

New Mexico Justice Reinvestment

Working Group Meeting - December 14, 2018

Carl Reynolds, Senior Legal & Policy Advisor

Celine Villongco, Policy Analyst

Michelle Rodriguez, Policy Analyst

Rachael Druckhammer, Senior Research Associate



Justice Center

THE COUNCIL OF STATE GOVERNMENTS

The Justice Center is part of The Council of State Governments but works across all four CSG regions at the state and local levels.



CSG Regions



www.csg.org



www.csgjusticecenter.org

DRAFT

The CSG Justice Center helps states facing criminal justice challenges.



Advising leaders on how to connect reentry and employment



Helping policymakers understand and reform their criminal record clearance laws



Leading a county movement about the mentally ill in jails



Guiding projects to reduce cost and recidivism

DRAFT

Justice Reinvestment (JR) is an approach, not a prescription.



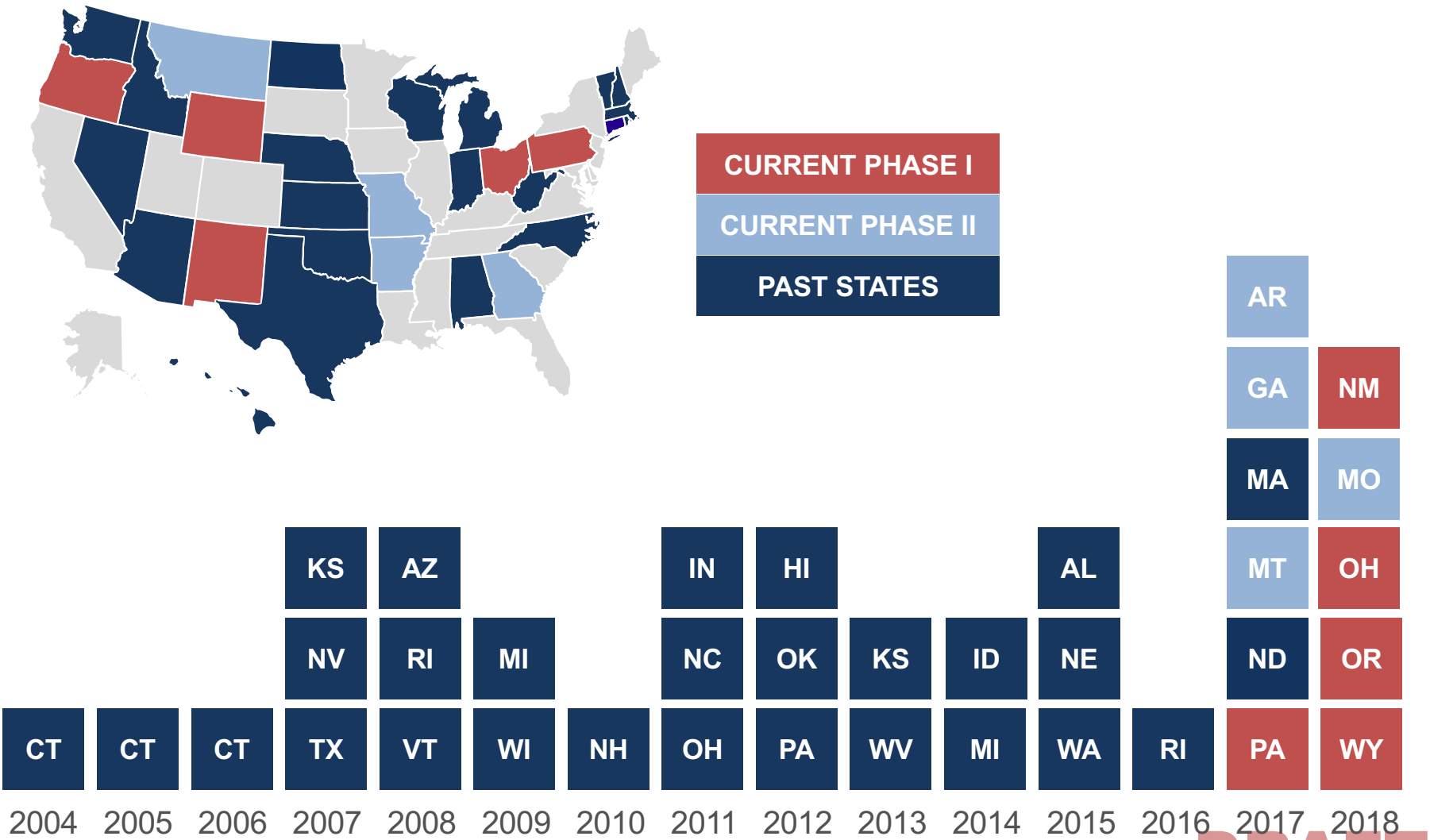
JUSTICE REINVESTMENT

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**.

DRAFT

The Justice Center has worked with 30 states, some twice, on a JR approach.



The Justice Center's JR team in New Mexico



Michelle Rodriguez
Policy Analyst
& Project Manager

Formerly mitigation specialist
for King County Office of
Public Defense (WA).

BS, Seattle University
MSW, University of WA
School of Social Work



Carl Reynolds
Senior Legal
& Policy Advisor

Formerly state court
administrator and corrections
general counsel (TX).

BA, University of Cincinnati
MA, LBJ School
JD, University of Texas



Rachael Druckhammer
Senior Research Associate

Formerly lead researcher for the
Travis County Juvenile
Probation Department (TX).

BS & MS, Texas State
University, San Marcus



Celine Villongco
Policy Analyst

Formerly statewide human
trafficking coordinator for the
Iowa Department of Justice.

BS, Cornell University
MPP, Duke University

DRAFT

New Mexico state leaders requested JR assistance in August, and funding was approved in September.



The legislative leaders, the governor, and the chief justice requested technical assistance from the CSG Justice Center to use a Justice Reinvestment approach. The formal request was issued by:

Governor
**SUSANA
MARTINEZ**

Speaker of the
House
**BRIAN
EGOLF**

Senate
President Pro
Tempore
**MARY KAY
PAPEN**

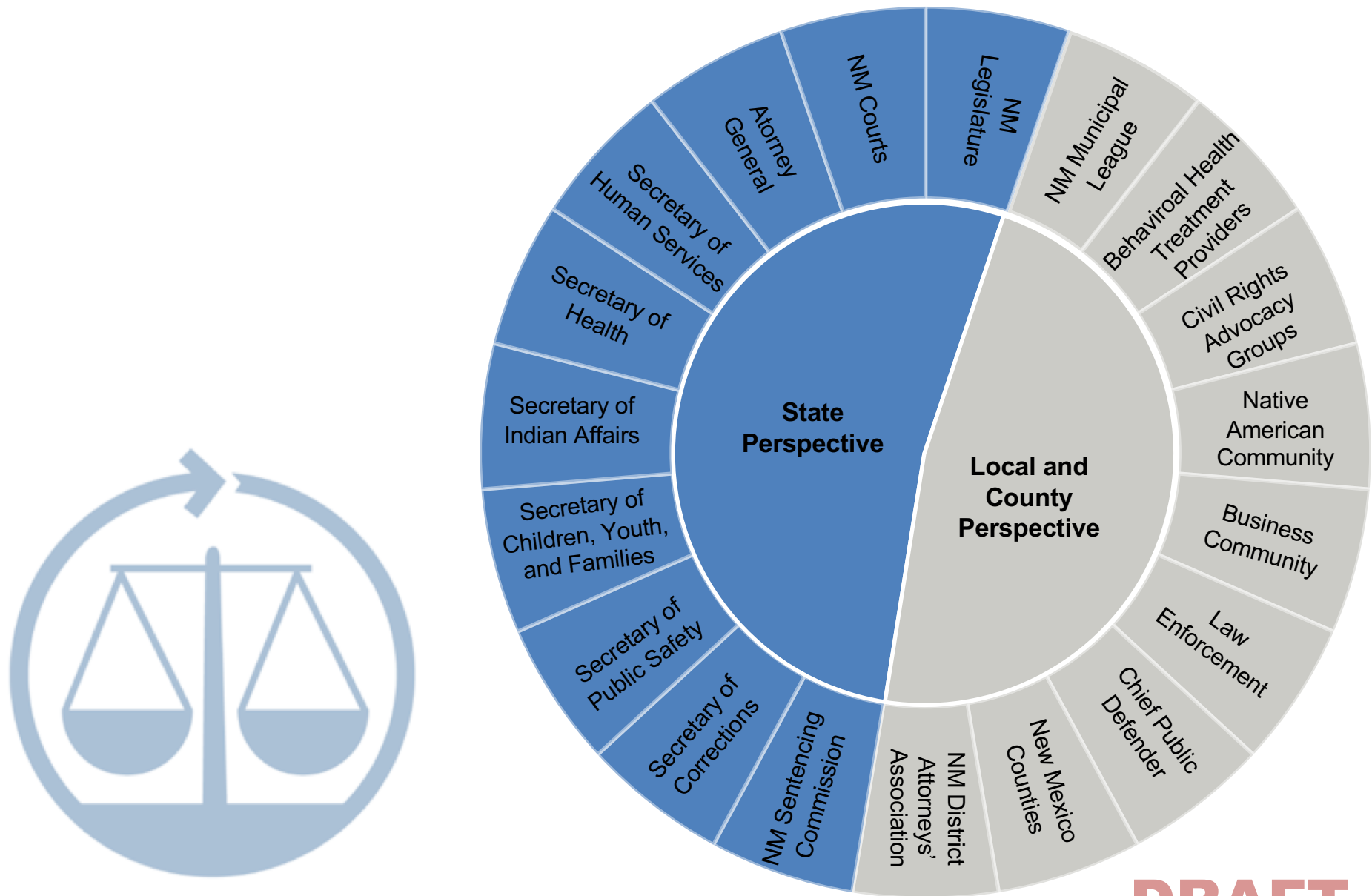
Chief Justice
**JUDITH K.
NAKAMURA**

House Minority
Leader
**NATE
GENTRY**

Senate Minority
Leader
**STUART
INGLE**

DRAFT

The New Mexico working group will help inform the JR process.



DRAFT

New Mexico is using the JR approach to address an array of criminal justice and behavioral health system challenges.



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



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



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



Arrests and prison admissions for drug offenses are increasing.



New Mexico's prison population has increased and is projected to continue to grow.

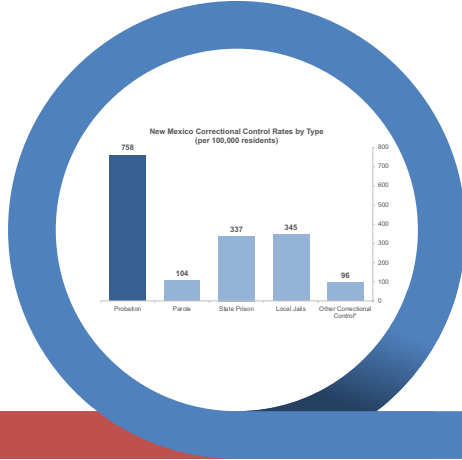


The number of people released from prison in New Mexico has decreased, but the reincarceration rate has increased, particularly for women.

DRAFT



Much of New Mexico's efforts related to public safety have been focused on Bernalillo County. JR will identify policies that have statewide impact.



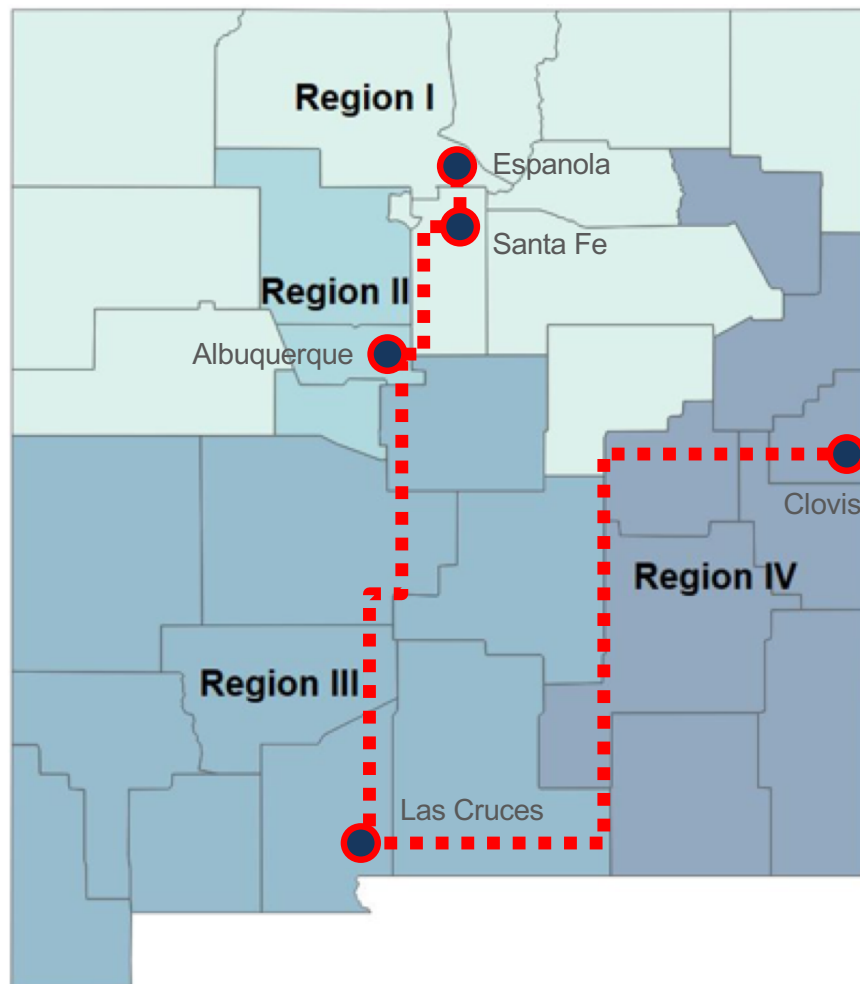
JR leverages data to inform policy by providing fresh analysis of system dynamics and offering projected policy impacts.



JR can inform the process with experience from many states, a bipartisan mission, and respect for the roles of all three branches.

The Council of State Governments Justice Center | 10

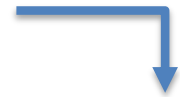
CSG Justice Center staff are gathering regional perspectives during stakeholder engagement, reflecting the state's size and diversity.



75+ CALLS & MEETINGS

10 ON-SITE VISITS

SINCE JUNE 2018



On June 19, more than 50 people attended the New Mexico State Forum on Public Safety.

DRAFT

Stakeholder input greatly informs the analysis presented today.



JR Working Group

Contacts (meetings or calls) with working group members and their staff



Corrections

Contacts with NMCD and parole officials and staff, observation of probation reporting sessions. Contacts with Sentencing Commission staff.



New Mexico Legislature

Meetings with senators and House Representatives. Presentations to the CCJ and CJRS. Calls/meetings with LFC and LCS.



Behavioral Health

Contacts with Behavioral Health Services Division, Managed Care Organizations, Bernalillo County officials, and individual behavioral health service providers



Courts

Contacts with AOC, individual judges, prosecutors and defense attorneys



Law Enforcement

Contacts with the Department of Public Safety, Attorney General's Office, and local law enforcement officials



Community and Tribal Organizations

Contacts with Department of Indian Affairs, Judicial Tribal Consortium, Coalition to Stop Violence Against Native Women, Tribal Courts Judges, ACLU of New Mexico



Victim Services

Contacts with the Crime Victims Reparation Commission, Coalition of Sexual Assault Programs, and Attorney General's Victim Services Unit

DRAFT

Data analysis update and challenges identified in source data

Justice Reinvestment Data Request Update		
Data Requested	Source	Status
Court Case Dispositions	Administrative Office of the Courts, via Sentencing Commission	Received; analyzed
Charges Received; Pre-Prosecution Diversions; Court Case Filings, Dispositions, & Sentences	Administrative Office of the District Attorneys	Received; Analyzed and additional analysis pending
Probation Supervision; Prison Admissions & Releases	Corrections Department, via Sentencing Commission	Received; Analyzed and additional analysis pending
County Jail Bookings & ADP	New Mexico Counties	Received; analyzed

Challenges with Source Data Used in Today's Presentation

Statewide identifiers not used across all data systems to facilitate sharing and matching

Gaps in data (e.g. no information on probation case management)

Unexamined data, never before analyzed, requires additional validation

DRAFT

Overview

1 Crime and Policy

2 Victim Services

3 Behavioral Health

4 Probation

5 Next Steps

DRAFT



Overview

1 Crime and Policy

Measuring crime

Trends in New Mexico

Albuquerque's influence

Policies affecting crime

DRAFT



Crime is typically measured by looking at reports of crime to the police, and arrests by the police.

Both crime reports and arrests are gathered at the state level from local law enforcement, and then reported to the FBI.

To standardize reporting the FBI uses “index crimes.”

Violent index crimes are murder/ non-negligent manslaughter, rape, robbery, and aggravated assault.

Property index crimes are burglary, larceny/theft, motor vehicle theft, and arson.

Index crimes do not include drug offenses.

Changes in the reported number of arrests are largely due to variation in how many New Mexico agencies report arrests to the FBI.

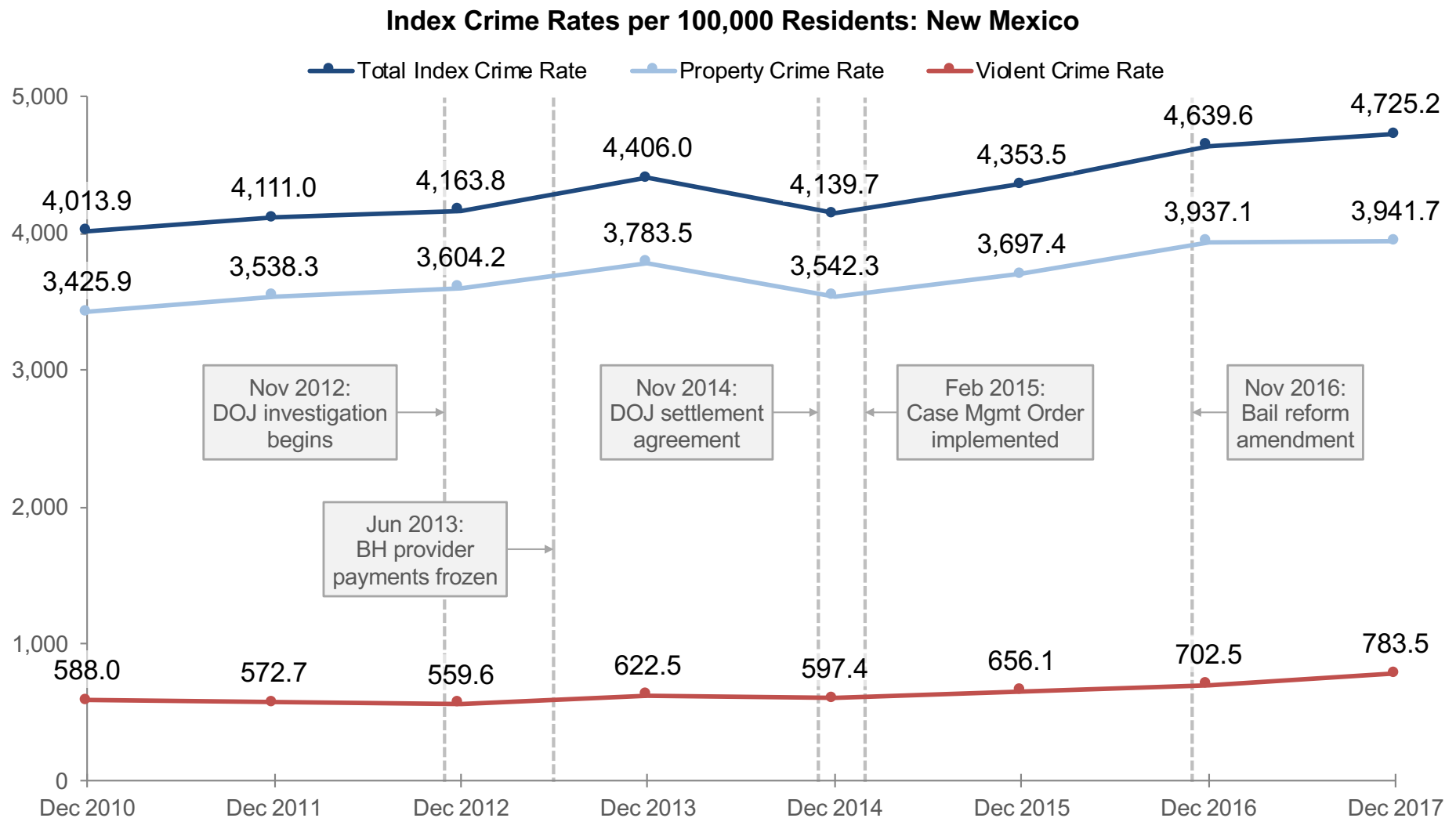
New Mexico DPS reported crime statistics to the FBI from over 100 law enforcement agencies in 2017.

But also in 2017, FBI arrest reports included information from only 23 agencies in New Mexico.

Between 2007 and 2017, the largest number of agencies included in FBI reports was 87 (2011).

