The Justice Center is part of The Council of State Governments but works across all four CSG regions at the state and local levels.

www.csg.org  www.csgjusticecenter.org
The CSG Justice Center helps states facing criminal justice challenges.

- Advising leaders on how to connect reentry and employment
- Helping policymakers understand and reform their criminal record clearance laws
- Leading a county movement to reduce the number of people with mental illnesses in jails
- Guiding projects to reduce cost and recidivism
Justice Reinvestment (JR) is an approach, not a prescription.

A data-driven approach to reduce corrections spending and reinvest savings in strategies that can decrease recidivism and increase public safety

The Justice Reinvestment Initiative is supported by funding from the U.S. Department of Justice’s Bureau of Justice Assistance (BJA) and The Pew Charitable Trusts.
The CSG Justice Center has worked with 30 states, some twice, on a JR approach.
The CSG Justice Center’s JR team in New Mexico

Michelle Rodriguez
Policy Analyst & Project Manager
Formerly mitigation specialist for King County Office of Public Defense (WA).
BS, Seattle University
MSW, University of WA
School of Social Work

Carl Reynolds
Senior Legal & Policy Advisor
Formerly state court administrator and corrections general counsel (TX).
BA, University of Cincinnati
MA, LBJ School
JD, University of Texas

Rachael Druckhammer
Senior Research Associate
Formerly lead researcher for the Travis County Juvenile Probation Department (TX).
BS & MS, Texas State University, San Marcus

Celine Villongco
Policy Analyst
Formerly statewide human trafficking coordinator for the Iowa Department of Justice.
BS, Cornell University
MPP, Duke University
New Mexico state leaders requested JR assistance in August, and funding was approved in September.

The legislative leaders, the governor, and the chief justice requested technical assistance from the CSG Justice Center to use a Justice Reinvestment approach. The formal request was issued by:

Governor
SUSANA MARTINEZ

Speaker of the House
BRIAN EGOLF

Senate President Pro Tempore
MARY KAY PAPEN

Chief Justice
JUDITH K. NAKAMURA

House Minority Leader
NATE GENTRY

Senate Minority Leader
STUART INGLE
The New Mexico Working Group will help inform the JR process.
New Mexico is using the JR approach to address an array of criminal justice and behavioral health system challenges.

- New Mexico has the second-highest violent crime rate in the country.
- New Mexico has the highest property crime rate in the country.
- New Mexico has one of the highest rates of overdose deaths in the nation.
- Arrests and prison admissions for drug offenses are increasing.
- New Mexico’s prison population has increased and is projected to continue to grow.
- The number of people released from prison in New Mexico has decreased, but the reincarceration rate has increased, particularly for women.
JR will help bridge multiple ongoing efforts and result in policy recommendations to increase public safety across New Mexico.

**Statewide Impact**

Much of New Mexico’s efforts related to public safety have been focused on Bernalillo County. JR will identify policies that have statewide impact.

**Supported by Research**

JR leverages data to inform policy by providing fresh analysis of system dynamics and offering projected policy impacts.

**Outside Perspective**

JR can inform the process with experience from many states, a bipartisan mission, and respect for the roles of all three branches.
CSG Justice Center staff are gathering regional perspectives during stakeholder engagement, reflecting the state’s size and diversity.

On June 19, more than 50 people attended the New Mexico State Forum on Public Safety.
Stakeholder input greatly informs the analysis presented today.

<table>
<thead>
<tr>
<th>JR Working Group</th>
<th>Corrections</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contacts (meetings or calls) with working group members and their staff</td>
<td>Contacts with NMCD and parole officials and staff, observation of probation reporting sessions. Contacts with Sentencing Commission staff.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>New Mexico Legislature</th>
<th>Behavioral Health</th>
</tr>
</thead>
</table>
| Meetings with senators and House 
representatives. Presentations to the CCJ and CJRS. Calls/meetings with LFC and LCS. | Contacts with Behavioral Health Services Division, Managed Care Organizations, Bernalillo County officials, and individual behavioral health service providers |

<table>
<thead>
<tr>
<th>Courts</th>
<th>Law Enforcement</th>
</tr>
</thead>
</table>
| Contacts with AOC, individual judges, 
prosecutors, and defense attorneys     | Contacts with the Department of Public Safety, 
Attorney General’s Office, and local law enforcement officials |

<table>
<thead>
<tr>
<th>Community and Tribal Organizations</th>
<th>Victim Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contacts with Department of Indian Affairs, Judicial Tribal Consortium, Coalition to Stop Violence Against Native Women, Tribal Courts Judges, ACLU of New Mexico</td>
<td>Contacts with the Crime Victims Reparation Commission, Coalition of Sexual Assault Programs, and Attorney General’s Victim Services Unit</td>
</tr>
</tbody>
</table>
### Data analysis update and challenges identified in source data

#### Justice Reinvestment Data Request Update

<table>
<thead>
<tr>
<th>Data Requested</th>
<th>Source</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Court Case Dispositions</td>
<td>Administrative Office of the Courts, via Sentencing Commission</td>
<td>Received; analyzed</td>
</tr>
<tr>
<td>Charges Received; Pre-Prosecution Diversions; Court Case Filings, Dispositions, &amp; Sentences</td>
<td>Administrative Office of the District Attorneys</td>
<td>Received; Analyzed and additional analysis pending</td>
</tr>
<tr>
<td>Probation Supervision; Prison Admissions &amp; Releases</td>
<td>Corrections Department, via Sentencing Commission</td>
<td>Received; Analyzed and additional analysis pending</td>
</tr>
<tr>
<td>County Jail Bookings &amp; ADP</td>
<td>New Mexico Counties</td>
<td>Received; analyzed</td>
</tr>
</tbody>
</table>

#### Challenges with Source Data Used in Today’s Presentation

- **Statewide identifiers** not used across all data systems to facilitate sharing and matching
- **Gaps in data** (e.g. no information on probation case management)
- **Unexamined data**, never before analyzed, requires additional validation
Overview

1. Crime and Policy
2. Victim Services
3. Behavioral Health
4. Probation
5. Next Steps
Overview

1 Crime and Policy

Measuring Crime

Trends in New Mexico

Albuquerque’s Influence

Policies Affecting Crime
Crime is typically measured by looking at reports of crime to the police and arrests.

