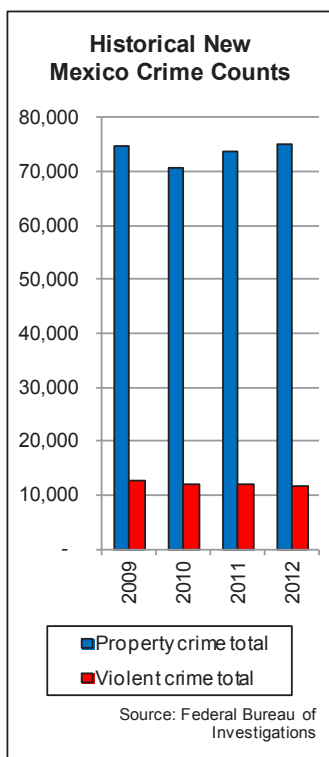


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Crime rates are dropping nationally, but crime rates in New Mexico, along with incarceration rates, are on the rise, despite general fund spending on public safety and the judiciary increasing 4 percent each of the last four years. Together, the public safety and judicial agencies represent almost 10 percent of the state's general fund expenditures. While these agency budgets make up a significant portion of all state spending, perhaps more significant are the indirect costs of crime – broken families, damages to victims, loss of employment, and other social consequences that impact New Mexico's quality of life and the very real price taxpayers must pay to address these human and community needs. Given the state's limited dollars and the high price of failing to protect the public, it is critical that the state spend its criminal justice dollars on evidence-based programs proven to make communities safer.

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The 2013 New Mexico violent crime rate was 597 per 100 thousand residents, 162 percent of the national average, according to the latest FBI data available. Within the mountain region, only Nevada had a comparable rate (161 percent of the national average). The 2013 data ranked New Mexico as the second most dangerous state and the leader in aggravated assault. Over the last decade, national and regional violent crime rates fell and total crime rates in the region fell 15 percent.

Between 2012 and 2013, New Mexico was the only state in the region and one of only three in the nation to see an increase in both violent crime and property rates. While violent crime rates fell 2 percent in the region, violent crime in New Mexico rose by 7 percent. Similarly, property crime rose 3 percent in New Mexico in 2013 while the regional rate dropped 4 percent. Nationally, only Louisiana and North Dakota experienced growth in both categories, although growth in those states was significantly lower than New Mexico.

Recruitment, Retention, and Pay. For many years, much of the discussion about public safety spending has been focused on noncompetitive officer salaries and their impact on hiring qualified staff. In response to those concerns, the Department of Public Safety (DPS) merged the Motor Transportation Division, the Special Investigations Division, and the New Mexico State Police Division into one program effective July 1, 2015. The consolidation was intended to alleviate fragmented operations, difficulties in sharing information and communications, silos in officer skills, limited career opportunities, and lack of equitable pay.

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In the 2013 interim, the department presented a three-phase, \$10 million plan to overhaul the salary structure, with the goal of paying officers toward the top among the New Mexico public safety market. DPS received \$6.2 million in the last two legislative sessions to implement the new pay plan, and the department requested \$4 million to implement the final phase in FY17. Phase one brought pay parity within the officer ranks while phase two of the plan moved starting officer pay from 11th to sixth in the state among public safety agencies in the state. Phase three should bring starting pay into the top three in the market.

Data Systems and Data Sharing. DPS is the central hub of criminal justice information in the state, serving local, county, state, tribal, federal, and international law enforcement agencies. DPS conducts crime and traffic enforcement projects to address crime, traffic, and community policing concerns. DPS also uses a “smart” roadside system to track commercial vehicles within the state and ensure their safe operation. Nationally, for every four vehicles inspected, one vehicle is out of compliance. In FY17, DPS will begin measuring their rates against the national rate to better gauge enforcement effectiveness and more effectively patrol hotspots.

The department should be able to communicate with agencies around the state but some law enforcement data systems are incompatible. A centralized database of criminal information would enable law enforcement and judicial agencies to more effectively protect citizens. The department is working to implement a new computer-aided dispatch program and a centralized criminal justice database to streamline communication with public safety entities statewide.

Corrections

Over the past 10 years, the New Mexico Corrections Department (NMCD) prison population has grown by 600 inmates, or 8 percent. The general fund budget has increased \$50 million, or 20 percent, during this period, not including an additional total of \$7 million appropriated to cover projected shortfalls in FY15 and FY16.