DRAFT

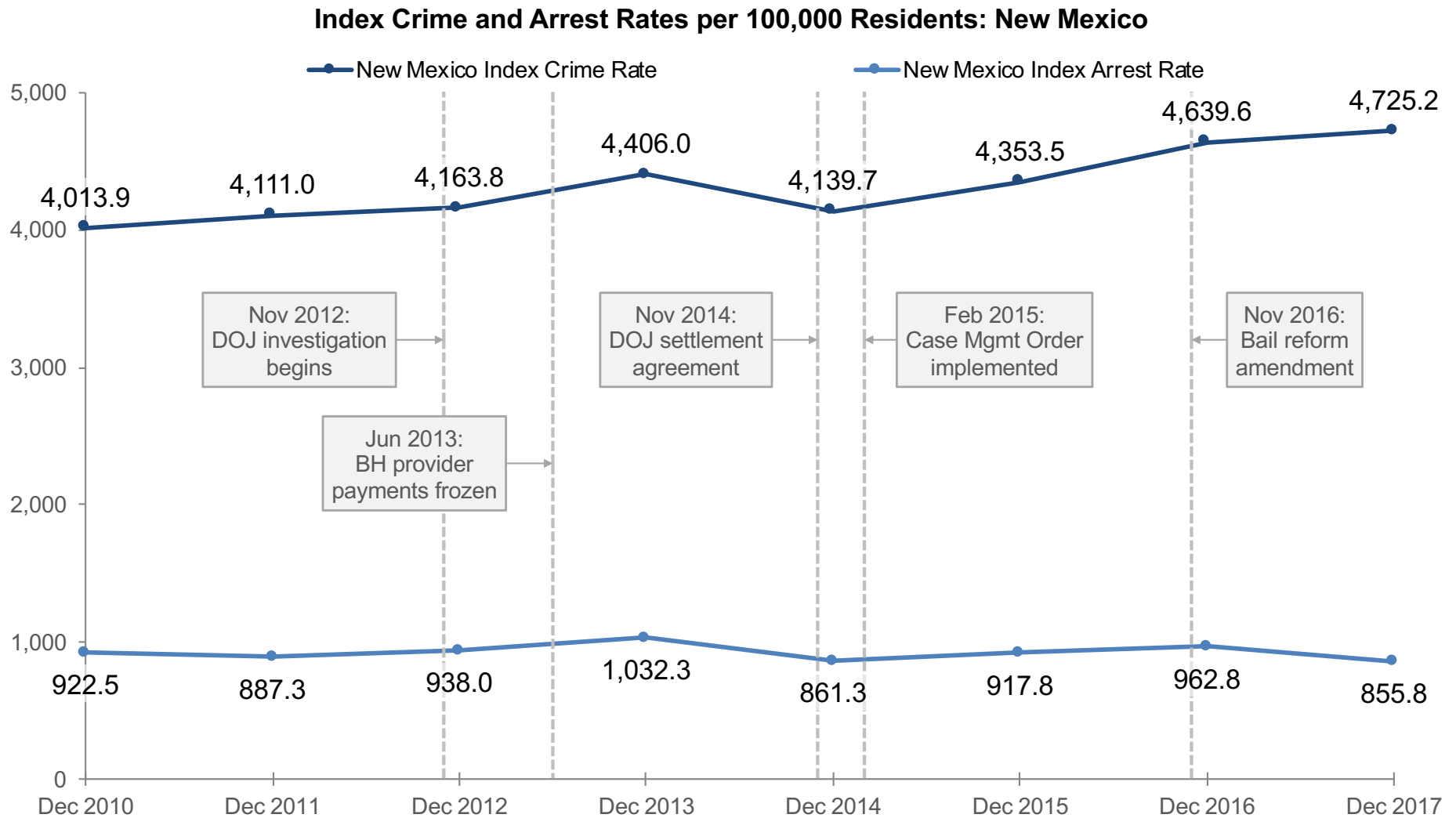
New Mexico's index crime rate increased 18 percent between 2010 and 2017, with notable increases in property crime rates.



Index crimes are divided into violent and property categories and do not include drug offenses. Violent index crimes are murder/ non-negligent manslaughter, rape, robbery, and aggravated assault; property index crimes are burglary, larceny/theft, motor vehicle theft, and arson.

DRAFT

While New Mexico's index crime rate has steadily increased, the index crime *arrest* rate has slightly decreased (but there are arrest reporting gaps).

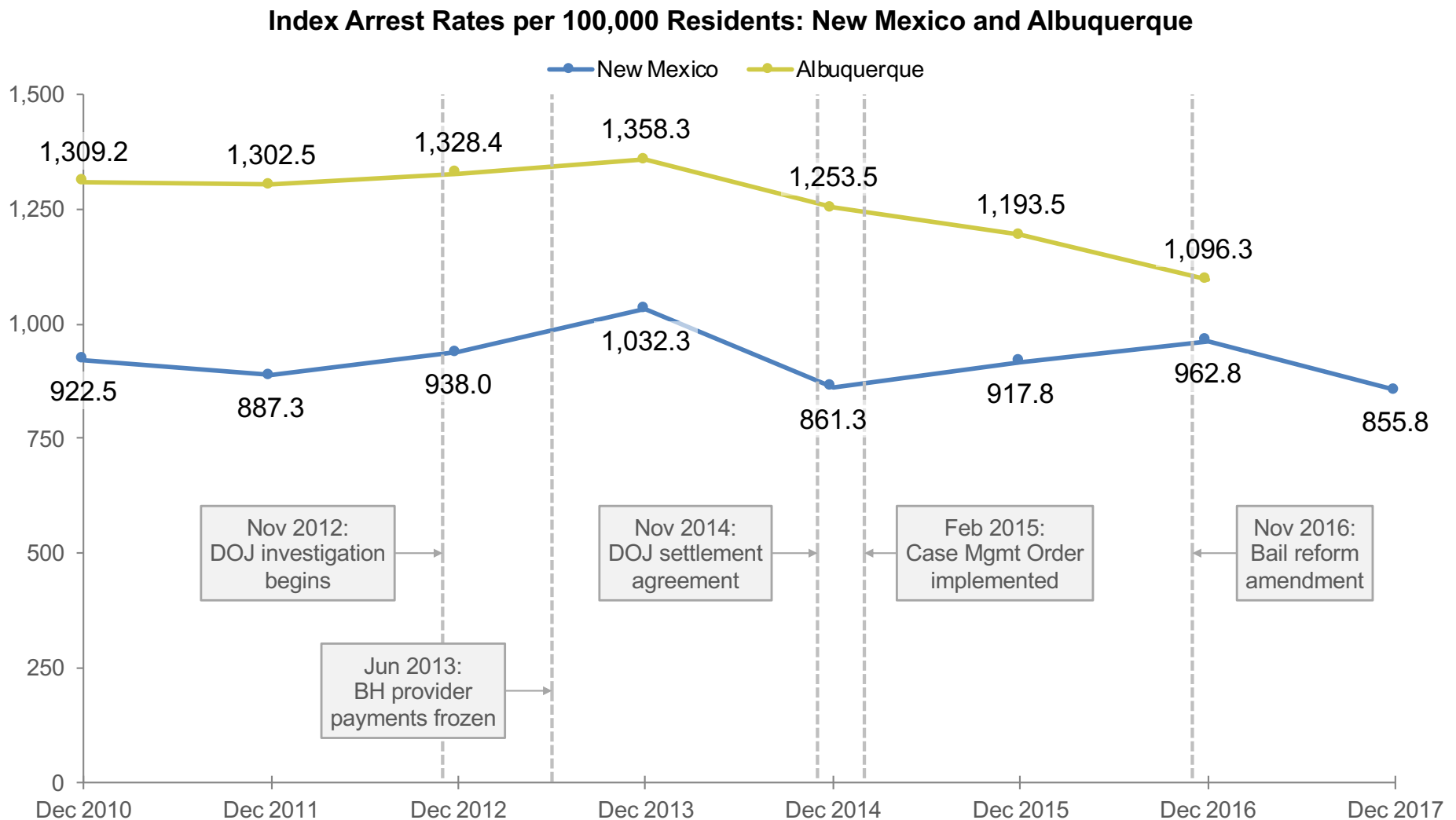


Index crimes are murder/non-negligent manslaughter, rape, robbery, aggravated assault, burglary, larceny/theft, motor vehicle theft, and arson.

Source: FBI, "Crime in the United States" reports by year; Albuquerque Police Department annual reports by year; US Census American Communities Survey 1-Year Population Estimates for Albuquerque by year. Albuquerque crime numbers for all years and arrest numbers for 2017 were not available as of November 2018.

DRAFT

The statewide index crime *arrest* rate increased 4 percent between 2010 and 2016, while Albuquerque's rate decreased 16 percent.



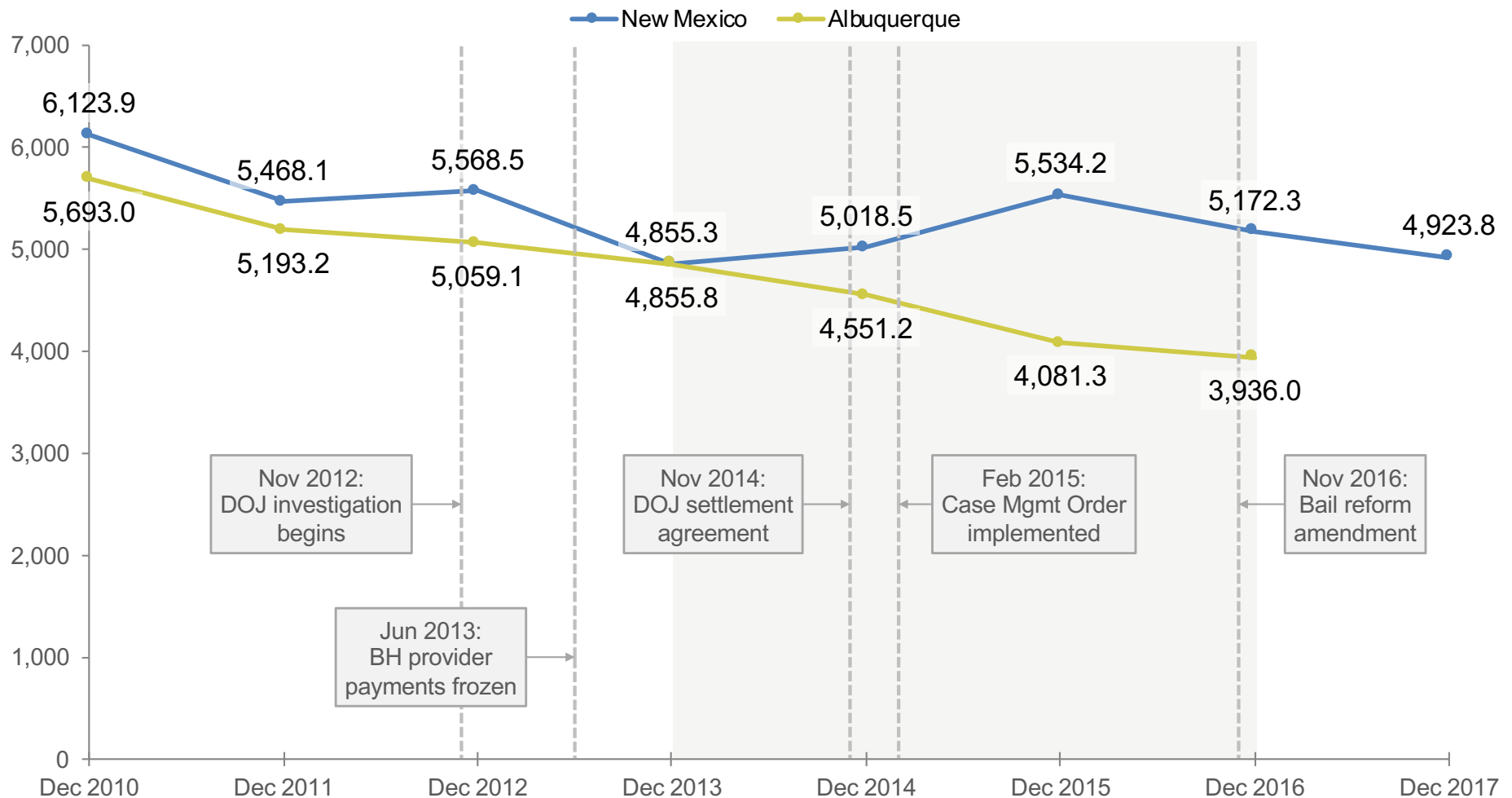
Index Crimes are murder/non-negligent manslaughter, rape, robbery, aggravated assault, burglary, larceny/theft, motor vehicle theft, and arson.

Source: FBI, "Crime in the United States" reports by year; Albuquerque Police Department annual reports by year; US Census American Communities Survey 1-Year Population Estimates for Albuquerque by year. Albuquerque arrest numbers for 2017 were not available as of November 2018.

DRAFT

New Mexico's total (not just index crime) arrest rate for all offenses increased between 2013 and 2016, while Albuquerque's rate continued to decline.

Total Arrest Rates per 100,000 Residents: New Mexico and Albuquerque



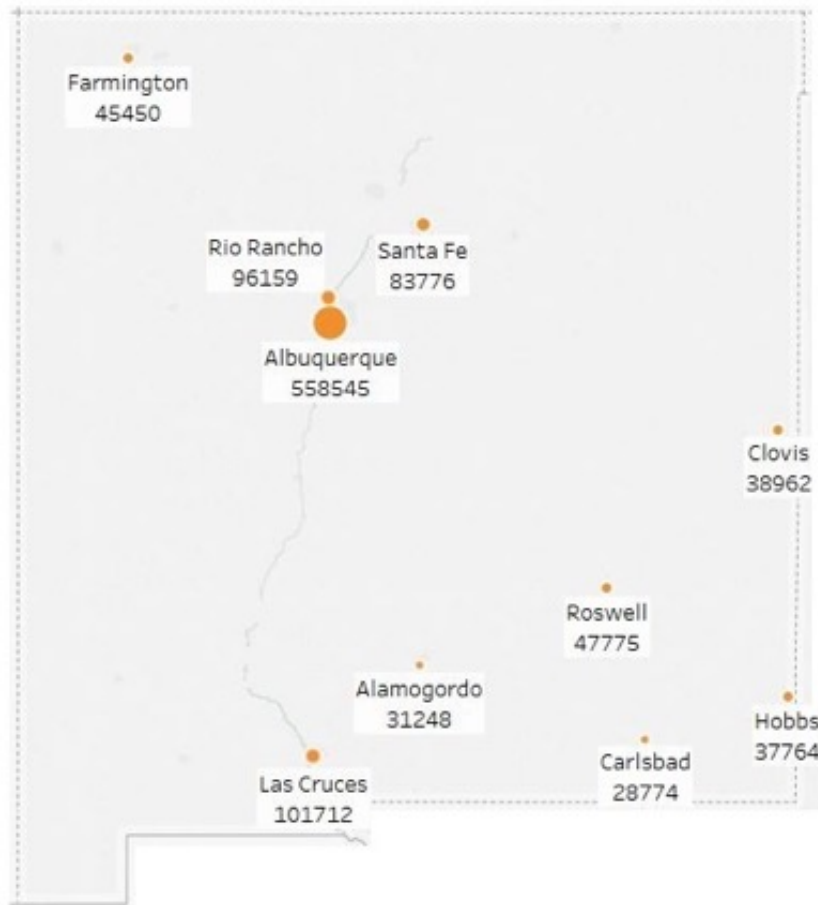
Total arrest rate is based on arrests for all offenses.

Source: FBI, "Crime in the United States" reports by year; Albuquerque Police Department annual reports by year; US Census American Communities Survey 1-Year Population Estimates for Albuquerque by year. Albuquerque arrest numbers for 2017 were not available as of November 2018.

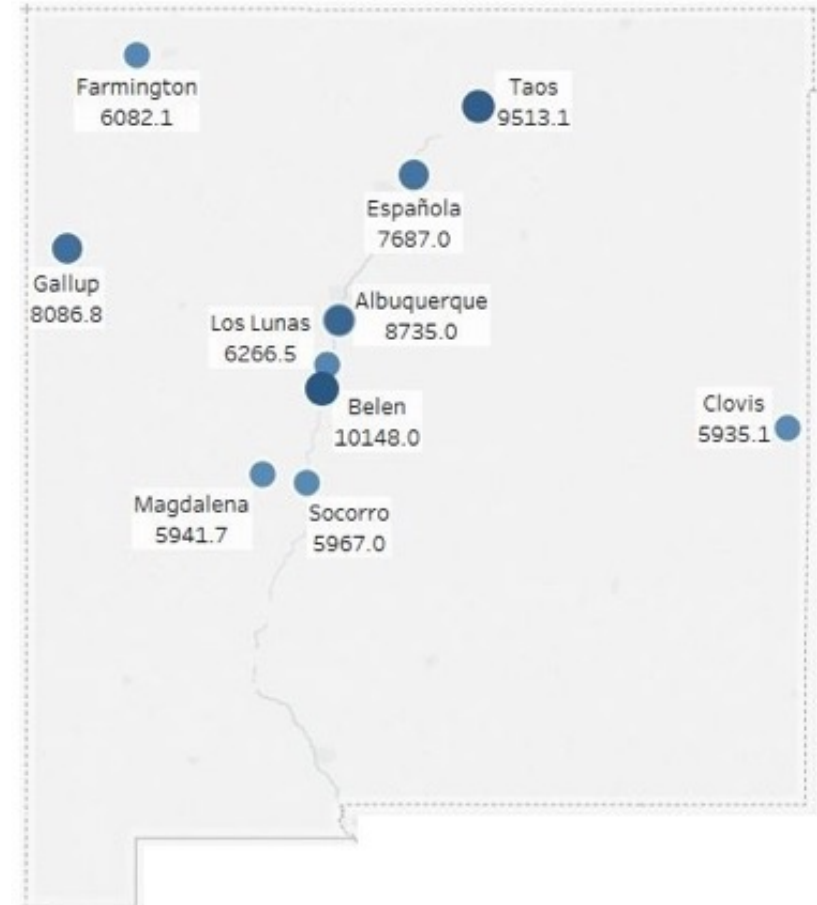
DRAFT

Crime in New Mexico is not just a “big city problem.”

Top 10 Cities – Largest Population



Top 10 Cities – Highest Index Crime* Rate



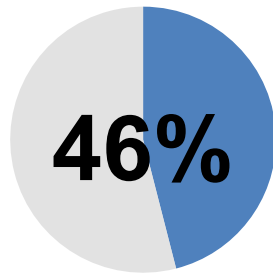
**Index Crimes are murder/non-negligent manslaughter, rape, robbery, aggravated assault, burglary, larceny/theft, motor vehicle theft, and arson. Rates are calculated per 100,000 residents.*

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

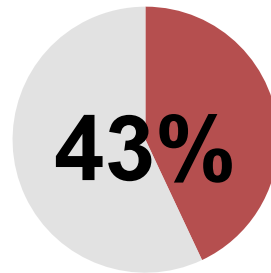
DRAFT

Crime in Albuquerque contributes a large share to the state's overall crime rate.

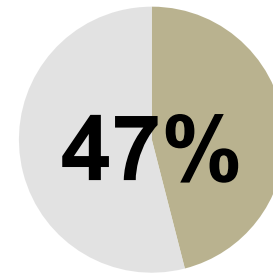
In 2016, Albuquerque accounted for **27%** of New Mexico's resident population, but:



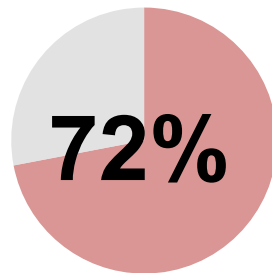
of reported
index crime



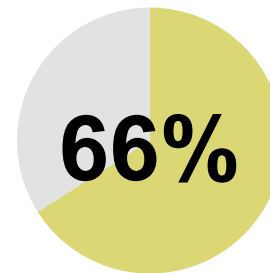
of reported
violent crime



of reported
property crime



of reported
robberies



of reported motor
vehicle thefts

Index Crimes include murder/non-negligent manslaughter, rape, robbery, aggravated assault, burglary, larceny/theft, motor vehicle theft, and arson.

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>).

DRAFT

Deterrence through strategic law enforcement is the most cost-effective approach to preventing violent crime.

Table 1
Measuring Benefits and Costs of Evidence-Based Policies That Reduce Crime
Estimated by the Washington State Institute for Public Policy

Program	Year	Cost	Benefit	Net Benefit	Benefit/Cost Ratio
Police training and supervision	2012	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2013	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2014	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2015	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2016	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2017	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2018	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2019	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2020	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2021	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2022	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2023	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2024	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2025	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2026	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2027	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2028	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2029	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2030	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2031	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2032	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2033	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2034	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2035	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2036	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2037	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2038	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2039	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2040	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2041	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2042	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2043	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2044	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2045	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2046	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2047	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2048	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2049	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2050	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2051	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2052	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2053	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2054	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2055	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2056	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2057	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2058	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2059	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2060	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2061	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2062	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2063	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2064	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2065	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2066	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2067	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2068	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2069	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2070	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2071	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2072	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2073	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2074	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2075	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2076	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2077	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2078	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2079	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2080	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2081	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2082	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2083	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2084	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2085	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2086	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2087	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2088	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2089	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2090	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2091	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2092	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2093	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2094	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2095	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2096	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2097	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2098	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2099	\$1,000	\$1,000	\$0	1.0
Police training and supervision	2100	\$1,000	\$1,000	\$0	1.0

Deter crime

Increase law enforcement's ability to use hot-spot strategies and deploy additional officers to increase the perceived certainty of apprehension.

Reduce recidivism

High-quality supervision (risk, need, responsivity), consistent sanctioning, and high-quality treatment programs tailored to needs.

Prolong incapacitation

Increase length of stay to hold moderate- to high-risk people in prison for an additional 3 months, adding 250 to the prison population.

Benefit to Cost Ratio

Benefits per dollar of cost.



\$\$\$\$\$
\$\$

\$\$\$\$\$

\$\$

Effective law enforcement strategies exist; the challenge is providing effective state support for local efforts to achieve those strategies.

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, drug-related crimes, juvenile crime, and incidents involving people who have mental illnesses
Problem solving, including strategic use of crime analysis	identification of patterns and repeat victims, offenders, crimes, locations, times, etc.

Keys to success:

Select and tailor a strategy to local problem

Rely on analysis rather than anecdotes, intuition, or external influences (e.g., media, politicians, stakeholders, etc.)

