



NEW MEXICO
LEGISLATIVE
FINANCE
COMMITTEE

Review of Legislative Finance Committee (LFC) Criminal Justice System Analyses and Recommendations

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Presentation to the Criminal Justice Reform
Subcommittee
October 25, 2018

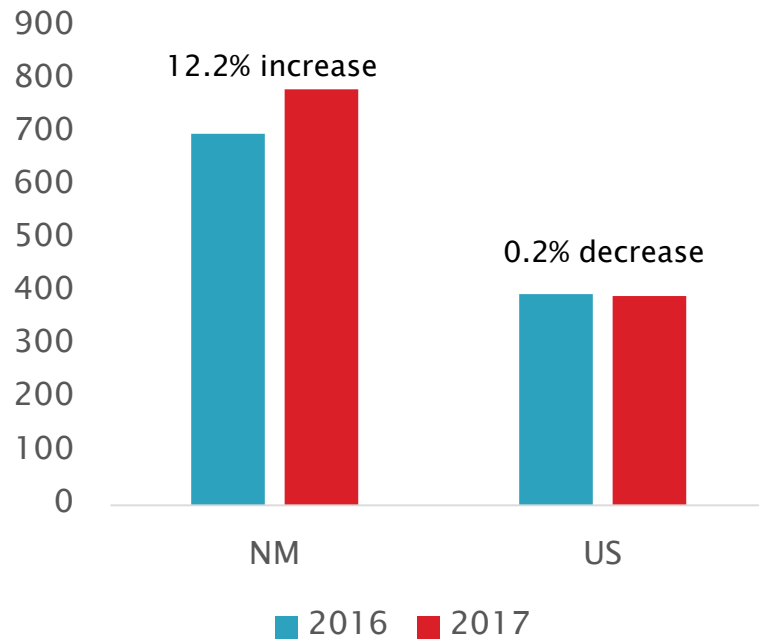
Overview



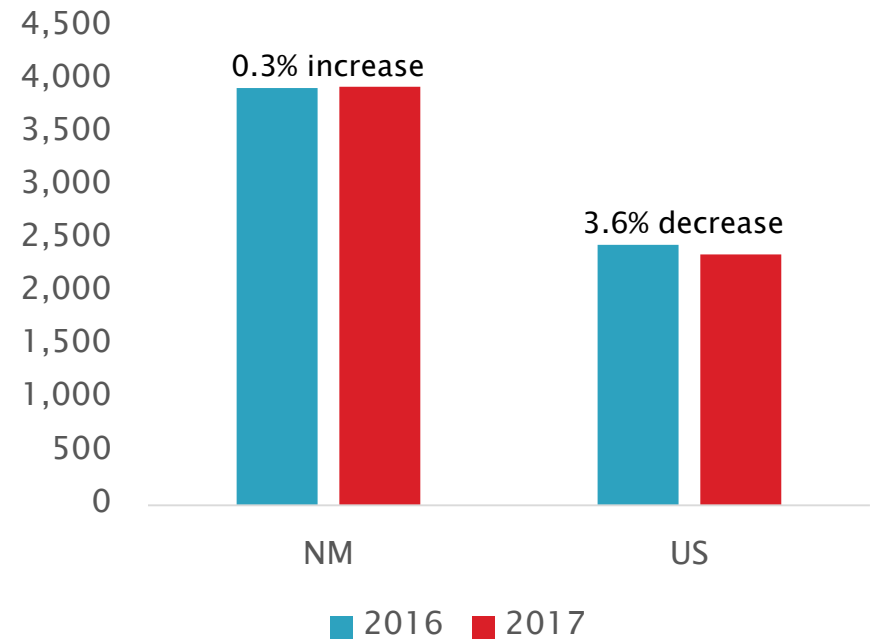
- ▶ The LFC has conducted over a dozen research projects relating to public safety issues since 2012
- ▶ Today's presentation will describe the highlights from selected reports including findings and recommendations to improve public safety
 - Background
 - Statewide crime rates, prison population, & recidivism rates
 - Crime pipeline
 - Children who experience ACEs are at risk of developing substance use disorder(s) and criminal behavior
 - Low-level crime is not addressed with swiftness and certainty, or diversion to address root causes
 - When behavior escalates to violence, offenders are more likely to be incarcerated where substance abuse goes undertreated
 - Once offenders are released from prison they are often sent back for drug use violations that remain under-addressed while in custody
 - Additional system wide issues
 - Capital outlay
 - Data systems

Violent and Property Crime Are Up in NM but Down Nationally

Violent Crime Rate NM and US
(2016 & 2017)



Property Crime Rate NM and US
(2016 & 2017)

