

A JOINT MEMORIAL

REQUESTING THE NEW MEXICO LEGISLATIVE COUNCIL TO DIRECT THE APPROPRIATE INTERIM COMMITTEE THAT STUDIES COURTS AND JUSTICE ISSUES TO STUDY THE FEASIBILITY OF IMPLEMENTING A STATEWIDE LAW ENFORCEMENT ASSISTED DIVERSION PROGRAM FOR NONVIOLENT DRUG- OR ALCOHOL-DEPENDENT OFFENDERS.

WHEREAS, handling low-level, nonviolent drug offenders in the local and state criminal justice system is costly; and

WHEREAS, evidence suggests that the current system of incarceration does not break the cycle of addiction and overdose or enhance public safety; and

WHEREAS, many people arrested on drug- and alcohol-related charges go through the criminal justice system without any impact on their behavior and end up costing the system far more than if they were diverted immediately into treatment; and

WHEREAS, the federal bureau of investigation reported that, in 2011, the Santa Fe area ranked second in the country in residential burglaries per one hundred thousand residents; and

WHEREAS, New Mexico has the highest drug-induced death rate in the nation; and

WHEREAS, according to the corrections department, the average cost of incarceration per inmate in New Mexico is over

one hundred one dollars (\$101) per day, or approximately forty-one thousand dollars (\$41,000) a year, while the average cost of substance abuse treatment per person is five thousand dollars (\$5,000) to ten thousand dollars (\$10,000) per year; and

WHEREAS, the root of property crime is serious drug addiction; and

WHEREAS, the city of Santa Fe has implemented a pre-booking diversion program, known as law enforcement assisted diversion, designed to break the cycle of arrest and addiction by diverting some drug offenders into treatment; and

WHEREAS, the law enforcement assisted diversion program has statewide implications for communities that need to address growing drug- and alcohol-related problems; and

WHEREAS, a statewide law enforcement assisted diversion program would increase safety and order by reducing future criminal behavior; reduce the burden on law enforcement, county jails, prosecution and the court system; redirect public safety resources to more pressing priorities such as serious and violent crime; reduce drug overdoses and recidivism; and improve individual outcomes and community quality of life through research-based treatment, harm reduction and social support;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that the New Mexico legislative council

request the appropriate interim legislative committee to study the feasibility of implementing a statewide law enforcement assisted diversion program for nonviolent drug- or alcohol-dependent offenders; and

BE IT FURTHER RESOLVED that the appropriate interim legislative committee be requested to prepare a report and present findings and recommendations by November 1, 2014; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the New Mexico legislative council, the administrative office of the courts, the secretary of public safety, the secretary of corrections, the director of the Bernalillo county detention center, and the New Mexico association of counties.