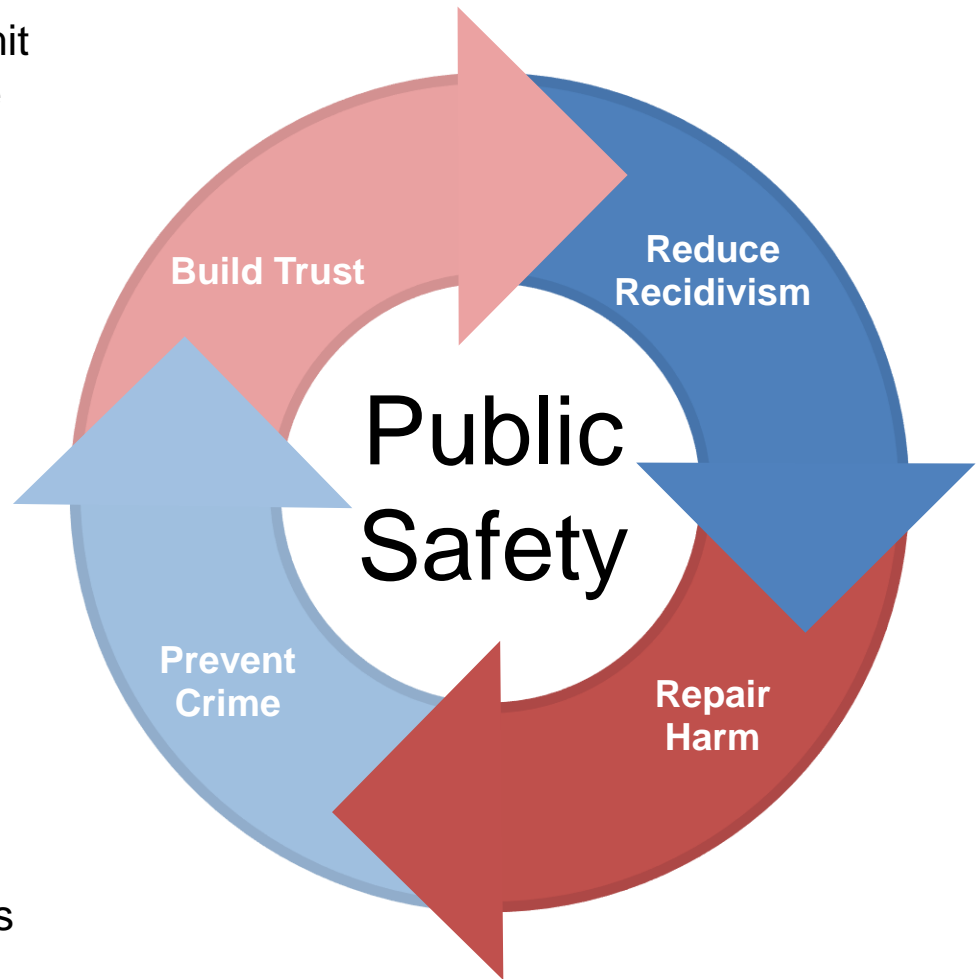
Increasing public safety is the focus of Justice Reinvestment.

Reduce Recidivism: People who commit crimes are held accountable, receive the intervention needed to change their behavior, and do not reoffend.

Repair Harm: Victims are safe, have access to help, understand how the criminal justice system works, see accountability, and heal.

Prevent Crime: A state utilizes policing strategies and public safety approaches to decrease crime and violence, not just *reported incidents* of crime.

Build Trust: Communities heavily impacted by crime and incarceration are supported, and any underlying conditions of distrust are directly addressed.



State leaders are using Justice Reinvestment to address a wide array of criminal justice and behavioral health system challenges.



New Mexico has the second-highest violent crime rate in the country.



Arrests and prison admissions for drug offenses are increasing.



New Mexico has the highest property crime rate in the country.



New Mexico's prison population has increased, while parole and probation populations have declined.



New Mexico has one of the highest rates of overdose deaths in the nation.



The number of people released from prison in New Mexico has decreased, but the reincarceration rate has increased, particularly for women.

New Mexico's Justice Reinvestment project will address three key challenge areas.

1 Crime and
Victimization

2 Behavioral
Health
Needs

3 Corrections
Populations
and
Recidivism

1

Crime and Victimization

Which specific offenses are driving the high/rising crime rates?

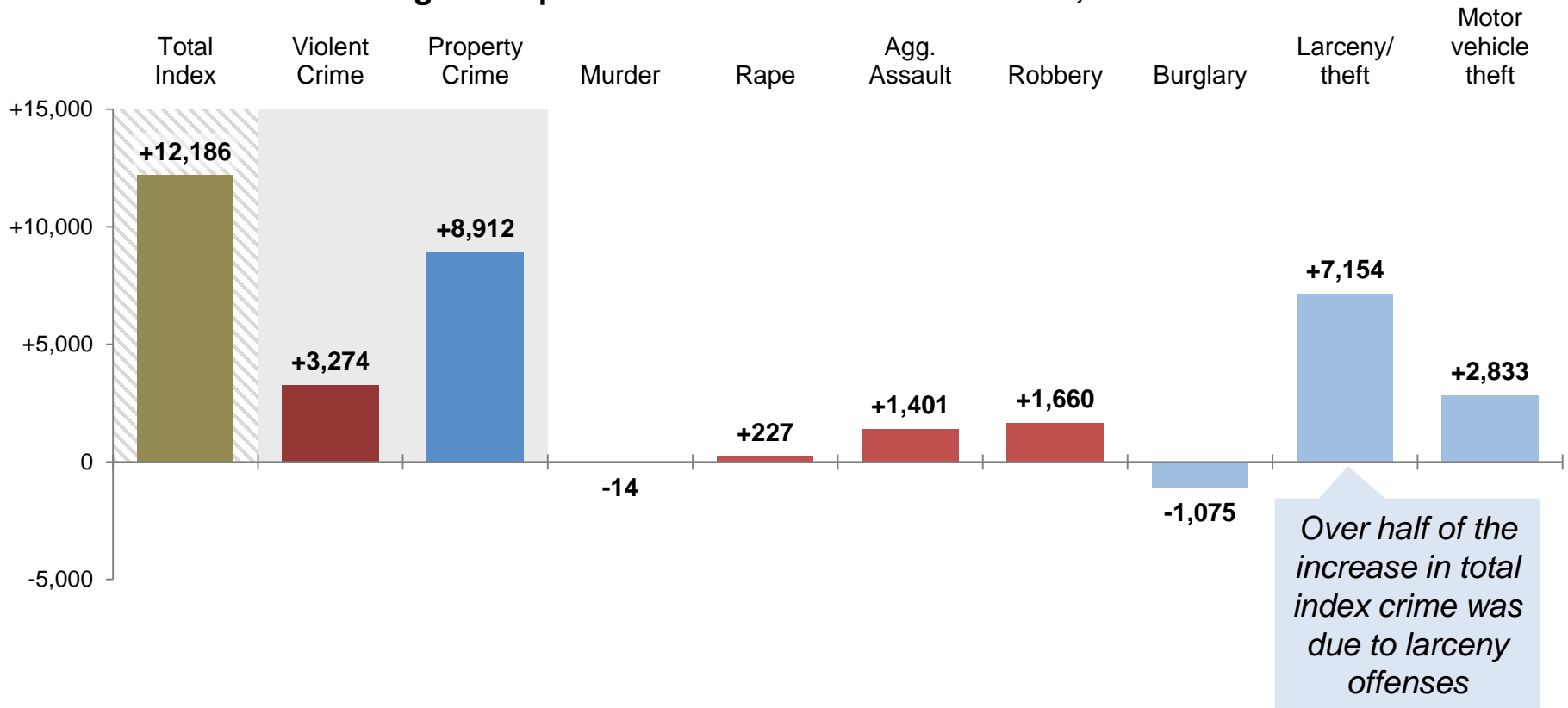
- Which communities are most impacted by crime?

What are the impacts of high crime rates in New Mexico?

- How does rising crime affect law enforcement officers, resources, and responses?
- What is currently being done and can be done in the future to support victims of crime and address crime-related trauma?

Between 2007 and 2017, increases in larceny and car theft drove the increase in reported index crime.