Both crime reports and arrests are gathered at the state level from local law enforcement and then reported to the FBI.

To standardize reporting, the FBI uses “index crimes.”

- Violent index crimes are murder/non-negligent manslaughter, rape, robbery, and aggravated assault.
- Property index crimes are burglary, larceny/theft, motor vehicle theft, and arson.
- Index crimes do not include drug offenses.

Changes in the reported number of arrests are largely due to variation in how many New Mexico agencies report arrests to the FBI.

- New Mexico DPS reported crime statistics to the FBI from over 100 law enforcement agencies in 2017.
- But FBI arrest reports in 2017 included information from only 23 agencies in New Mexico.
- Between 2007 and 2017, the largest number of agencies included in FBI reports was 87 (2011).
New Mexico’s index crime rate increased 18 percent between 2010 and 2017, with notable increases in property crime rates.

Index Crime Rates per 100,000 Residents: New Mexico

Index crimes are divided into violent and property categories and do not include drug offenses. Violent index crimes are murder/non-negligent manslaughter, rape, robbery, and aggravated assault; property index crimes are burglary, larceny/theft, motor vehicle theft, and arson.

While New Mexico’s index crime rate has steadily increased, the index crime arrest rate has slightly decreased (but there are arrest reporting gaps).

Index Crime and Arrest Rates per 100,000 Residents: New Mexico

New Mexico Index Crime Rate
New Mexico Index Arrest Rate

Nov 2012: DOJ investigation begins
Nov 2014: DOJ settlement agreement
Feb 2015: Case Mgmt Order implemented
Nov 2016: Bail reform amendment

Index crimes are murder/non-negligent manslaughter, rape, robbery, aggravated assault, burglary, larceny/theft, motor vehicle theft, and arson.

Source: FBI, "Crime in the United States" reports by year; Albuquerque Police Department annual reports by year; US Census American Communities Survey 1-Year Population Estimates for Albuquerque by year. Albuquerque crime numbers for all years and arrest numbers for 2017 were not available as of November 2018.
The statewide index crime *arrest* rate increased 4 percent between 2010 and 2016, while Albuquerque’s rate decreased 16 percent.

"Index Arrest Rates per 100,000 Residents: New Mexico and Albuquerque"

- **Nov 2012**: DOJ investigation begins
- **Jun 2013**: BH provider payments frozen
- **Nov 2014**: DOJ settlement agreement
- **Feb 2015**: Case Mgmt Order implemented
- **Nov 2016**: Bail reform amendment

Index crimes are murder/non-negligent manslaughter, rape, robbery, aggravated assault, burglary, larceny/theft, motor vehicle theft, and arson.

Source: FBI, "Crime in the United States" reports by year; Albuquerque Police Department annual reports by year; US Census American Communities Survey 1-Year Population Estimates for Albuquerque by year. Albuquerque arrest numbers for 2017 were not available as of November 2018.
New Mexico’s total (not just index crime) arrest rate for all offenses increased between 2013 and 2016, while Albuquerque’s rate continued to decline.

Total arrest rate is based on arrests for all offenses.

Source: FBI, “Crime in the United States” reports by year; Albuquerque Police Department annual reports by year; US Census American Communities Survey 1-Year Population Estimates for Albuquerque by year. Albuquerque arrest numbers for 2017 were not available as of November 2018.
Crime in New Mexico is not just a “big city problem.”

*Index crimes are murder/non-negligent manslaughter, rape, robbery, aggravated assault, burglary, larceny/theft, motor vehicle theft, and arson. Rates are calculated per 100,000 residents.

Crime in Albuquerque accounts for a large share of the state’s overall crime rate.

In 2016, Albuquerque accounted for 27% of New Mexico’s resident population, but:

- 46% of reported index crime
- 43% of reported violent crime
- 47% of reported property crime
- 72% of reported robberies
- 66% of reported motor vehicle thefts

Index crimes include murder/non-negligent manslaughter, rape, robbery, aggravated assault, burglary, larceny/theft, motor vehicle theft, and arson.

Deterrence through strategic law enforcement is the most cost-effective approach to preventing violent crime.

<table>
<thead>
<tr>
<th>Deter crime</th>
<th>Reduce recidivism</th>
<th>Prolong incapacitation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increase law enforcement’s ability to use hot-spot strategies and deploy additional officers to increase the perceived certainty of apprehension.</td>
<td>High-quality supervision (risk, need, responsiveness), consistent sanctioning, and high-quality treatment programs tailored to needs.</td>
<td>Increase length of stay to hold moderate- to high-risk people in prison for an additional three months, adding 250 to the prison population.</td>
</tr>
</tbody>
</table>

**Benefit to Cost Ratio**

Benefits per dollar of cost.

- $$$$$
- $$$$$
- $$$
Effective law enforcement strategies exist; the challenge is providing effective state support for local efforts to achieve those strategies.

<table>
<thead>
<tr>
<th>Strategy</th>
<th>Can be used to address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hot-spot policing</td>
<td>robberies, burglaries</td>
</tr>
<tr>
<td>Focused deterrence</td>
<td>gang member-involved violence, homicides, shootings</td>
</tr>
<tr>
<td>Place-based problem solving</td>
<td>robberies, shootings, property crime, drug markets</td>
</tr>
<tr>
<td>Alternatives to arrest</td>
<td>minor misdemeanors, drug-related crimes, juvenile crime, and incidents involving people who have mental illnesses</td>
</tr>
<tr>
<td>Problem solving, including strategic use of crime analysis</td>
<td>identification of patterns and repeat victims, offenders, crimes, locations, times, etc.</td>
</tr>
</tbody>
</table>

**Keys to success:**

Select and tailor a strategy to local problem

- Rely on analysis rather than anecdotes, intuition, or external influences (e.g., media, politicians, stakeholders, etc.).