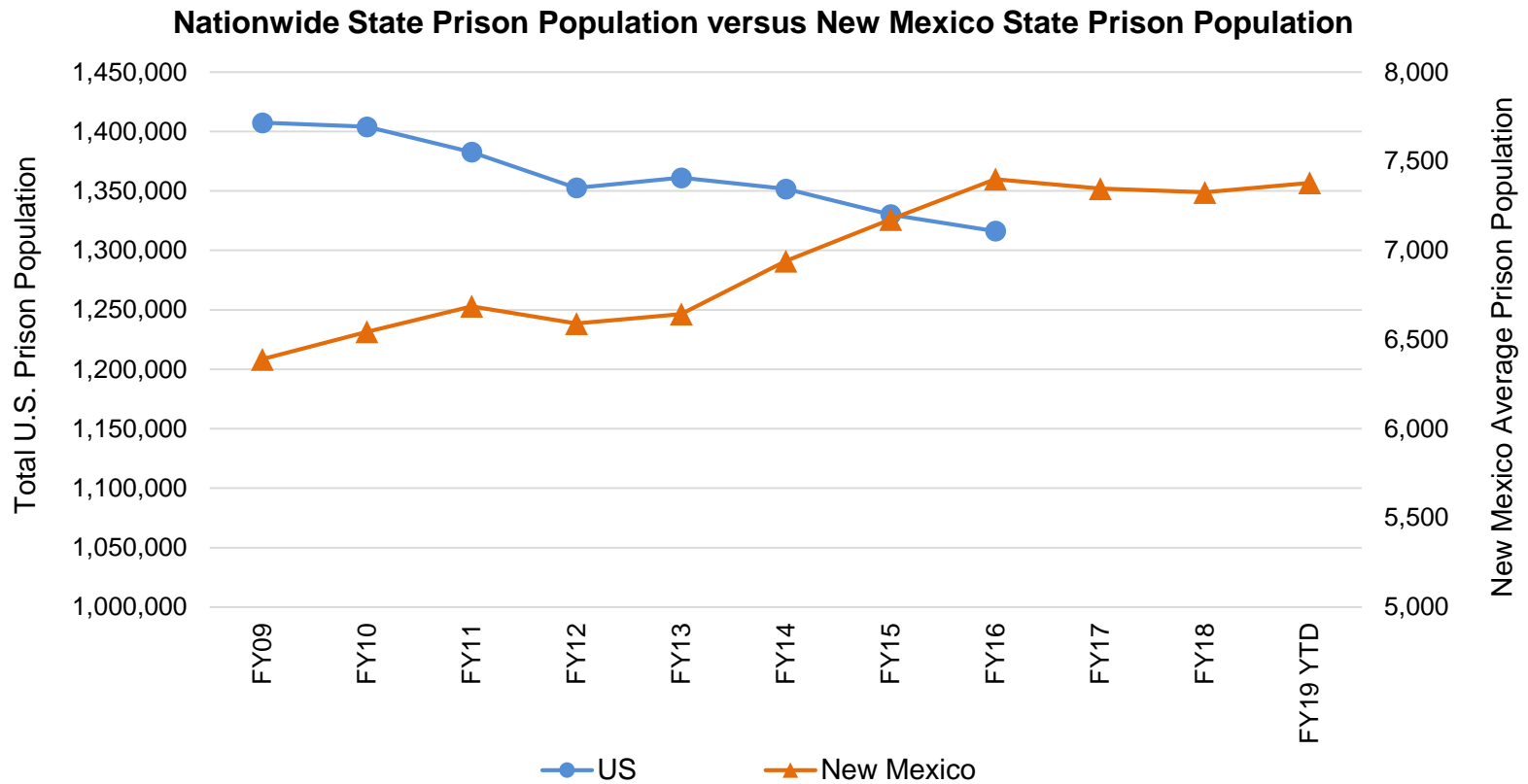


The violent crime increase was driven by Albuquerque

Property crime reports saw a smaller increase while the US experienced a decrease

