

# New Mexico Justice Reinvestment

Working Group Meeting – January 31, 2019

Carl Reynolds, Senior Legal & Policy Advisor

Celine Villongco, Policy Analyst

Michelle Rodriguez, Policy Analyst

Rachael Druckhammer, Senior Research Associate



**Justice Center**

THE COUNCIL OF STATE GOVERNMENTS

Justice Reinvestment (JR) is an approach, not a prescription.



# JUSTICE REINVESTMENT

**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**.

# Stakeholder input greatly informs this presentation.



## JR Working Group

Contacts (meetings or calls) with working group members and their staff



## Corrections

Contacts with NMCD and parole officials and staff, observation of probation reporting sessions. Contacts with Sentencing Commission staff



## New Mexico Legislature

Meetings with senators and House representatives. Presentations to the CCJ and CJRS. Calls/meetings with LFC and LCS



## Behavioral Health

Contacts with Behavioral Health Services Division, Managed Care Organizations, Bernalillo County officials, and individual behavioral health service providers



## Courts

Contacts with AOC, individual judges, prosecutors, and defense attorneys



## Law Enforcement

Contacts with the Department of Public Safety, Attorney General's Office, and local law enforcement officials



## Community and Tribal Organizations

Contacts with Department of Indian Affairs, Judicial Tribal Consortium, Coalition to Stop Violence Against Native Women, Tribal Courts Judges, ACLU of New Mexico



## Victim Services

Contacts with the Crime Victims Reparation Commission, Coalition of Sexual Assault Programs, and Attorney General's Victim Services Unit

# Summary of findings to inform New Mexico's efforts to reduce crime, recidivism, and the growing cost of the rising prison population

## **To reduce the high crime rate, the state can invest in a comprehensive set of research-backed crime prevention and reduction strategies.**

Expand the state's victim compensation program to help interrupt cycles of trauma and support people who are impacted most by crime.

Ensure that people in need of community-based behavioral health treatment can access services that are high quality, readily available, and are coordinated with supervision efforts.

## **To address the growing prison population, the state should focus on reducing revocations from probation and parole, which account for over half of admissions.**

Bring supervision practices in line with evidence-based practices shown to be effective.

Follow the lead of other states by:

- Adopting more cost-effective responses to violations (most of which are driven by addiction and relapse rather than significant new criminal activity) that replace reincarceration with a recommitment to treatment and accountability in the community.
- Continuing to gather and analyze more detailed data to understand the populations that are driving the growth in the prison population.

*Reducing revocations can reduce future spending on incarceration, generating savings that the state can use to expand investments in crime prevention and strengthening communities.*

# The Justice Reinvestment timeline in New Mexico



## Phase I

*Analyze data to design policy changes*

- Collect and examine data.
- Engage stakeholders.
- Develop policy options.
- Draft legislation / bill passage.
- Plan for implementation of policy goals.

## Phase II

*Implement policy changes*

- Develop implementation plan.
- Deliver targeted technical assistance, providing expertise and support for effective implementation.
- Monitor metrics.
- Adjust implementation strategy as needed.

# Overview



- 1** Crime Reduction
- 2** Effective Supervision
- 3** Prison Admissions
- 4** Policy Framework

Criminal justice efforts must include other measures of public safety and system improvements.

### **Addressing New Mexico's High Crime**

Crime is (rightly) at the center of criminal justice reform conversations and concerns in New Mexico.

### **Improving Public Safety Statewide**

To comprehensively and impactfully improve public safety across the state, New Mexico must make system and policy improvements that also seek to reduce recidivism and repair harm to victims of crime.

The core tenets of Justice Reinvestment are interconnected and build upon one another to improve public safety across New Mexico.



***These three objectives make up the core of the policy options for the New Mexico Justice Reinvestment Working Group to develop and consider adopting.***

New Mexico has the highest crime rate in the country; the state's overall crime rate grew 17 percent from 2010 to 2017.