Gather community input and buy-in

- Strategies that are effective for reducing crime may not be viewed by community members and other stakeholders as legitimate.
- Some “effective” strategies may result in unintended consequences, such as an increased use of arrest/incarceration or reduced community trust in law enforcement.
Incapacitation can decrease crime, but changes in violent crime rates across the country show little correlation with increases or decreases in incarceration rates.

Change in Incarceration and Violent Index Crime Rates by State, 2006–2016

- States with decreasing violent crime rates
- States with increasing violent crime rates

Violent index crimes are murder/non-negligent manslaughter, rape, robbery, and aggravated assault. Rates are per 100,000 residents.

Key takeaways about crime and policy

1. Measuring crime depends on complete reporting by law enforcement, which does not appear to be occurring.

2. Crime rates have increased steadily since 2010, and key events in New Mexico’s recent history do not correspond to notable increases in crime.

3. Arrest rates in Albuquerque and statewide did go down during the DOJ investigation. Total arrests (as opposed to index crime arrests) in Albuquerque went down the most.

4. Effective law enforcement strategies exist and are the most cost-effective approach to reducing crime.

5. Increasing incapacitation can reduce crime but is less cost-effective, and shifting incarceration rates do not correlate with shifting crime rates.

The policy challenge is providing effective state support for local efforts to consistently employ crime-reduction strategies.
Overview

1 Crime and Policy
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4 Probation
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2 Victim Services

Orders of Protection

Strategies to Support Victims

Focus on Compensation

Policies in Motion
The New Mexico Family Violence Protection Act allows a victim of domestic violence to petition for an order of protection against their abuser.

Domestic abuse includes stalking, sexual assault, actual or threatened physical harm to individual or children, emotional distress, harassment, and other behaviors. (Section 40-13-2 NMSA)

Source: New Mexico Courts “Self Help Guide” for domestic violence victims; Sections 40-13-1 through 40-13-12 NMSA.
More crime means more victims, and New Mexico, like all states, has three strategies to directly support victims of crime.

**Assistance to Crime Victims through Program Grants**

Funding provided to assist survivors of homicide victims; children who witness violence; and victims of child abuse, domestic violence, sexual assault, drunk driving, hate crimes, and elder abuse. The state provides funding for civil legal services, human trafficking, and Intimate Partner Violence Review. The federal government provides funding through the Victims of Crime Act (VOCA) and STOP Violence Against Women Act (VAWA).

**Crime Victim Compensation**

State and federal funding that provides reimbursement for eligible victims of violent crime. Expenses covered by the Crime Victim Reparation Commission include medical and dental care, mental health counseling, and loss of income.

**Victim Restitution**

Payments made by the defendant to the victim for the harm caused by the crime.
The Crime Victim Reparation Commission leverages over nine million dollars in federal funding that helps support 120 victim service programs statewide.

Victims of Crime Act Grants (VOCA)

$7,434,941 funded
70 Victim Assistance projects in FY2018.

Sexual Assault Services Program Grant (SASP)

$367,753 funded
10 SASP projects in FY2018.

STOP Violence Against Women Act Grants (STOP VAWA)

$1,290,782 funded
38 STOP projects in FY2018.

Crisis Center of Northern New Mexico
Domestic violence services
Housing assistance

Pa Piñon: Sexual Assault Recovery Services of Southern New Mexico
Crisis intervention
Therapeutic counseling
Community outreach

Arise Sexual Assault Services
Victim advocacy
SANE services
Counseling

Examples of victim programs in New Mexico

The VOCA Assistance award has increased dramatically since FY2015, and New Mexico is leveraging these funds to address victim service gaps.

A 2017 Crime Victim Reparation Commission needs assessment identified populations in need of increased services.

**Top “underserved” populations**
Those who are impoverished or low income, persons identifying as LGBTQ, individuals with limited English proficiency.

**Greatest “underserved” populations**
Those in extreme rural isolation, human trafficking victims, non-English speaking Asian communities, homeless victims, immigrant communities.

**“Inadequately served” populations**
Individuals with substance addictions, persons with developmental disabilities, persons with mental illnesses.

A Strategic Implementation Plan has been developed to guide targeted outreach and service provision in these communities.


*Award amounts by federal fiscal year (October 1 to September 30).*
New Mexico’s crime victim compensation program should be an essential resource for victims of crime and violence.

To be eligible, an injured crime victim or survivor must:

- **Report** the crime to law enforcement
- Cooperate with the investigation and prosecution; and
- Apply for compensation within **two years** of injury

Compensation is a payor of last resort, covering expenses only if there is no third party payor (typically insurance) able to make those payments.

**Victim Reparation Payments by Type**

<table>
<thead>
<tr>
<th>Type</th>
<th>FY2014</th>
<th>FY2018</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Funeral</td>
<td>$1,457,520</td>
<td>$2,167,374</td>
<td>+50%</td>
</tr>
<tr>
<td>Lost Wages</td>
<td>$233,612</td>
<td>$619,122</td>
<td>+177%</td>
</tr>
<tr>
<td>Medical*</td>
<td>$88,951</td>
<td>$246,350</td>
<td>+100%</td>
</tr>
<tr>
<td>Mental Health</td>
<td>$77,867</td>
<td>$504,271</td>
<td>+116%</td>
</tr>
<tr>
<td>Other**</td>
<td>$309,974</td>
<td>$488,113</td>
<td>-67%</td>
</tr>
</tbody>
</table>

*Medical expenses include hospital, medical, ambulance, and dental expense categories.
**Other expenses include pecuniary, rent and relocation, travel, and crime scene clean-up expense categories.
* An applicant is only required to cooperate with the investigation and prosecution in order to receive compensation if an active investigation is being conducted by a law enforcement agency and/or a case has been brought by a prosecuting attorney.