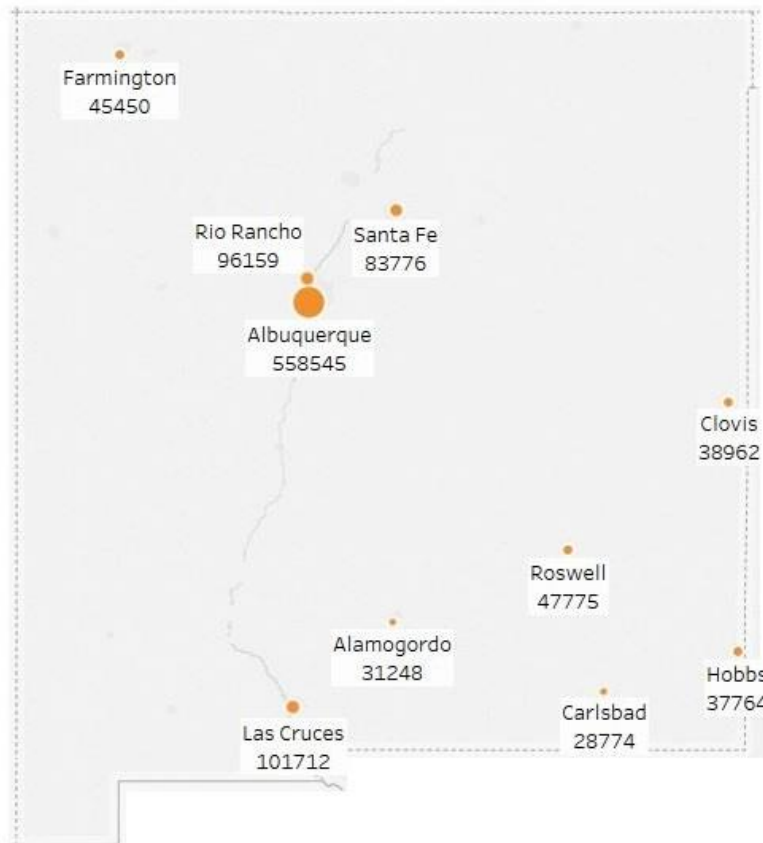
Change in Reported Index Crime* in New Mexico, 2007–2017



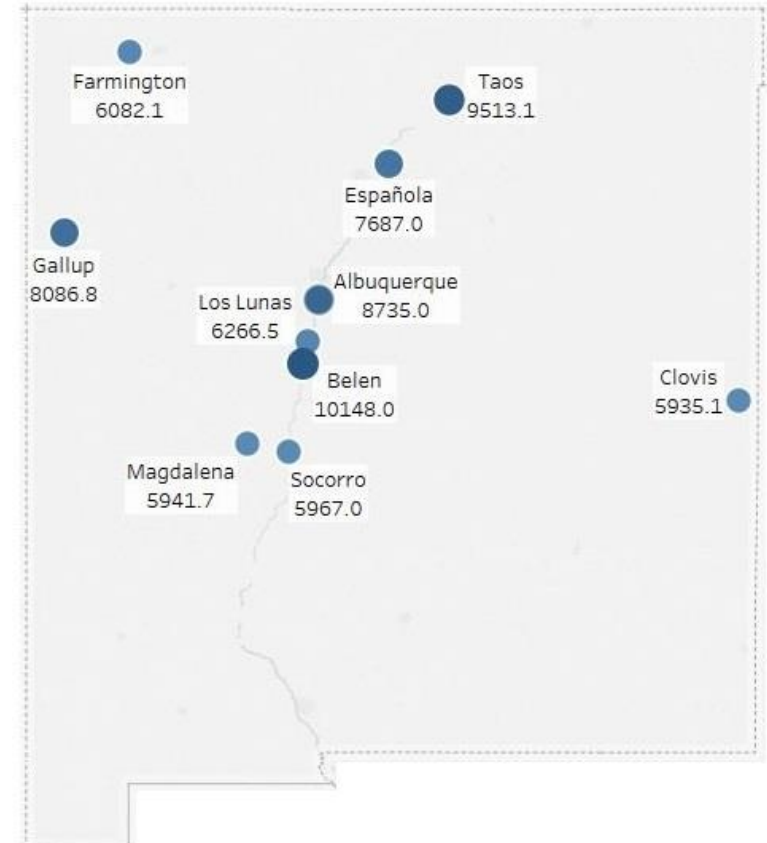
*Reported crime is based on total index crime per the UCR. Index crimes include murder, rape, robbery, aggravated assault, burglary, larceny, and motor vehicle theft. In 2013, the FBI expanded its definition of “rape” to include more offenses. The FBI did not provide the number of rapes reported in 2017 using the pre-2013 “legacy” definition, therefore the increase in the number of reported rapes is partially due to the change in definition.

Only Albuquerque, Farmington, and Clovis are in the top 10 cities for both population and crime rates.

Top 10 Cities – Largest Population



Top 10 Cities – Highest Index Crime* Rate

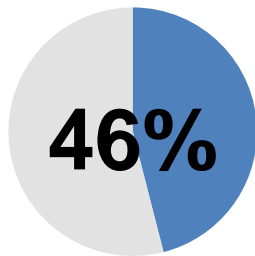


*Index Crimes include murder/non-negligent manslaughter, rape, robbery, aggravated assault, burglary, larceny/theft, motor vehicle theft, and arson. Rates are calculated per 100,000 residents.

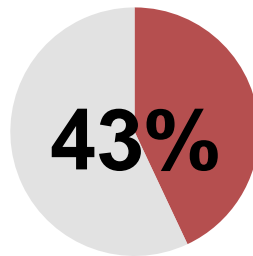
Source: FBI, "Crime in the United States, 2017;" US Census Bureau "Annual Estimates of the Resident Population" (December 2017).

Albuquerque contributes a large share to New Mexico's overall crime.

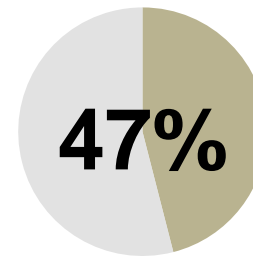
In 2016, Albuquerque accounted for **27%** of New Mexico's resident population, but:



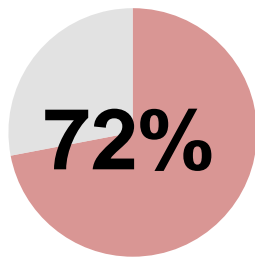
of reported
index crime



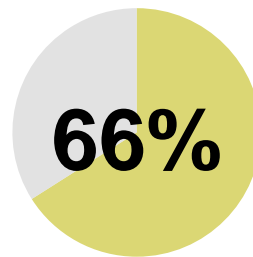
of reported
violent crime



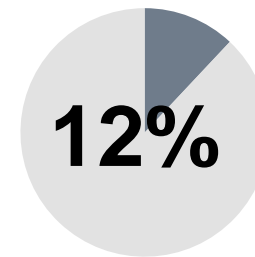
of reported
property crime



of reported
robberies



of reported motor
vehicle thefts



of drug offense
arrests

Index Crimes include murder/non-negligent manslaughter, rape, robbery, aggravated assault, burglary, larceny/theft, motor vehicle theft, and arson. Drug offenses are not part of the FBI's reported index crimes, so only arrest numbers were compared here.

Source: FBI, "Crime in the United States, 2016." Albuquerque Police Department, "Uniform Crime Reports: Arrests, 2016" (<http://www.cabq.gov/police/annual-reports/uniform-crime-reports-arrests>).

Research demonstrates that certain data-driven policing strategies can reduce violent crime effectively, but must be sustained.

Strategy	Can be used to address
Hot-spot policing	robberies, burglaries
Focused deterrence	gang member-involved violence, homicides, shootings
Place-based problem solving	robberies, shootings, property crime, drug markets
Alternatives to arrest	minor misdemeanors; people who have mental illnesses
Crime analysis	Patterns, repeat victims, crimes, locations, times

More crime means more victims, and New Mexico, like all states, has three strategies to directly support victims of crime.



Assistance to Crime Victims through Grants

Federal funding provided to states to assist survivors of homicide victims, children who witness violence, and victims of child abuse, domestic violence, sexual assault, drunk driving, hate crimes, and elder abuse. Victims of Crime Act (VOCA), STOP Violence Against Women (VAWA), are key funding sources.



Crime Victim Compensation

Reimbursement for eligible victims of violent crime. Expenses covered by the Crime Victims Reparations Commission include medical and dental care, mental health counseling, and loss of income.



Victim Restitution

Payments made by the defendant to the victim for the harm caused by the crime.

Justice Reinvestment will seek information and answers to inform policy development in New Mexico.

Law Enforcement

- What is happening with policing in jurisdictions other than Albuquerque, and how can the Albuquerque experience inform other jurisdictions?
- What is the law enforcement training and technical assistance capacity and need at the state level?
- Can the workforce be reinforced by experienced, retired officers?
- What is the status of crime and arrest reporting across the state?

Victim Support

- What innovations are occurring with increased VOCA funding?
- What are barriers to accessing crime victim compensation and other existing victim support programs? What are the gaps?

What other questions does the committee want answered?