Gather community input and buy-in

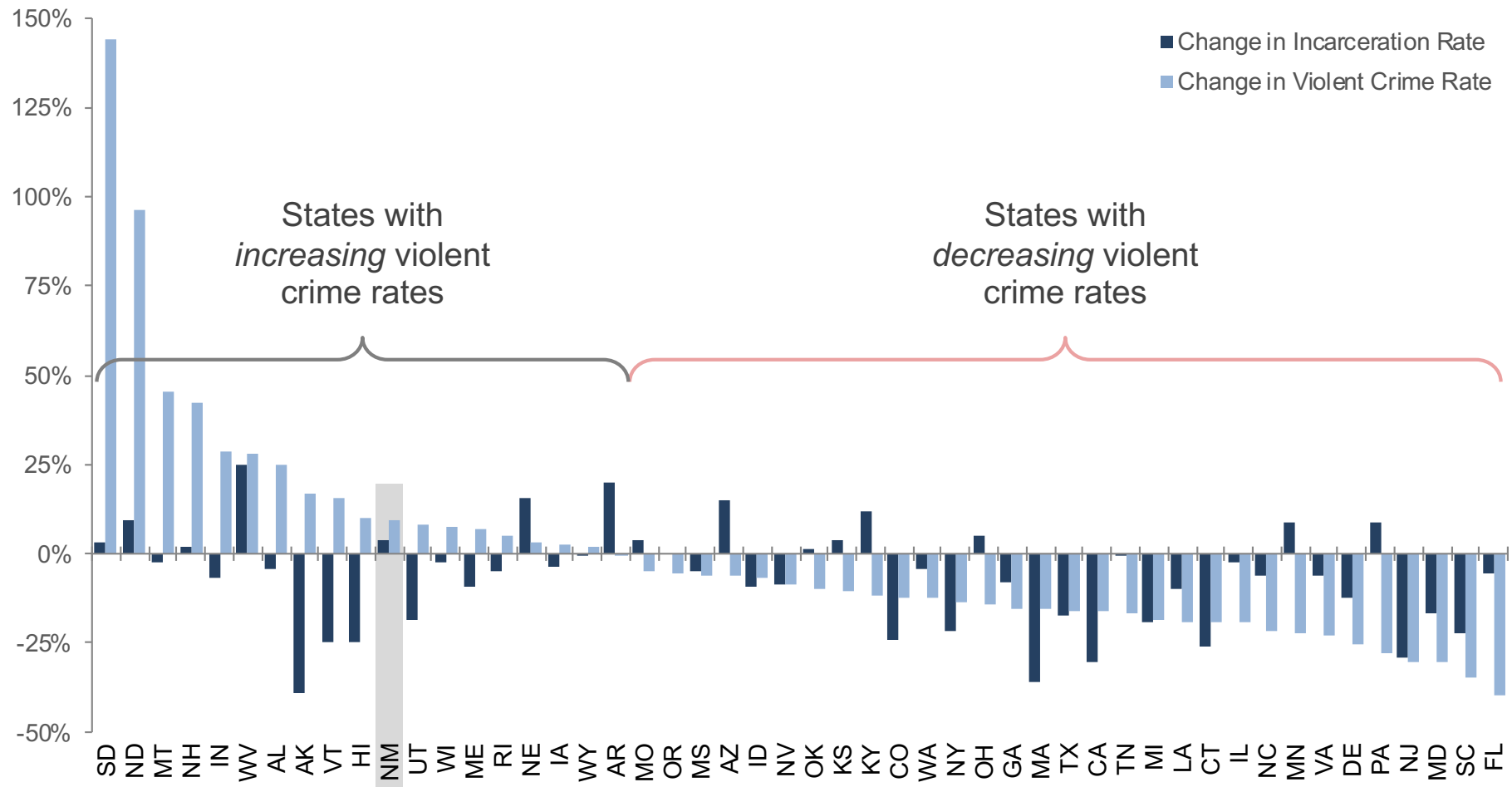
Strategies that are effective for reducing crime may not be viewed by community members and other stakeholders as legitimate

Some “effective” strategies may result in unintended consequences, such as an increased use of arrest/incarceration or reduced community trust in law enforcement

DRAFT

Incapacitation can decrease crime, but changes in violent crime rates across the country show little correlation to increases or decreases in incarceration rates.

Change in Incarceration and Violent Index Crime Rates by State, 2006–2016



Violent index crimes are murder/non-negligent manslaughter, rape, robbery, and aggravated assault. Rates are per 100,000 residents.

Sources: FBI, "Crime in the United States, 2006" and "Crime in the United States, 2016"; Bureau of Justice Statistics, "Prisoners in 2006" and "Prisoners in 2016." BJS prison population numbers for 2017 were not available as of November 2018.

DRAFT

Key takeaways about crime and policy

1. Measuring crime depends on **complete reporting by law enforcement**, which does not appear to be occurring.
2. **Crime rates have increased** steadily since 2010, and key events in New Mexico's recent history do not correspond to notable increases in crime.
3. Arrest rates in Albuquerque and statewide did go down during the DOJ investigation. Total arrests (as opposed to index crime arrests) in Albuquerque went down the most.
4. **Effective law enforcement strategies exist** and are the most cost-effective approach to reducing crime.
5. **Increasing incapacitation can reduce crime but is less cost-effective**, and shifting incarceration rates do not correlate with shifting crime rates.

The policy challenge is providing effective state support for local efforts to consistently employ crime-reduction strategies.

DRAFT

Overview

1 Crime and Policy

2 Victim Services

3 Behavioral Health

4 Probation

5 Next Steps

DRAFT



Overview

2 Victim Services

Orders of protection

Strategies to support victims

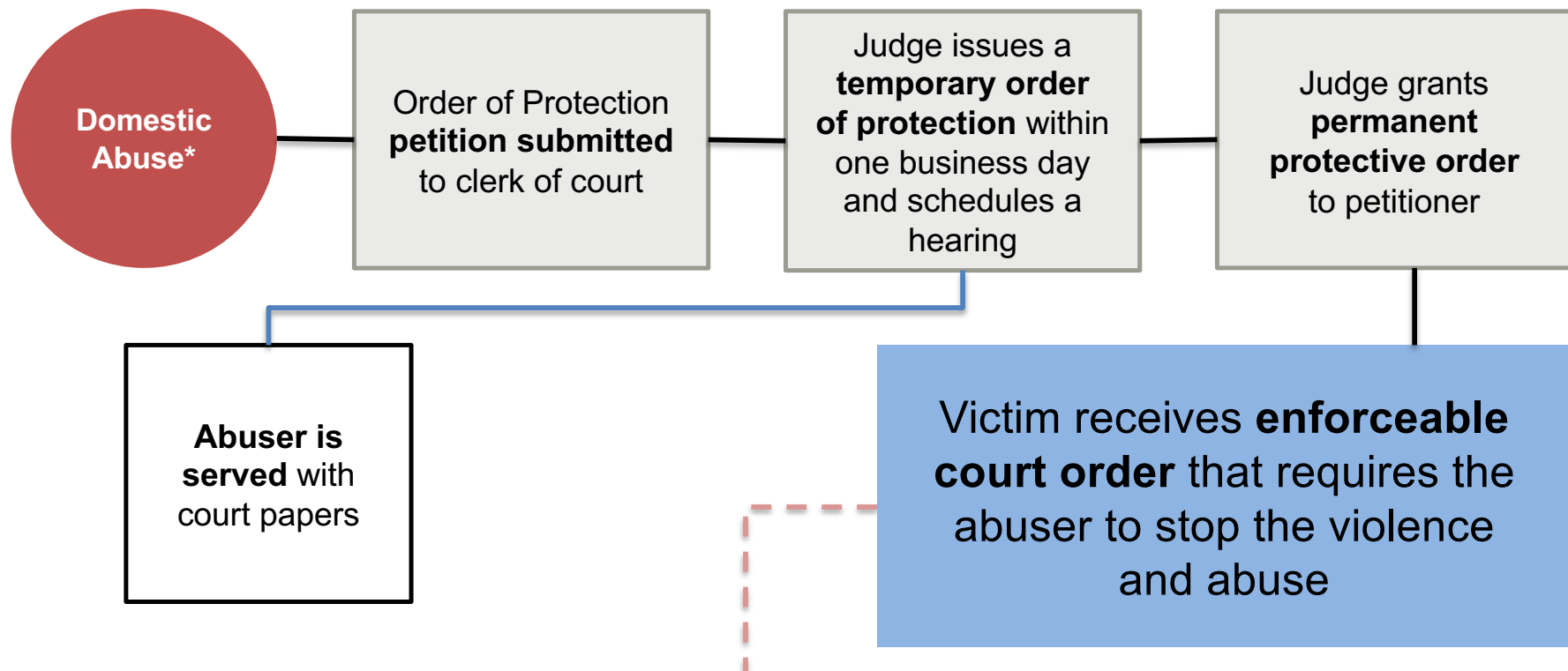
Focus on compensation

Policies in motion

DRAFT



The New Mexico Family Violence Protection Act allows a victim of domestic violence to petition for an order of protection against their abuser.



Protection for victim is lost if:

1. Protective order is not readily verifiable by law enforcement
2. Protective order is not recognized across all jurisdictions

* **Domestic abuse includes stalking, sexual assault, actual or threatened physical harm to individual or children, emotional distress, harassment, and other behaviors. (Section 40-13-2 NMSA)

Source: New Mexico Courts "Self Help Guide" for domestic violence victims; Sections 40-13-1 through 40-13-12 NMSA.

DRAFT

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 Program Grants

Funding provided 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. The state provides funding for civil legal services, human trafficking, and Intimate Partner Violence Review. The federal government provides funding through the Victims of Crime Act (VOCA) and STOP Violence Against Women Act (VAWA).



Crime Victim Compensation

State and federal funding that provides reimbursement for eligible victims of violent crime. Expenses covered by the Crime Victim Reparation 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.

DRAFT

The Crime Victims Reparation Commission leverages over nine million dollars in federal funding that helps support 120 victim service programs statewide.

Examples of victim programs in
New Mexico

Victims of Crime Act Grants (VOCA)

\$7,434,941 funded
70 Victim Assistance projects in SFY2018.

Crisis Center of Northern New Mexico

*Domestic violence services
Housing assistance*

**STOP Violence Against Women
Act Grants (STOP VAWA)**

\$1,290,782 funded
38 STOP projects in SFY2018.

Arise Sexual Assault Services

*Victim advocacy
SANE services
Counseling*

**Sexual Assault Services Program
Grant (SASP)**

\$367,753 funded
10 SASP projects in SFY2018.

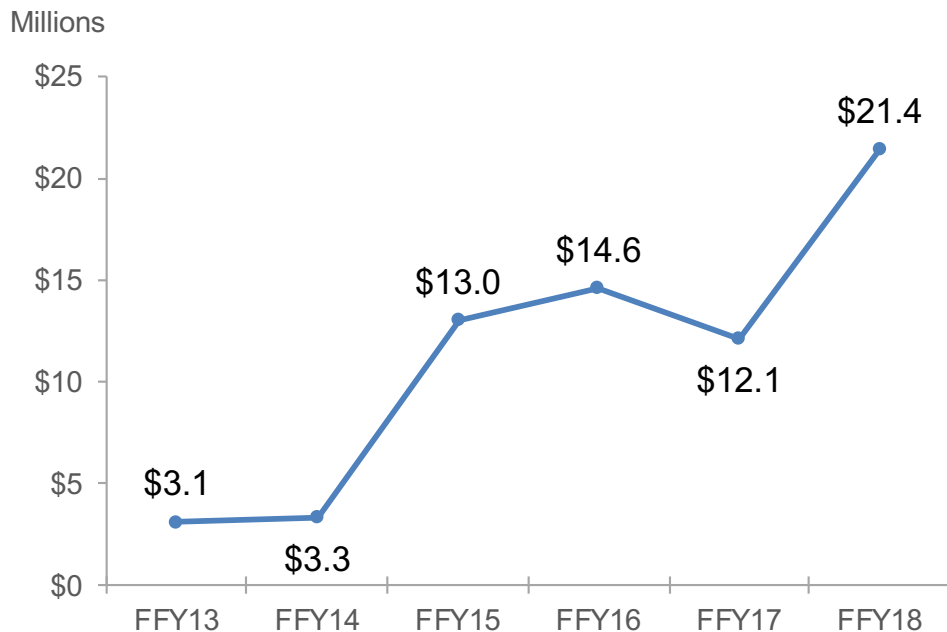
**Pa Piñon: Sexual Assault Recovery
Services of Southern New Mexico**

*Crisis intervention
Therapeutic counseling
Community outreach*

DRAFT

The VOCA Assistance award has increased dramatically since FY2015 and NM is leveraging these funds to address victim service gaps.

**New Mexico's VOCA Assistance
Formula Award Amount**



**A 2017 Crime Victim Reparations
Commission needs assessment identified
populations in need of increased services**

Top “*unserved*” populations

Those in extreme rural isolation, human trafficking victims, non-English speaking Asian communities, homeless victims, immigrant communities

Greatest “*underserved*” populations

Those who are impoverished or low income, persons identifying as LGBTQ, individuals with limited English proficiency

“*Inadequately served*” populations

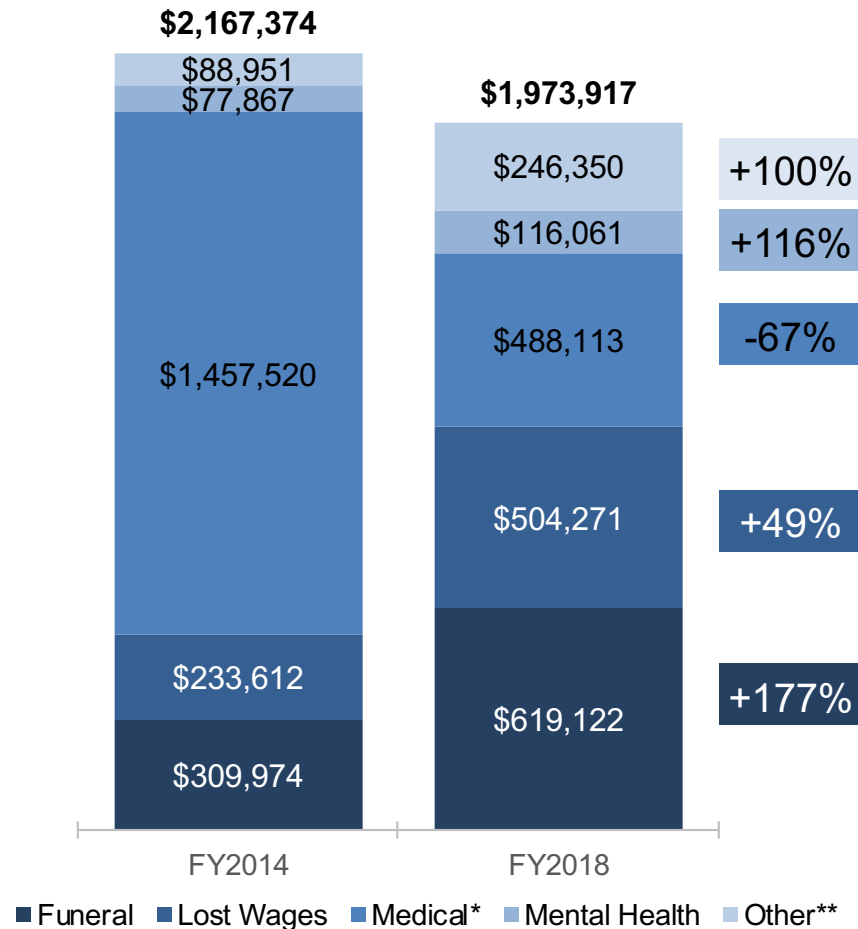
Individuals with substance addictions, persons with developmental disabilities, persons with mental illnesses

A Strategic Implementation Plan has been developed to guide targeted outreach and service provision in these communities

DRAFT

New Mexico's crime victim compensation program should be an essential resource for victims related to crime and violence.

Victim Reparation Payments by Type



To be eligible an injured crime victim or survivor must:

- **Report** the crime to law enforcement
- Cooperate with the **investigation** and **prosecution**⁺; and
- Apply for compensation within **two years** of injury

Compensation is administered by the Crime Victims Reparations Commission under Chapter 31, Article 22.

Compensation is a payor of last resort, covering expenses only if there is no third party payor (typically insurance) able to make those payments.

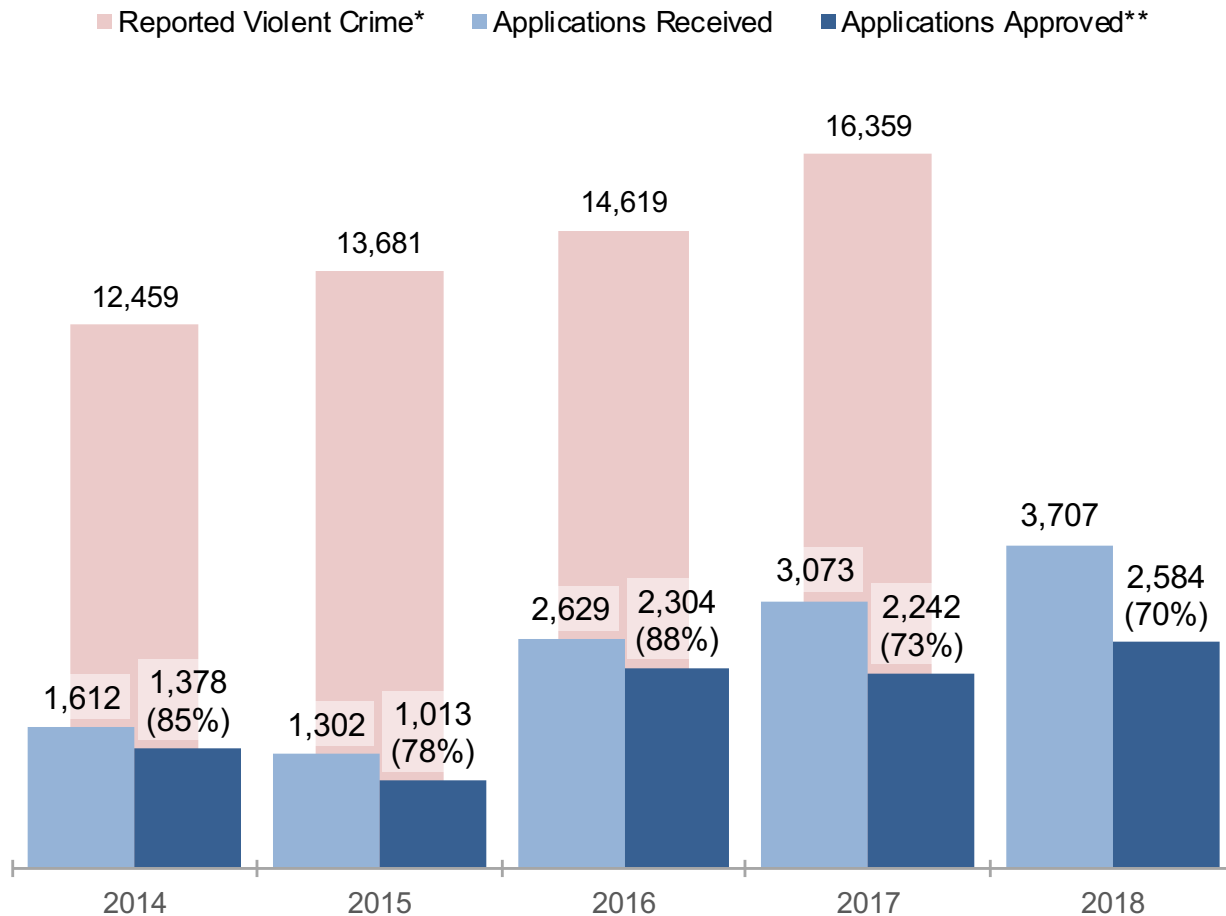
* Medical expenses include hospital, medical, ambulance, and dental expense categories.

** Other expenses include pecuniary, rent and relocation, travel, and crime scene clean-up expense categories.

⁺ An applicant is only required to cooperate with the investigation and prosecution in order to receive compensation if an active investigation is being conducted by a law enforcement agency and/or a case has been brought by a prosecuting attorney.

As violent crime has increased in the state, applications to the New Mexico Crime Victim Reparation Commission have also increased.

Violent Crime and Victim Compensation Applications



The total number of victims of violent crime in New Mexico is unknown, but based on the number of reported violent crimes, we can infer that a large number of victims do not apply for compensation.

*Violent crime offenses are: murder/non-negligent manslaughter, rape, robbery, and aggravated assault. (Eligible crimes in New Mexico are: Aggravated assault; Aggravated battery; Criminal sexual contact of a minor; Criminal sexual penetration; Murder; Voluntary manslaughter; Involuntary manslaughter; Abandonment or abuse of a child; Homicide by vehicle or great bodily injury by vehicle; Aggravated stalking; Kidnapping; Arson resulting in bodily injury; Aggravated arson; Aggravated indecent exposure; Dangerous use of explosives; Negligent use of a deadly weapon; and Human Trafficking)

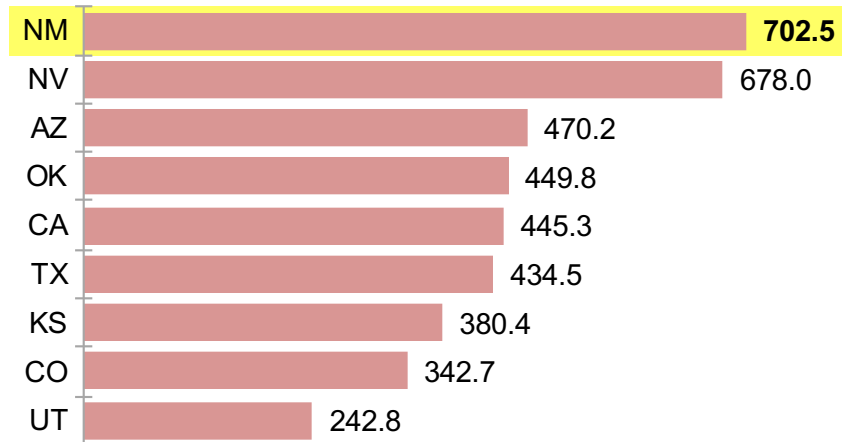
**Applications approved includes applications with pending expenses.

Source: FBI, "Crime in the United States" reports by year; New Mexico Crime Victims Reparation Commission "NMCVRC Annual Report" by year; CSG Justice Center correspondence with CVRC. Crime numbers are based on calendar year and compensation application numbers are based on state fiscal year (July 1 – June 30).