As violent crime has increased in the state, applications to the New Mexico Crime Victim Reparation Commission have also increased.

The total number of victims of violent crime in New Mexico is unknown, but based on the number of reported violent crimes, we can infer that a large number of victims do not apply for compensation.

**Violent Crime and Victim Compensation Applications**

<table>
<thead>
<tr>
<th>Year</th>
<th>Reported Violent Crime</th>
<th>Applications Received</th>
<th>Applications Approved</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>12,459 (85%)</td>
<td>1,612 (88%)</td>
<td>2,629 (73%)</td>
</tr>
<tr>
<td>2015</td>
<td>13,681 (85%)</td>
<td>1,302 (78%)</td>
<td>2,304 (73%)</td>
</tr>
<tr>
<td>2016</td>
<td>14,619 (85%)</td>
<td>1,013 (78%)</td>
<td>2,073 (73%)</td>
</tr>
<tr>
<td>2017</td>
<td>16,359 (85%)</td>
<td>1,378 (85%)</td>
<td>2,242 (73%)</td>
</tr>
<tr>
<td>2018</td>
<td>13,781 (85%)</td>
<td>1,013 (78%)</td>
<td>2,584 (70%)</td>
</tr>
</tbody>
</table>

*Violent crime offenses are: murder/non-negligent manslaughter, rape, robbery, and aggravated assault. (Eligible crimes in New Mexico are: aggravated assault; aggravated battery; criminal sexual contact of a minor; criminal sexual penetration; murder; voluntary manslaughter; involuntary manslaughter; abandonment or abuse of a child; homicide by vehicle or great bodily injury by vehicle; aggravated stalking; kidnapping; arson resulting in bodily injury; aggravated arson; aggravated indecent exposure; dangerous use of explosives; negligent use of a deadly weapon; and human trafficking)

**Applications approved includes applications with pending expenses.

Source: FBI, “Crime in the United States” reports by year; New Mexico Crime Victims Reparation Commission “NMCVRC Annual Report” by year; CSG Justice Center correspondence with CVRC. Crime numbers are based on calendar year and compensation application numbers are based on state fiscal year (July 1 – June 30).
In 2016, New Mexico had the highest violent crime rate and the fourth-lowest compensation expenditures per 100,000 residents in the region.

<table>
<thead>
<tr>
<th>Violent Crime Rate*</th>
<th>Crime Victim Compensation Expenditure Rate*</th>
</tr>
</thead>
<tbody>
<tr>
<td>NM</td>
<td>$164,566.82</td>
</tr>
<tr>
<td>NV</td>
<td>$151,370.16</td>
</tr>
<tr>
<td>AZ</td>
<td>$115,308.55</td>
</tr>
<tr>
<td>OK</td>
<td>$109,191.07</td>
</tr>
<tr>
<td>CA</td>
<td>$81,412.75</td>
</tr>
<tr>
<td>TX</td>
<td>$78,908.27</td>
</tr>
<tr>
<td>KS</td>
<td>$70,615.69</td>
</tr>
<tr>
<td>CO</td>
<td>$60,553.64</td>
</tr>
<tr>
<td>UT</td>
<td>$25,618.70</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Resident Population</th>
<th>Total Crime Victim Compensation Expenditures</th>
</tr>
</thead>
<tbody>
<tr>
<td>CA</td>
<td>$45,852,587</td>
</tr>
<tr>
<td>TX</td>
<td>$27,166,669</td>
</tr>
<tr>
<td>AZ</td>
<td>$6,388,722</td>
</tr>
<tr>
<td>CO</td>
<td>$4,618,632</td>
</tr>
<tr>
<td>OK</td>
<td>$3,194,279</td>
</tr>
<tr>
<td>UT</td>
<td>$1,780,312</td>
</tr>
<tr>
<td>NV</td>
<td>$1,775,650</td>
</tr>
<tr>
<td>AZ</td>
<td>$1,642,093</td>
</tr>
</tbody>
</table>

*Rates are per 100,000 residents

JR policies in Missouri have significantly increased access to compensation for victims of crime.

“Only a few months after a legislative overhaul of the program took effect, it is noticeably easier for victims to request [victims’ compensation].”

“…Dropping the police report requirement has led to more domestic violence victims applying for help who might not have been eligible before.”
Victim-centered policies already in motion

1. Expand statutory language stipulating who a crime victim may report to in order to receive crime victims’ compensation.

2. Provide Crime Victim Reparation Commission with good cause exceptions for the requirement that victims must report to law enforcement within two years.

3. Require law enforcement and district attorneys to notify identified victims of crime victims’ compensation and their eligibility to apply.
Key takeaways about victim services

1. Orders of protection are ineffective if not supported by a statewide structure that ensures recognition across all jurisdictions and law enforcement agencies.

2. Crime victims compensation is funded by both state and federal dollars, and federal contribution depends on prior state contribution. Increased funding for crime victims compensation can ensure robust services for future victims of crime.

Therefore the policy challenges are:

ensuring that protective orders from any court in the state are accessible to law enforcement, and

providing additional resources for victim compensation in order to meet need and maximize federal dollars.
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3 Behavioral Health

National Trends

Addressing Criminogenic Needs

Impact in New Mexico

State Examples
Nationally, a large number of people who enter the criminal justice system have behavioral health needs.

Addressing the behavioral health needs of this population can improve public safety outcomes by reducing recidivism.