Between 2007 and 2017, New Mexico went from having the 15th-highest property crime rate to the **highest property crime rate**, and the seventh-highest violent crime rate to the **second-highest violent crime rate** in the country.

Rising crime rates predated the 2015 case management order in Bernalillo County and the constitutional amendment on bail in 2016.

## Crime in Albuquerque is a major factor for the state, but high crime rates exist in other communities.

In 2016, Albuquerque accounted for 27 percent of New Mexico's resident population, but:

**46%**  
of reported  
index crime

**43%**  
of reported  
violent  
crime

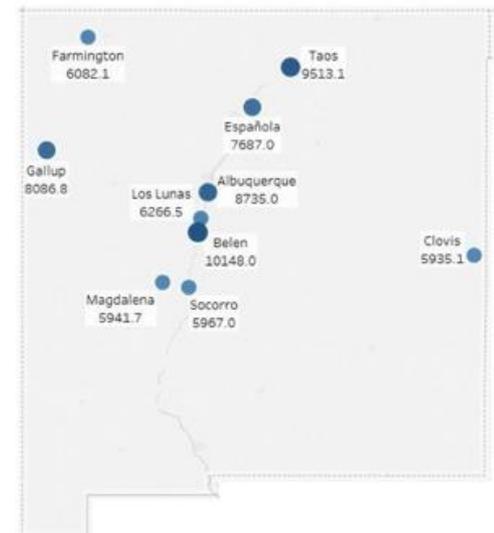
**47%**  
of reported  
property  
crime

**72%**  
of reported  
robberies

**66%**  
of reported  
motor  
vehicle thefts

**Belen, Gallup, Taos** and other communities also have high crime rates.

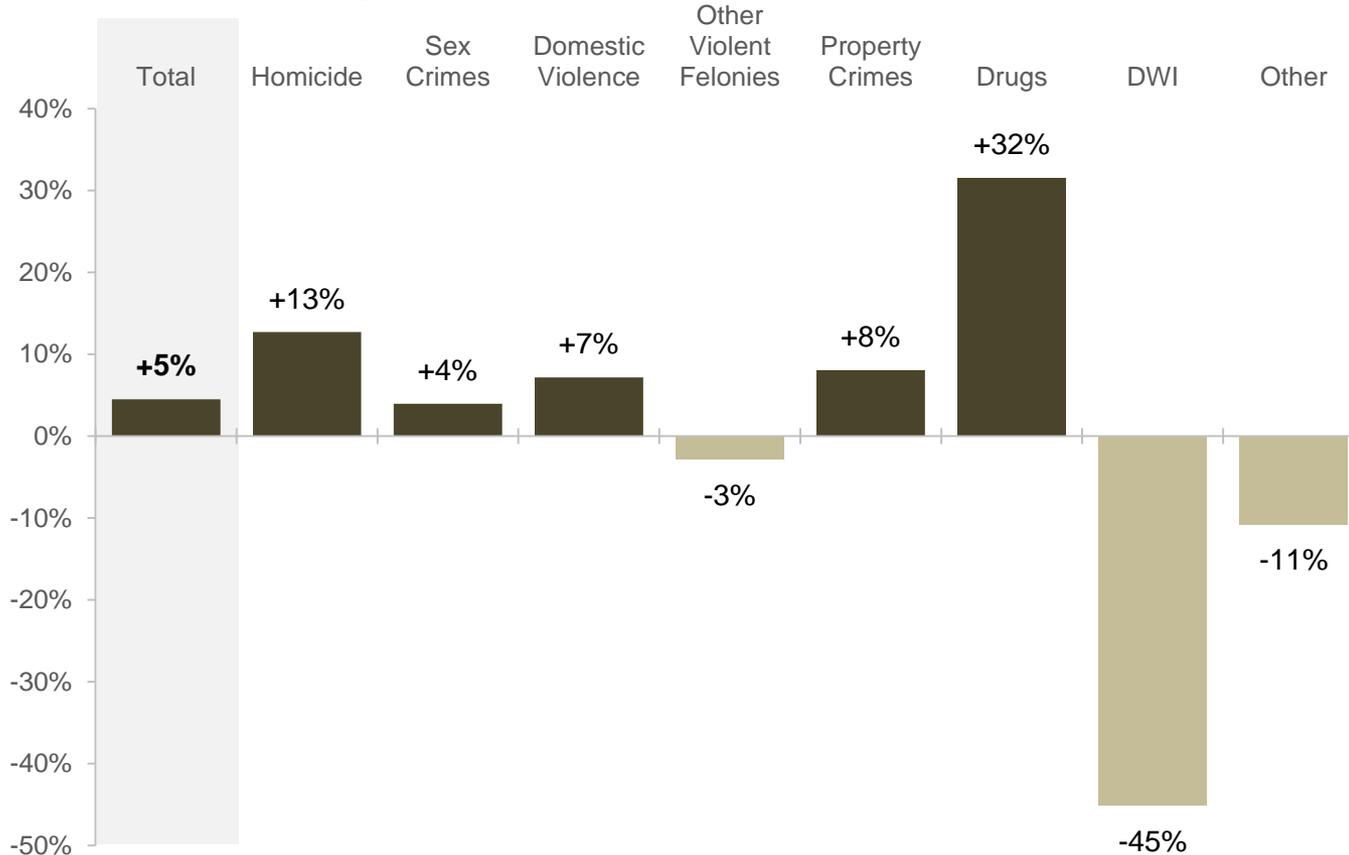
Top 10 Cities – Highest Index Crime\* Rate