General fund appropriations for correctional departments in the surrounding states have increased an average of 2 percent per year over the last three years, while NMCD’s budget has grown an average of 3 percent per year over the last three years. Some states’ average spending slowed over the last three years: Oklahoma increased funding 2 percent after three years of no, or negative, growth, with similar experiences in Texas and Wyoming.

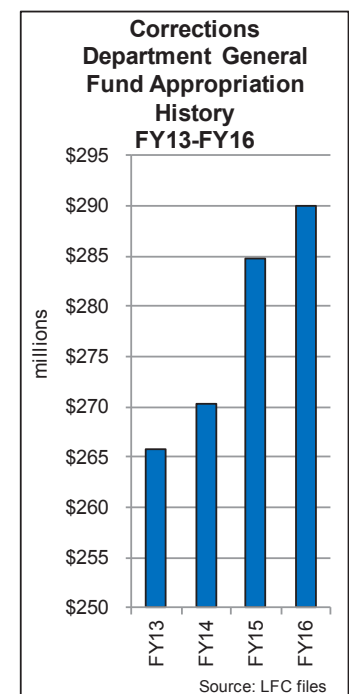
Year over year, prison populations grew in New Mexico, a trend reflected throughout the United States. The New Mexico male population is growing an average of 1 percent a year; however, the female population is growing an average of 5 percent a year -- in 2015 alone, the population of women grew 11 percent. Populations continue to rise for a number of reasons, but recidivism plays a large role. Of the 4,000 prisoners entering the system in FY14, 26 percent were for parole violations.

Average Five-Year Officer Strength

	Average Number of NMSP Officers	Authorized Strength
FY13	508	567
FY14	508	567
FY15	492	567
MERGER 7/1/2015		
FY16 - Projected*	673	737
FY17 - Projected*	674	737

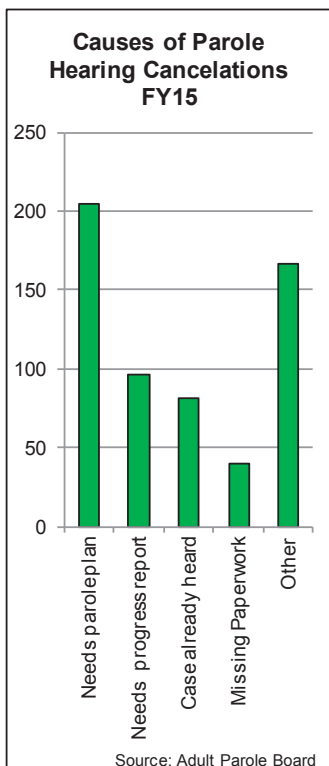
*includes FTE merged into state police
Source: Department of Public Safety

Previous LFC analysis expressed concern there would be little increase in statewide manpower as a result of the pay plan fixes. In response, the Legislature appropriated \$4 million for extra recruit schools and salary adjustments.



Recidivism reduction is an important component in slowing the growth of prison populations.

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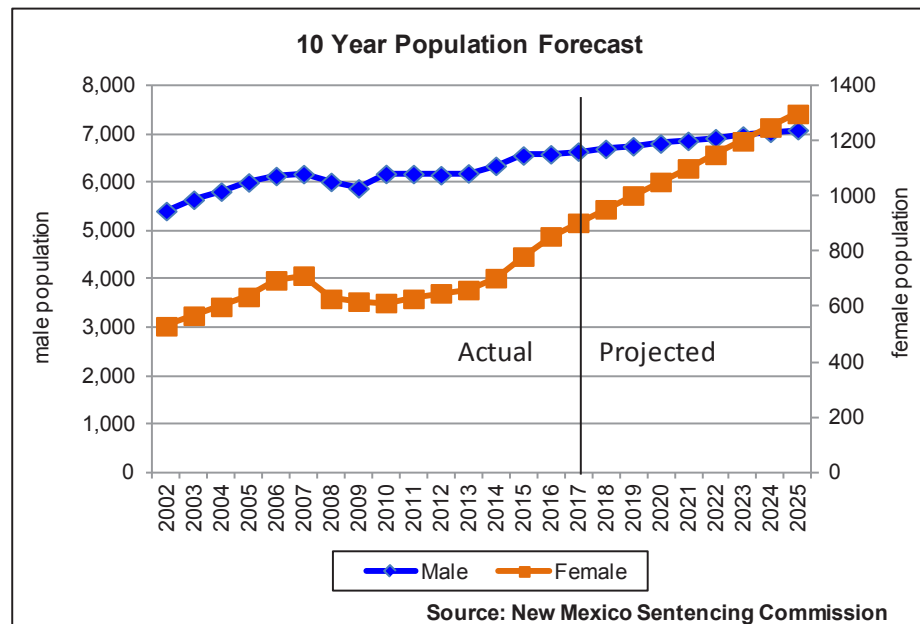