To effectively reduce recidivism, an array of services must be available:

- inside county **jails**;
- inside state **prisons**; and
- in the **community**.
In many places, behavioral health needs go unmet until a person has progressed farther into the criminal justice system.

| At what point do state or local systems administer behavioral health screenings or assessments? |
|--------------------------------------------------|--------------------------------------------------|--------------------------------------------------|
| Law enforcement encounter | Common state/local administration of screens/assessments | New Mexico’s administration of screens/assessments |
| Law enforcement encounter | [X] | - |
| Arrest | [X] | [X] |
| Pretrial jail commitment | - | - |
| Jail sentence | - | - |
| Prison sentence | - | [✓] |
| Probation | - | [✓] |
| Parole | - | - |

**Frequency of Occurrence**
- [X] RARELY
- [ ] SOMEBODY
- [ ] OFTEN
- [✓] ALWAYS
Effective treatment for people in the criminal justice system addresses both criminogenic and behavioral health needs.

Core Treatment Competencies Required for Behavioral Health and Recidivism-Reduction Improvements.

- Substance Addiction Treatment
- Criminal Behavior/Thinking
- Mental Health Treatment

Addressed individually, these categories of care have minimal impact on recidivism reduction. Addressed together, these categories of care improve behavioral health and reduce criminal behavior.
Accessing the complicated and numerous needs of people who have behavioral health needs can be challenging because of the nature and the quantity of services they require.

**Common Access Challenges:**
- Funding limitations
- Practical barriers (transportation, child care)
- Workforce and capacity shortages
New Mexico has poor behavioral health outcomes.

- Over 300,000 people in New Mexico
- Over 20% of adults in NM have a mental health condition
- Over 4% of adults in New Mexico report having alcohol dependence, which is the highest rate in the country.

In 2016, New Mexico had one of the highest ratios of mental health providers to residents in the nation, but stakeholders all report workforce shortages and concerns about the “pipeline.”

<table>
<thead>
<tr>
<th>Rank</th>
<th>State</th>
<th>Ratio of Residents to MH Providers</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Massachusetts</td>
<td>200:1</td>
</tr>
<tr>
<td>2</td>
<td>Maine</td>
<td>240:1</td>
</tr>
<tr>
<td>3</td>
<td>Oregon</td>
<td>250:1</td>
</tr>
<tr>
<td>4</td>
<td>Vermont</td>
<td>260:1</td>
</tr>
<tr>
<td>5</td>
<td>Oklahoma</td>
<td>270:1</td>
</tr>
<tr>
<td><strong>6</strong></td>
<td><strong>New Mexico</strong></td>
<td><strong>280:1</strong></td>
</tr>
<tr>
<td>7</td>
<td>Rhode Island</td>
<td>290:1</td>
</tr>
<tr>
<td>8</td>
<td>Alaska</td>
<td>300:1</td>
</tr>
<tr>
<td>9</td>
<td>Connecticut</td>
<td>310:1</td>
</tr>
<tr>
<td>10</td>
<td>California</td>
<td>350:1</td>
</tr>
<tr>
<td>46</td>
<td>Arizona</td>
<td>850:1</td>
</tr>
<tr>
<td>47</td>
<td>Georgia</td>
<td>900:1</td>
</tr>
<tr>
<td>48</td>
<td>West Virginia</td>
<td>950:1</td>
</tr>
<tr>
<td>49</td>
<td>Texas</td>
<td>1,070:1</td>
</tr>
<tr>
<td>50</td>
<td>Alabama</td>
<td>1,260:1</td>
</tr>
<tr>
<td><strong>National Average</strong></td>
<td><strong>536:1</strong></td>
<td></td>
</tr>
</tbody>
</table>

Rankings are based on provider ID counts. Data limitations exist: not all providers are required to obtain an ID number, and some ID numbers are for providers who are no longer active.

Source: Mental Health America, “The State of Mental Health in America 2018”; New Mexico Health Care Workforce Committee “2017 Annual Report” (October 2017).
The number of civil commitment cases filed by district attorneys increased 18 percent from 2010 to 2017.

Number of Civil Mental Commitment Cases* Filed by District Attorneys, by Year

<table>
<thead>
<tr>
<th>Year</th>
<th>Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY2010</td>
<td>1,177</td>
</tr>
<tr>
<td>FY2011</td>
<td>1,053</td>
</tr>
<tr>
<td>FY2012</td>
<td>1,194</td>
</tr>
<tr>
<td>FY2013</td>
<td>1,118</td>
</tr>
<tr>
<td>FY2014</td>
<td>866</td>
</tr>
<tr>
<td>FY2015</td>
<td>937</td>
</tr>
<tr>
<td>FY2016</td>
<td>1,458</td>
</tr>
<tr>
<td>FY2017</td>
<td>1,394</td>
</tr>
</tbody>
</table>

*Case numbers shown here do not include civil mental commitment and petition for treatment guardian cases that were not referred to district attorneys. The increase in the number of cases is partially due to changes made to the data entry process in certain judicial districts.

Civil Mental Commitment Cases Filed by District Attorneys, FY2017**

**Percentage of civil mental commitment cases filed by district attorneys in each district out of the total number of civil mental commitment cases filed by district attorneys in the state.
New Mexico has experienced increases in the number and rate of drug overdose deaths.

In 2006, New Mexico had the highest rate of overdose deaths in the country, with 22 overdose deaths per 100,000 residents. Although the state's overdose death rate was no longer the highest by 2016, it had risen to 25 overdose deaths per 100,000 residents.

Source: Centers for Disease Control and Prevention, National Center for Health Statistics. "Underlying Cause of Death 1999-2016" on CDC WONDER Online Database, released December, 2017. (http://wonder.cdc.gov/ucd-icd10.html). Rates shown are age-adjusted based on population.
Drug offenses make up 12 to 32 percent of all felony cases referred for prosecution, and most are for possession.

Source: Analysis provided by Administrative Office of the District Attorneys (February 13, 2019).

Note: Because not every case referred for prosecution is ultimately filed with the courts, the figures shown here may be different than case numbers reported by the courts.
Drug cases referred for prosecution and prison admissions for drug offenses are increasing.