Prison Population

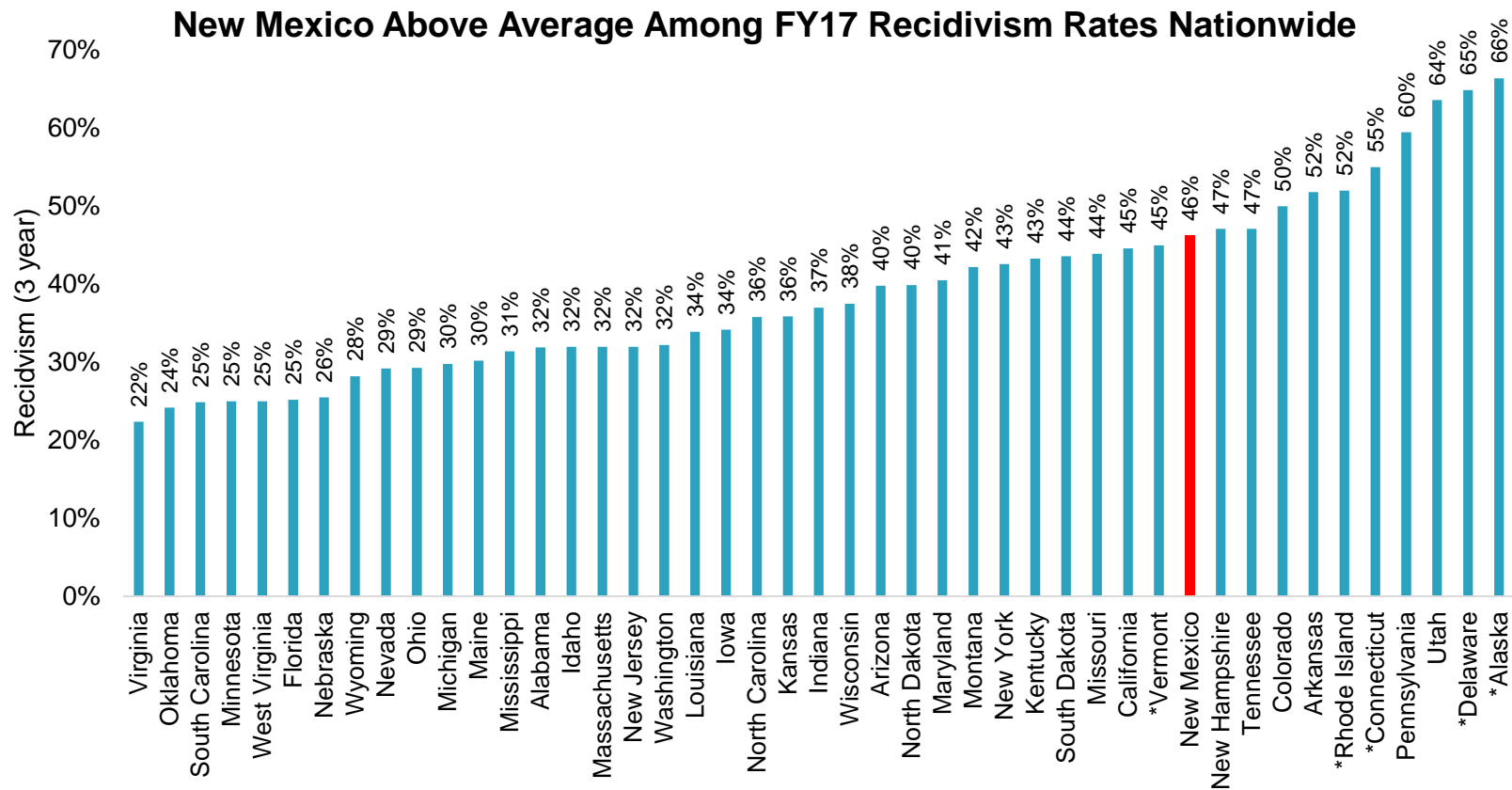
- ▶ New Mexico's prison population is growing compared with US



Source: Corrections Statistical Analysis Tool and LFC files

Recidivism

- ▶ New Mexico's recidivism rates are higher than most states



* Unified State, rate includes both state and local offenders.

Notes: Recidivism rates for each state are the most recent three-year re-incarceration rates produced and made publicly available by each state (as of September, 2017). Cautions should be taken in making state to state comparisons because of varying recidivism definitions, differences in states' correctional populations resulting from variations in sentencing practices, and differences in organizational structure in states' systems.

Why do we see these outcomes in NM?

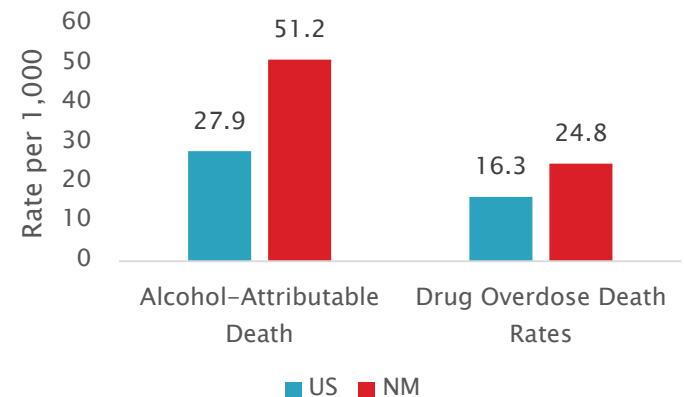
- ▶ Poverty and experience with adverse childhood experiences (ACEs) both correspond with crime
- ▶ NM is one of the poorest states in the nation
 - In 2017, 27% of children were in poverty, second only to Louisiana
- ▶ NM children have more ACEs than almost any other state
- ▶ ACEs are also associated with a number of other undesirable outcomes including substance abuse

