



Legislative Finance Committee Budget Presentation

October 19, 2022

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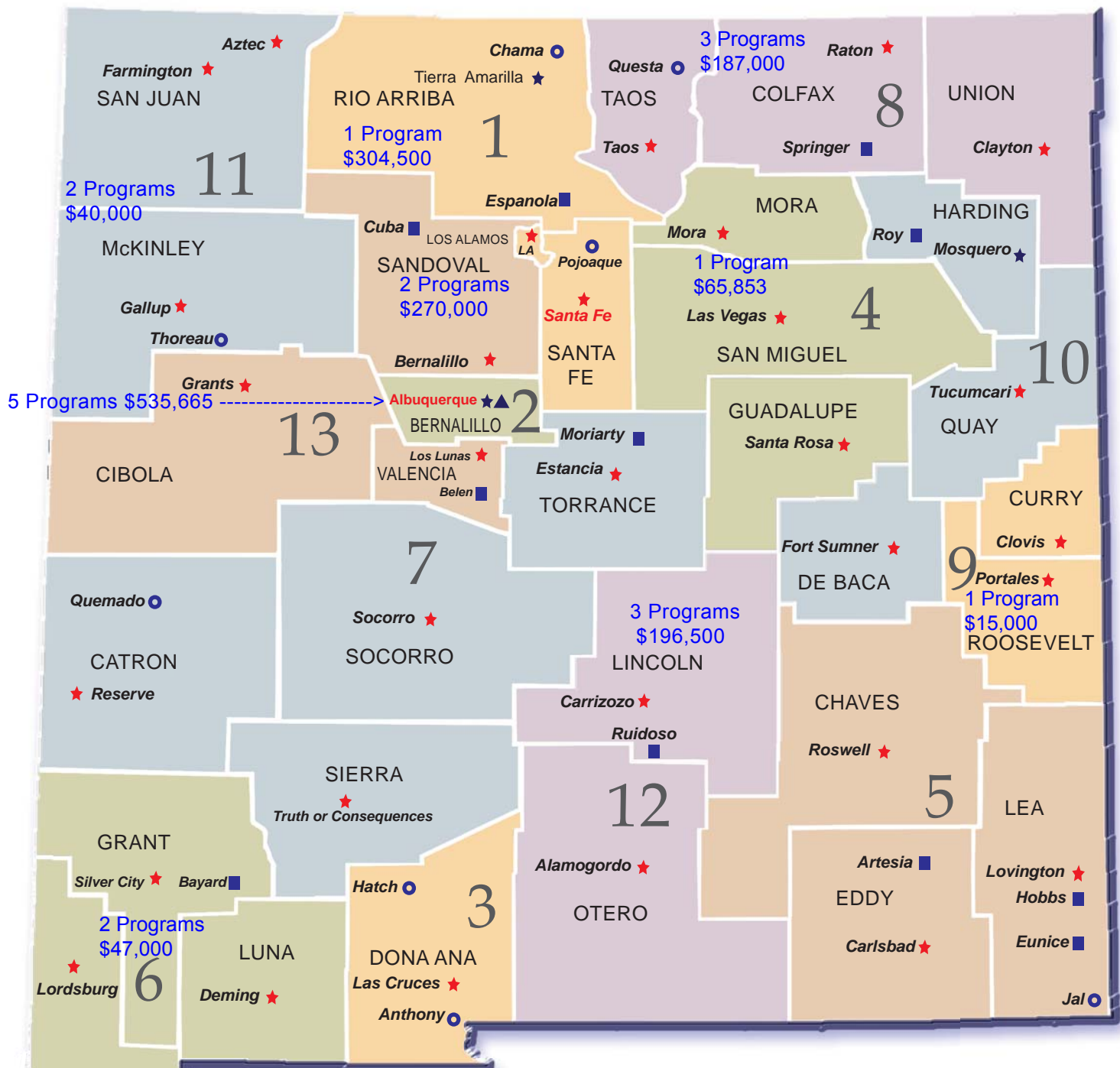
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Crime Reduction Grants

FY 2023 Awards

- Round 1 NMSC Grants Committee awarded \$1,661,518 in grants to 20 programs.
- Round 2 will close October 28, 2022.
- Grant Committee will meet to review applications on November 9, 2022.
- Staff are assigned to monitor grant recipients.