Source: FBI, "Crime in the United States" reports, 2007-2017; Albuquerque Police Department 2016 annual report; US Census American Communities Survey 2016 1-Year Population Estimates for Albuquerque. Albuquerque crime numbers for all years and arrest numbers for 2017 were not available as of January 2019.

# Felony cases referred for prosecution increased from 2009 to 2017, particularly for drug cases

**Percent Change in Felony Cases Referred for Prosecution, FY2009 – FY2017**



While percentages varied across district, on average **about two-thirds** of felony drug cases referred for prosecution in FY2017 were for possession rather than trafficking or distribution

**Note:** Because not every case referred for prosecution is ultimately filed with the courts, the figures shown here may be different than figures calculated based on the number of cases filed or the number of cases opened as reported by the courts.

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. Percentages for drug trafficking/distribution vs. possession were provided by district for FY2017 only.

The HJM 16 Task Force proposed a policy framework with multiple strategies for addressing crime.

### Data integration to improve enforcement and treatment

- Collect crucial information consistently upon arrest
- Require NMSC to build data integration network
- Measure outcomes rigorously

### Funding for local crime reduction strategies – Crime Reduction Grant Act (CRGA)

- Fifteen appropriations totaling \$31.6 million across seven agencies
- Local councils created and urged to apply for grants and share data

### Addressing workforce shortages in behavioral health and justice systems

- Expanding loan forgiveness programs
- Return-to-work legislation for public retirees

*This presentation advises the JR working group to:*



**Endorse** the policy framework created by the HJM 16 Task Force.



**Build on** the task force framework.

The proposed Crime Reduction Grant Act in HB 267 would establish multiple appropriations and key roles for the Sentencing Commission and the Administrative Office of the Courts.