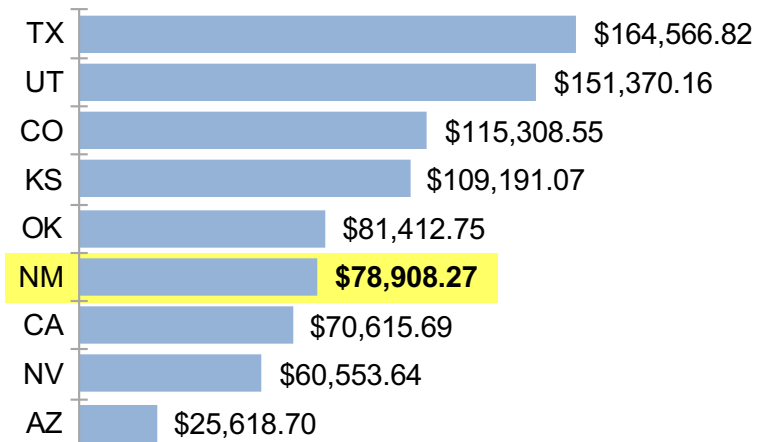
DRAFT

In 2016, New Mexico had the highest violent crime rate and the fourth-lowest compensation expenditures per 100,000 residents in the region.

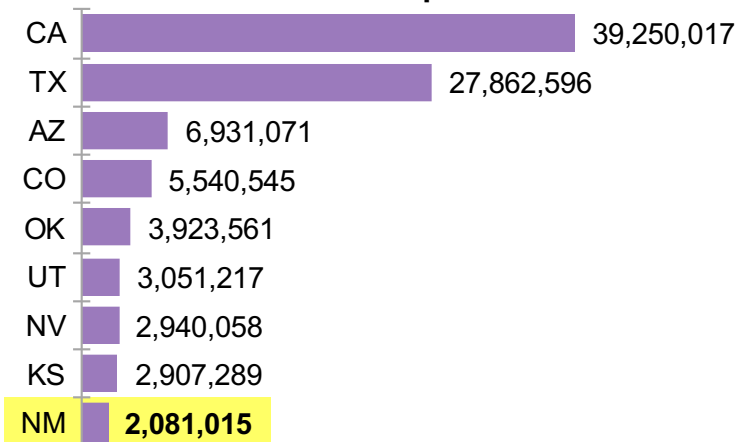
Violent Crime Rate*



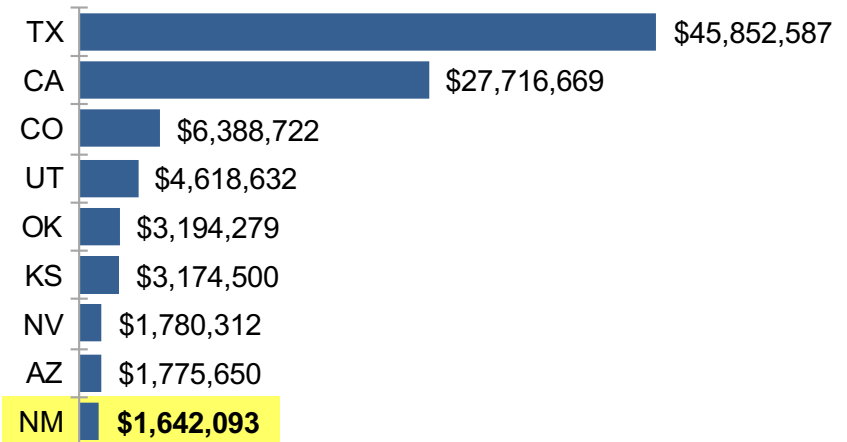
Crime Victim Compensation Expenditure Rate*



Resident Population



Total Crime Victim Compensation Expenditures



*Rates are per 100,000 residents

Source: Office for Victims of Crime 2018 Crime Victims Fund Allocation; FBI "Crime in the United States, 2016"

DRAFT

JR policies in Missouri have significantly increased access to compensation for victims of crime.



“Only a few months after a legislative overhaul of the program took effect, it is noticeably easier for victims to request [victims’ compensation],”

“...Dropping the police report requirement has led to more domestic violence victims applying for help who might not have been eligible before.”

DRAFT

Victim-centered policies already in motion

1

Expand statutory language stipulating who a crime victim may report to in order to receive crime victims' compensation.

2

Provide Crime Victims Reparation Commission with good cause exceptions for the requirement that victims must report to law enforcement within two years.

3

Require law enforcement and district attorneys to notify identified victims of crime victims' compensation and their eligibility to apply.

DRAFT

Key takeaways about victim services

1. Orders of protection are ineffective if not supported by a statewide structure that ensures recognition across all jurisdictions and law enforcement agencies.
2. Crime victims compensation is funded by both state and federal dollars, and federal contribution depends on prior state contribution. Increased funding for crime victims compensation can ensure robust services for future victims of crime.

Therefore the policy challenges are:

*ensuring that protective orders from any court in the state are accessible to law enforcement, and
providing additional resources for victim compensation, in order to meet need and maximize federal dollars.*

DRAFT

Overview

1 Crime and Policy

2 Victim Services

3 Behavioral Health

4 Probation

5 Next Steps

DRAFT



Overview

3 Behavioral Health

National trends

Addressing criminogenic
needs

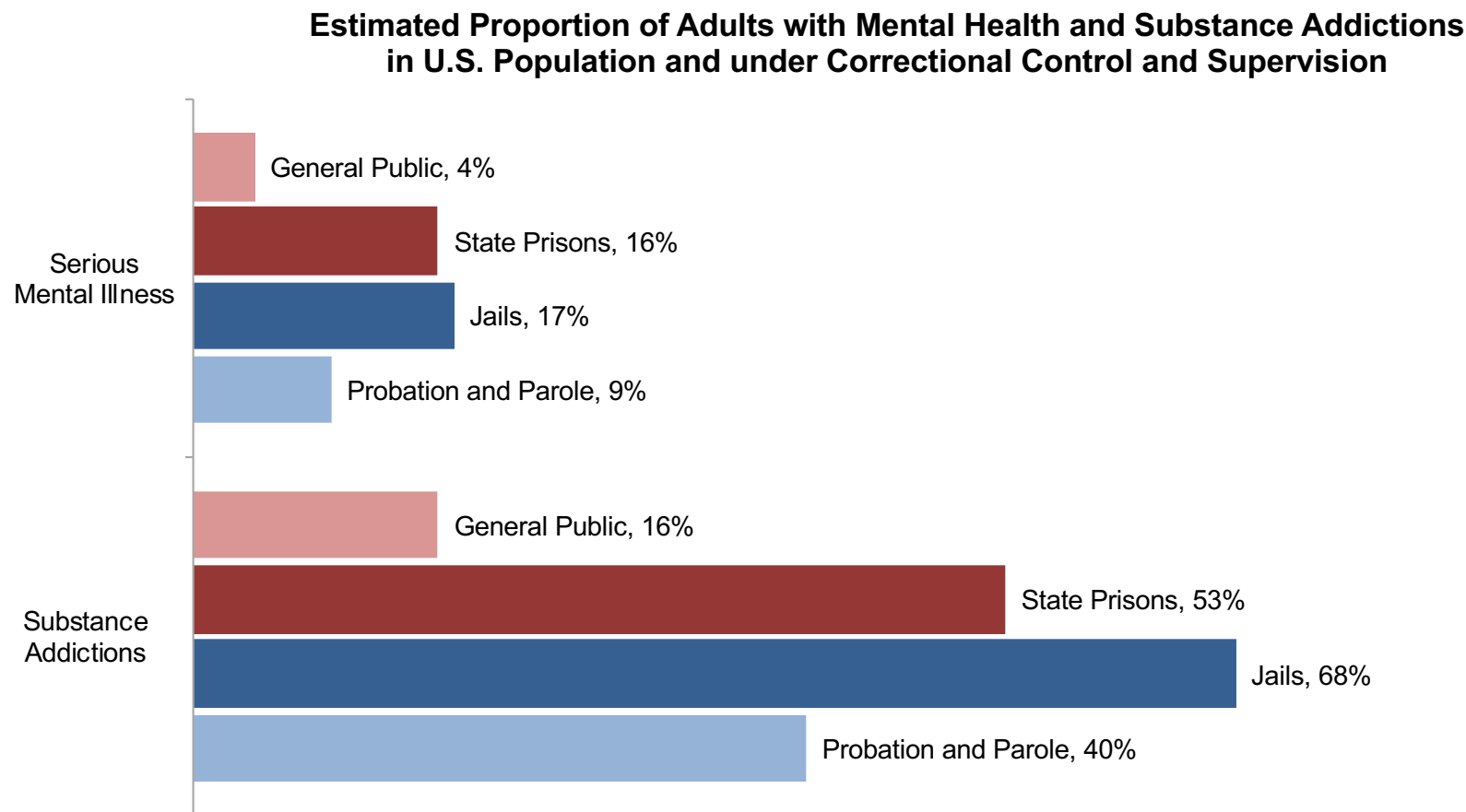
Impact in New Mexico

State examples

DRAFT



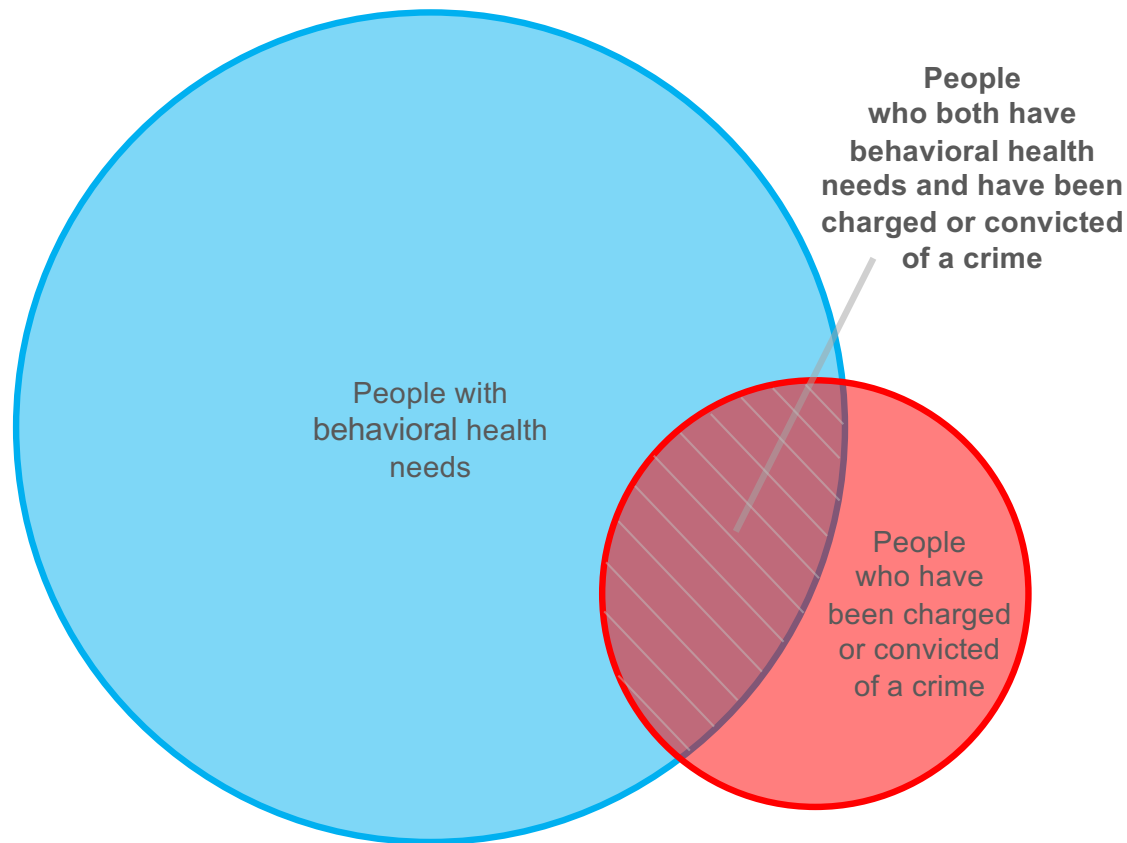
Nationally, a large number of people who enter the criminal justice system have behavioral health needs.



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>.

DRAFT

Addressing the behavioral health needs of this population can improve public safety outcomes by reducing recidivism.





















To effectively reduce recidivism, an array of services must be available:

- inside county **jails**;
- inside state **prisons**; and
- in the **community**.

DRAFT

In many places, behavioral health needs go unmet until a person has progressed farther into the criminal justice system.

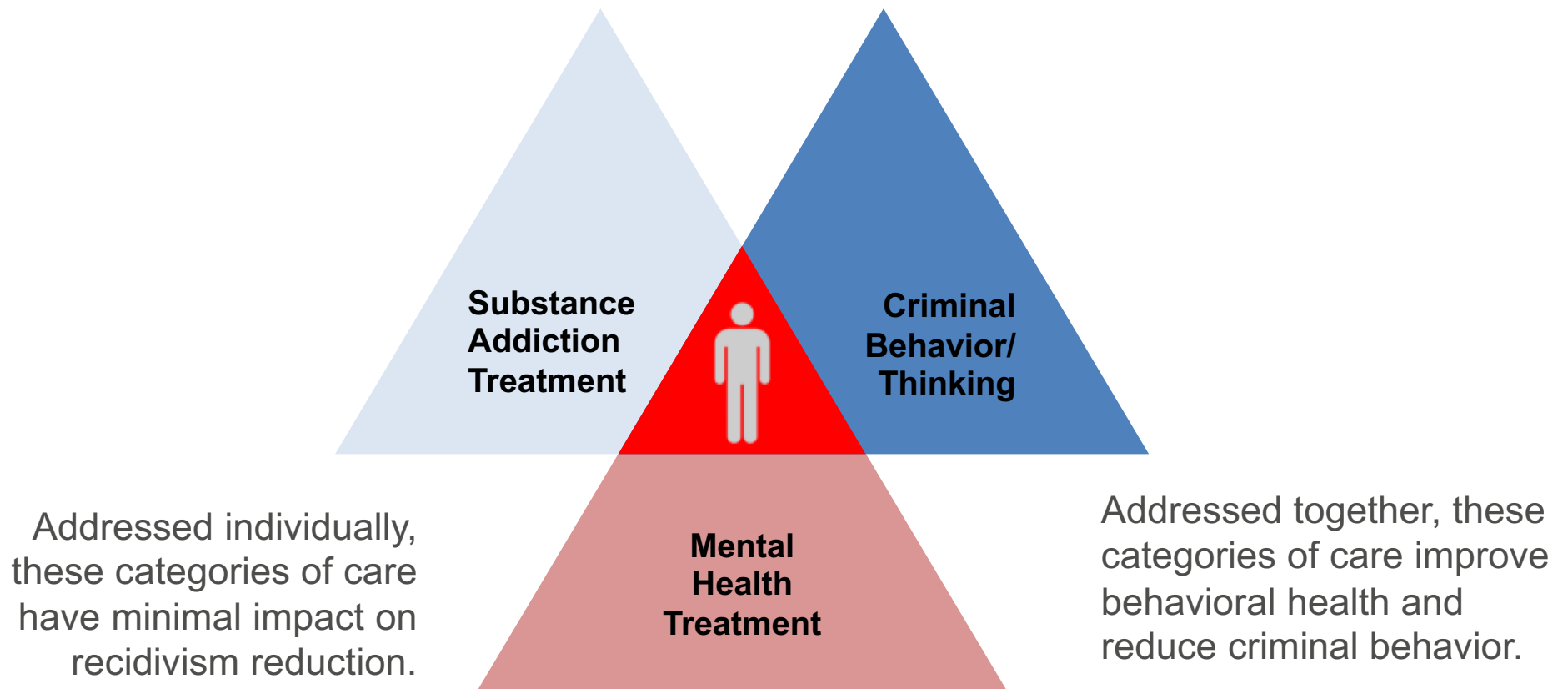
At what point do state or local systems administer behavioral health screenings or assessments?

	Common state/local administration of screens/ assessments	New Mexico's administration of screens/ assessments	Frequency of Occurrence
Law enforcement encounter			 RARELY
Arrest			 SOMETIMES
Pretrial jail commitment			 OFTEN
Jail sentence			 ALWAYS
Prison sentence			
Probation			
Parole			

DRAFT

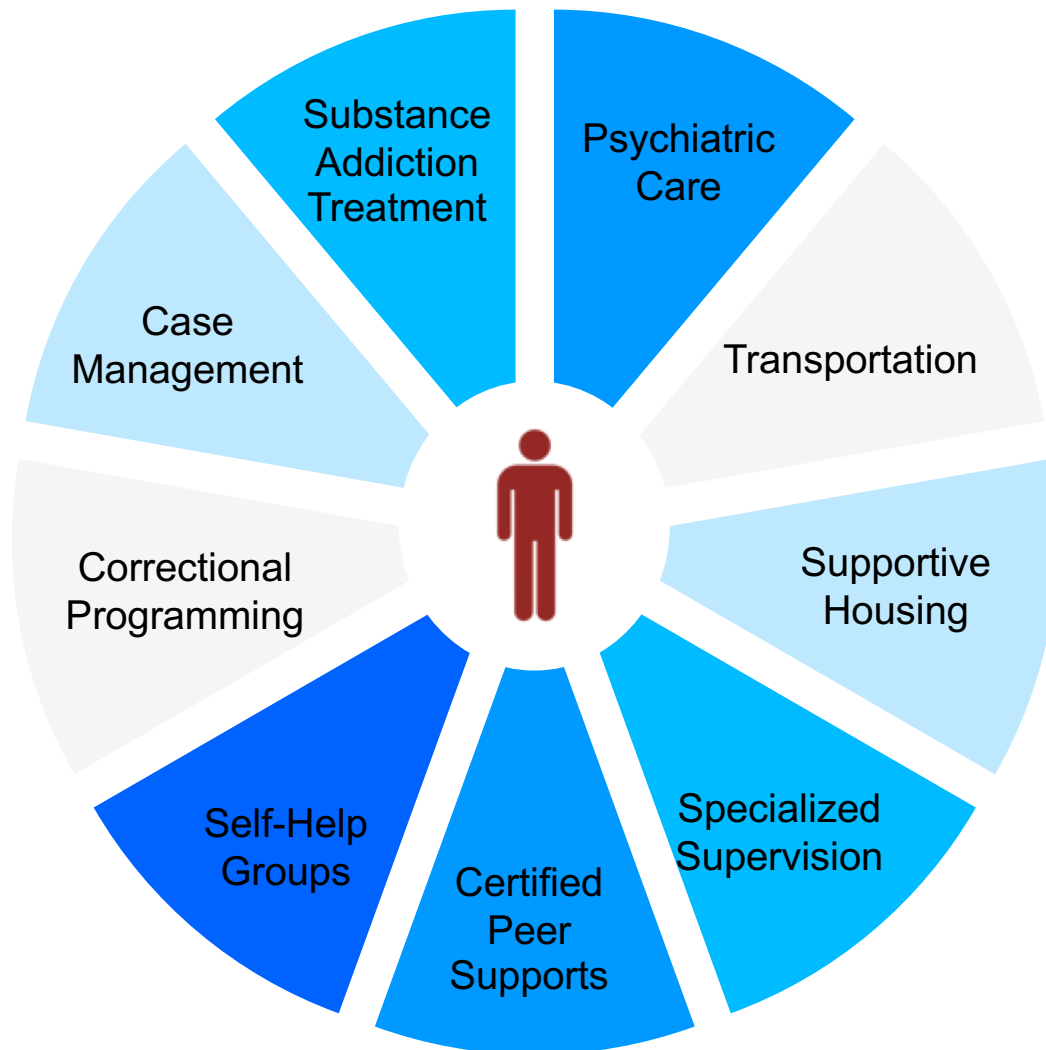
Effective treatment for people in the criminal justice system addresses both criminogenic and behavioral health needs.

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



DRAFT

Accessing the complicated and numerous needs of people who have behavioral health needs can be challenging because of the nature and the quantity of services they require.

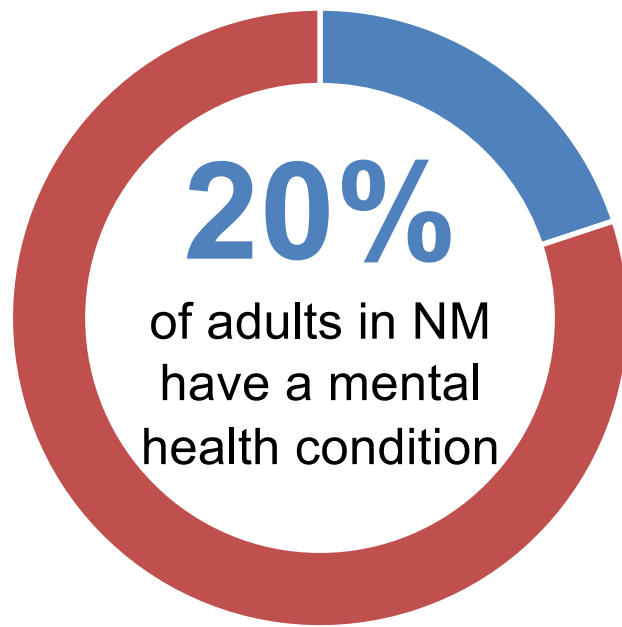


Common Access Challenges:

- Funding limitations
- Practical barriers (transportation, child care)
- Workforce and capacity shortages

DRAFT

New Mexico has poor behavioral health outcomes.



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.

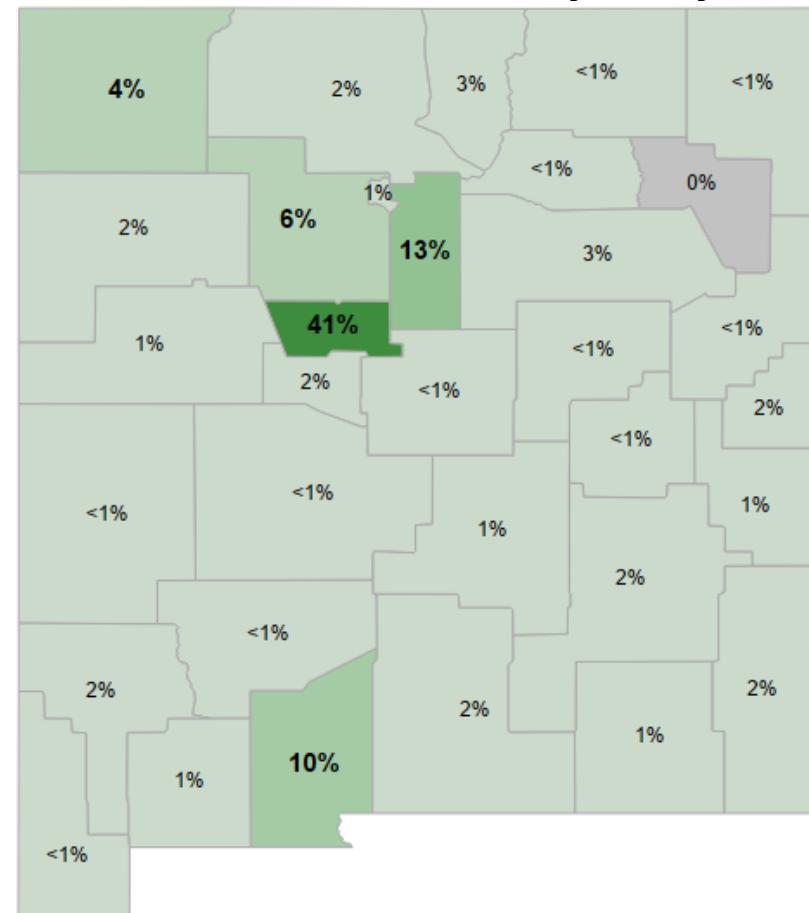
In 2016, New Mexico had one of the highest ratios of residents to mental health providers in the nation, but stakeholders all report workforce shortages and concerns about the “pipeline.”