Percent of children with 3 or more Adverse Childhood Experiences

National Average	New Mexico
11%	18%

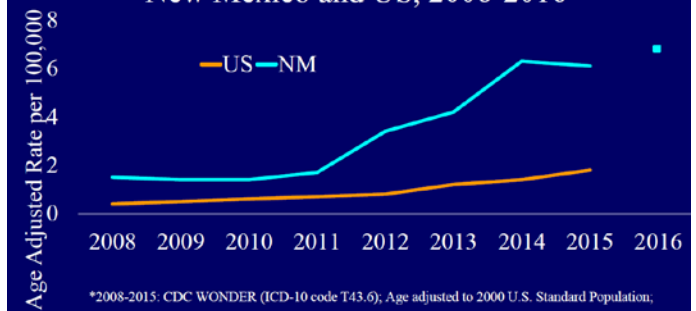
Source: Child Trends

Alcohol and Drug Attributable Death Rates NM and US



Source: CDC via NM DOH

Amphetamine Overdose Death Rate* New Mexico and US, 2008-2016



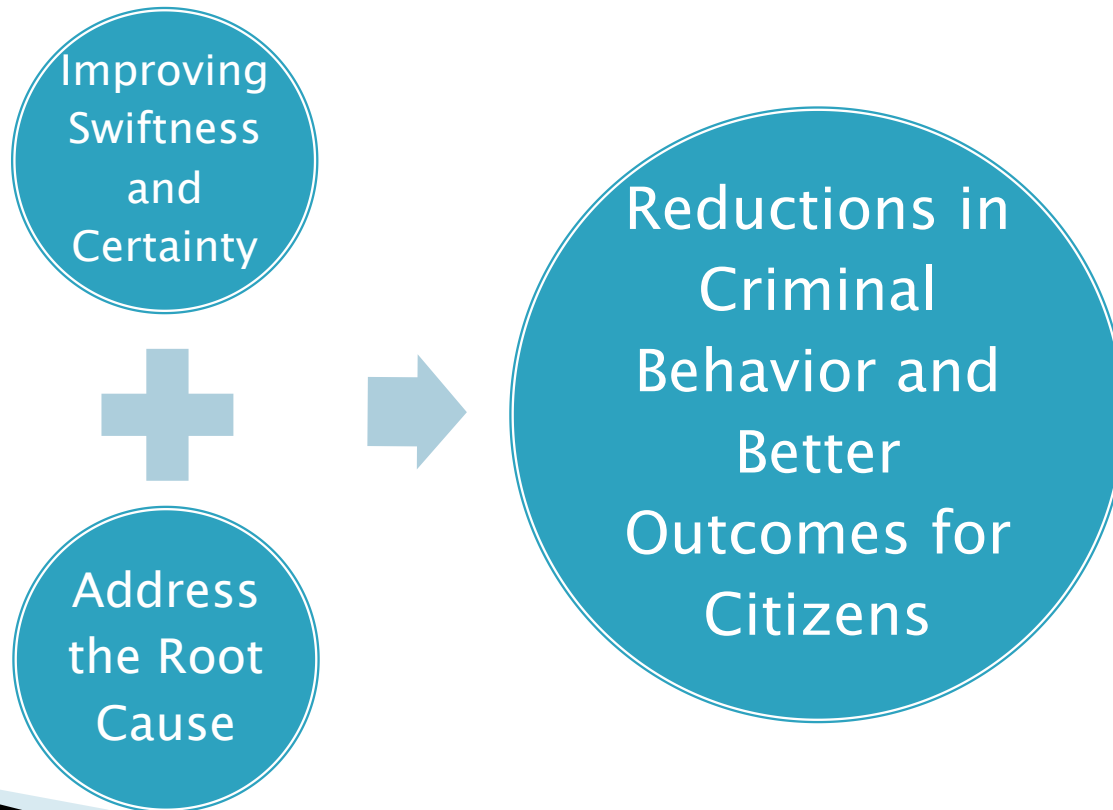
Source: CDC via NM DOH

Criminal Pipeline in New Mexico

- ▶ Children who experience ACEs are at risk of developing substance use disorder(s) and criminal behavior
 - ACEs are strongly linked to subsequent substance use (Shin, McDonald, & Conley, 2018); 86 percent of incarcerated JJ offenders have 4 or more ACEs
 - ▶ Low-level crime is not addressed with swiftness and certainty, or diversion to address root causes
 - ▶ When behavior escalates to violence, offenders are more likely to be incarcerated where substance abuse goes undertreated
 - ▶ Once offenders are released from prison they are often sent back for drug use violations that remain under-addressed while in custody
- Poverty & ACEs= Root Causes
- Substance use disorders are often associated with criminal behavior
- Prisons have been unable to address root causes
- The offender at this point returns to the system because root causes unaddressed