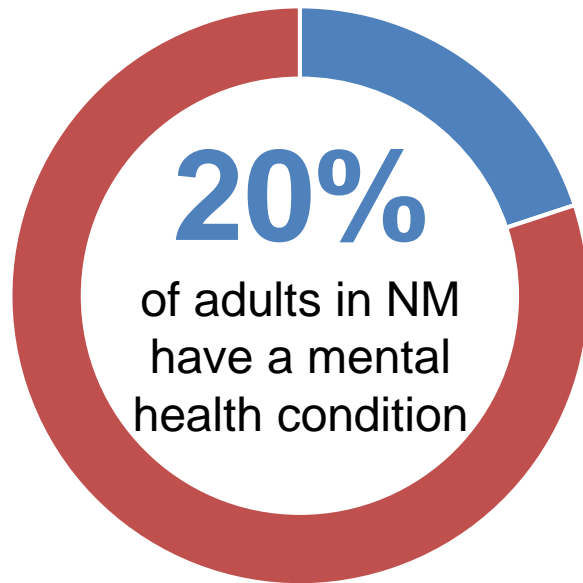
2

Behavioral Health Needs

What are the behavioral health outcomes in New Mexico?

- Are there enough resources in the community to meet the state's behavioral health needs?
- What is the impact of people with substance addictions on New Mexico's criminal justice system?

New Mexico has some of the poorest substance misuse and behavioral health outcomes in the country.



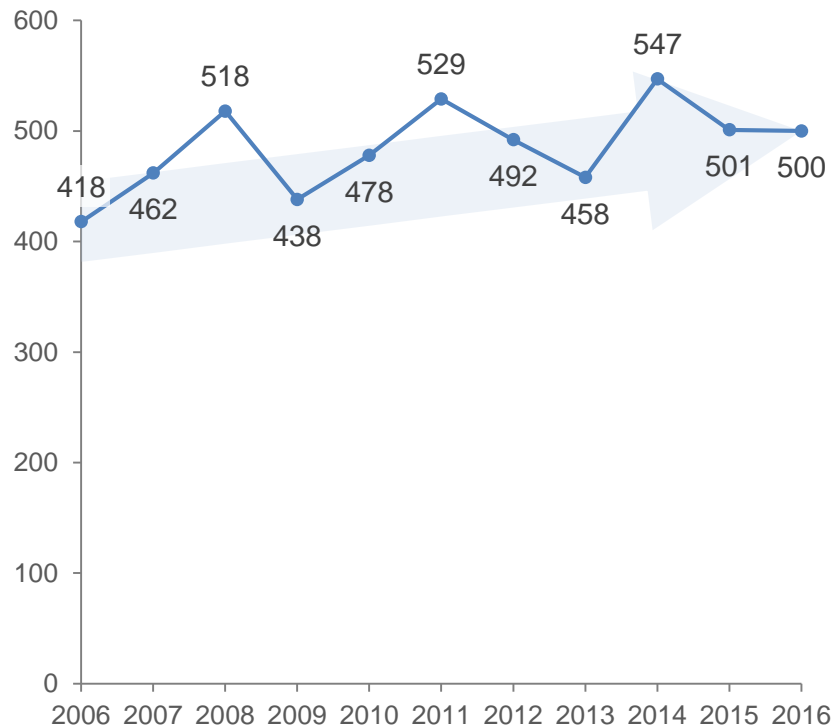
Over
300,000
people in New
Mexico



Over **4%** of adults in
New Mexico report
having alcohol
dependence, which
is the highest rate in
the country.

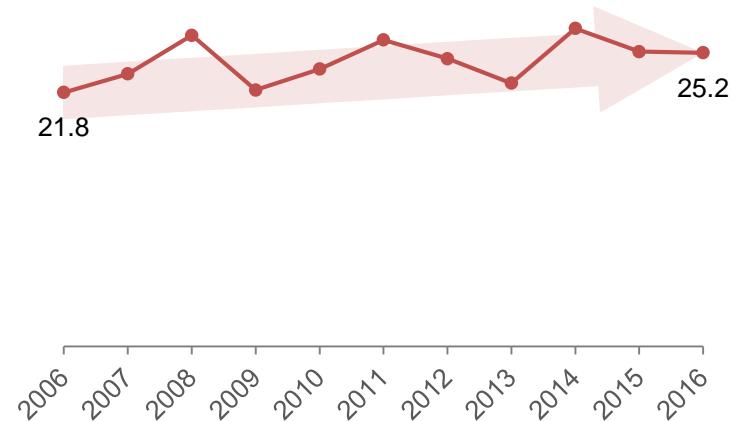
New Mexico has experienced increases in the number and rate of drug overdose deaths.

Number of Drug Overdose Deaths in New Mexico



While some years showed a decrease in drug overdose deaths, both the number of deaths and the rate per 100,000 residents have continued to trend upward.

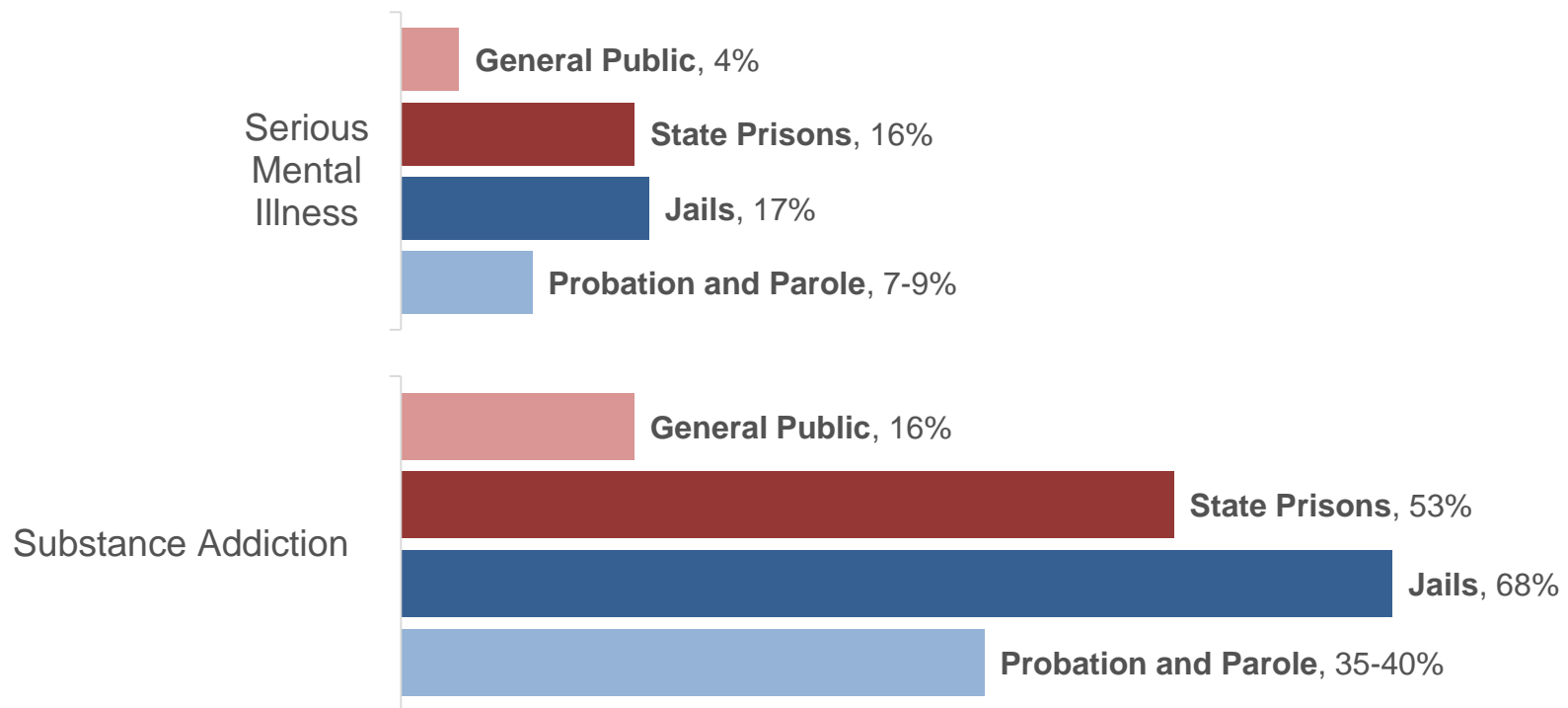
Drug Overdose Death Rate per 100,000 Residents



Source: Centers for Disease Control and Prevention, National Center for Health Statistics. "Underlying Cause of Death 1999-2016" on CDC WONDER Online Database, released December, 2017. (<http://wonder.cdc.gov/ucd-icd10.html>). Rates shown are age-adjusted based on population.