Rank	State	Ratio of Residents to MH Providers
1	Massachusetts	200:1
2	Maine	240:1
3	Oregon	250:1
4	Vermont	260:1
5	Oklahoma	270:1
6	New Mexico	280:1
7	Rhode Island	290:1
8	Alaska	300:1
9	Connecticut	310:1
10	California	350:1
...		
46	Arizona	850:1
47	Georgia	900:1
48	West Virginia	950:1
49	Texas	1,070:1
50	Alabama	1,260:1
National Average		536:1

Rankings are based on provider ID counts. Data limitations exist: not all providers are required to obtain an ID number, and some ID numbers are for providers who are no longer active.

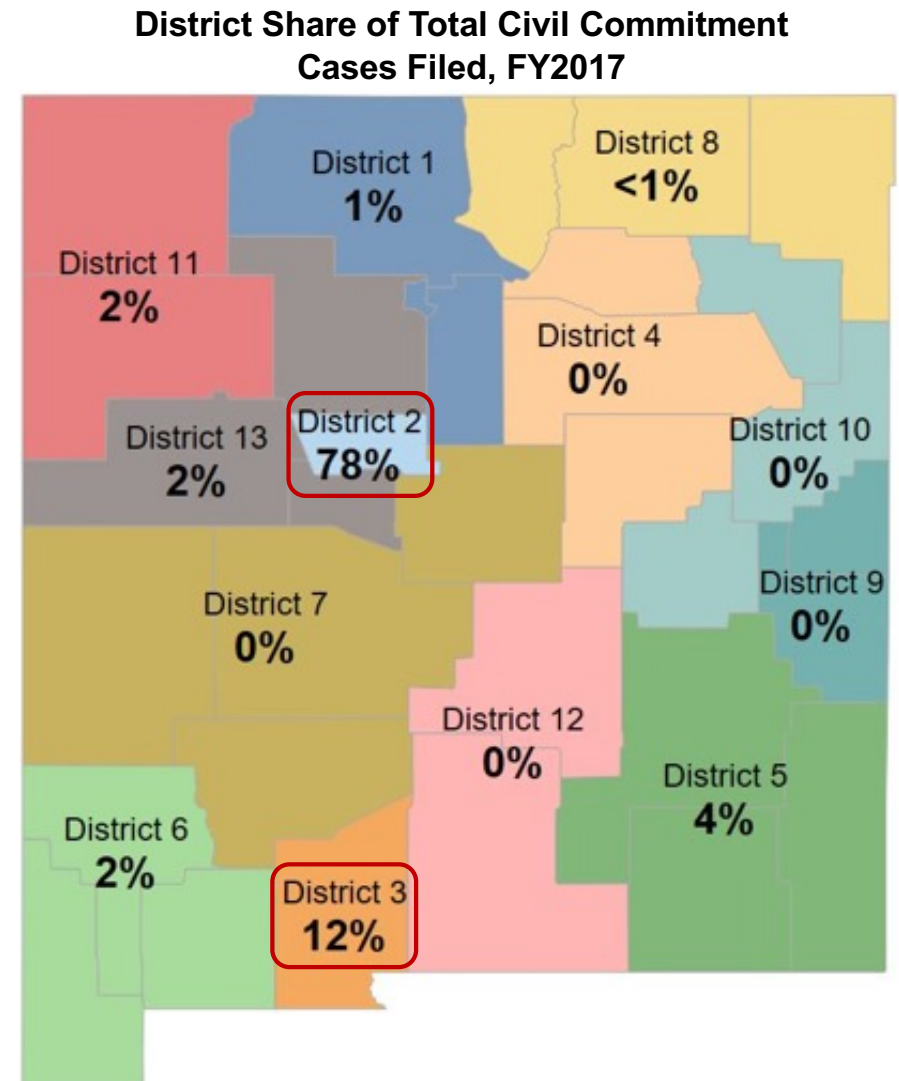
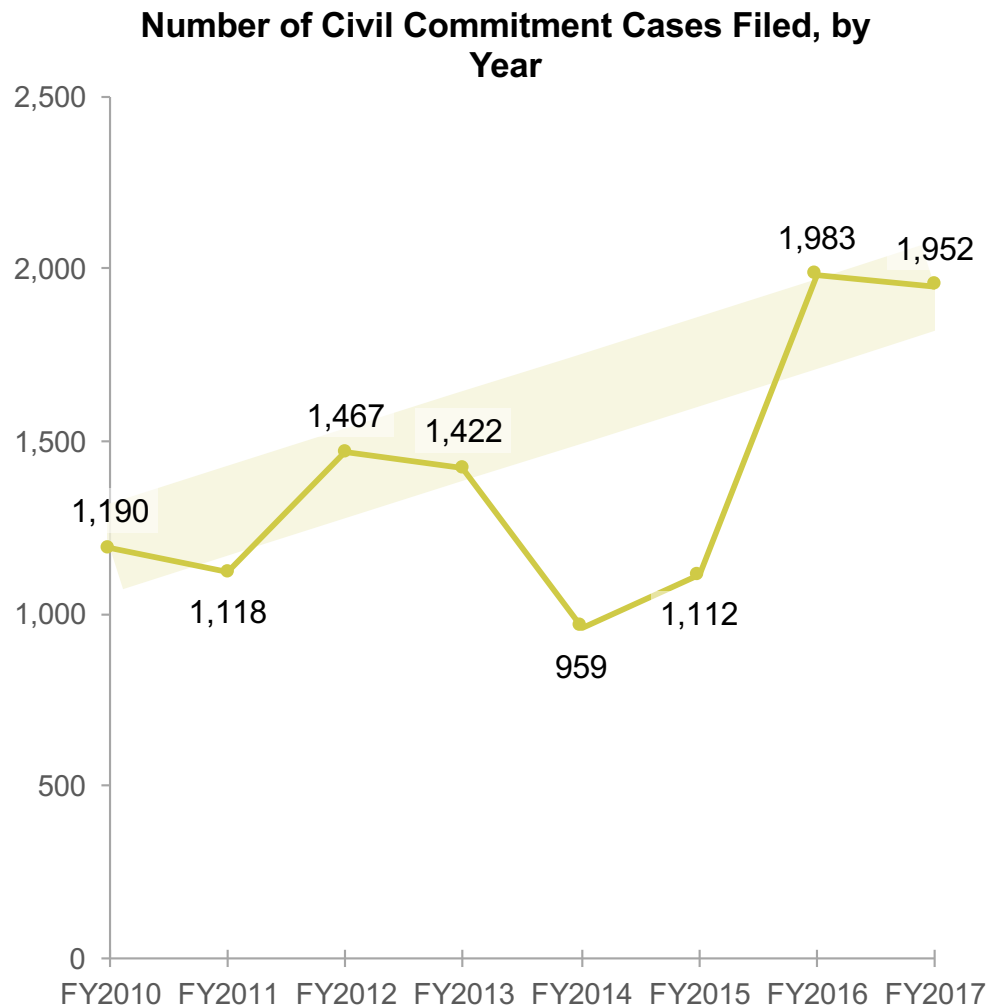
Source: Mental Health America, “The State of Mental Health in America 2018”; New Mexico Health Care Workforce Committee “2017 Annual Report” (October 2017).`

Percent of State’s Total Mental Health and/or Substance Use Providers by County



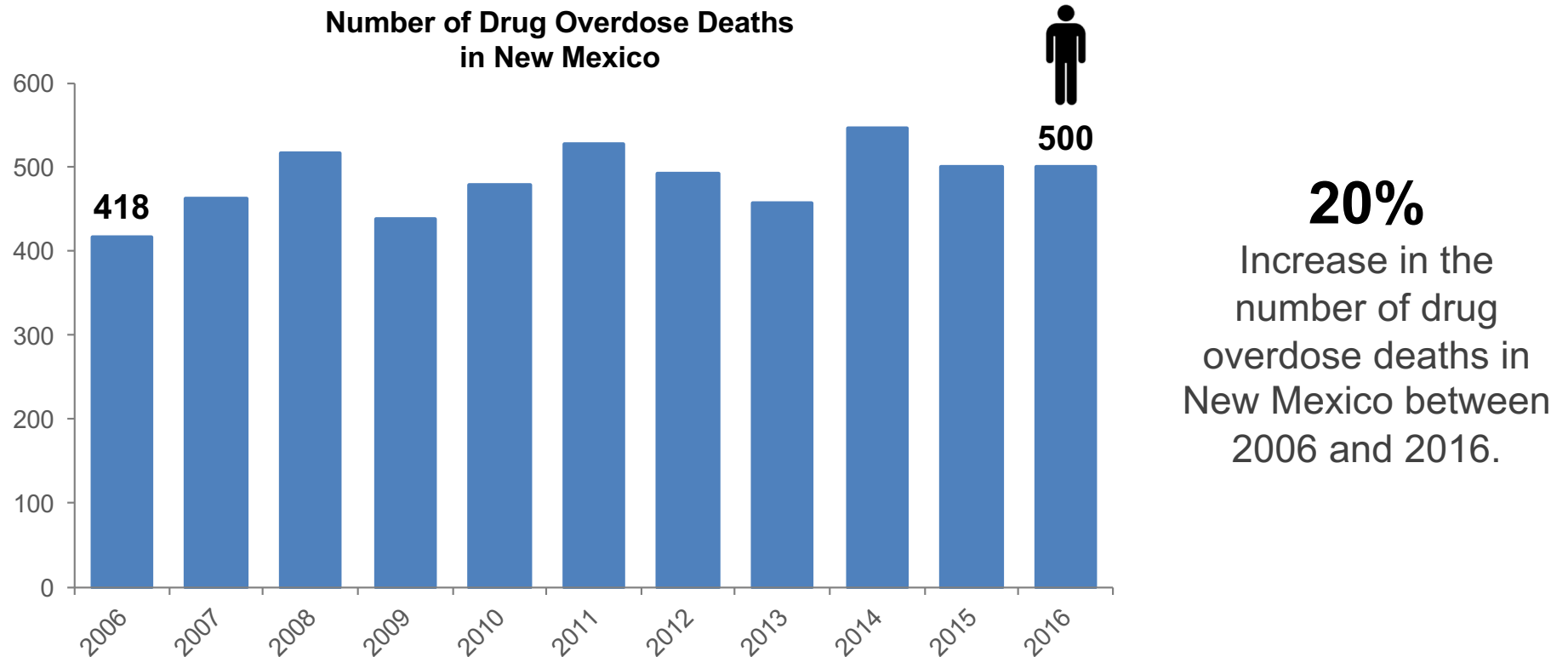
DRAFT

The number of civil commitment cases filed increased 64 percent from 2010 to 2017.



DRAFT

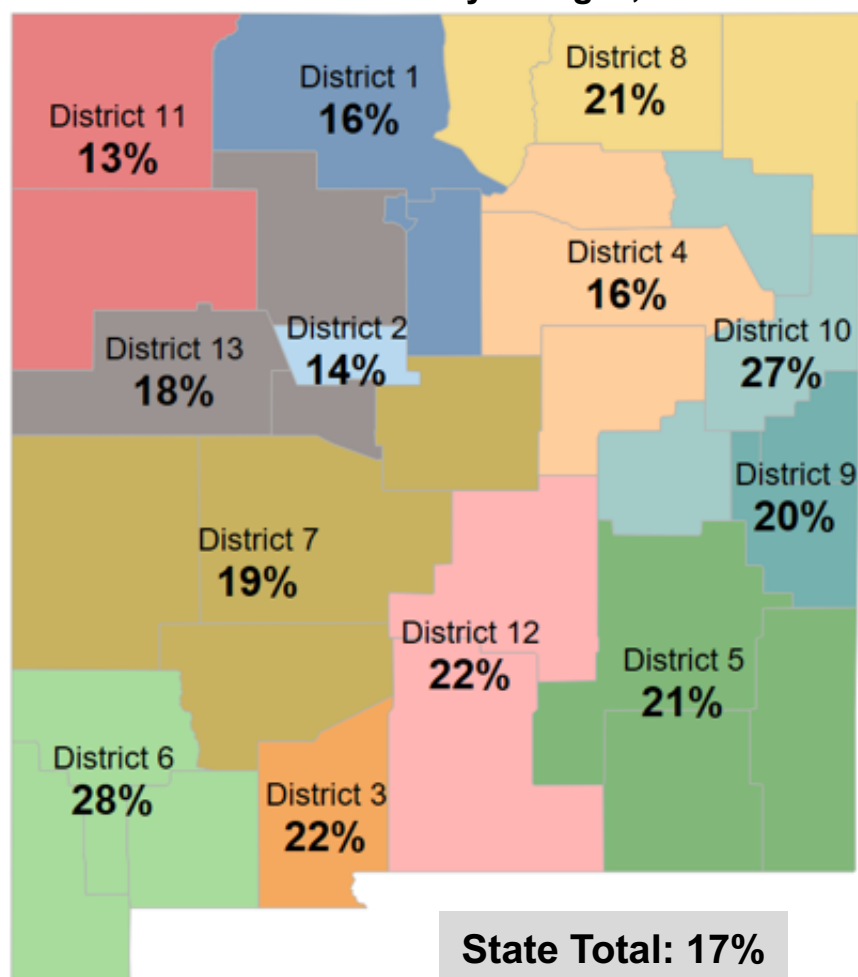
New Mexico has experienced increases in the number and rate of drug overdose deaths.



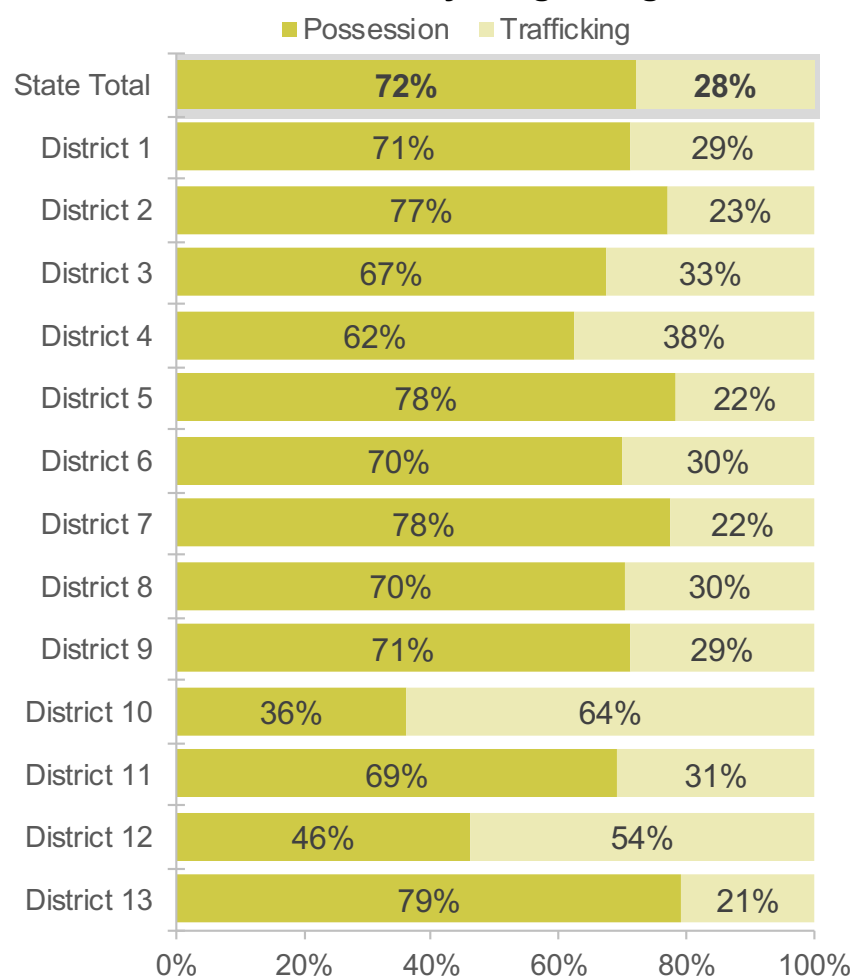
In 2006, New Mexico had the highest rate of overdose deaths in the country, with 22 overdose deaths per 100,000 residents. Although the state's overdose death rate was no longer the highest by 2016, it had risen to 25 overdose deaths per 100,000 residents.

Drug offenses make up 14 to 28 percent of all felony charges received by prosecutors, and most are for possession.

**Drug Offenses –
Percent of Total Felony Charges, FY2017**



FY2017 Felony Drug Charges

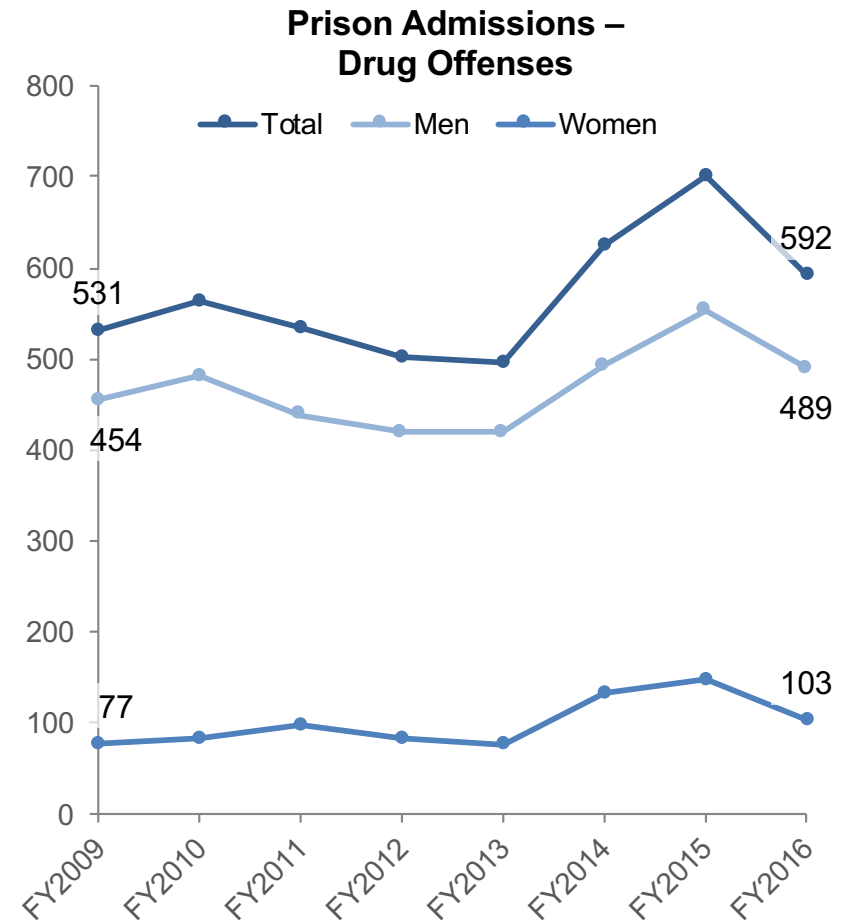
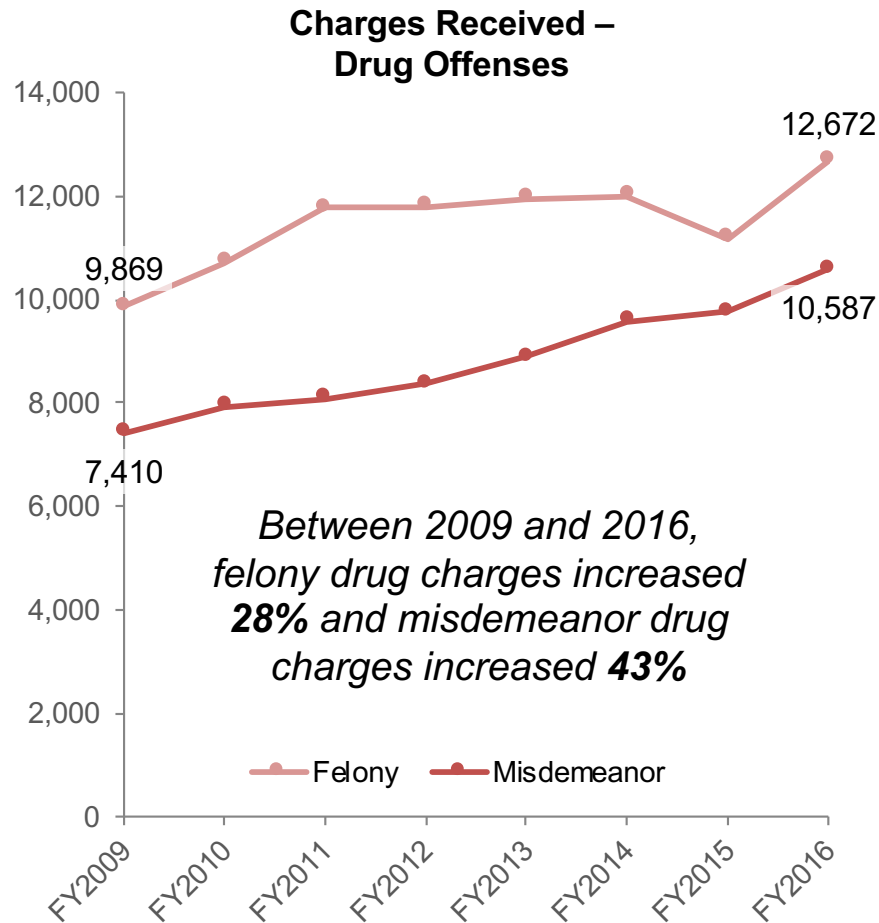


Total felony charges represent all felony offenses received by prosecutors, based on fiscal year of offense, and may include probation revocations and juvenile cases.