To reduce crime and reduce recidivism

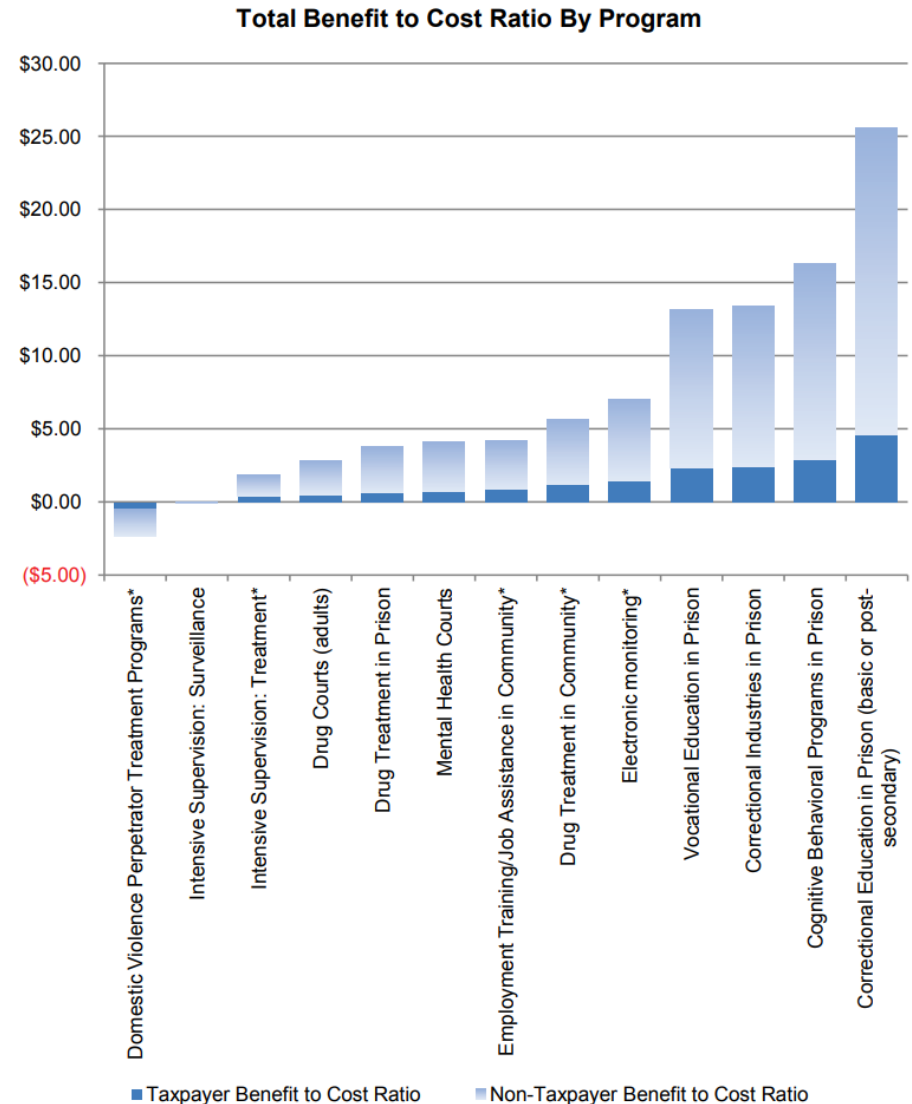
- ▶ Seek findings and recommendations to improve outcomes and find cost savings



Evidence-Based Programming

- ▶ Two steps/strategies:
 - 1) High-level policy-makers adopt broad and general policies that authorize and drive administrative actions
 - 2) Agency management and front line staff implement evidence into practice and monitor progress

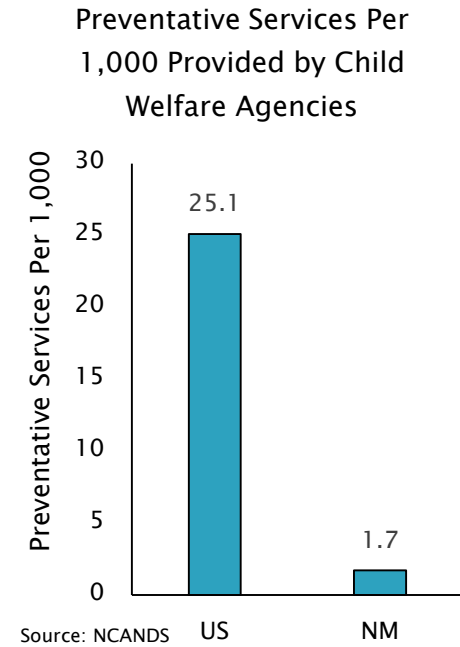
Source: Lester (2018)



