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HOUSE JOINT MEMORIAL 15

51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

INTRODUCED BY

Sheryl Williams Stapleton

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 A STATEWIDE PRE-BOOKING 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

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

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

7 WHEREAS, according to the corrections department, the
8 average cost of incarceration per inmate in New Mexico is over
9 one hundred one dollars (\$101) per day, or approximately forty-
10 one thousand dollars (\$41,000) a year, while the average cost
11 of substance abuse treatment per person is five thousand
12 dollars (\$5,000) to ten thousand dollars (\$10,000) per year;
13 and

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

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

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

23 WHEREAS, a statewide law enforcement assisted diversion
24 program would increase safety and order by reducing future
25 criminal behavior; reduce the burden on law enforcement, county

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1 jails, prosecution and the court system; redirect public safety
2 resources to more pressing priorities such as serious and
3 violent crime; reduce drug overdoses and recidivism; and
4 improve individual outcomes and community quality of life
5 through research-based treatment, harm reduction and social
6 support;

7 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
8 STATE OF NEW MEXICO that the New Mexico legislative council
9 request the appropriate interim legislative committee to study
10 the applicability of implementing a statewide law enforcement
11 assisted diversion program; and

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

15 BE IT FURTHER RESOLVED that copies of this memorial be
16 transmitted to the New Mexico legislative council, the
17 administrative office of the courts, the secretary of public
18 safety, the secretary of corrections, the director of the
19 Bernalillo county detention center, the director of children's
20 court and the director of the Bernalillo county youth services
21 center.