**Drug Cases Referred for Prosecution**
- felony: 4,385
- misdemeanor: 5,766

**Prison Admissions for Drug Offenses**
- total: 531
- men: 509
- women: 661

**Between 2009 and 2017, felony drug cases increased 32% and misdemeanor drug cases increased 24%.

Note: Because not every case referred for prosecution is ultimately filed with the courts, the figures shown here may be different than case numbers reported by the courts.

Drug cases were identified via case class and include “Drug - Federal Law Enforcement Agent,” “Drug Cases,” “Drug Possession Cases,” “Drug Prescription Cases,” and “Drug Trafficking Cases” class types.

Offense level is based on the primary (most serious) charge for each case. Less than 1 percent of cases were missing offense level information.

The total number of felony cases filed in district courts has remained consistent, and felony drug cases have increased 17 percent.

**Felony Cases Filed in District Courts, FY2009 and FY2017**

<table>
<thead>
<tr>
<th>Category</th>
<th>FY2009</th>
<th>FY2017</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>14,730</td>
<td>14,756</td>
<td>0%</td>
</tr>
<tr>
<td>Homicide</td>
<td>228</td>
<td>223</td>
<td>-2%</td>
</tr>
<tr>
<td>Sex Crimes</td>
<td>450</td>
<td>393</td>
<td>-13%</td>
</tr>
<tr>
<td>Domestic Violence</td>
<td>695</td>
<td>741</td>
<td>+7%</td>
</tr>
<tr>
<td>Other Violent Felonies</td>
<td>4,031</td>
<td>4,371</td>
<td>-3%</td>
</tr>
<tr>
<td>Property Crimes</td>
<td>4,488</td>
<td>3,511</td>
<td>-3%</td>
</tr>
<tr>
<td>Drugs</td>
<td>4,095</td>
<td>1,164</td>
<td>+17%</td>
</tr>
<tr>
<td>DWI</td>
<td>637</td>
<td>194</td>
<td>-45%</td>
</tr>
<tr>
<td>Other*</td>
<td>366</td>
<td>366</td>
<td>-60%</td>
</tr>
</tbody>
</table>

Felony case categories were provided by AODA. “Homicide” includes vehicular homicide cases. *Non-violent felonies and unclassified cases were combined into “Other” due to low numbers in both categories.

Source: Analysis provided by Administrative Office of the District Attorneys (February 13, 2019). 

The Council of State Governments Justice Center | 52
Other states provide community behavioral health treatment targeting the probation and parole population.

- **Idaho**
  - **$8.3M** for Substance Use Disorder (SUD) services for drug treatment serving approximately 4,500 people on supervision annually (FY2017)

- **Utah**
  - **$5M** to expand community treatment access for people in the justice system and established standards based on evidence-based practices (2015)

- **Montana**
  - **$7.5M** in community treatment facilities primarily for people on supervision (FY2017)

- **Colorado**
  - **$9M** in correctional treatment cash fund for the community supervision and other populations to offset treatment costs (FY2019)

Sources:
- [https://www.courts.state.co.us/userfiles/file/Administration/Probation/CTB/FY19fundingplanFINAL.pdf](https://www.courts.state.co.us/userfiles/file/Administration/Probation/CTB/FY19fundingplanFINAL.pdf)
Key takeaways about behavioral health

1. A large number of people who enter the criminal justice system have behavioral health needs and addressing those needs can improve public safety outcomes by reducing recidivism.

2. This population often has complex behavioral health needs, and states must ensure access to the range of treatment and services necessary to adequately address both criminogenic and behavioral health needs.

3. The poor behavioral health outcomes in New Mexico take a toll on multiple systems—the increasing overdose death rate illuminates the public health impact of unaddressed substance addictions, and the increase in charges and filings related to drug offenses shows the impact on New Mexico’s criminal justice system.

The policy challenge is providing state support and structure to ensure that behavioral health and criminal justice system actors work collaboratively to promote behavior change.
Overview

4 Probation

Importance of Probation

Sentencing and Revocation

Reducing Recidivism

Probation Policies
People on probation make up almost half of all people under some form of correctional control.

*Correctional control population numbers are based on corrections population counts gathered between 2013 and 2016.
**Other correctional control includes reported categories of federal prison, juvenile incarceration, civil commitments, and Indian Country jails.

Existing research shows that when done well, probation and treatment have the greatest potential to reduce recidivism.

<table>
<thead>
<tr>
<th>Program</th>
<th>Recidivism Impact</th>
<th>Cost-to-Benefit Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inpatient/intensive outpatient drug treatment (community)</td>
<td>-1%</td>
<td>1: $1.51</td>
</tr>
<tr>
<td>Outpatient/non-intensive drug treatment (community)</td>
<td>-12%</td>
<td>1: $13.45</td>
</tr>
<tr>
<td>Intensive supervision (surveillance and treatment)</td>
<td>-16%</td>
<td>1: $16.25</td>
</tr>
<tr>
<td>Risk Need and Responsivity supervision (high and moderate risk)</td>
<td>-11%</td>
<td>1: $6.99</td>
</tr>
<tr>
<td>&quot;Swift, certain, and fair&quot; supervision</td>
<td>-10%</td>
<td>1: N/A</td>
</tr>
</tbody>
</table>

Sources: WSIPP, Inventory of Evidence-Based and Research-Based Programs for Adult Corrections, http://www.wsipp.wa.gov/ReportFile/1681/Wsipp_Inventory-of-Evidence-Based-Research-Based-and-Promising-Programs-for-Adult-Corrections_Report.pdf.
New Mexico courts contributed nearly 13,000 new cases to probation caseloads in 2017.