NEW MEXICO STATE COURTS



09/16/13-clr

1st Judicial District Court
Santa Fe, Rio Arriba & Los Alamos
2nd Judicial District Court
Bernalillo
3rd Judicial District Court
Doña Ana
4th Judicial District Court
San Miguel, Mora & Guadalupe
5th Judicial District Court
Chaves, Eddy & Lea
6th Judicial District Court
Grant, Hidalgo & Luna
7th Judicial District Court
Torrance, Socorro, Catron & Sierra

8th Judicial District Court
Taos, Colfax & Union
9th Judicial District Court
Curry & Roosevelt
10th Judicial District Court
Harding, De Baca & Quay
11th Judicial District Court
San Juan & McKinley
12th Judicial District Court
Otero & Lincoln
13th Judicial District Court
Cibola, Sandoval & Valencia
Bernalillo County Metropolitan Court
Albuquerque

Supreme Court
Santa Fe
Court Of Appeals
Santa Fe & Albuquerque

- ★ District & Magistrate Courts
- ★ District Courts
- ▲ Metropolitan Court
- Magistrate Full Courts
- Magistrate Circuit Courts

Crime Reduction Grants Awarded for FY2023 as of August 2022

Court Services

2nd JD: Specialized Training(s) for Specialty Court Team Members and Judges

Provides funding to the Bernalillo County Metropolitan Court (BCMC) to offer specialized training and educational opportunities for all specialty court staff and judges.

2nd JD: Program Project Coordinator for Competency Court Clients

Provides funding to maintain the existing position of Program Project Coordinator, who manages Competency Court clients and coordinates with the UNMH Forensic Navigation Team.

2nd JD: Community Outreach Materials, Barrier Reduction, and Recovery Support Services

Provides funding to purchase community outreach materials to support Specialty Courts and Alumni Groups, and to purchase fitness center passes and transportation assistance for clients enrolled in treatment courts.

6th JD: Day Habilitation Support Services

Provides funding to support enhanced Day Habilitation services for drug court clients with substance use disorders and/or mental health disorders who commit low level or petty misdemeanor offenses.

6th JD: District Court and Magistrate Court Computer Equipment and Incentives

Provides funding to purchase laptops that detainees can use to attend and complete court-ordered Domestic Violence Offender Treatment virtual classes while in custody, and provides funding for incentives for drug court participants who complete program milestones.

8th JD: Family Violence (FV) Treatment Court

Provides funding to continue the existing FV Treatment Court, which connects individuals charged and/or convicted of FV offenses to therapeutic services, including Batterer's Intervention groups, case management, and substance use disorder treatment.

8th JD: Contingency Management for Drug Court Participants

Provides funding to expand the contingency management program for the Raton Drug Court to a voucher-based reinforcement program in which a participant will receive a guaranteed monetary reward for completing court requirements and abstaining from drug and alcohol use.

11th JD: Alumni and Peer Support for Adult Problem-Solving Court Programs

Provides funding for expanding the Alumni Support and Peer Support Program for the Adult Drug Court, Mental Health Court, and DWI Court.

12th JD: Treatment Guardians for Mental Health Supplemental Support

Provides funding for additional training and attorneys for the Treatment Guardian program to ensure that respondents and petitioners have equal access to justice when mental health issues are involved.

Diversion

2nd JD: Diversion Program of the District Attorney's Office

Provides funding for removing low level offenders from the criminal justice system and placing them into treatment and rehabilitation services through the DA's Pre-Prosecution Diversion (PPD) program or Specialty Courts.

12th JD: Mobile Crisis Unit

Provides funding for a Mobile Crisis Unit to provide a community continuum of care to support people living with a mental illness and/or substance use disorder or who are experiencing a mental health crisis.

13th JD: Resource Assessment Center

Provides funding for a Resource Assessment Center for those 18 and older who have had police contact or are considered at-risk of police contact. The Center is focused on decreasing contact with law enforcement by assessing clients' needs and strengths and providing case management services.

Pretrial**4th JD: Treatment Court and Pretrial Program**

Provides funding for monitoring equipment and services for the District Court's pretrial program and to continue to provide programming and incentives for its treatment court.

11th JD: Pretrial Transportation Services

Provides funding for bus passes for pretrial defendants who lack transportation to ensure that they can appear for court and pretrial appointments and remain in compliance with their conditions of release.

13th JD: Pretrial Service Case Management

Provides funding for a Case Manager to work with individuals receiving pretrial services. The Case Manager will use the Adult Needs and Strengths Assessment (ANSA) to determine areas of need and support and meet with clients twice a week to ensure success in all aspects of life.

Recruitment and Retention of Staff**1st JD: DA & LOPD Recruitment & Retention**

Provides funding for recruitment and retention bonuses for attorneys employed by the District Attorney or the Law Offices of the Public Defender with the goal of keeping both offices fully staffed so that cases can be adjudicated in a timely manner.

2nd JD: CJCC Director

Provides funding for a dedicated director for the 2nd Judicial District's Criminal Justice Coordinating Council to help achieve multiple objectives in the CJCC's strategic plan and align the Council with national best practices.

9th JD: Curry County Sheriff's Office Recruitment and Retention Projects

Provides funding to the Curry County Sheriff's Office to support their efforts in recruiting new officers. This project includes social media boosting, radio advertising, posters, job fairs, and other recruitment and retention activities.