## \$31.6 million

appropriation from the general fund to the following agencies for grants to 13 criminal justice coordinating councils (CJCCs) and their member entities

<p><b>Behavioral Health Services Division</b></p> <ul style="list-style-type: none"> <li>▪ Establish pre-arrest diversion programs.</li> <li>▪ Establish residential crisis triage centers and outpatient crisis stabilization services.</li> <li>▪ Recruit and retain mental health workers in rural areas.</li> <li>▪ Provide programs in grades 1-3 that are evidence-based, promote behavioral self-regulation, and have a demonstrated record of success.</li> </ul>	<p><b>NMSC</b></p> <ul style="list-style-type: none"> <li>▪ Implement a criminal justice <b>data-sharing network</b>.</li> <li>▪ Reach <b>data-sharing agreements</b> with grantees.</li> </ul>	<p><b>AOC</b></p> <ul style="list-style-type: none"> <li>▪ <b>Staff support to CJCCs</b></li> <li>▪ Support statewide <b>pretrial services</b>.</li> </ul>
	<p><b>Public Defender Department</b></p> <ul style="list-style-type: none"> <li>▪ Improve representation in rural areas.</li> <li>▪ Expand social work and case management.</li> </ul>	<p><b>Administrative Office of the District Attorneys</b></p> <ul style="list-style-type: none"> <li>▪ Pre-prosecution diversion programs.</li> <li>▪ Recruit and retain prosecutors in rural areas.</li> </ul>
	<p><b>Department of Public Safety</b></p> <ul style="list-style-type: none"> <li>▪ Recruit, train, and equip law enforcement officers.</li> </ul>	<p><b>Corrections Department</b></p> <ul style="list-style-type: none"> <li>▪ Recruit, train, and retain correctional officers.</li> <li>▪ Provide transitional reentry homes.</li> </ul>

Each CJCC would receive up to \$75,000 for staffing and would be eligible for grants to implement various crime reduction strategies.

***Eligible strategies include:***

<b>1</b>	Evidence-based treatment and supervision <b>alternatives to incarceration</b>
<b>2</b>	Reducing barriers to participation in <b>pre-prosecution diversion or specialty court programs</b>
<b>3</b>	Improving <b>coordination of services</b> between law enforcement agencies and treatment programs
<b>4</b>	Establishing law enforcement <b>crisis intervention teams</b>
<b>5</b>	Providing access to <b>transitional or reentry homes</b> for individuals recently released from incarceration

<b>6</b>	Developing or improving <b>pretrial service programs</b>
<b>7</b>	<b>Recruiting or retaining</b> law enforcement officers, prosecutors, public defenders, corrections officers, and mental health workers
<b>8</b>	Purchasing <b>equipment or providing training</b> to support any of these strategies
<b>9</b>	Developing or expanding <b>data-driven policing</b> programs
<b>10</b>	Staffing a <b>criminal justice coordinating council</b>

Policing is key to crime prevention: effective law enforcement strategies can be pursued statewide with more concerted state influence.

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

## 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

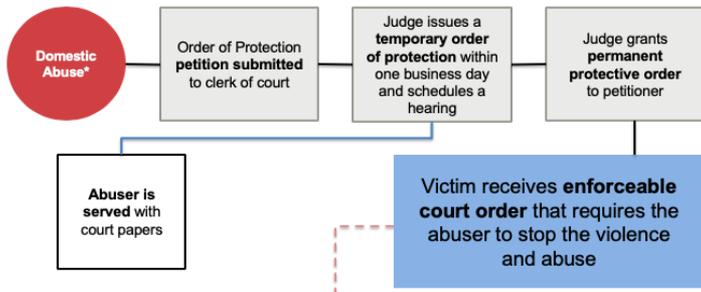
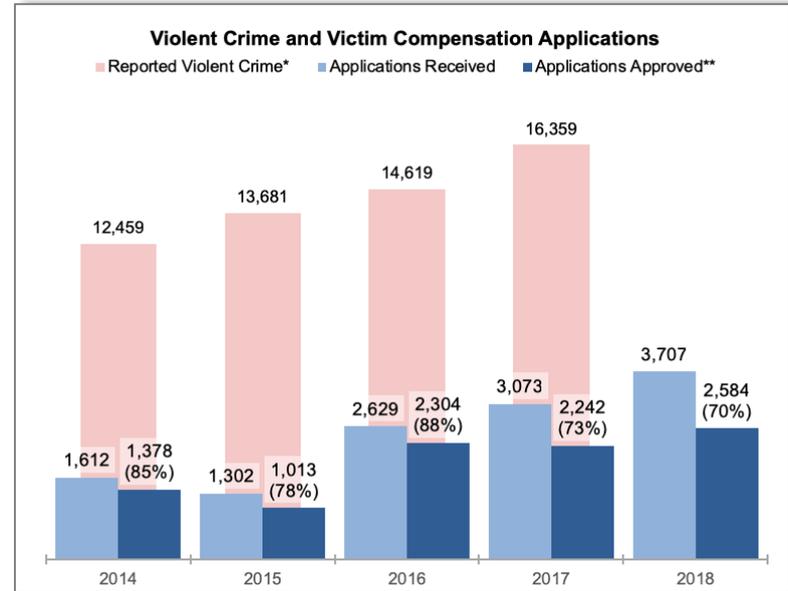
- Strategies that are effective for reducing crime may not be viewed by community members and other stakeholders as legitimate
- Some “effective” strategies may result in unintended consequences such as an increased use of arrest/incarceration or reduced community trust in law enforcement