Nationally, a large number of people who enter the criminal justice system have behavioral health needs.

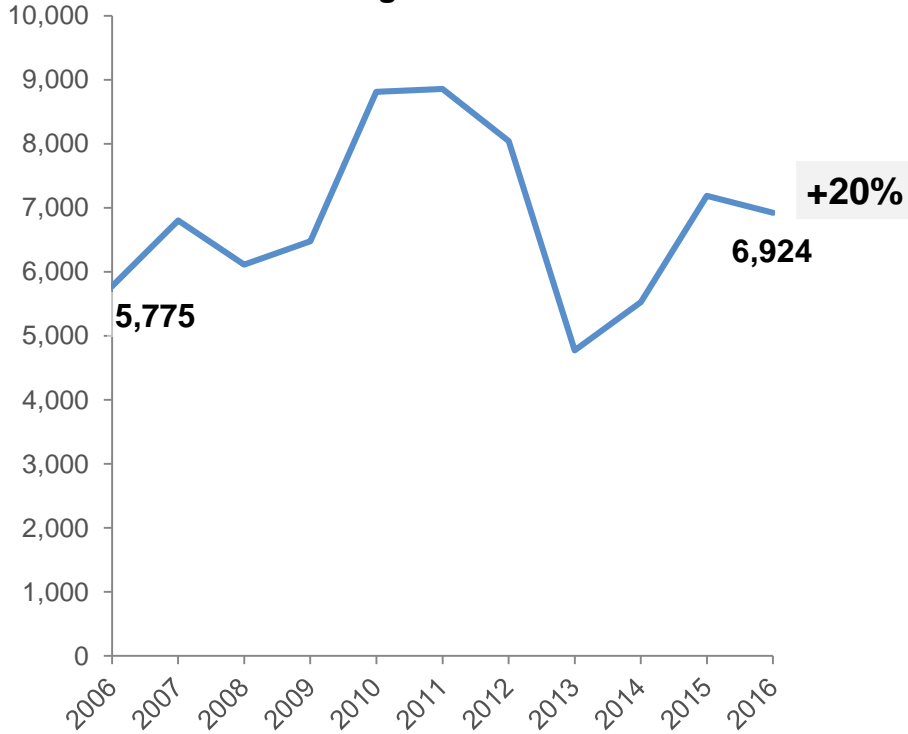
Estimated Proportion of Adults with Mental Illnesses and Substance Addictions in U.S. Population and Under Correctional Control and Supervision



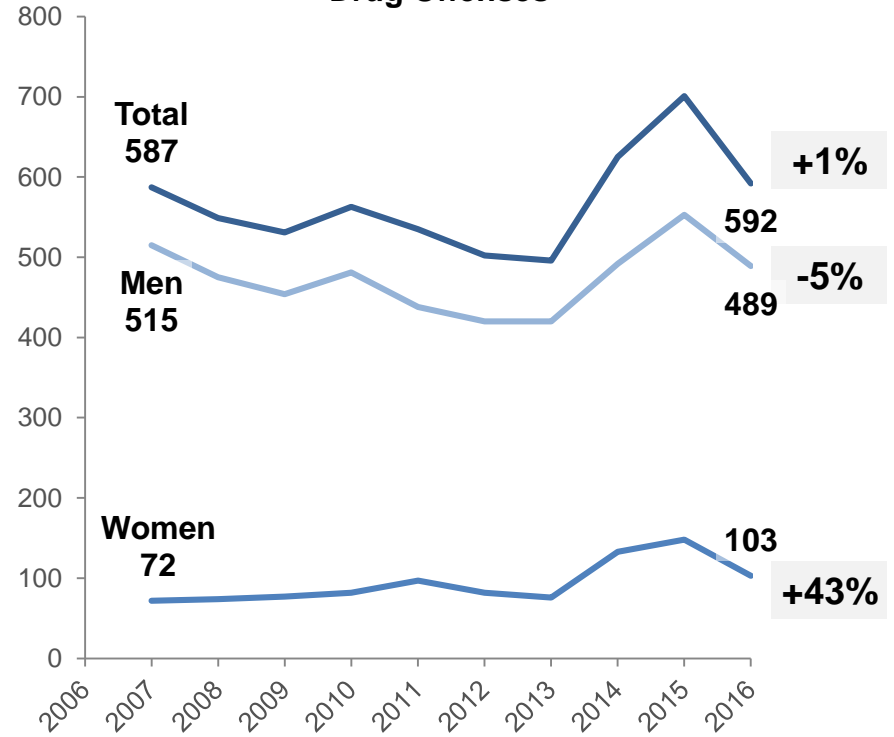
Source: Alex M. Blandford and Fred Osher, *Guidelines for the Successful Transition of People with Behavioral Health Disorders from Jail and Prison* (New York: SAMHSA's GAINS Center and The Council of State Governments Justice Center, November 2013). <https://csgjusticecenter.org/wp-content/uploads/2013/12/Guidelines-for-Successful-Transition.pdf>.

New Mexico's criminal justice system has seen growth in the number of arrests and prison admissions for drug offenses.

**Number of Arrests –
Drug Offenses**



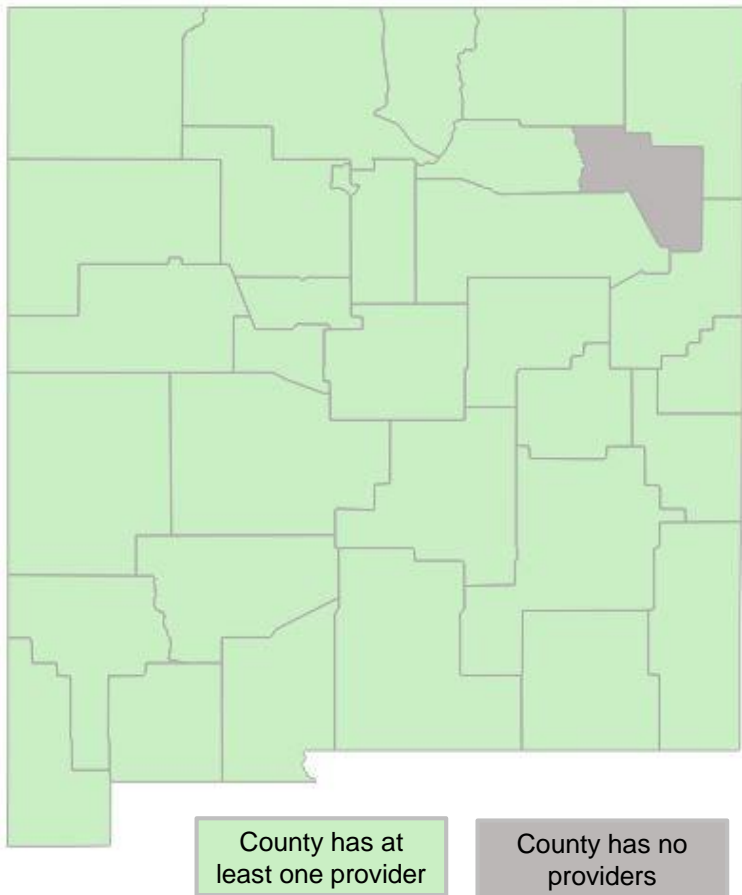
**Prison Admissions –
Drug Offenses**



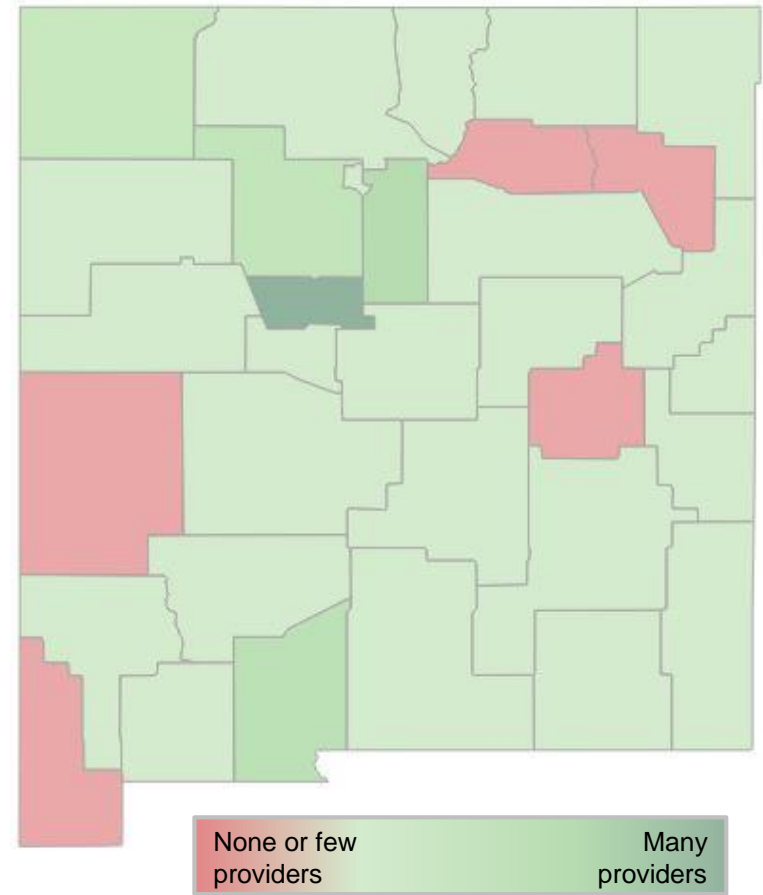
Source: FBI, "Crime in the United States" reports by year, 2006–2016. New Mexico Sentencing Commission, "NEW MEXICO PRISON POPULATION FORECAST: FY2019 — FY 2028" (June 2018).