Source: CSG Justice Center analysis of AODA charge data (November 2018).

DRAFT

Drug charges received by prosecutors and prison admissions for drug offenses are increasing, though prison admissions began to decline beginning in 2015.



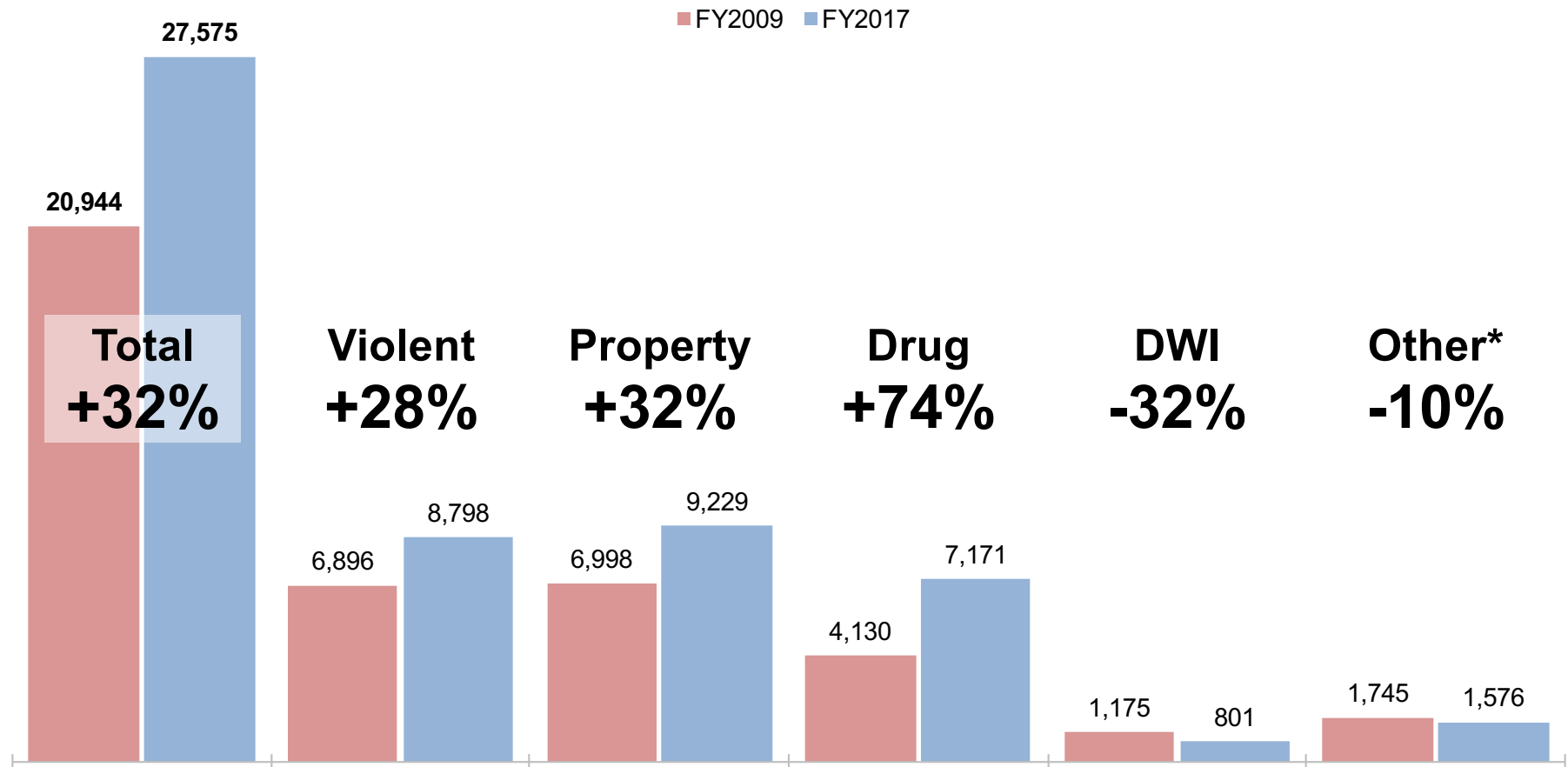
Charges received represent all offenses received by prosecutors, based on fiscal year of offense, and may include probation revocations and juvenile cases.

Source: CSG Justice Center analysis of AODA charge data (November 2018); New Mexico Sentencing Commission, "New Mexico Prison Population Forecast: FY2019 — FY 2028" (June 2018).

DRAFT

The total number of felony cases filed in district courts has increased, particularly for drug offenses, which have increased by 74 percent.

Felony Cases Filed in District Courts, 2009 and 2017



Note: Totals may include juvenile cases. Offense level and type based on most serious charge in case. Less than 1% of cases were missing offense information each year.

*Other offenses include escape, failure to appear, traffic offenses, animal offenses, and weapons offenses.

DRAFT

Other states provide community behavioral health treatment targeting the probation and parole population.

Idaho



\$8.3M for Substance Use Disorder (SUD) services for drug treatment serving approximately 4,500 people on supervision annually (FY2017)

Montana



\$7.5M in community treatment facilities primarily for people on supervision (FY2017)

Utah



\$5M to expand community treatment access for people in the justice system and established standards based on evidence-based practices (2015)

Colorado



\$9M in correctional treatment cash fund for the community supervision and other populations to offset treatment costs (FY2019)

Key takeaways about behavioral health

1. A large number of people who enter the criminal justice system have behavioral health needs and **addressing those needs can improve public safety outcomes by reducing recidivism.**
2. This population often has complex behavioral health needs, and **states must ensure access** to the range of treatment and services necessary to adequately address both criminogenic and behavioral health needs.
3. The poor behavioral health outcomes in New Mexico take a toll on multiple systems—the **increasing overdose death rate** illuminates the public health impact of unaddressed substance addictions, and the **increase in charges and filings** related to drug offenses shows the impact on New Mexico's criminal justice system.

The policy challenge is providing state support and structure to ensure that behavioral health and criminal justice system actors work collaboratively to promote behavior change.

DRAFT

Overview

1 Crime and Policy

2 Victim Services

3 Behavioral Health

4 Probation

5 Next Steps

DRAFT



Overview

4 Probation

Importance of probation

Sentencing and revocation

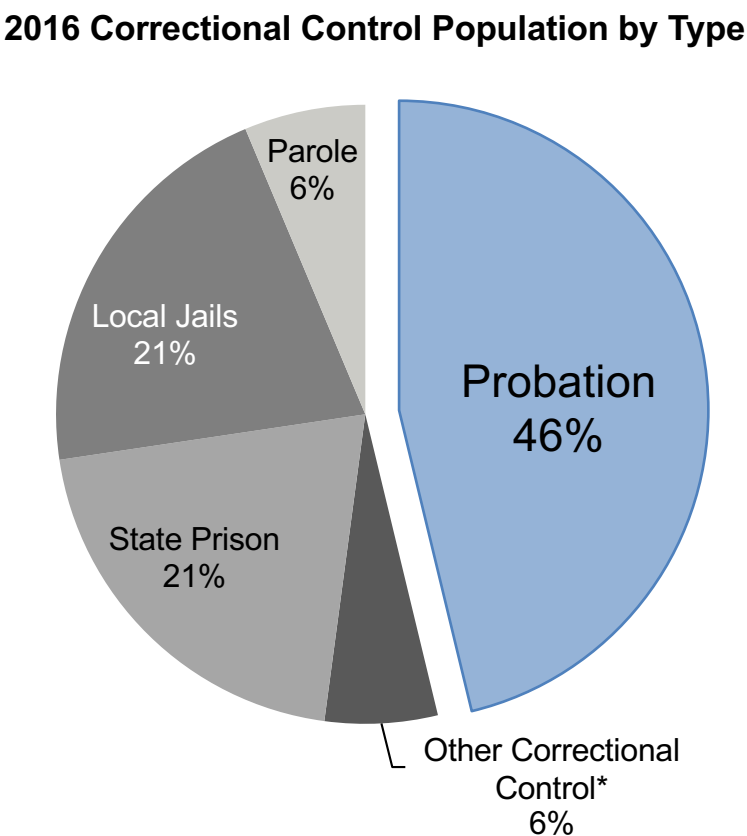
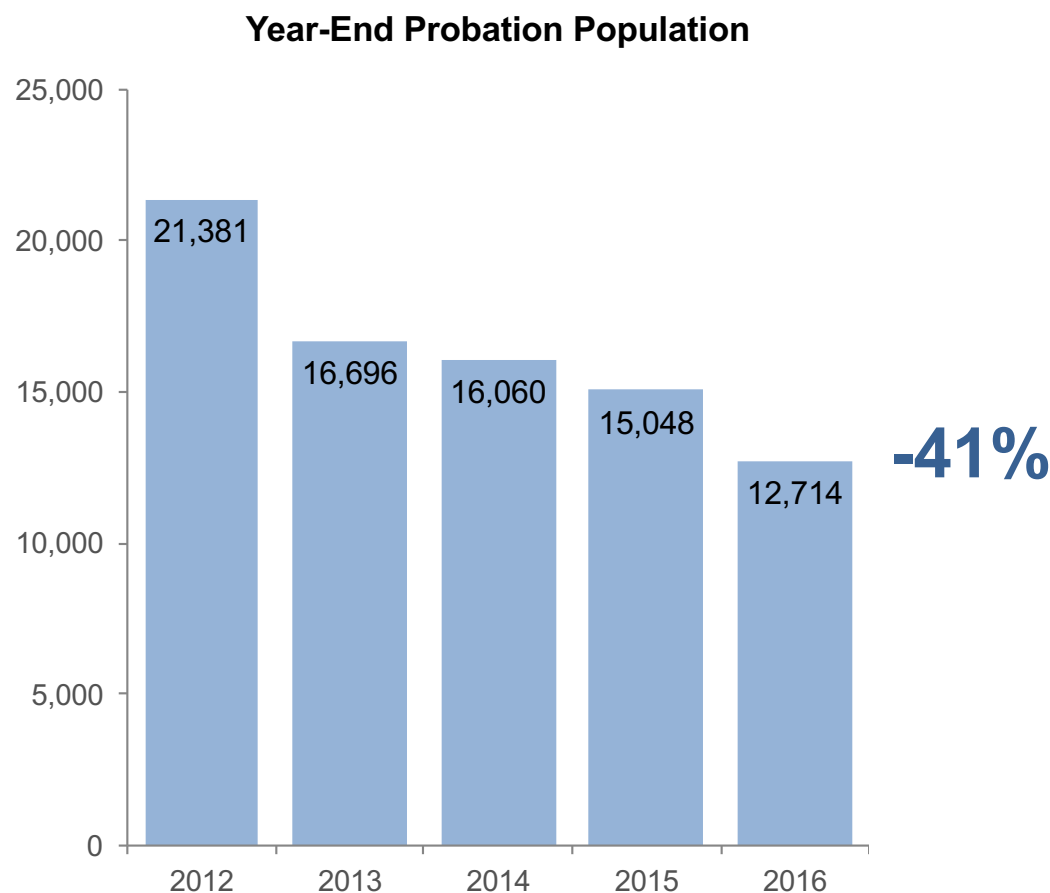
Reducing recidivism

Probation policies

DRAFT



People on probation make up almost half of all people under some form of correctional control.



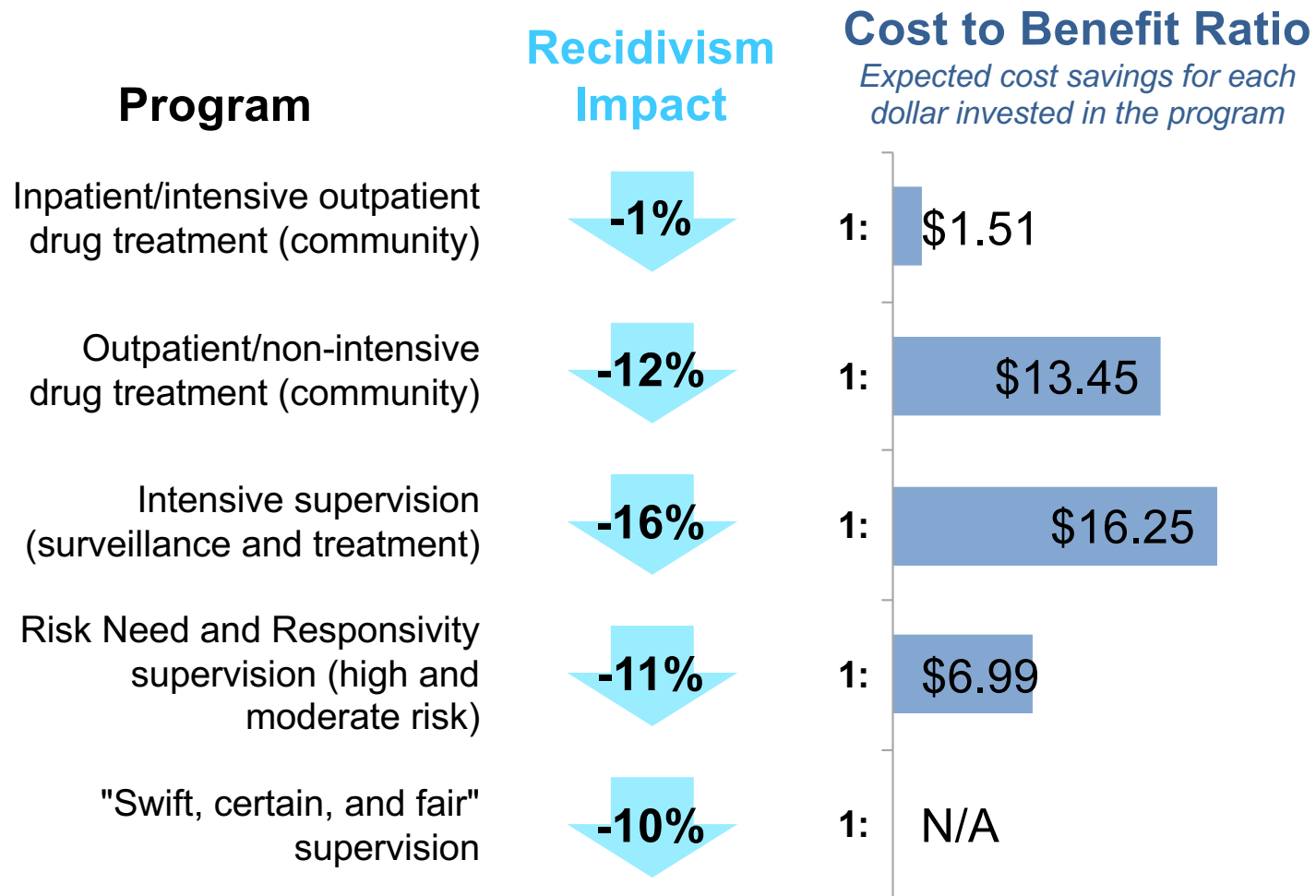
Correctional control population numbers are based on corrections population counts gathered between 2013 and 2016.

*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>).

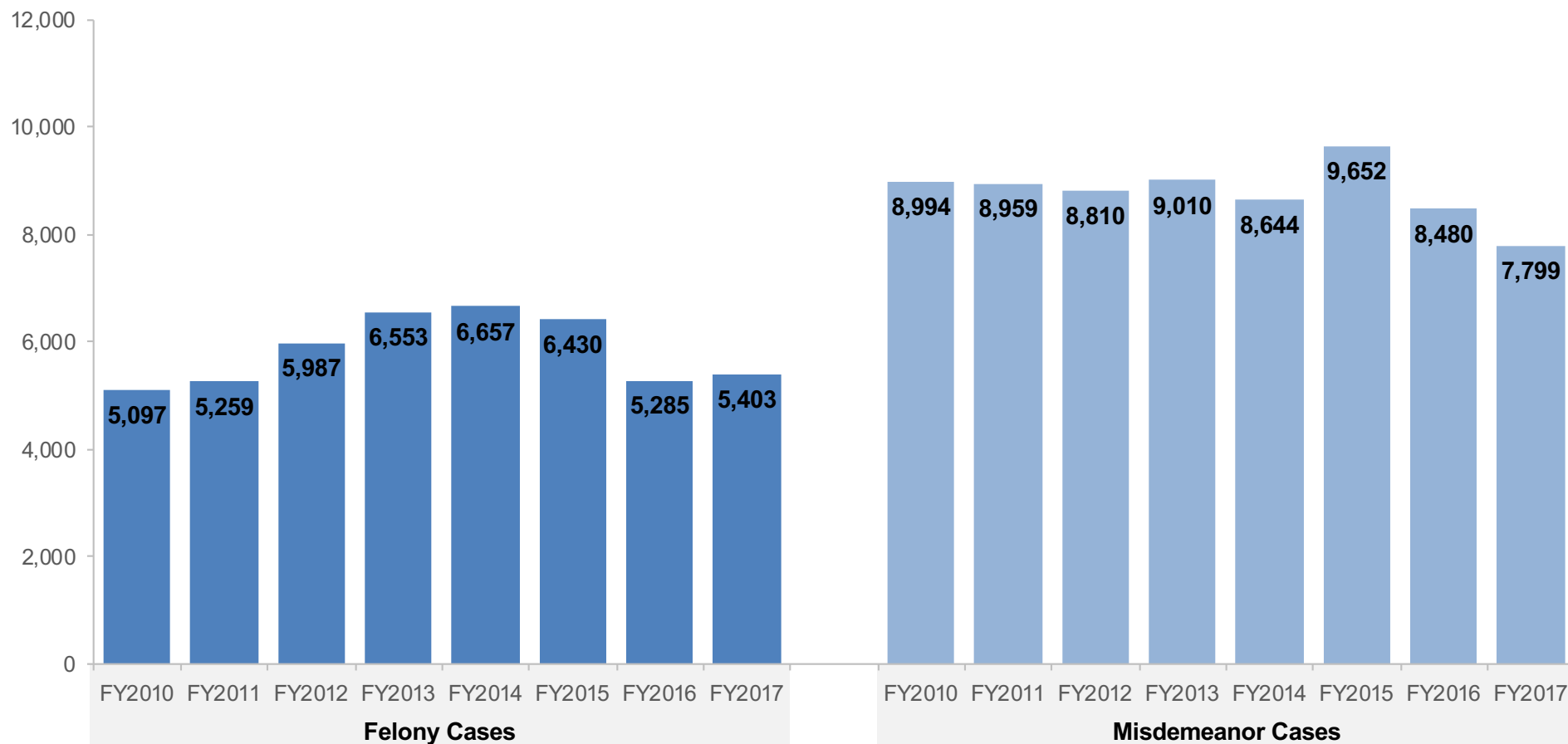
DRAFT

Existing research shows that when done well, probation and treatment have the greatest potential to reduce recidivism.



New Mexico courts contributed about 13,000 cases to probation/misdemeanor compliance caseloads in 2017.

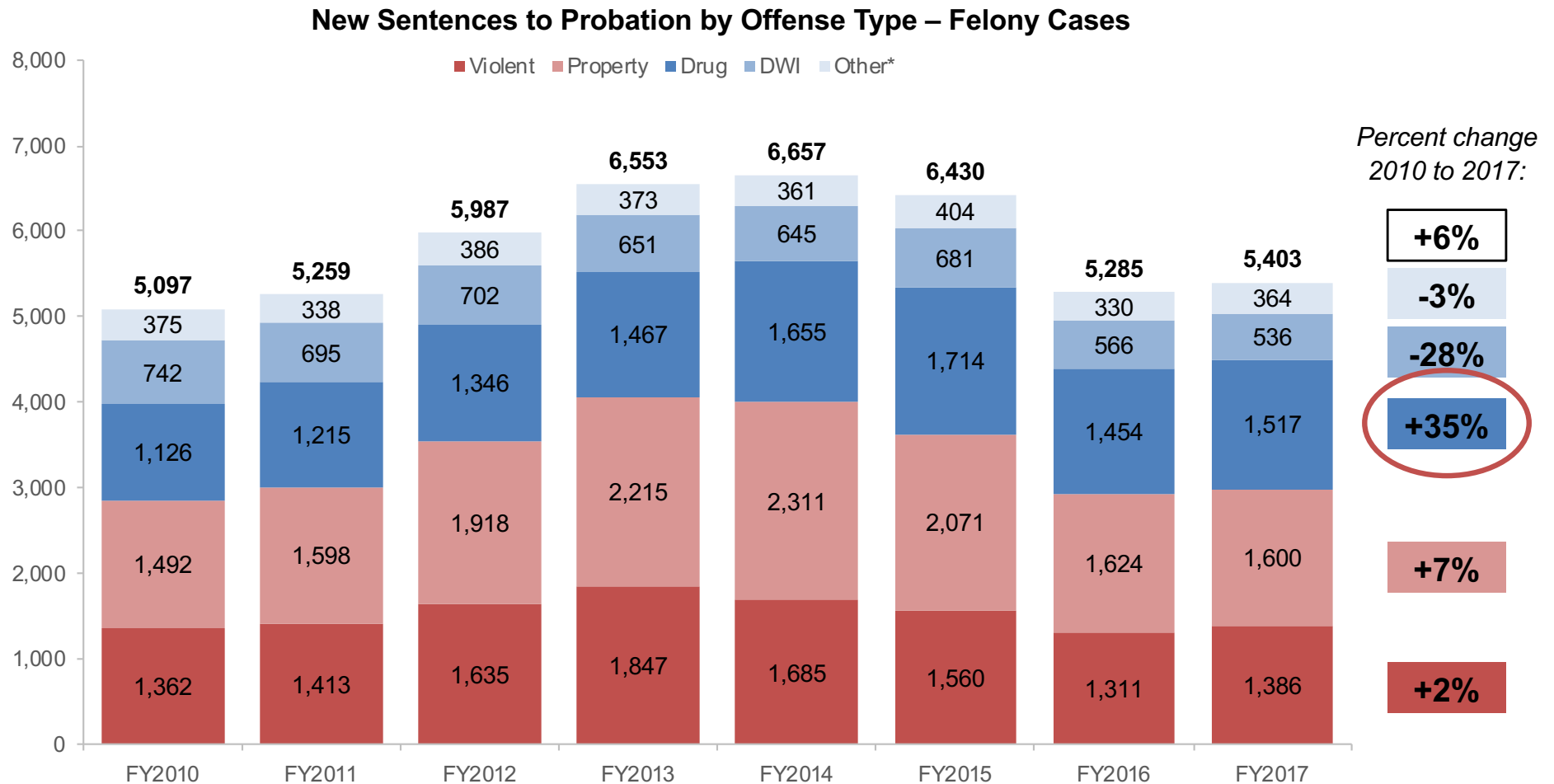
New Sentences to Probation, by Offense Level



Excludes juvenile sentences, probation revocations, and deferred sentences and conditional discharges. Offense level is based on the most serious charge at disposition for each case. Less than 1 percent of sentences to probation each year were missing offense information.