***HB 267 includes crime prevention strategies but lacks state-level focus on law enforcement practices beyond data integration.***

# A comprehensive approach includes more support to crime victims.

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.**

Crime victims compensation is funded by state and federal dollars, and federal contribution depends on prior state contribution. **Increased state funding for crime victims compensation can ensure robust services for future victims of crime.** Investing in victims can help mitigate the fiscal burden of crime on society.



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

**Protection for victim is lost if:**

1. Protective order is not readily verifiable by law enforcement
2. Protective order is not recognized across all jurisdictions

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).

A comprehensive approach means that people in need of community-based behavioral health treatment can access services and be deflected from the criminal justice system.

- There was a 20-percent increase in the number of drug overdose deaths in New Mexico between 2006 and 2016.
- The percent of people on supervision who tested positive for opioids more than doubled between 2006 and 2016.
- Drug-related conduct is a major factor in cases referred to prosecution and revocations to prison.
- Behavioral health workforce shortages are well documented.

***HB 267 is a vehicle for increasing treatment access but lacks statewide policy guidance for collaborating between justice and behavioral health.***

***HB 342 (Section 1), the omnibus criminal justice reform bill, includes such guidance but is focused on the incarcerated population and reentry.***

***Current collaboration—the Centennial Care 2.0 JUST Health Work Group—is doing great work but is also focused on the incarcerated population and reentry.***