Re-Entry**8th JD: Raton Reentry Program**

Provides funding to contribute towards a community-based Reentry Program for inmates released from County jails as well as State and Federal prisons. This program will provide transitional living space and job/social skills development training.

12th JD: Community Hygiene Pantry

Provides funding for a community hygiene closet to provide the resources needed to help those recently released from incarceration re-enter society.

FY 2024 Request

- Seek legislation to create a fund for Crime Reduction Grant Act.
- Request \$2.0 million additional general fund monies to keep FY24 funding for crime reduction grants at FY23 levels.

Statewide Data Integration

FY 2023

- Continue to work on matching techniques to backfill defendants to their state identification number.
- Started a pilot project with the 1st Judicial District Attorney's Office in FY22 to explore the operational use of the data.
- Developed an application tailored to that office's case intake process, which extracts the SID arrest records and associated hearing, disposition, and warrant information for an individual from AOC's dataXchange.
- Meeting monthly with AOC Judicial Information Division and NM Tech ICASA.
- Adopt data governance policies.

NMSC Committee Work

- In FY 22:
 - Full Commission: 5
 - Reform Committee: 5
 - Juvenile Committee: 4
 - Legislative Committee: 3
 - Executive Committee: 1
 - Grants Committee: 1
 - Criminal Code Update working groups: 4
- In FY 23 (to date):
 - Full Commission: 1
 - Criminal Code Update working groups: 25
 - Reform Committee: 1
 - Juvenile Committee: 1
 - Executive Committee: 1

Criminal Code Update

- The work on the update to the state's Criminal Code and related statutes is proceeding apace. Seven working groups have been formed as part of the update process.
- Three focus on specific areas of law: child abuse, criminal sexual penetration, and homicide.
- Four focus on general areas of law: behavioral health, *mens rea*, race and ethnicity data collection, and sentencing structure statutes.

Code Update Information for Budget Hearing

Criminal Code Update

The Legislature, from an initiative originally sponsored by Rep. Gail Chasey, gave the Sentencing Commission an appropriation that began in FY 2022 to update the Criminal Code and associated statutes.

The Commission started the process by:

- 1) Commissioning a survey to assess the strengths and weakness of the Criminal Code.
 - The survey was sent to practitioners across the state, including district attorneys, the Office of the Attorney General, public defenders, and the Courts; advocates involved in criminal justice, including advocates for victims; and other interested parties, including legislators.
- 2) Retaining the Robina Institute of Criminal Law and Criminal Justice (University of Minnesota Law School) to analyze New Mexico's Criminal Code and assess how it compares with criminal codes across the country.

Working Groups

Based on the results of the survey, the Sentencing Committee's Reform Committee then formed **seven** working groups to undertake the task of updating the Criminal Code.

Four of these working groups have a broad focus; **three** cover specific areas of law.

General areas of law

- Behavioral Health – has met three times
- *Mens rea* – has met two times; is presently reviewing all crimes in the Criminal Code
- Race and Ethnicity Data Collection – has met three times
- Sentencing Structure – has met five times

Specific areas of law

- Child abuse – has met four times; completed its work.
- Criminal sexual penetration – has met six times.
- Homicide – has met three times.

Composition of Working Groups

Every group has representatives from the district attorneys, the Office of the Attorney General, the public defender, and the Courts. Other members of the working groups include representatives of the Department of Public Safety, the Department of Corrections, and the criminal defense bar, as well as Commission members.

All working groups are staffed by Douglas Carver, Deputy Director, NMSC; and Keri Thiel, Staff Attorney, NMSC.

Updates and Reforms Coming Out of the Working Groups (to date)

- The child abuse and criminal sexual penetration working groups have almost finished their tasks of cleaning up and rationalizing these areas of law;
- The homicide working group is looking broadly at homicide laws, including examining defenses, felony murder, involuntary manslaughter, accessory liability, depraved mind murder, and capital murder.
- The behavioral health working group is undertaking a broad assessment of the intersection of behavioral health issues and the criminal justice system.
- The race and ethnicity data collection working group is assessing where we have race and ethnicity data presently in the criminal justice system, where we have gaps, and how to make that information available throughout the system.
- The *mens rea* working group is undertaking a comprehensive review of how terms regarding a person's state of mind when committing a crime are used in our criminal laws.
- The sentencing structure working group is considering expanding the present five felony categories the state ostensibly uses (capital, plus first through fourth degree) to eight categories, both to better reflect the actual structure of our present Criminal Code and to give legislators more flexibility when assigning penalties to crimes.

Reporting Progress

The Sentencing Commission is:

- Keeping the Courts, Corrections, and Justice Committee informed of the progress of the Criminal Code update; and
- Keeping LFC staff informed of the progress of the Criminal Code update.