Source: NM LFC Results First (2013)

Children who experience ACEs are at risk of developing substance use disorder(s) and criminal behavior

- ▶ Findings:
 - Most system money is dedicated to the “back end” of the system with little dedicated to prevention and early intervention
 - Service areas like CYFD’s Protective Services spend fewer dollars on prevention than any state except South Carolina
- ▶ Relevant Reports:
 - Results First Child Maltreatment (2014)
 - Results First Children’s BH (2017)



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- ▶ Recommendations: Implement evidence based prevention programs effective at reducing crime
 - Alternative response
 - Home visiting (NFP)
 - Good behavior game
 - Therapy (e.g. Multisystemic Therapy)
 - Family preservation services (Homebuilders)

Substance abuse goes untreated and develops into addictions that are supported through low-level crime

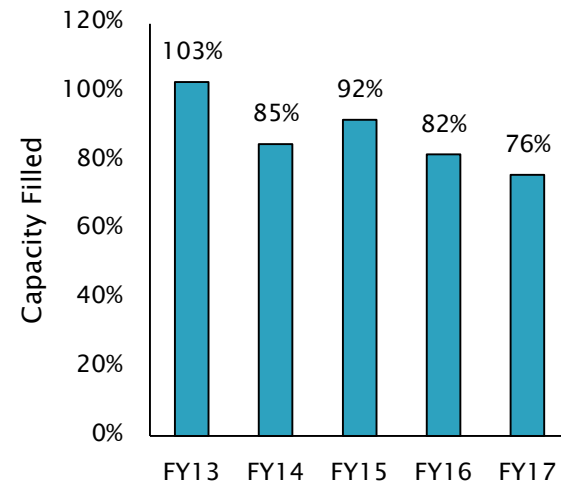
▶ Findings:

- Diversion programs for low risk offenders are typically more cost efficient/cost beneficial than incarceration
- Evidence-based diversion programs are lacking and sometimes underutilized (Albuquerque specialty courts)

▶ Relevant Reports:

- Results First (2014)
- Drug courts (2017)
- BernCo Crime System (2018)

Percent of Drug Court Capacity Filled Statewide



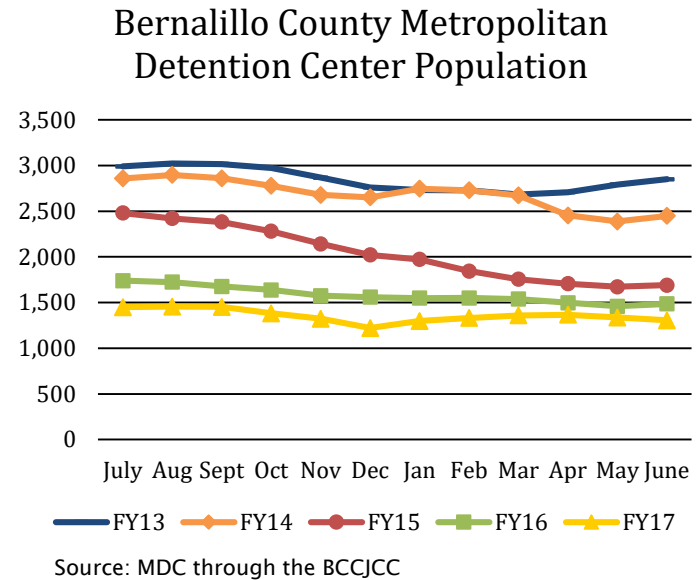
Source: AOC (Point in time count June 30)

▶ Recommendations:

- Agencies should better use data to ensure specialty courts are utilized and delivering good outcomes.
- The Legislature should consider
 - Expanding evidence based programs such as Law Enforcement Assisted Diversion (LEAD): Note- LEAD funding was in 2018 HB2 but vetoed
 - Using and expanding existing evidence based programs and ensure they are being implemented with fidelity

When determining pretrial detention, there are opportunities and challenges in implementation

- ▶ Findings:
 - Pretrial detention is unequal across the state
 - We are not measuring outcomes for pretrial detention
 - Pretrial services are more cost efficient than detention
 - The longer a defendant is detained awaiting trial, the higher the likelihood of recidivating
- ▶ Relevant Reports:
 - Results First (2014)
 - Drug courts (2017)
 - BernCo Crime System (2018)



- Recommendations
 - Agencies should use valid risk assessments to match offenders with tiers of pretrial services from ROR to detention
 - Statewide:
 - Ensure the availability of multiple levels of pretrial services
 - Establish coordination with counties to develop and manage pretrial services
 - Encourage counties to invest in pretrial services