Almost all counties have at least one treatment provider, but over half of the state's providers are located in Bernalillo and Santa Fe counties.

Availability of Community Mental Health and/or Substance Use Providers

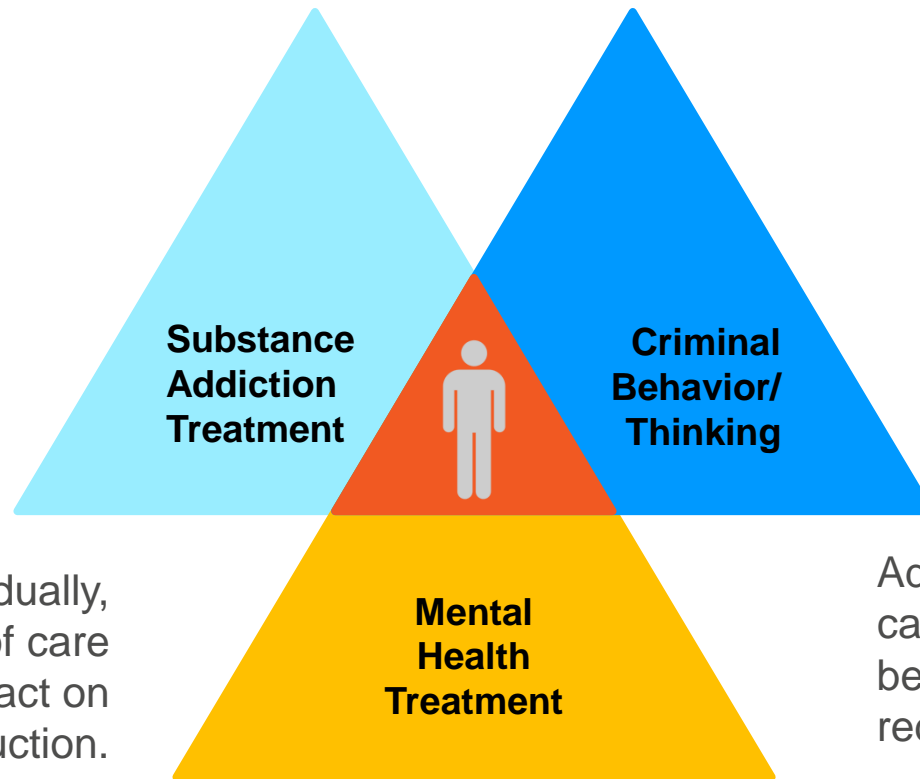


Concentration of Community Mental Health and/or Substance Use Providers



Effective treatment for people in the criminal justice system addresses both criminogenic and behavioral health needs.

Core Treatment Competencies Required for Behavioral Health and Recidivism-Reduction Improvements



Addressed individually, these categories of care have minimal impact on recidivism reduction.

Addressed together, these categories of care improve behavioral health and reduce criminal behavior.

Justice Reinvestment will seek information and answers to inform policy development in New Mexico.

Need and access to services

- How many people in New Mexico's criminal justice system have unmet behavioral health needs?
- What can be done to build a sustainable behavioral health workforce?

Improving Service Quality

- Do current contracts with treatment and service providers include provisions and incentives to tie delivery of services to both criminal justice and behavioral health outcomes?
- What incentives or requirements exist to encourage service providers to prioritize criminal justice populations or incorporate criminogenic needs programming into existing behavioral health services?

What other questions does the committee want answered?

3

Corrections Populations and Recidivism

What is driving the growth in New Mexico's prison population, especially in the women's prison population?

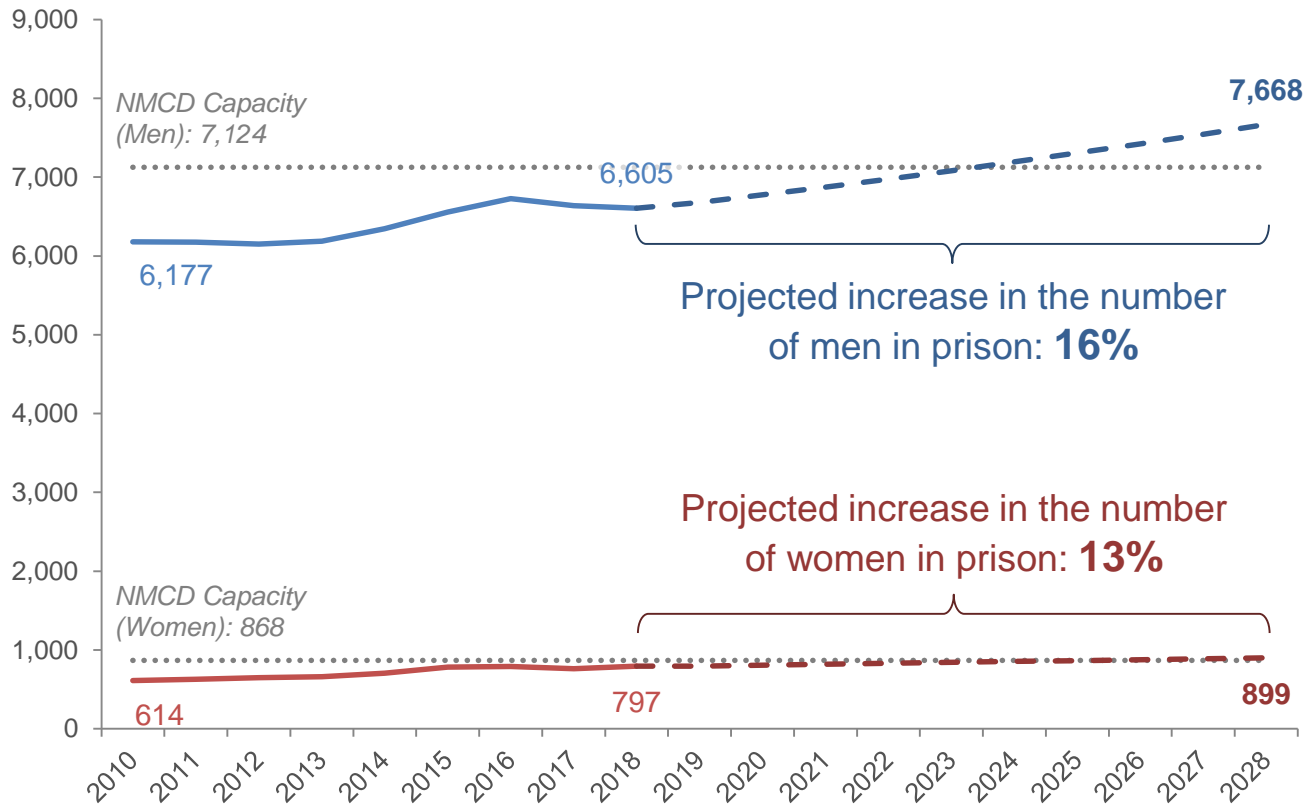
- What percentage of prison admissions are probation or parole revocations?
- What percentage of the prison population is composed of people who have been convicted of property or drug offenses?
- What are the trends in length of stay for different population groups?
- What is the fiscal impact of New Mexico's growing prison population?

How can New Mexico strengthen supervision to reduce recidivism?

- How well equipped are probation and parole officers, in terms of education, training, and referral resources?
- What community resources are available to move people out of prison when they are eligible for release?
- What percentage of people leave prison without a period of post-release supervision?

New Mexico's prison population increased 10 percent in the past decade and is projected to grow an additional 16 percent by FY2028.