Surrounding state incarceration rates per 100,000 residents:

1. Oklahoma: 715 (3.9M total pop.)
2. Texas: 636 (26.5M total pop.)
3. Arizona: 620 (6.6M total pop.)
4. Nevada: 468 (2.8M total pop.)
5. Wyoming: 396 (580T total pop.)
6. Colorado: 387 (5.3M total pop.)
7. New Mexico: 328 (2M total pop.)
8. Utah: 244 (2.9M total pop.)

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Although prison populations are quickly rising, New Mexico incarcerates a smaller share of the population than many others in the mountain region. Wyoming has the smallest prisoner population but the fifth highest incarceration rate in the mountain region, 396 prisoners for every 100 thousand residents. Oklahoma incarcerates over 700 inmates per 100 thousand residents while Utah incarcerates only 244 per 100 thousand residents.

Recidivism. New Mexico has the highest recidivism rate of the surrounding states, although there could be some variance due to some states publishing older rates or applying different assumptions or different calculation methodologies.

LFC has identified a number of cost-effective recidivism reduction programs, many of which need to be funded consistently and reassessed periodically. Drug courts keep offenders out of prison and with their families and connect them to available services. Residential drug abuse treatment programs (RDAP) have been implemented, but there is little information about their effectiveness at this time.

LFC studies indicate educational programs in prison are a highly cost-effective way to reduce recidivism. For every \$600 spent per inmate, the state sees a 12 percent reduction in recidivism over the first six years from release. Providing health resources for released inmates also slows recidivism. In FY15, NMCD assisted 65 percent of release-eligible-inmates submit a Yes-NM application, which determines qualifications for Medicaid assistance on release.

Parole and Release Eligible Inmates. In 2012, LFC estimated anywhere from 200 to 300 inmates eligible for release were spending their parole terms in prison. Release-eligible-inmates (REI) cost the state an

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estimated \$10.3 million in FY14. The leading causes for REIs staying in prison include a lack of community resources for parolees, administrative issues causing parole hearings to be canceled, and inmates not participating in the parole process. Additionally, some REIs, once their sentences have run out, are released without community supervision – posing a public safety risk. In 2012, New Mexico was 14th in the nation for “maxing out” inmate sentences or releasing inmates straight into the community without supervision, according to a report from the Pew Charitable Trusts.

The Adult Parole Board (APB) experienced a 9 percent reduction in cancelled parole hearings in FY15. NMCD started keeping better records and directed APB to provide parole hearing lists each month to ensure the facilities are following internal deadlines and release schedules.

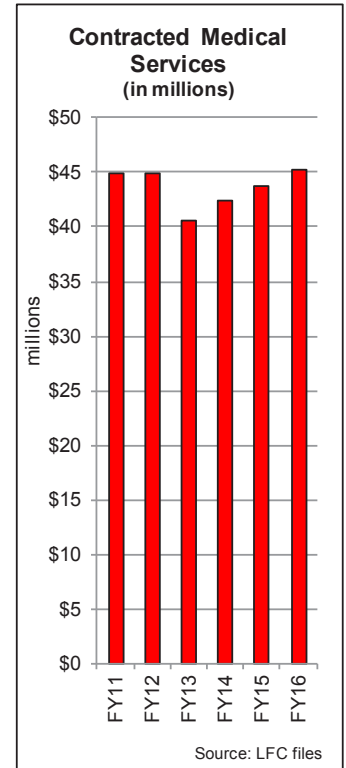
Health Care. The department could save significantly on inmate medical services with improved management of its contractors. In FY16, medical service contracts total 14 percent of the total budget. NMCD entered into a contract with Corizon Health Incorporated in FY11 and decreased spending by \$4 million in FY13, after which costs have climbed every year. This contract expires in May 2016. Negotiating performance benchmarks that penalize Corizon for failing to reach performance targets could help to contain costs, and bonuses could help achieve hard-to-complete prison needs, such as nurse staffing at the prisons.