<table>
<thead>
<tr>
<th></th>
<th>FY10</th>
<th>FY11</th>
<th>FY12</th>
<th>FY13</th>
<th>FY14</th>
<th>FY15</th>
<th>FY16</th>
<th>FY17</th>
</tr>
</thead>
<tbody>
<tr>
<td>Felony Cases</td>
<td>5,570</td>
<td>5,866</td>
<td>6,216</td>
<td>6,857</td>
<td>7,092</td>
<td>7,433</td>
<td>6,209</td>
<td>6,087</td>
</tr>
<tr>
<td>Misdemeanor Cases</td>
<td>7,937</td>
<td>7,745</td>
<td>7,400</td>
<td>7,552</td>
<td>7,164</td>
<td>8,268</td>
<td>7,319</td>
<td>6,685</td>
</tr>
</tbody>
</table>

Cases Sentenced to Probation, by Offense Level

Numbers are based on cases sentenced in all courts, excluding probation revocation cases. Sentences to probation includes partially suspended jail and prison sentences and excludes deferred sentences and conditional discharges.

Sentence records were limited to cases received between FY2009 and FY2017 and included sentence information for all charges in a case. Offense level is based on the primary (most serious) charge at disposition for each case. Less than 1 percent of cases were missing offense level information.

Source: CSG Justice Center analysis of AODA case sentencing data (February 2019).
Sentences to probation for felony drug cases increased 43 percent between 2010 and 2017.

Felony Cases Sentenced to Probation, by Offense Type

- Violent cases
- Property cases
- Drug cases
- DWI cases
- All other cases

Percent change 2010 to 2017:

- Violent cases: +4%
- Property cases: +0%
- Drug cases: +9%
- DWI cases: +216%
- All other cases: -32%

- Percent change 2010 to 2017: +43%

Numbers are based on cases sentenced in all courts, excluding probation revocation cases. Sentences to probation includes partially suspended jail and prison sentences and excludes deferred sentences and conditional discharges.

Sentence records were limited to cases received between FY2009 and FY2017 and included sentence information for all charges in a case.

Offense level is based on the primary (most serious) charge at disposition for each case. Less than 1 percent of cases were missing offense level information.

Offense type is based on case class. “All other cases” are Dept. of Game and Fish, Misdemeanor, Non-Violent Felony, Out of State Fugitive, Public Corruption Cases, Traffic Citations, and Truancy case classes.

Source: CSG Justice Center analysis of AODA case sentencing data (February 2019).
About half of felony cases sentenced to probation each year are confinement sentences that are partially suspended.

**Cases Sentenced to Probation, by Offense Level and Sentence Type**

- **Prison - partially suspended**
- **Jail - partially suspended**
- **Probation - fully suspended**

Numbers are based on cases sentenced in all courts, excluding probation revocation cases. Sentences to probation includes partially suspended jail and prison sentences and excludes deferred sentences and conditional discharges.

Sentence records were limited to cases received between FY2009 and FY2017 and included sentence information for all charges in a case.

Offense level is based on the primary (most serious) charge at disposition for each case. Less than 1 percent of cases were missing offense level information.

Source: CSG Justice Center analysis of AODA case sentencing data (February 2019).
Probation revocation cases filed in district courts increased 37 percent between 2009 and 2017.

AODA numbers for motions to revoke probation did not include offense level information.

Source: Analysis provided by Administrative Office of the District Attorneys (February 13, 2019).
About half of felony probation revocation cases end with a revocation sentence, and those that result in prison or jail may be partially suspended.

*Other revocations are based on sentence information in AODA data and include: revocations to probation or deferred sentence, conditional discharges, and fine only sentences.

Numbers are based on felony probation revocation cases sentenced in all courts, by fiscal year of sentence. Probation revocation cases were identified by case class. Sentence records were limited to cases received between FY2009 and FY2017 and included sentence information for all charges in a case. Approximately 2% of revocation sentences were missing sentence type information.

Offense level is based on the primary (most serious) charge at disposition for each case. Less than 1% of sentences were missing offense level information.

Source: CSG Justice Center analysis of AODA case sentencing data (February 2019).
Responses to felony probation revocations vary widely by district.

FY2017 Felony Probation Revocation Cases, by Sentence Type and District

*Other revocations are based on sentence information in AODA data and include: revocations to probation or deferred sentence, conditional discharges, and fine only sentences.

Numbers are based on felony probation revocation cases sentenced in all courts in fiscal year 2017. Probation revocation cases were identified by case class. Sentence records were limited to cases received between FY2009 and FY2017 and included sentence information for all charges in a case. Less than 1% of FY2017 revocation sentences were missing sentence type information.

Offense level is based on the primary (most serious) charge at disposition for each case. Less than 1% of sentences were missing offense level information.

Source: CSG Justice Center analysis of AODA case sentencing data (February 2019).
Strong adherence to risk, need, and responsivity (RNR) principles increases the effectiveness of recidivism-reduction programming.

RNR program approaches within prisons are important, but maximum recidivism reduction is achieved when those RNR programs are also delivered in the community after release.

Failing to adhere to the risk principle can actually increase recidivism for low-risk individuals.

Reducing recidivism among people on probation requires many processes to work well and requires buy-in from judges, in particular.

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td><strong>Assess</strong> risk and need</td>
</tr>
<tr>
<td>2</td>
<td><strong>Target</strong> the right people</td>
</tr>
<tr>
<td>3</td>
<td><strong>Frontload</strong> supervision and treatment</td>
</tr>
<tr>
<td>4</td>
<td><strong>Ensure</strong> adequate linkage to <strong>proven programs</strong></td>
</tr>
<tr>
<td>5</td>
<td>Use <strong>case planning</strong> to facilitate behavior change</td>
</tr>
<tr>
<td>6</td>
<td><strong>Respond</strong> to both positive and negative behaviors</td>
</tr>
<tr>
<td>7</td>
<td>Hold individuals <strong>accountable</strong></td>
</tr>
</tbody>
</table>

**Are the right approaches being taken with the right people?**

If not, efforts to change behavior (and reduce recidivism) will be much less effective and sometimes counterproductive.

**NMCD supervises based on risk level but a high level of overrides counteracts effectiveness.**
The results of standardized risk assessments should be used to group people according to their relative risk of recidivism.