DRAFT

New sentences to probation for felony drug offenses increased 35 percent between 2010 and 2017.



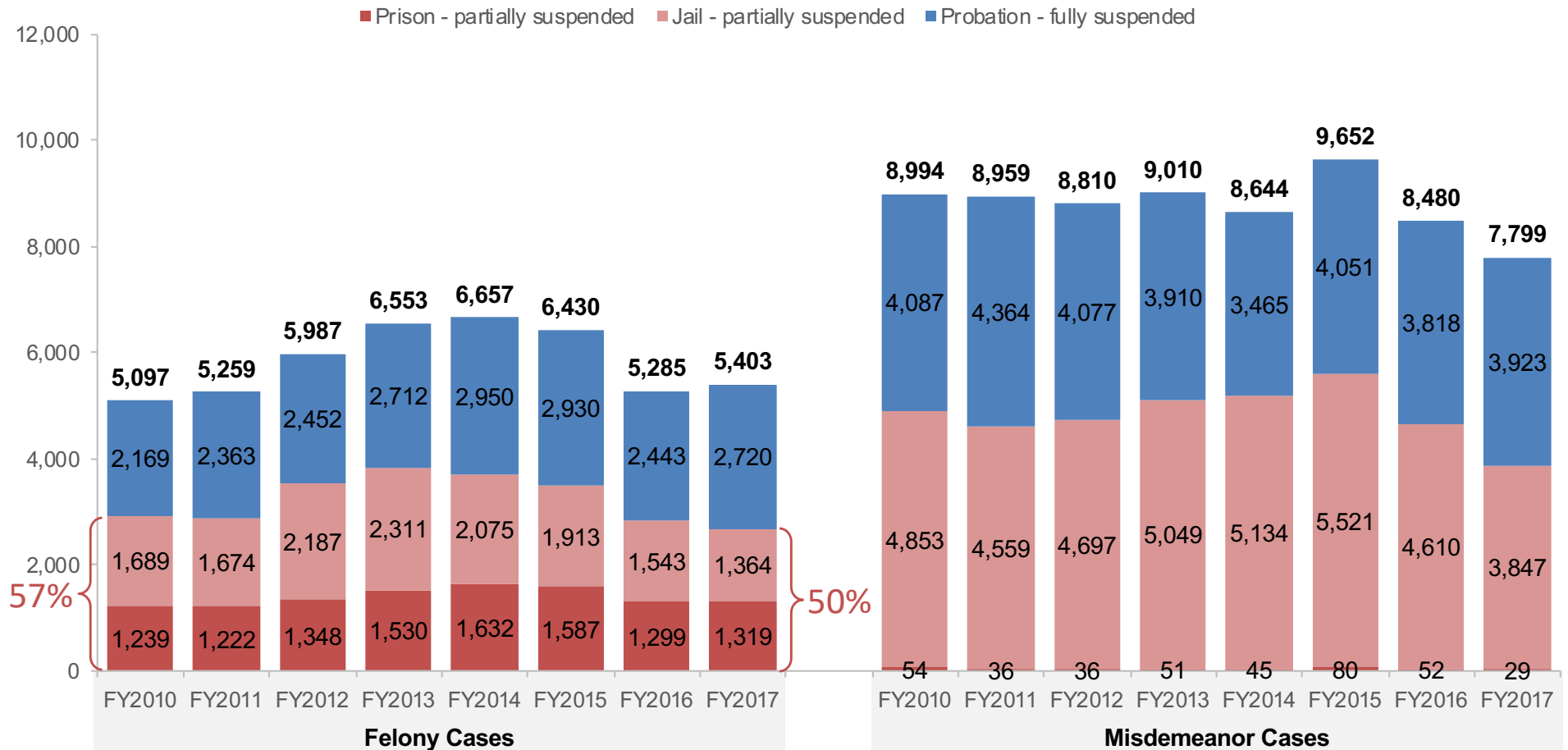
Excludes juvenile sentences, probation revocations, and deferred sentences and conditional discharges. Offense level and type are based on the most serious charge at disposition for each case. Less than 1 percent of sentences to probation each year were missing offense information.

*Other offenses include escape, failure to appear, traffic offenses, animal offenses, and weapons offenses.

DRAFT

Felony sentences to probation are confinement sentences that are partially suspended in over half of cases each year except 2017.

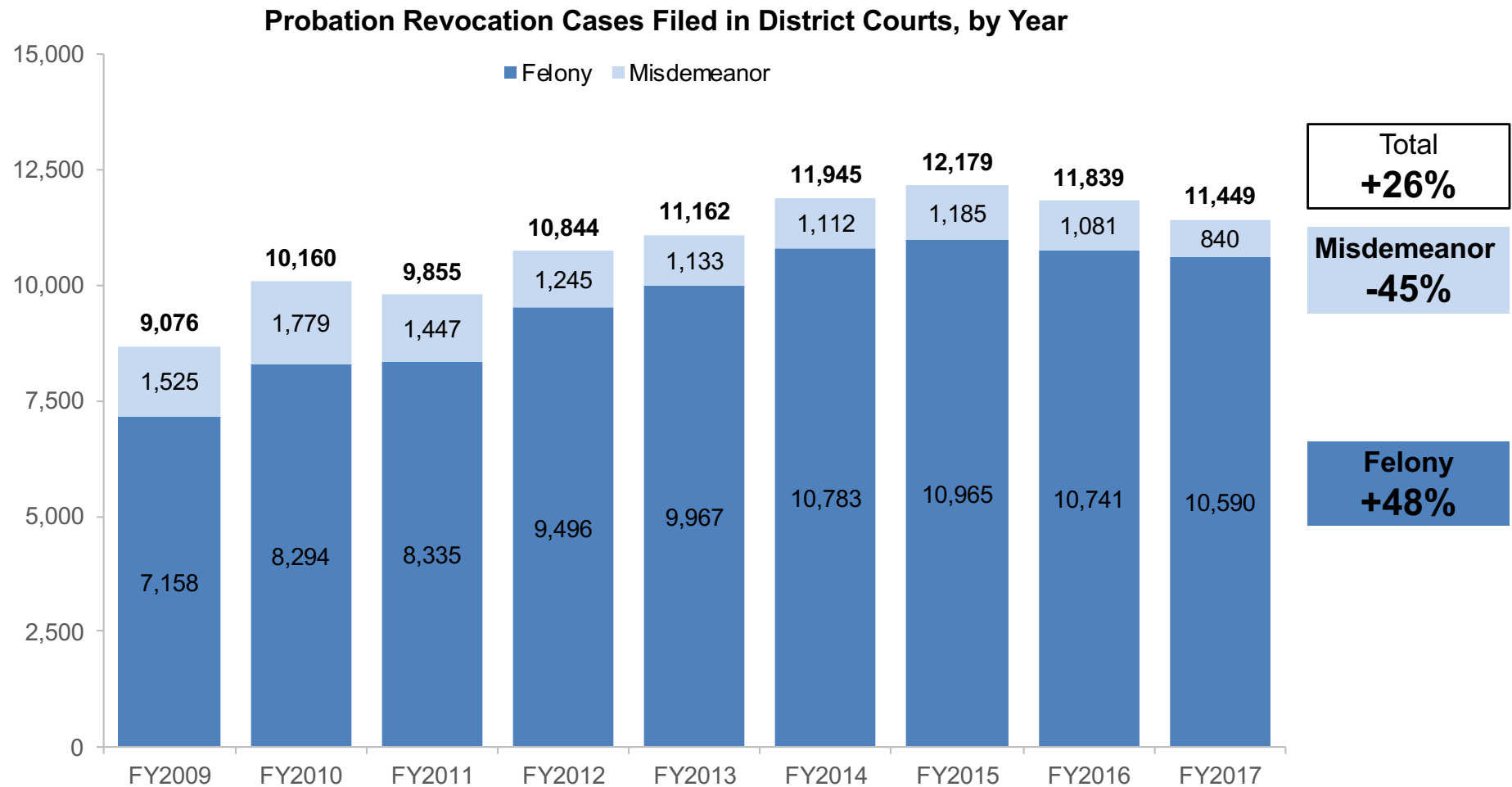
New Sentences to Probation



Excludes juvenile sentences, probation revocations, and deferred sentences and conditional discharges. Offense level is based on the most serious charge at disposition for each case. Less than 1 percent of sentences to probation each year were missing offense information.

DRAFT

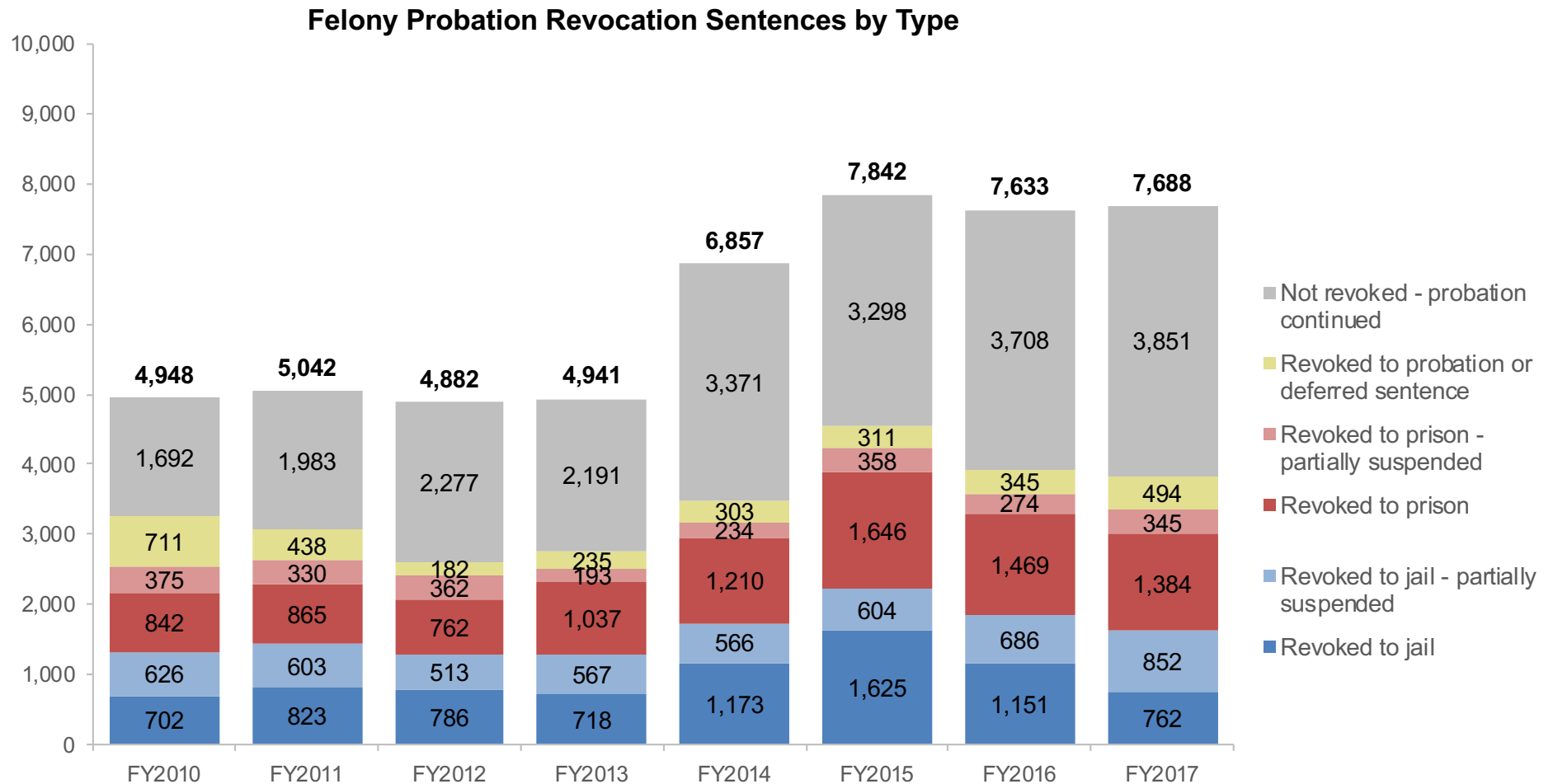
Felony probation revocation cases filed in district courts increased almost 50 percent between 2009 and 2017.



Note: Probation revocation cases are identified by case class and may include juvenile cases. Offense level based on most serious charge in case. Less than 1 percent of cases were missing offense information each year.

DRAFT

Typically about half of revocation actions are continued on probation, and those that result in prison or jail may be partially suspended.

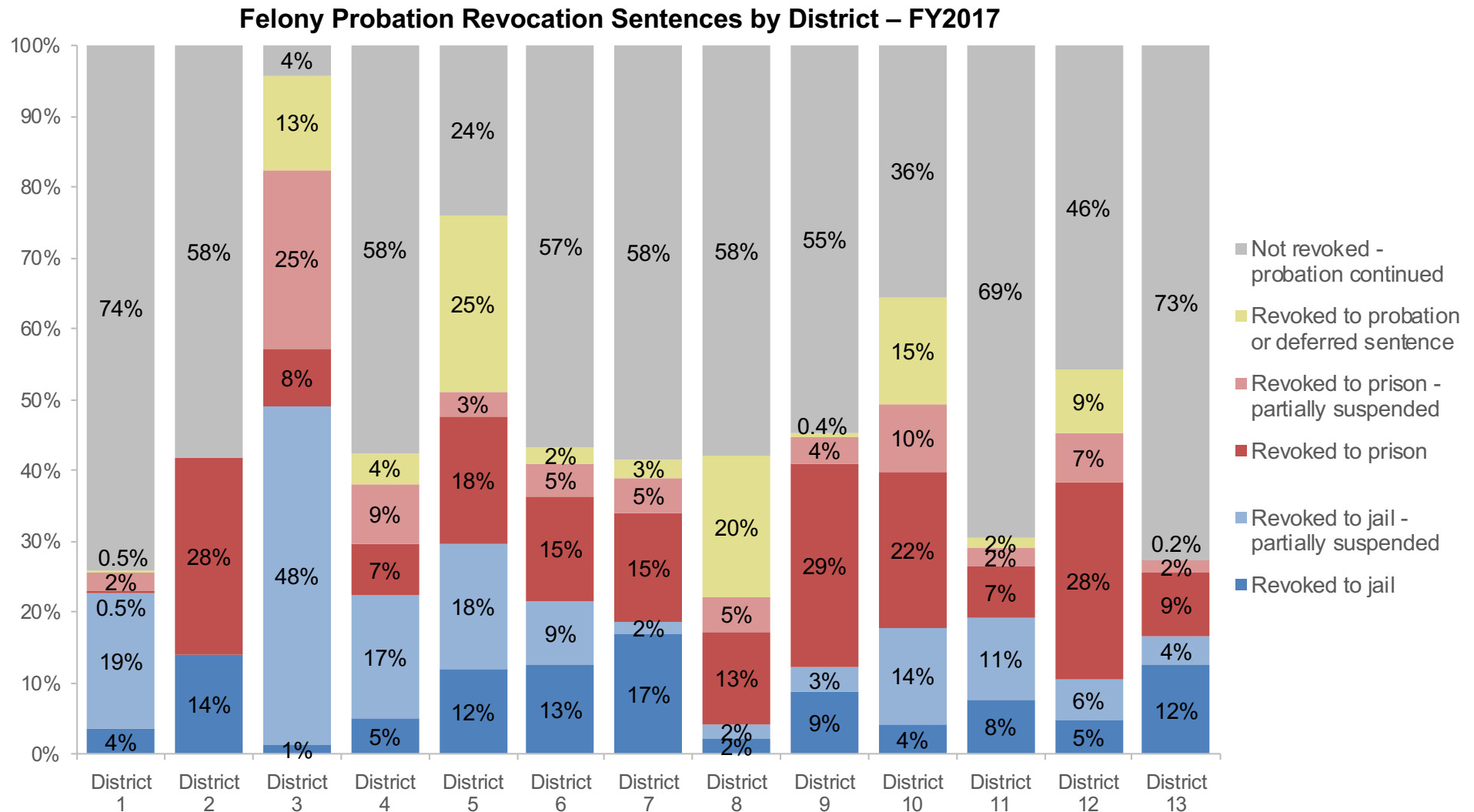


Excludes juvenile sentences. Probation revocation sentences are identified by sentence type. Approximately 2% of sentenced cases did not include sentence type information.

Offense level is based on most serious charge in case. Less than 1 percent of cases were missing offense information each year.

DRAFT

Responses to felony probation revocations vary widely by district.



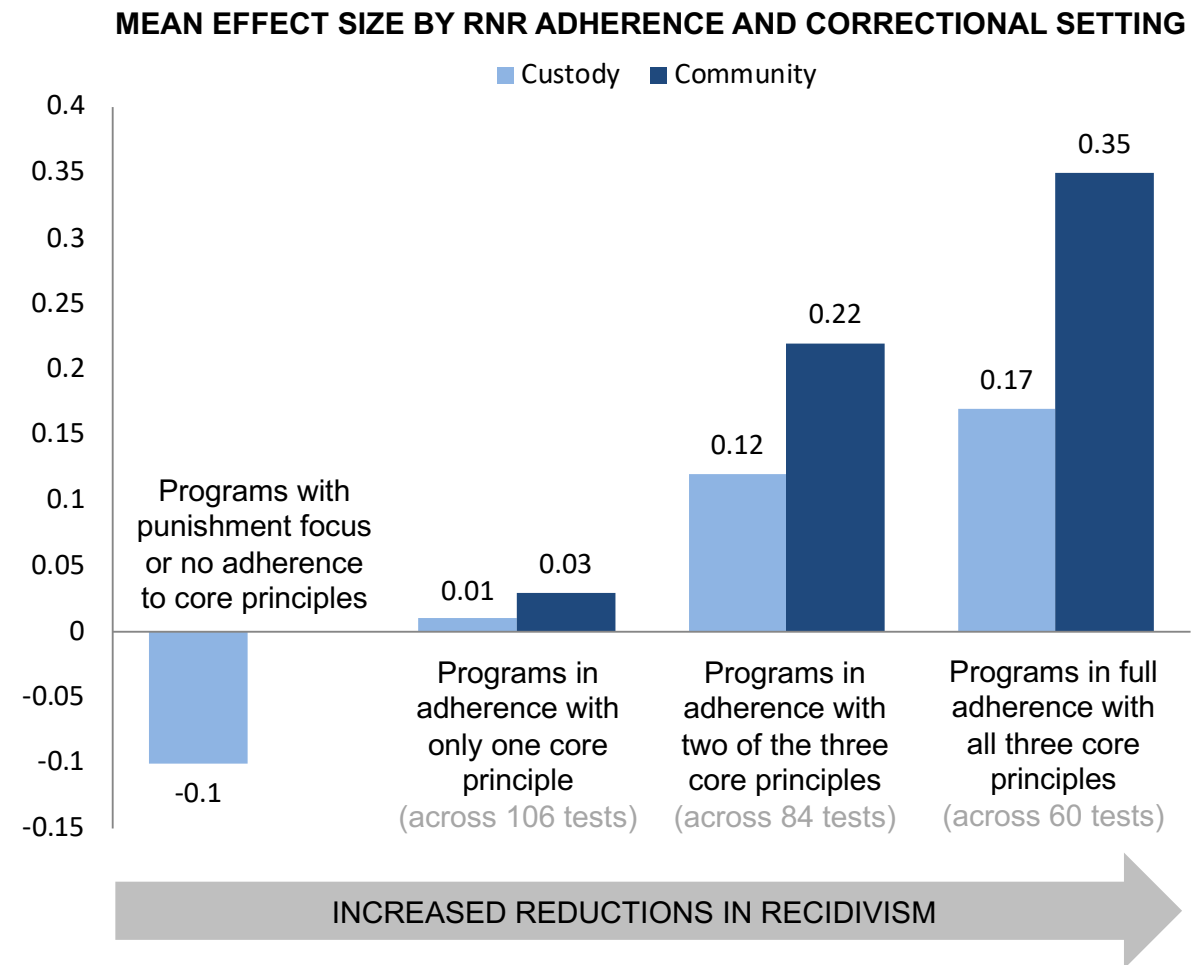
Excludes juvenile sentences. Probation revocation sentences are identified by sentence type. Approximately 2% of sentenced cases did not include sentence type information.

Offense level is based on most serious charge in case. Less than 1 percent of cases were missing offense information each year.

