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## FISCAL IMPACT REPORT

ORIGINAL DATE 1/26/2019

SPONSOR Rodriguez LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_

SHORT TITLE Law Enforcement Assisted Diversion SB 216

ANALYST Rabin

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY20	FY21		
\$700.0	\$0.0	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Department of Public Safety (DPS)  
New Mexico Sentencing Commission (NMSC)

#### Responses Not Received From

Department of Finance and Administration (DFA)

### SUMMARY

#### Synopsis of Bill

Senate Bill 216 appropriates \$700 thousand from the general fund to the Department of Finance and Administration's (DFA) Local Government Division for the purpose of supporting the ongoing Santa Fe Law Enforcement Assisted Diversion (LEAD) program and for help starting LEAD programs in Bernalillo, Doña Ana, and Rio Arriba counties.

### FISCAL IMPLICATIONS

The appropriation of \$700 thousand contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY20 shall revert to the general fund. While the bill would not have any impact on state agency operating budgets, this analysis reflects the appropriation as recurring as additional funding would be needed to operate these programs going forward that the counties may not have available to allocate. Generally, if an appropriation creates the expectation that the program will be continued in the future, it is considered recurring.

## SIGNIFICANT ISSUES

Law Enforcement Assisted Diversion (LEAD) is a harm-reduction approach to drug crimes which gives police officers authority to divert persons to services in lieu of prosecution and jail. LEAD allows officers to refer individuals to community-based providers either at the time of arrest or if a person with high-risk for offending is identified. Once a person is referred to a provider, a case manager develops a care plan which may include intensive case management, individual intervention plans, treatment, education, and job skills training. According to the Sentencing Commission, the aim of the program is to stop the cycle of arrest, prosecution and incarceration by addressing issues such as addiction, untreated mental illness, homelessness and extreme poverty through a public health framework that reduces reliance on the formal criminal justice system.

In an October 2018 study of the Santa Fe LEAD program, the commission determined an average cost for LEAD clients of \$7,541 per client per year, a savings of \$1,588 per client per year, or 17 percent, compared with non-LEAD client costs to the justice system. The study also showed LEAD clients saw a significant decrease in the number of arrests six months post-referral. The full study is available at: <https://nmsc.unm.edu/reports/2018/the-santa-fe-law-enforcement-assisted-diversion.pdf>.

In 2018, the Legislature appropriated \$400 thousand to establish the evidence based LEAD program in Bernalillo, Santa Fe, and Dona Ana counties; however, the appropriation was vetoed by the Governor.

Services offered by the Santa Fe LEAD program include:

- Intensive case management
- Emergency, transitional and long-term supportive housing
- Substance abuse assessment and counseling
- Mental health assessment and counseling
- Psychiatric services
- Suboxone/Methadone treatment
- Harm reduction services
- Employment assistance
- Psychosocial rehabilitation (e.g. skills training, wellness)
- Sustenance care (e.g. food, clothing, transportation, cell phone)
- Legal Aid
- Community referrals

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