# Overview

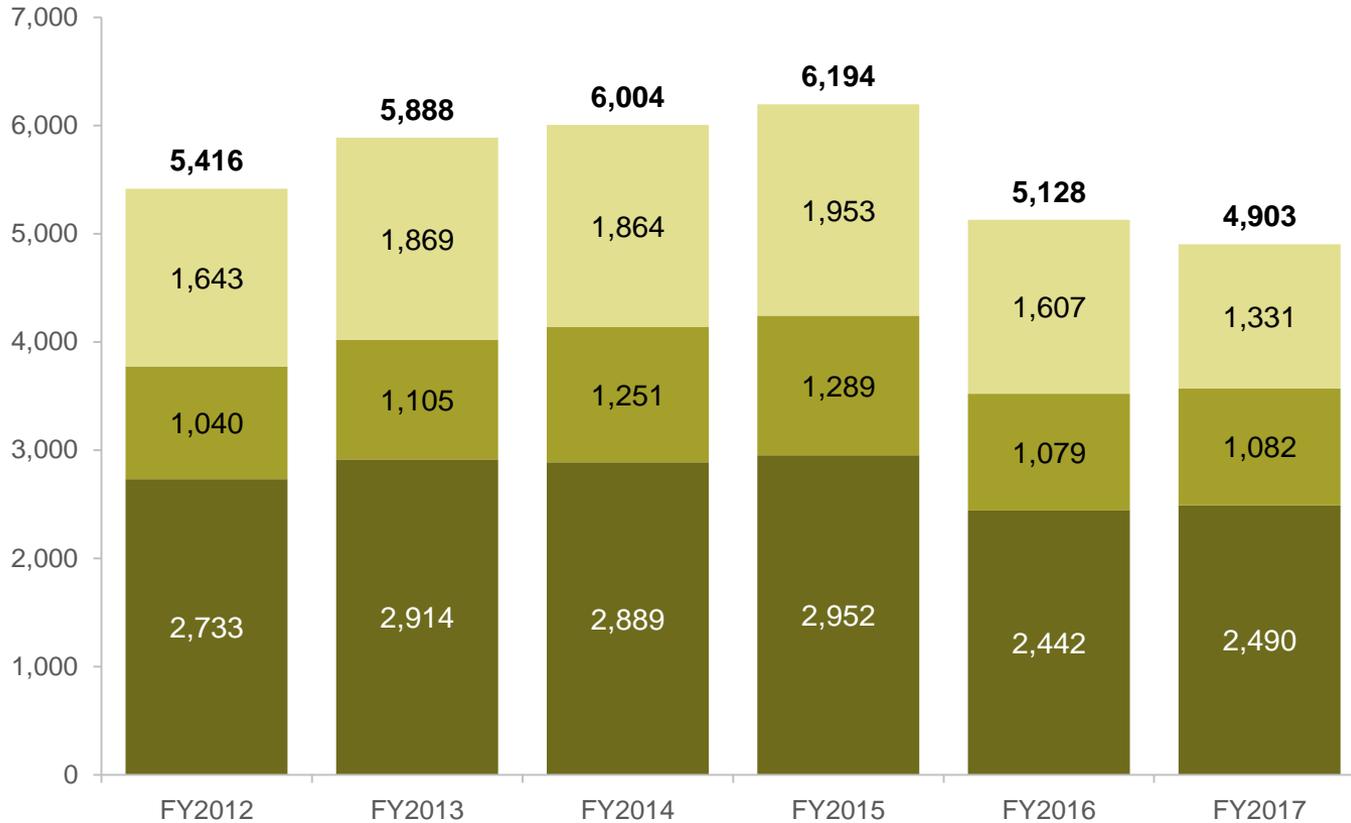


- 1 Crime Reduction
- 2 Effective Supervision
- 3 Prison Admissions
- 4 Policy Framework

Over 4,500 people are sentenced to felony probation each year, including those with a partially suspended sentence to jail or prison.

### People Sentenced to Felony Probation

■ Probation only ■ Partially suspended prison sentence ■ Partially suspended jail sentence



On average, **about half** of all people sentenced to felony probation have a partially suspended jail or prison sentence (*probation time added to a period of incarceration*).