NMCD has realized savings of almost \$580 thousand in healthcare costs by billing for Medicaid reimbursement for inmate inpatient stays longer than 24 hours. With Medicaid expansion, NMCD could realize general fund savings between \$2.9 million and \$6.6 million from inmate hospital admissions and between \$1 million and \$4.4 million in general fund savings for correctional community services.

Public Defender Department

Adequate representation for the accused is critical to the fairness of the judicial system. It is, in fact, a constitutional right protected by the Sixth Amendment. Nevertheless, while the consequences of incompetent counsel are substantial, public defender offices often struggle for sufficient funding. To increase the quality of representation, the Public Defender Commission (PDC) supports an \$85 hourly rate; however, the Law Offices of the Public Defender (LOPD) has repeatedly stated it cannot fiscally support the rate because of other budget priorities. This discrepancy between the policy goals of PDC and LOPD, which make up the Public Defender Department (PDD), has caused operations to continue without a concrete strategy, leaving PDD unable to fill vacancies, compensate contract counsel adequately, or pay staff attorneys appropriately. Both PDC and LOPD are committed to bettering indigent defense, but without cost projections for either stance, it is difficult to form a coherent policy.

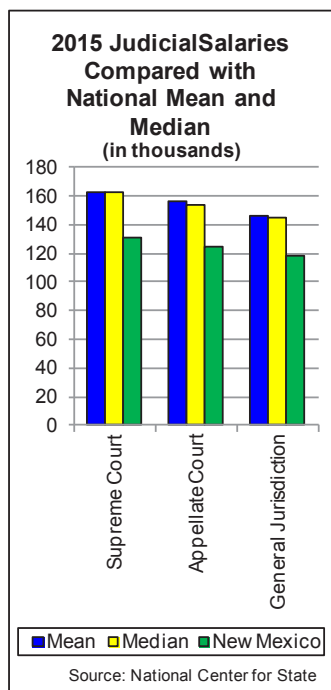
In FY15, the Public Defender Department (PDD) contracted counsel in 23.8 thousand cases at a total cost of \$9.1 million statewide. In Bernalillo County 3,700 cases, 15 percent of the statewide total, were contracted out at a cost of



NMCD successfully guided about 65 percent of inmates through pre-release Medicaid enrollment applications in the last three quarters of FY15.

NMCD requested an additional \$2.4 million to treat inmates with hepatitis C, an example of inmate healthcare growth. Twelve weeks of treatment cost \$90 thousand per inmate. The department is working towards drug pricing agreements to defray costs.

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\$1.7 million. In a move that should have reduced the need for contract attorneys and indirectly addressed the issue of contract compensation, the Legislature funded 30 additional positions for FY16. However, PDD continues to maintain a high vacancy rate and has 36.5 funded vacant positions. The Legislature also increased funding for contract attorneys by 20 percent in FY16.

More than half of the vacancies are support positions that, if filled, would allow attorneys to focus on caseload instead of administrative tasks. To reduce costs, PDD should either open an alternate defender office to take conflict cases that otherwise would be contracted, or open satellite offices in rural counties where contract counsel is difficult to find and, thus, expensive.

Courts

The National Center for State Courts ranks New Mexico's Supreme Court justice salaries second lowest in the country, 48th out of 51 among the states and the District of Columbia. Low judge salaries result in difficulty for the judiciary to acquire experienced, qualified lawyers from successful private law firms due to reluctance to move to a position with less pay, regardless of prestige. This causes the appointment and election of young judges with narrow experience.

Case Management. The implementation of the Odyssey case management system was cited in the *State of the Judiciary* as one of the AOC's main accomplishments; however, the impact of the system on staff workload and efficiency varies. AOC states the duties of court clerks has changed with the case management system, requiring a higher level of competency and computer proficiency from employees. While the courts have not requested any additional court clerks since the implementation, AOC states court clerks are overworked and underpaid, with a statewide turnover rate of 32 percent in FY15.

AOC's next IT initiatives are electronic filing for criminal cases and self-filing for *pro se* litigants at kiosks and eventually online. Additionally, the Odyssey system requires consistent upgrades to continue functioning properly, as well as to expand into other data sharing capacities and reduce staff workload. The courts currently operate using Odyssey V.13 and will need to upgrade to Odyssey V.16 by FY17.