Historical Highest Monthly Population, FY2010-FY2018, and FY-End Prison Population Forecast



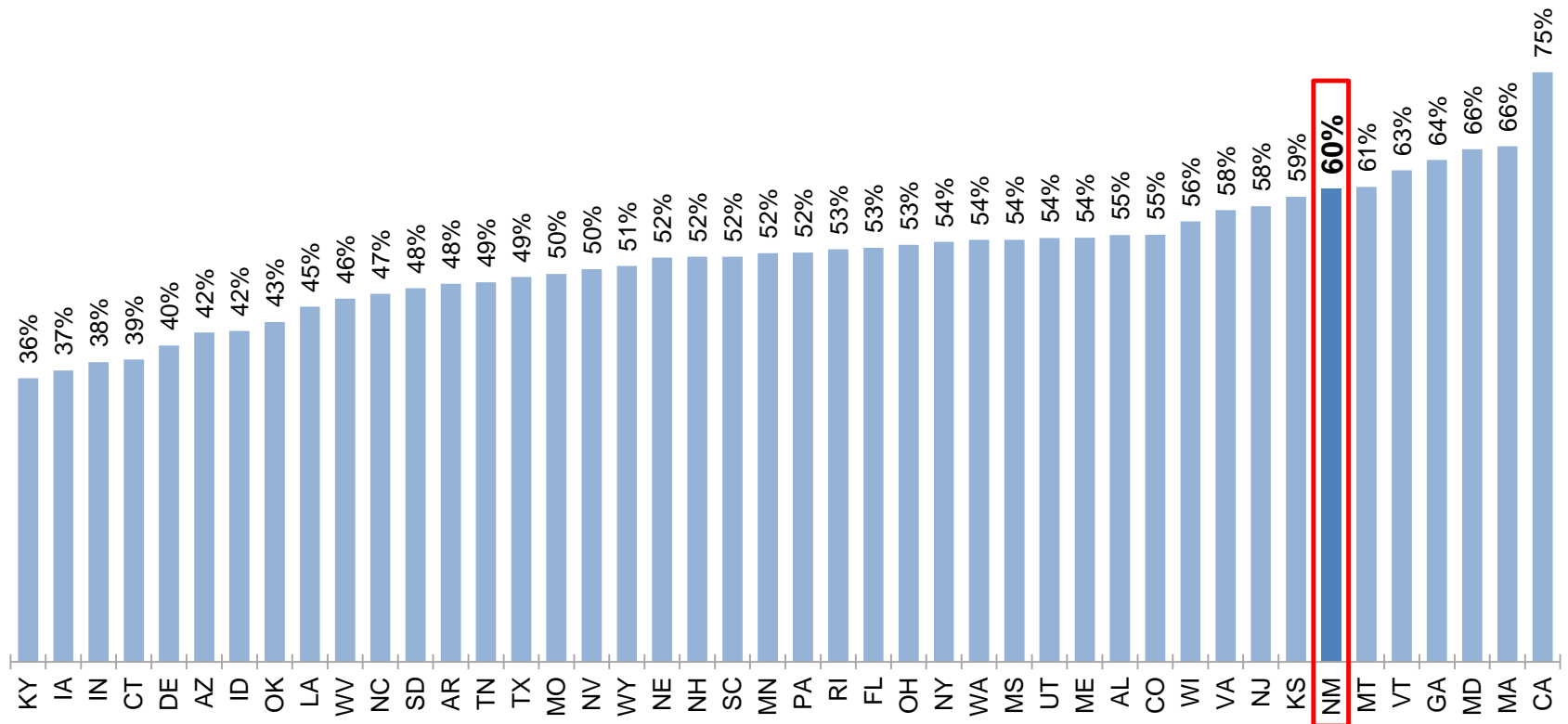
The number of men in prison increased **7%** between FY2010 and FY2018, from 6,177 to 6,605.

The number of women in prison increased **30%** between FY2010 and FY2018, from 614 to 797.

Source: New Mexico Sentencing Commission, "NEW MEXICO PRISON POPULATION FORECAST: FY2019 — FY 2028" (June 2018). Numbers shown in chart are the actual populations for FY2010 through FY2018 and the long term forecast population for FY2019 through FY2028.

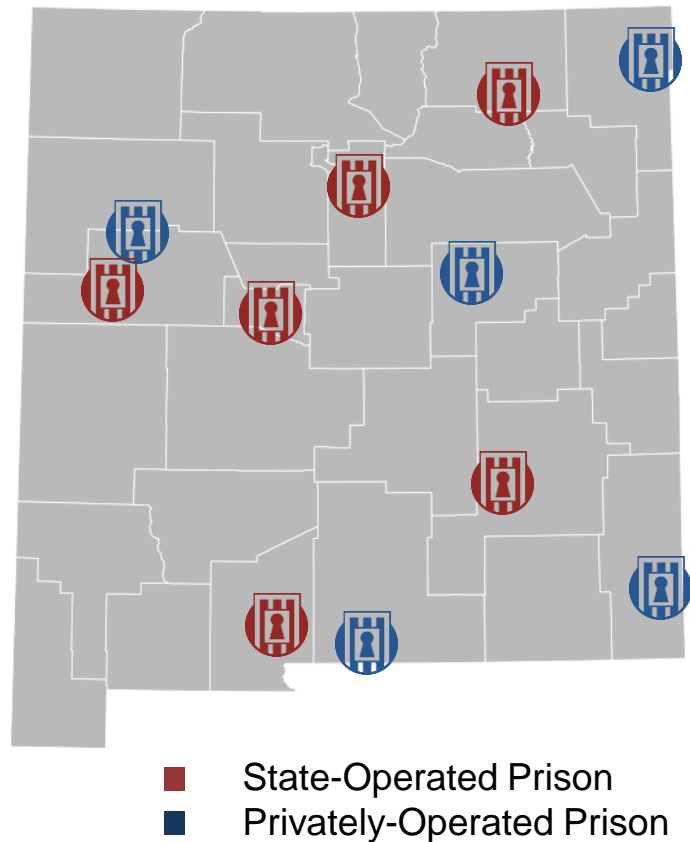
Almost two-thirds of people in prison in New Mexico were admitted for a violent offense, one of the highest percentages in the nation.

Percent of Prison Population Admitted for Violent Offenses, 2015



Source: National Corrections Reporting Program, "1991-2015: Selected Variables." Data obtained through the Inter-university Consortium for Political and Social Research. Percentages are based on prison populations as of December 31, 2015. New Mexico prison population numbers were not available in the 2016 NCRP data.

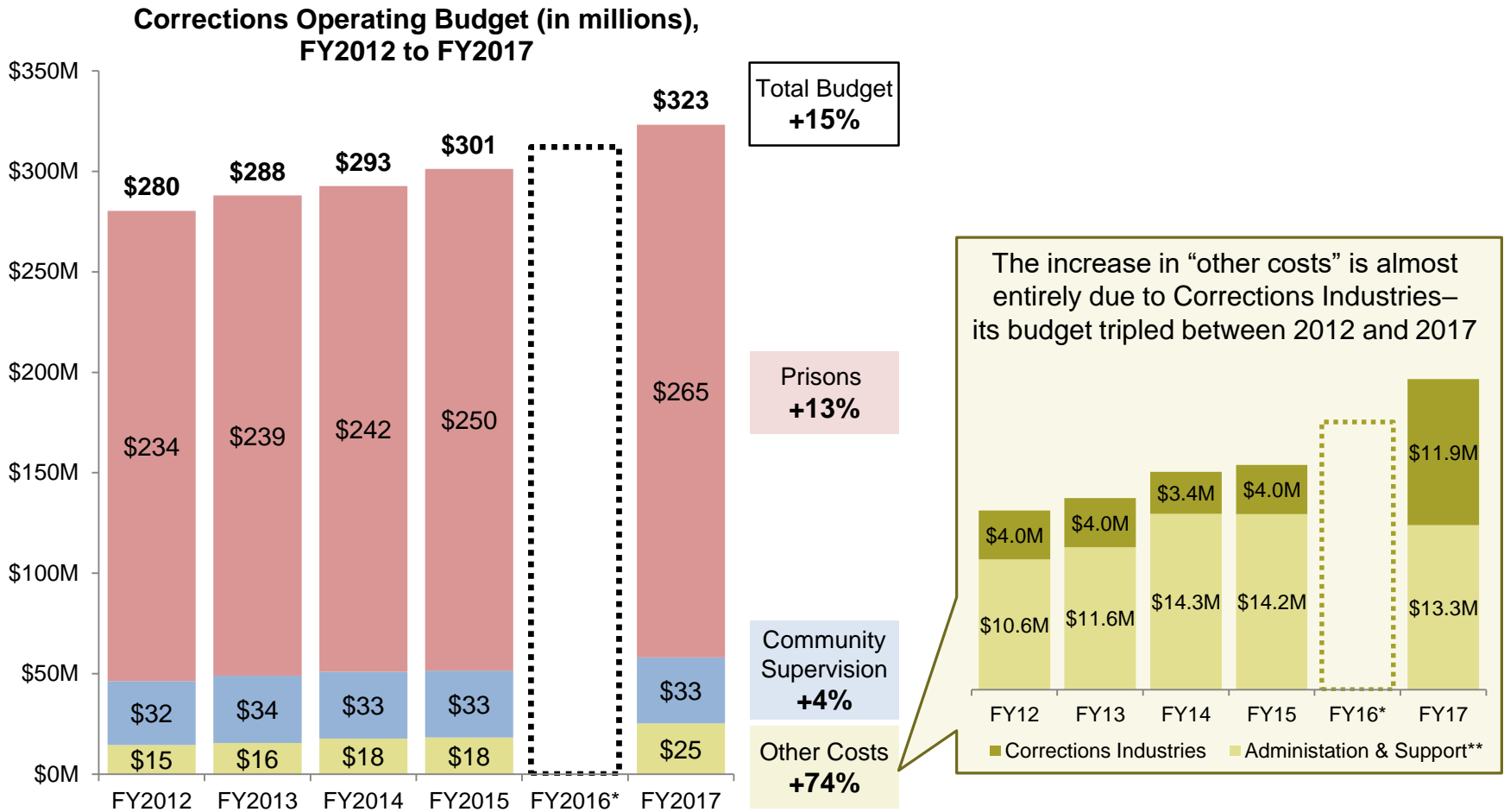
Nearly half of people in New Mexico's prisons—or about 4,000—are housed in private prisons, which is the highest proportion in the nation.