DRAFT

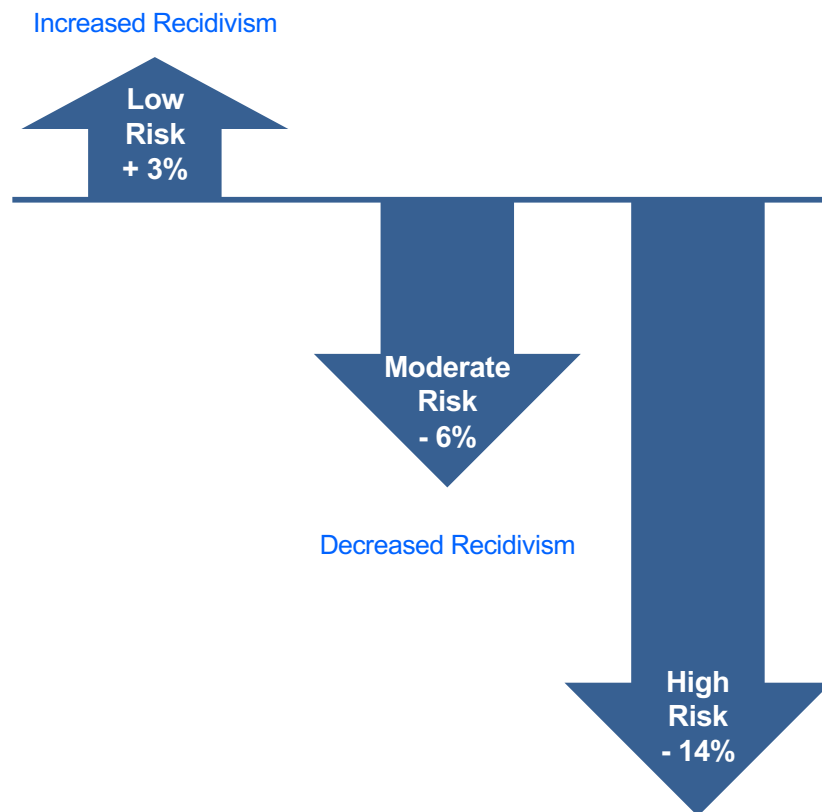
Strong adherence to risk, need, and responsivity (RNR) principles increases the effectiveness of recidivism-reduction programming.

RNR program approaches within prisons are important, but maximum recidivism reduction is achieved when those RNR programs are also delivered in the community after release.



Failing to adhere to the risk principle can actually increase recidivism for low-risk individuals.

Average Difference in Recidivism by Risk for Individuals in Ohio Halfway House



Individuals who are at **low risk** of recidivating

- Do well with minimal intervention;
- Have protective factors which are disrupted with intensive services and supervision; and
- Learn more ingrained criminal behaviors when put with individuals who have higher risk.

Reducing recidivism among the people on probation requires many processes to work well, and requires buy-in from judges in particular.

- 1** **Assess** risk and need
- 2** **Target** the right people
- 3** **Frontload** supervision and treatment
- 4** **Ensure** adequate linkage to **proven programs**
- 5** Use **case planning** to facilitate behavior change
- 6** **Respond** to both positive and negative behaviors
- 7** Hold individuals **accountable**

Are the right approaches being taken with the right people?

If not, efforts to change behavior (and reduce recidivism) will be much less effective and sometimes counterproductive.

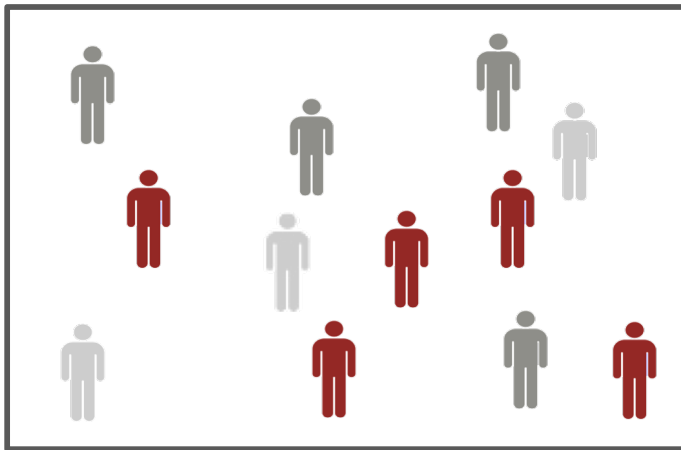
NMCD supervises based on risk level but a high level of overrides counteracts effectiveness.

DRAFT

The results of standardized risk assessments should be used to group people according to their relative risk of recidivism.

The **Risk Principle**—tells us *whom* to target

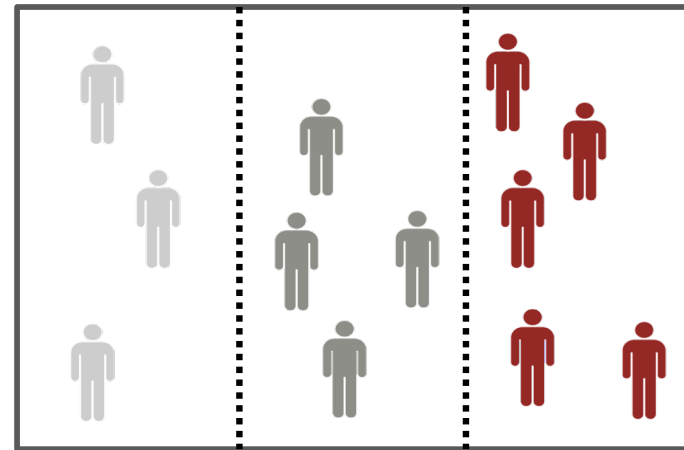
Without Risk Assessment...



Risk level is not an indicator of:

- ≠ Dangerousness
- ≠ Severity of offense
- ≠ Guaranteed individual prediction
- ≠ Offense-specific reoffending

With Risk Assessment...



Risk of Reoffending

**Low
Risk**

**Moderate
Risk**

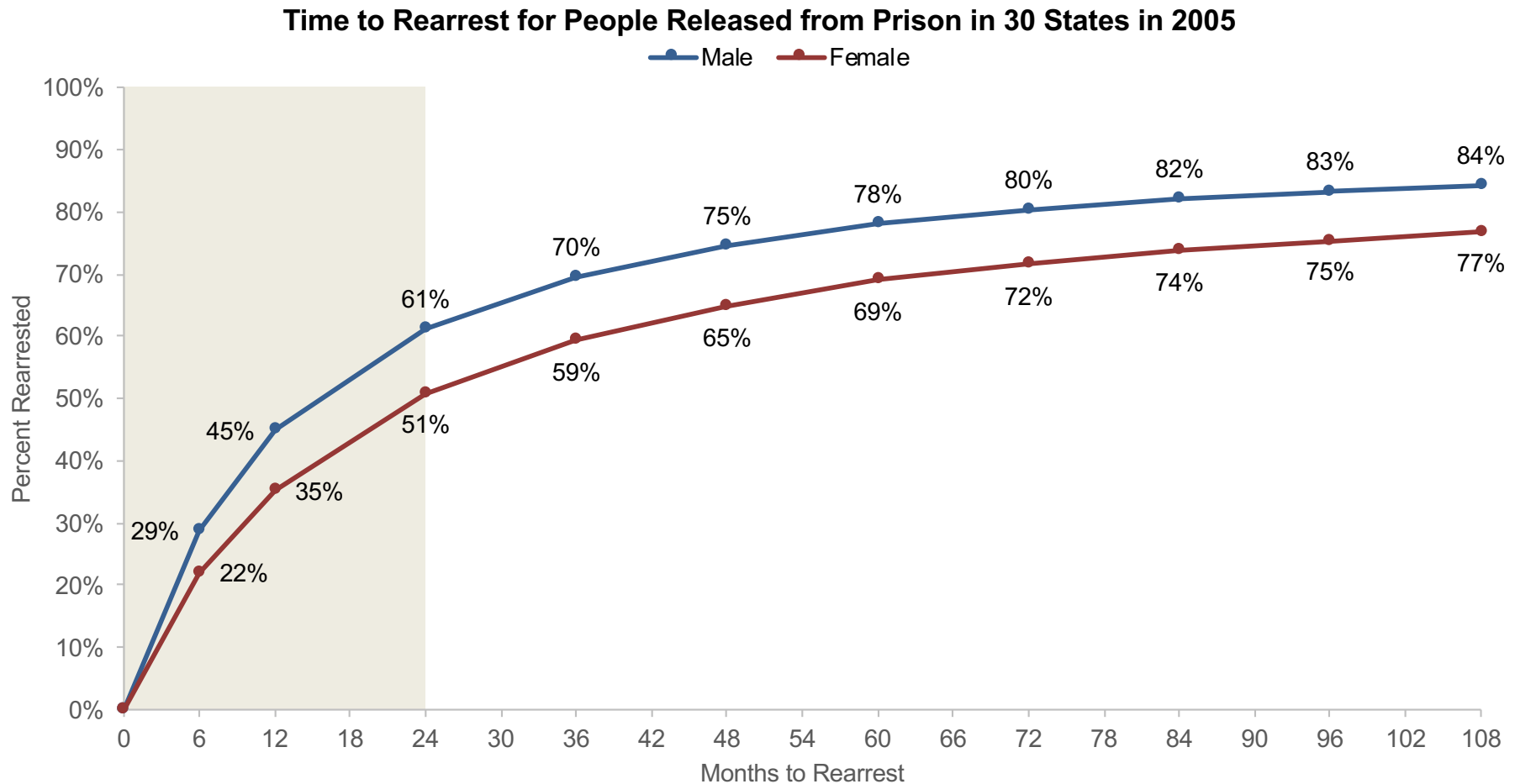
**High
Risk**

Typically 1/3rd of the population falls into each category

NMCD utilizes the COMPAS risk assessment tool, but it has not been validated on the New Mexico correction population.

DRAFT

Failure on supervision usually occurs early in the supervision term, so resources should be dedicated to when people are most at risk of failure.

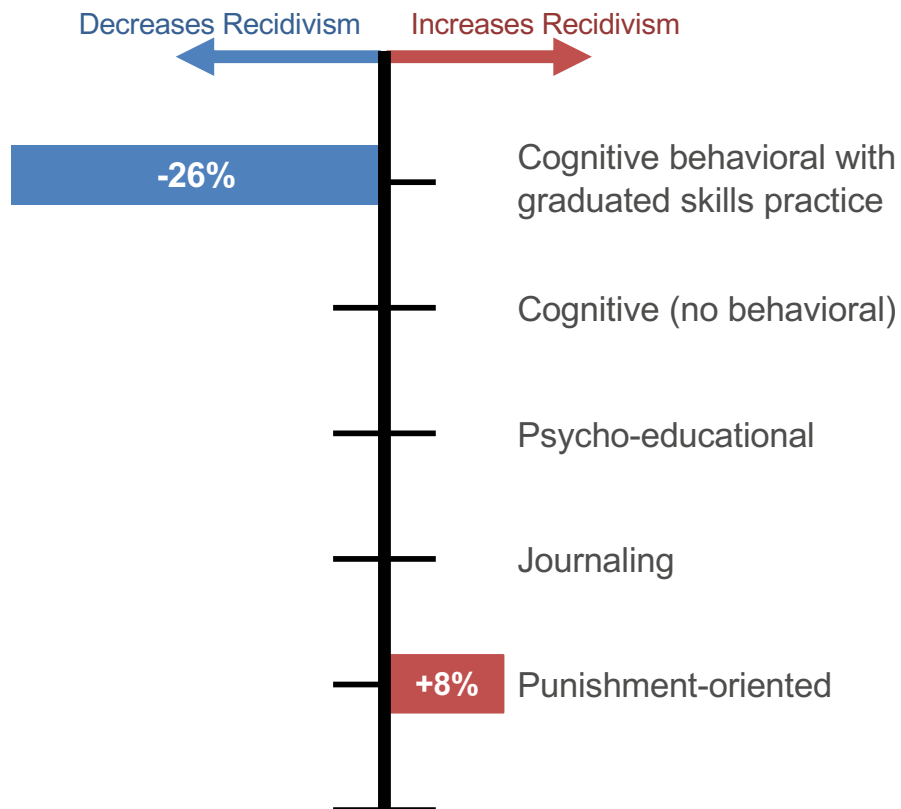


NMCD has an early discharge policy for early release from supervision, which would free up officer time, but it is rarely used.

DRAFT

Programs should be proven effective and meet the unique needs of people in the criminal justice system.

Changes in Recidivism by Program Type



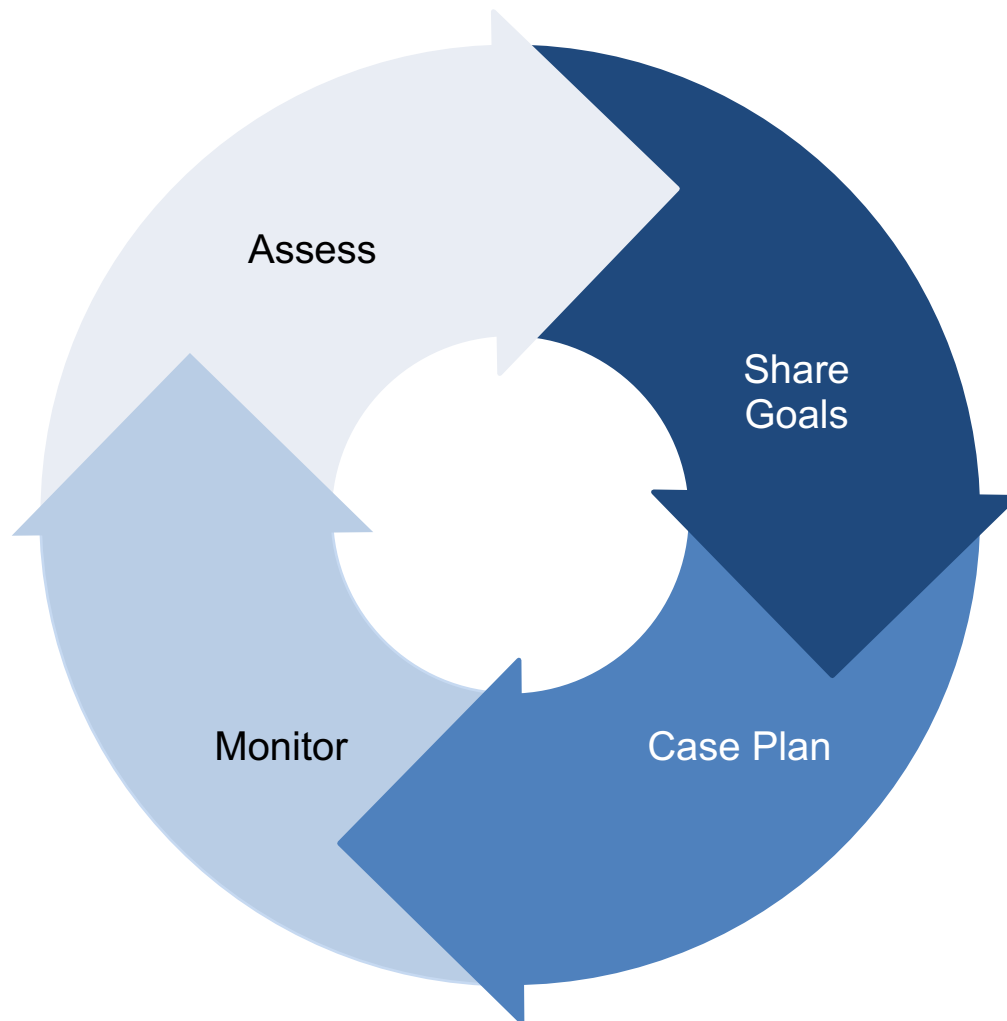
Programs should utilize **cognitive behavioral approaches** regardless of area of focus (e.g., criminal thinking, substance use, sex offender).

Skill building with structured **skills practice** is an essential component of effective programs.

Women should receive **gender-responsive** services with a **trauma-informed** approach.

Some, but not all, programs used by NMCD are based on what works to reduce recidivism.

Proactive case planning allows for a collaborative approach to behavior change that minimizes reactive supervision.



Case Planning and Supervision Best Practices:



Motivational interviewing



Case planning based on risk and need assessment



Use of cognitive behavioral interventions



Skills practice

NMCD case plans are not updated throughout the course of supervision, and skills practice is not utilized with people on supervision.

DRAFT

Research highlights the challenge of balancing punishment and behavior change.

Pretrial detention: More than 1 day	Community-Based Sanctions vs. Jail Sanctions	Prison: Not shown to reduce recidivism
 Failure-to-appear rates for low-risk individuals	Both have the same: ✓ Time to next violation	▪ Increasing severity of punishment does little to deter crime
 Recidivism for low- and moderate-risk individuals	✓ # of subsequent violations ✓ Likelihood of successful completion of supervision	▪ Certainty of being caught is more powerful deterrent than punishment ▪ Prison may exacerbate recidivism

NMCD's "StePS" is a technical violation program, but it is inconsistent across judicial districts and there is no structured system for providing incentives.

Sources: Christopher T Lowenkamp, Marie VanNostrand, and Alexander Holsinger, "The Hidden Costs of Pretrial Detention," (Laura and John Arnold Foundation, 2013); E.J. Wodahl et al. "Responding to probation and parole violations: Are jail sanctions more effective than community-based graduated sanctions?" (Journal of Criminal Justice, 43: 242-250); National Institute of Justice, "Five Things about Deterrence" (2016), <https://www.ncjrs.gov/pdffiles1/nij/247350.pdf>

DRAFT

Swift, certain, and fair punishment coupled with cognitive behavioral interventions and incentives effectively promotes positive behavior change.

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
- 1-on-1 CBI strategies utilized by probation and parole officers

NMCD officers are not trained to utilize CBI in conjunction with violation behavior to promote behavior change.

DRAFT

Probation policy changes already in motion

1

Spell out in law the purposes of probation.

2

Require validated risk and needs assessment and principles of effective intervention.

3

Use a statewide system of incentives and sanctions to respond to behavior under supervision.

DRAFT


Key takeaways about probation

1. Probation is critically important as an opportunity to reduce recidivism for a large population. States tend to overlook this significance, underfund probation, and focus on prisons.
2. Sentences to felony probation:
 - Occur about 6,000 times a year, with drug cases notably increasing
 - Involve confinement in jail or prison about half the time
3. Revocation cases on felony probation:
 - Are growing significantly
 - Are often disposed without resulting in actual revocation
 - Differ dramatically, in terms of revocation rate, by judicial district
4. NMCD probation officials know where and how their system needs to evolve and improve.

The policy challenge is providing resources and policy support for NMCD to achieve greater success with probation. This also requires education and buy-in from judges, the parole board, and others.

DRAFT

Overview

- 
- 1 Crime and Policy
 - 2 Victim Services
 - 3 Behavioral Health
 - 4 Probation
 - 5 Next Steps

DRAFT

Revisiting the proposed policy challenges for input from the working group

Providing effective state support for local efforts to consistently employ crime-reduction strategies.

Providing additional resources for victim compensation, in order to meet need and maximize federal dollars.

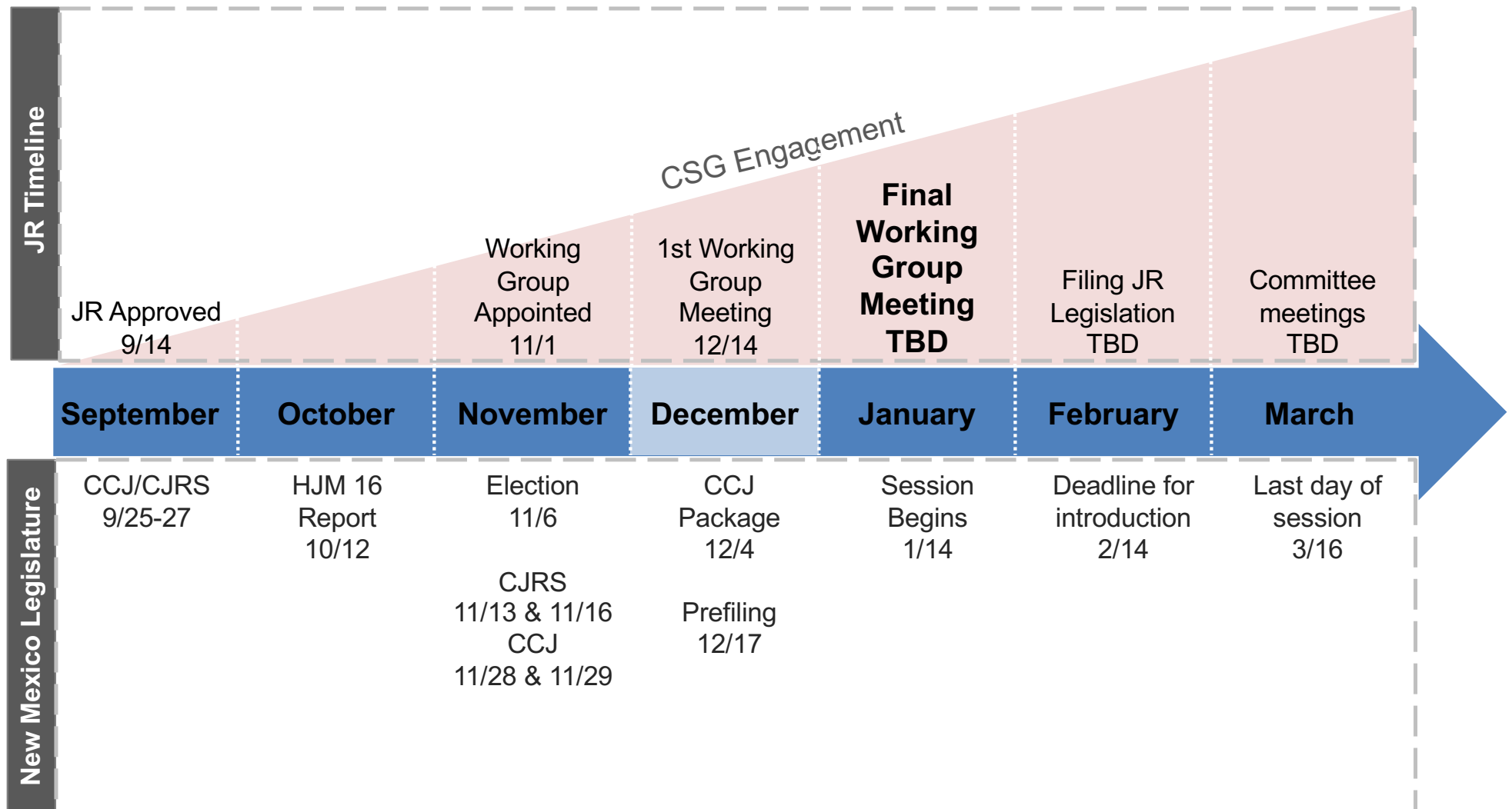
Ensuring that protective orders from any court in the state are accessible to law enforcement.

Providing state support and structure to ensure that behavioral health and criminal justice system actors work collaboratively to promote behavior change.

Providing resources and policy support for NMCD to achieve greater success with probation. This also requires education and buy-in from judges, the parole board, and others.

DRAFT

The accelerated Justice Reinvestment timeline and the New Mexico legislative timeline will converge in January.



DRAFT

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

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

DRAFT