**The Risk Principle**—tells us *whom* to target

**Without Risk Assessment…**

**With Risk Assessment…**

Risk level is not an indicator of:
- ≠ Dangerousness
- ≠ Severity of offense
- ≠ Guaranteed individual prediction
- ≠ Offense-specific reoffending

<table>
<thead>
<tr>
<th>Risk of Reoffending</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low Risk</td>
</tr>
<tr>
<td>Moderate Risk</td>
</tr>
<tr>
<td>High Risk</td>
</tr>
</tbody>
</table>

Typically one-third of the population falls into each category

*NMCD utilizes the COMPAS risk assessment tool, but it has not been validated on the New Mexico correction population.*
Failure on supervision usually occurs early in the supervision term, so resources should be dedicated to people during this time.

NMCD has an early discharge policy for early release from supervision, which would free up officer time, but it is rarely used.

Programs should be proven effective and meet the unique needs of people in the criminal justice system.

Changes in Recidivism by Program Type

- Decreases Recidivism
  - Cognitive behavioral with graduated skills practice (-26%)
  - Cognitive (no behavioral)
  - Psycho-educational
  - Journaling
- Increases Recidivism
  - Punishment-oriented (+8%)

Programs should utilize cognitive behavioral approaches regardless of area of focus (e.g., criminal thinking, substance addiction, sex offender).

Skill building with structured skills practice is an essential component of effective programs.

Women should receive gender-responsive services with a trauma-informed approach.

Some, but not all, programs used by NMCD are based on what works to reduce recidivism.

Proactive case planning allows for a collaborative approach to behavior change that minimizes reactive supervision.

Case Planning and Supervision Best Practices:

- Motivational interviewing
- Case planning based on risk and need assessment
- Use of cognitive behavioral interventions
- Skills practice

**NMCD case plans are not updated throughout the course of supervision, and skills practice is not utilized with people on supervision.**
Research highlights the challenge of balancing punishment and behavior change.

Pretrial detention:
More than 1 day

Community-Based Sanctions vs. Jail Sanctions

Both have the same:
✓ Time to next violation
✓ # of subsequent violations
✓ Likelihood of successful completion of supervision

Prison:
Not shown to reduce recidivism

▪ Increasing severity of punishment does little to deter crime
▪ Certainty of being caught is more powerful deterrent than punishment
▪ Prison may exacerbate recidivism

NMCD’s “StePS” is a technical violation program, but it is inconsistent across judicial districts and there is no structured system for providing incentives.

Swift, certain, and fair punishment coupled with cognitive behavioral interventions and incentives effectively promotes positive behavior change.

**Swift**
Sanctions are quick. Limit the time between violation and consequence.

**Certain**
Sanctions are predictable. Consequences are not random. There are set responses for certain violations.

**Fair and Appropriate**
The severity and duration of a response to a violation is proportionate to the violation.

---

**Punishment Is Not Enough**

Punishment stops behavior

Use of reinforcement and cognitive behavioral interventions (CBI) teaches new skills and promotes long-term behavior change

- Case planning
- Homework assignments
- Referral for treatment or programming
- 1-on-1 CBI strategies utilized by probation and parole officers

---

*NMCD officers are not trained to utilize CBI in conjunction with violation behavior to promote behavior change.*
Probation policy changes already in motion

1. Spell out in law the purposes of probation.

2. Require validated risk and needs assessment and principles of effective intervention.

3. Use a statewide system of incentives and sanctions to respond to behavior under supervision.

Source: LCS Draft 211543.1 at https://www.nmlegis.gov/Committee/Handouts_List?CommitteeCode=CCJ&Date=11/29/2018
Key takeaways about probation

1. Probation is critically important as an opportunity to reduce recidivism for a large population. States tend to overlook this significance, underfund probation, and focus on prisons.

2. Sentences to felony probation:
   - Occur about 6,000 times a year, with drug cases notably increasing
   - Involve confinement in jail or prison about half the time

3. Revocation cases on felony probation:
   - Are growing significantly
   - Are often disposed without resulting in actual revocation
   - Differ dramatically, in terms of revocation rate, by judicial district

4. NMCD probation officials know where and how their system needs to evolve and improve.

The policy challenge is providing resources and policy support for NMCD to achieve greater success with probation. This also requires education and buy-in from judges, the parole board, and others.
Overview

1. Crime and Policy
2. Victim Services
3. Behavioral Health
4. Probation
5. Next Steps
Revisiting the proposed policy challenges for input from the working group

Providing effective state support for local efforts to consistently employ crime-reduction strategies

Providing additional resources for victim compensation, in order to meet need and maximize federal dollars

Ensuring that protective orders from any court in the state are accessible to law enforcement

Providing state support and structure to ensure that behavioral health and criminal justice system actors work collaboratively to promote behavior change

Providing resources and policy support for NMCD to achieve greater success with probation. This also requires education and buy-in from judges, the parole board, and others.
The accelerated Justice Reinvestment timeline and the New Mexico legislative timeline will converge in January.

<table>
<thead>
<tr>
<th>JR Timeline</th>
<th>New Mexico Legislature</th>
</tr>
</thead>
<tbody>
<tr>
<td>JR approved 9/14</td>
<td>CCJ/CJRS 9/25-27</td>
</tr>
<tr>
<td>Working group appointed 11/1</td>
<td>HJM 16 report 10/12</td>
</tr>
<tr>
<td>1st working group meeting 12/14</td>
<td>Election 11/6</td>
</tr>
<tr>
<td>Final working group meeting TBD</td>
<td>CCJ Package 12/4</td>
</tr>
<tr>
<td>Filing JR legislation TBD</td>
<td>Session begins 1/14</td>
</tr>
<tr>
<td>Committee meetings TBD</td>
<td>Deadline for introduction 2/14</td>
</tr>
<tr>
<td></td>
<td>Last day of session 3/16</td>
</tr>
</tbody>
</table>
THANK YOU

Michelle Rodriguez, Policy Analyst
mrodriguez@csg.org

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