New Mexico operates six state-owned prisons with a capacity of 4,000 beds and contracts with five private prison operators to run facilities with a capacity of 3,900 beds.

In 2016, 43 percent of New Mexico's prison population was housed in private facilities, leading the nation in their reliance on private prisons.

The operating budget for prisons has increased at a higher rate than the budget for community supervision.

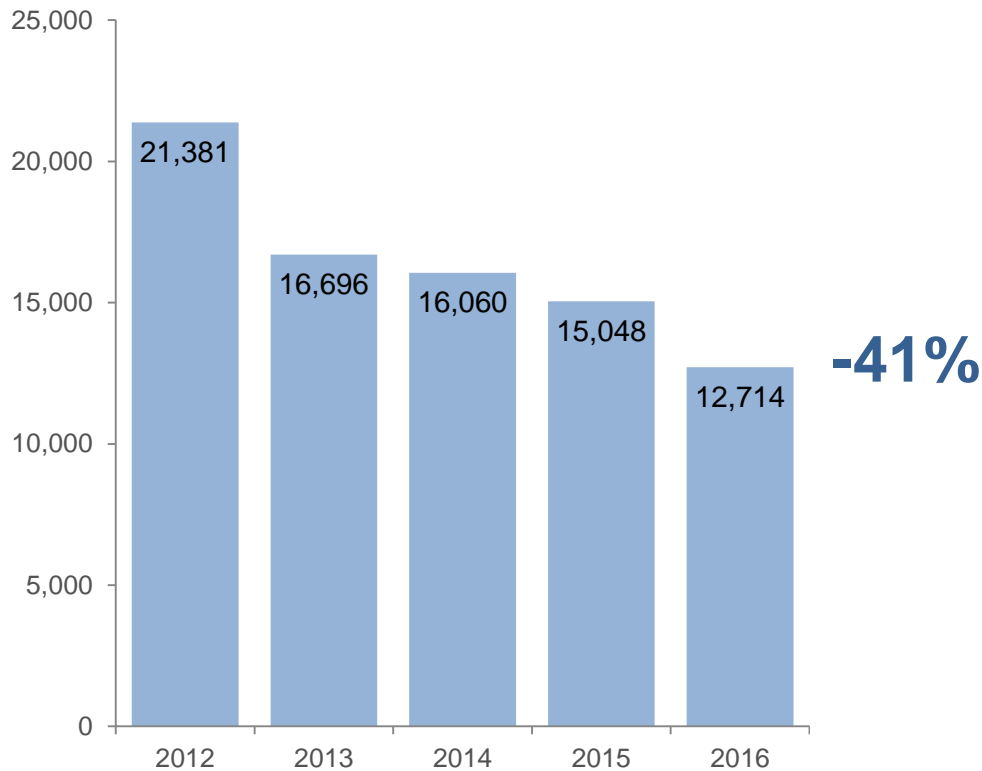


*Annual reports for FY2016 were not available online. Budget categories listed in annual reports for fiscal years prior to 2012 could not be reconciled with recent years and are therefore excluded from this chart.

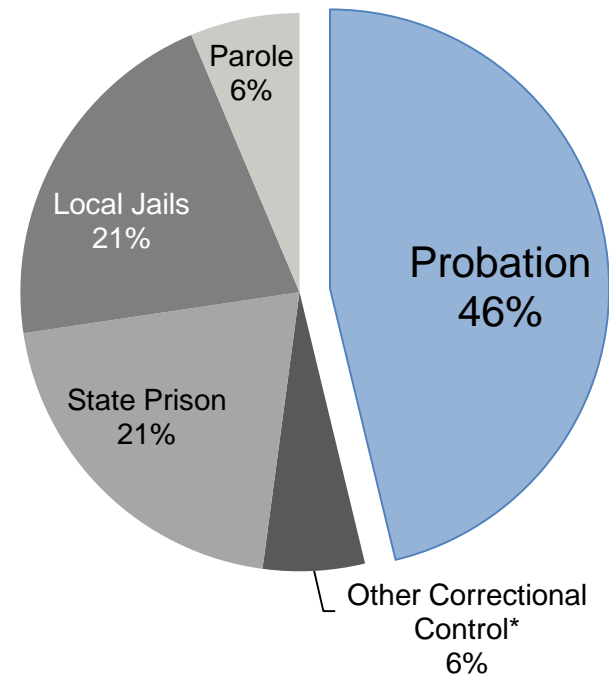
**Administration & support includes Program Support, Administrative Services, Information Technology, and Training Academy

Although the probation population is decreasing, almost half of all correctional control volume comes from probation.

Year-End Probation Population



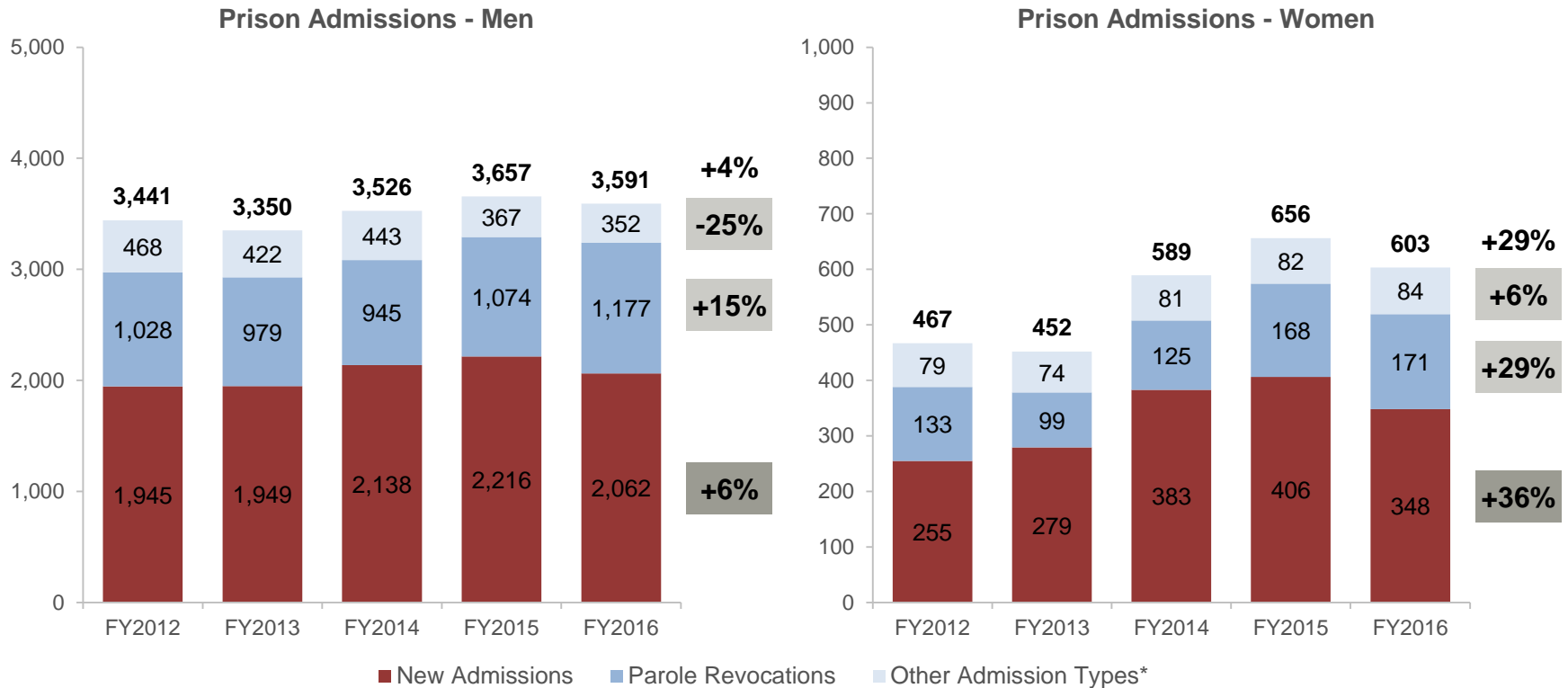
Correctional Control Population by Type



*Other Correctional Control includes reported categories of: Federal Prison, Juvenile Incarceration, Civil Commitments, and Indian Country Jails.