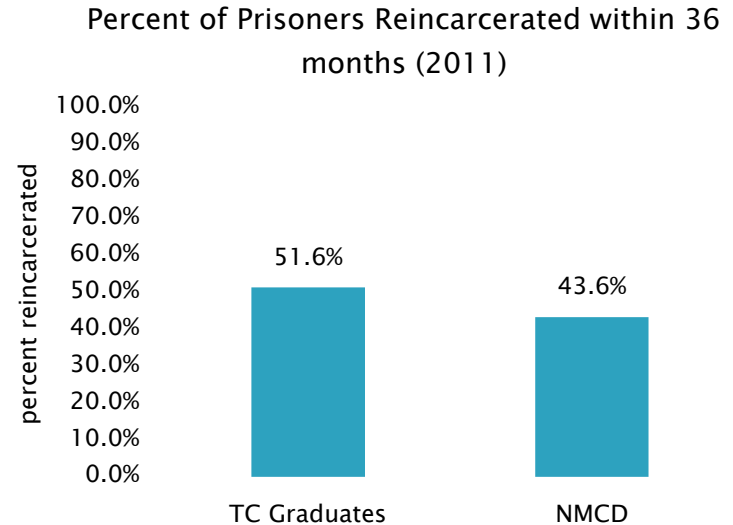
When behavior escalates to violence, offenders are more likely to be incarcerated where substance abuse goes undertreated

▶ Findings:

- Although NMCD is running evidence-based programs, in prison programs are sometimes not run as intended
- We are not measuring outcomes for most programs in prison
- The gap between services available in prison and services needed is unknown
- Geriatric and medically fragile inmates are costly with low risk of recidivating and could qualify for Medicaid.

▶ Relevant Reports:

- Reducing recidivism (2012)
- NMCD (2018)



Source: NMCD

◦ Recommendations

- Agencies should use valid risk needs scores to match offenders with programming proven to work
- NMCD needs a gaps study (LFC is working on this)
- Performance funding for private prisons
- Ensure use of geriatric parole statutes
- Consider legislation to define evidence-based programs and require collection of basic data (SB71 from 2017 session)
- The Legislature should consider pulling programming out of HB2 as line items

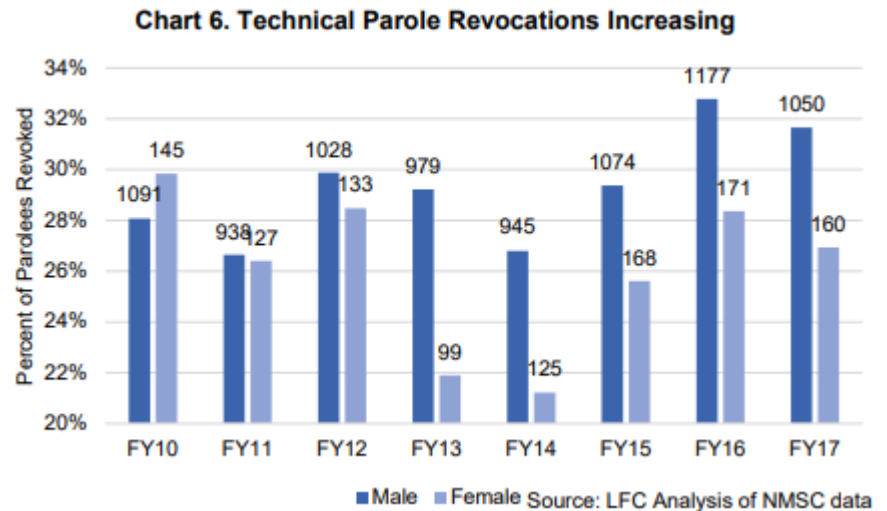
Once offenders are released from prison they are often sent back for drug use violations that remain under-addressed while in custody.

Findings:

- We often don't know who is participating in community corrections programs
- We are not measuring outcomes for most programs out of prison
- Supervision programs such as intensive supervision program (ISP) do not have a statutory treatment requirement
- 75% of revoked supervision is for failed drug tests/missed appointments costing the state \$40 million

Relevant Reports:

- Reducing recidivism (2012)
- NMCD (2018)



Recommendations:

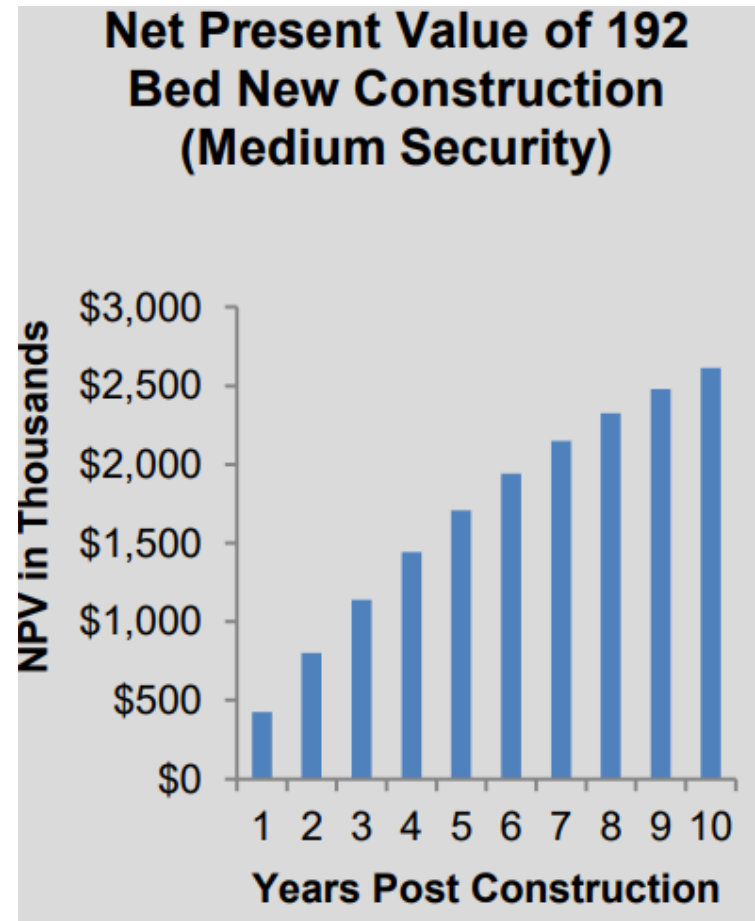
- Agencies should use valid risk needs scores to match offenders with programming proven to work and do a gaps analysis
- Consider legislation to define evidence-based programs and require collection of basic data (SB71 from 2017 session)
- Consider legislation to require treatment with ISP
- Consider legislation to allow transitional living facilities with programming as a parole sanction for low risk inmates

Additional system wide issues

- ▶ Capital outlay: Building new housing units at public prisons could save millions of dollars
- ▶ Data: Issues with data silos and sharing impact effectiveness of programming and staff

Capital Needs

- ▶ Findings:
 - NM has the highest proportion of inmates in private prisons in the US
 - NM public prisons are cost inefficient and have hundreds of millions in capital needs
- ▶ Relevant Reports: NMCD and GSD Capital Outlay (2014)



- ▶ Recommendations: NM should replace existing housing units at public prisons with larger more efficient facilities

Data Systems

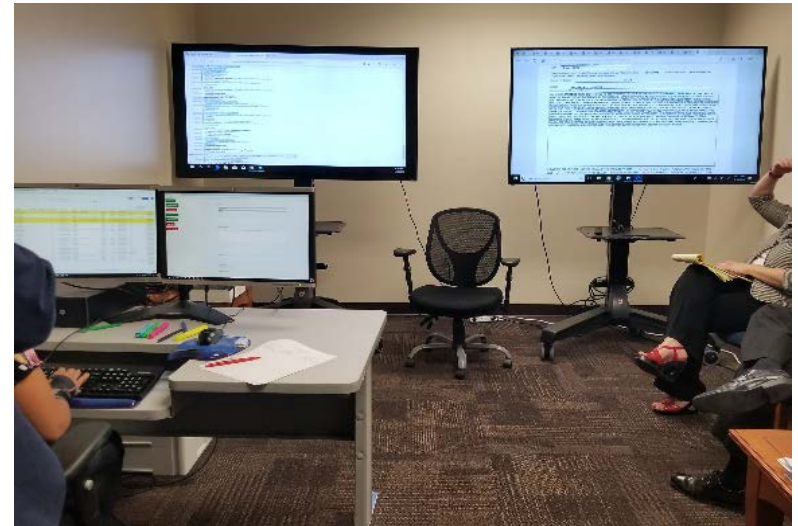
▶ Findings

- Numerous data silos creating additional workloads and issues with gathering information
- Obstacles to data sharing creating gaps in knowledge
- Lack of coordination across the system
- Lack of system wide goals and performance management

▶ Relevant Reports:

- Reducing recidivism (2012)
- BernCo Crime System (2018)
- NMCD (2018)

2nd District Attorney Bridge Process: shows 2nd District Attorney Office staff simultaneously looking for information from multiple databases.



▶ Recommendations: the Legislature should consider

- Requiring state and local government agencies to use a common ID numbering system
- Developing reporting standards and requirements for data (including UCR and NIBRS)
- Bringing state law into agreement with federal law and other states regarding PII
- Increasing data use and data sharing (e.g. Florida SB 1392)
- Expanding the responsibilities of the NMSC to include added powers of obtaining and reporting data

Questions?