Source: BJS, Correctional Statistical Analysis Tool (CSAT); Prison Policy Initiative, "Correctional Control: Incarceration and supervision by state" (<http://www.prisonpolicy.org/reports/50statepie.html>). Numbers in this report are based on corrections population counts gathered between 2013 and 2016.

Prison admissions for new offenses and parole revocations are increasing, particularly for women.



*Other admission types include probation and diagnostic admissions

Population pressure is aggravated by lack of housing placements for people reaching parole and controlled release eligibility.

“Hundreds of New Mexico Inmates Held Past Parole Date” *New Mexico prison records show the state has held hundreds of people past their projected parole dates under a practice widely known as “in-house parole.”* Jan. 27, 2018



- 165 release-eligible people on in-house parole at the beginning of July of [2017], slightly more than the average monthly total since January 2014
- women are on in-house parole at two and a half times the rate of men

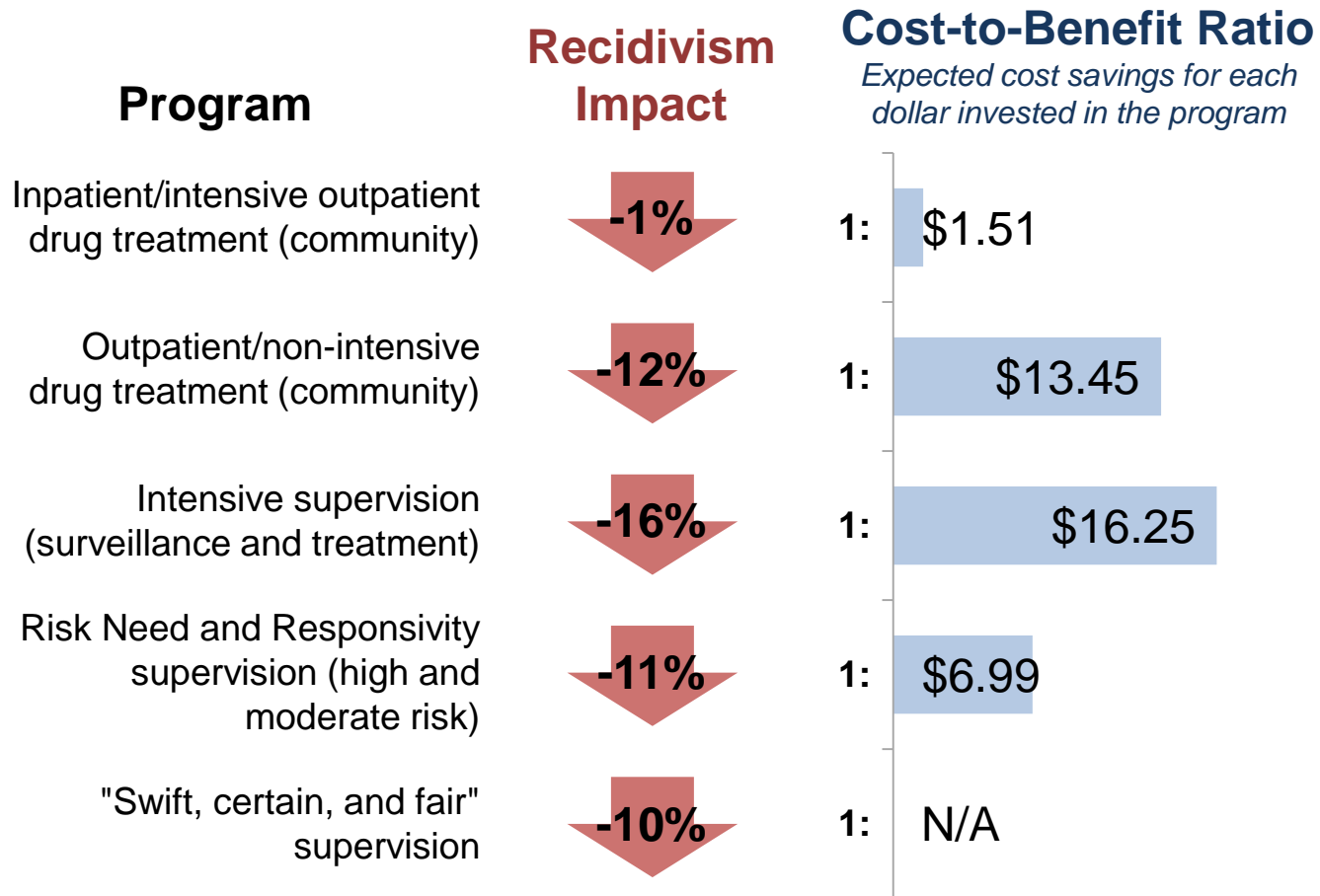
People with no firearms convictions are eligible for controlled release one year prior to parole eligibility. The Sentencing Commission has estimated this population 11 times over the years. In 2017 the estimate was 357 eligible people.



Sources: U.S. News, “Hundreds of New Mexico Inmates Held Past Parole Date” (<https://www.usnews.com/news/best-states/new-mexico/articles/2018-01-27/hundreds-of-new-mexico-inmates-held-past-parole-date>);

New Mexico Sentencing Commission, “Estimated Number of Offenders in New Mexico Corrections Department Facilities in October Eligible for Controlled Release” (<https://nmsc.unm.edu/reports/2017/estimated-number-of-offenders-in-new-mexico-corrections-department-facilities-in-october-eligible-for-controlled-release-fy-2018.pdf>)

Research shows that when done well, supervision and treatment have the greatest potential to curb recidivism.



Sources: WSIPP, *Inventory of Evidence-Based and Research-Based Programs for Adult Corrections*, http://www.wsipp.wa.gov/ReportFile/1681/Wsipp_Inventory-of-Evidence-Based-Research-Based-and-Promising-Programs-for-Adult-Corrections_Report.pdf.

General deterrence based on the threat of significant punishment is not an effective strategy; swiftness and certainty are much more important.

Swift

Sanctions are quick. Limit the time between violation and consequence.

Certain

Sanctions are predictable. Consequences are not random. There are set responses for certain violations.

Fair and Appropriate

The severity and duration of a response to a violation is proportionate to the violation.

Punishment Is Not Enough



Punishment stops behavior



Use of reinforcement and cognitive behavioral interventions (CBI) teaches new skills and promotes long-term behavior change

- Case planning
- Homework assignments
- Referral for treatment or programming
- Programming focus at sanction facility

Justice Reinvestment will seek information and answers to inform policy development in New Mexico.

Prison Population

- What policy levers are up for serious discussion?
 - “Halfway-out” capacity
 - Sanctions in lieu of revocation for supervision violations
 - Sentencing or offense grade changes

Probation and Community Corrections

- How many people are on probation in each locality? How many are revoked or sanctioned short of revocation?
- What kind and where are the biggest programmatic gaps?
- How much does DOC need or want legislative guidance and resources to drive improvements in supervision?

What other questions does the committee want answered?

THANK YOU



Michelle Rodriguez, Policy Analyst
mrodriguez@csg.org

Receive monthly updates about justice reinvestment states across the country as well as other CSG Justice Center Programs.

Sign up at:

[CSGJUSTICECENTER.ORG/SUBSCRIBE](https://www.csjusticecenter.org/subscribe)

This material was prepared for the State of New Mexico. The presentation was developed by members of The Council of State Governments Justice Center staff. Because presentations are not subject to the same rigorous review process as other printed materials, the statements made reflect the views of the authors, and should not be considered the official position of the Justice Center, the members of The Council of State Governments, or the funding agencies supporting the work.



Justice Center

THE COUNCIL OF STATE GOVERNMENTS