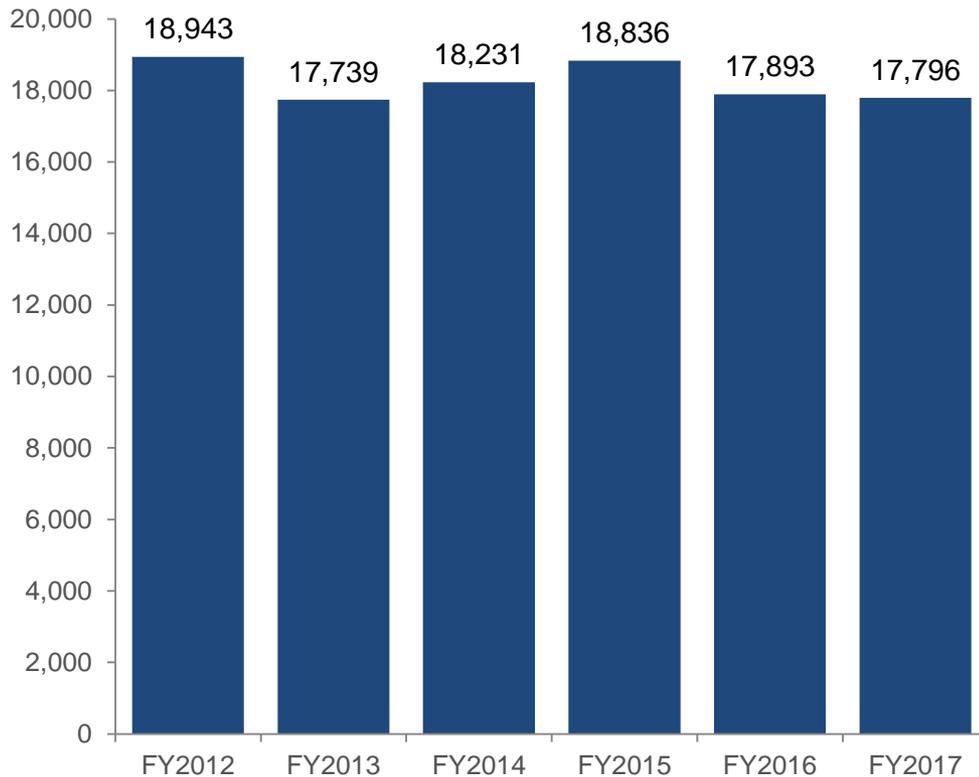
Number of people is based on the felony case with the most serious probation sentence per fiscal year for each person in the data file. Excludes probation revocations, deferred sentences, and conditional discharges. Partially suspended sentences were categorized as more serious than sentences to probation only. Sentences to probation only include fully suspended sentences.

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

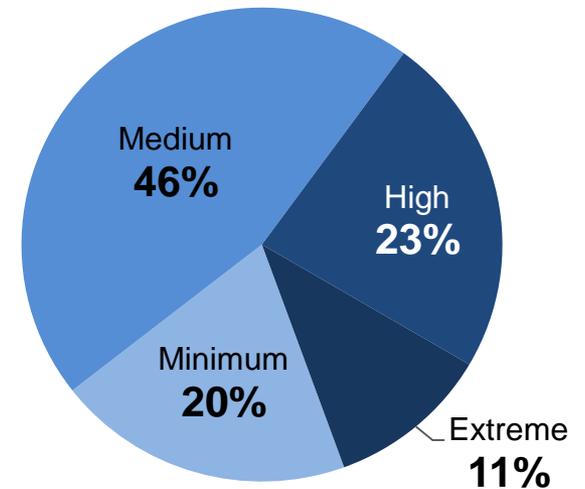
Offense level is based on the primary (most serious) charge at disposition for each case. Less than 1 percent of cases were missing offense level information.

Over 17,000 people are supervised on probation or parole each year, and about two-thirds are assessed as being at a minimum to medium risk of reoffending.

**Total Supervised Population\* by Year**



**Assessed Risk Level of People Starting Supervision\*\* (N=17,466)**



\*Total supervised includes both probation and parole supervision.

\*\*People starting probation, parole, or dual supervision during calendar years 2011 and 2012.

Source: Legislative Finance Committee, "Program Evaluation: Corrections Department – Status of Programs to Reduce Recidivism and Oversight of Medical Services" (October 2018); correspondence with Legislative Finance Committee staff (November 2018); New Mexico Statistical Analysis Center, "Absconding and Other Supervision Violations: A Study of Probationers, Parolees, and Dual Supervision in New Mexico" (August 2017).

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

- 1 **Assess** risk and need.
- 2 **Target** the right people.
- 3 **Frontload** supervision and treatment.
- 4 **Ensure** adequate linkage to **proven programs**.
- 5 Use **case planning** to facilitate behavior change.
- 6 **Respond** to both positive and negative behaviors.
- 7 Hold individuals **accountable**.
- 8 Measure and incentivize **outcomes**.

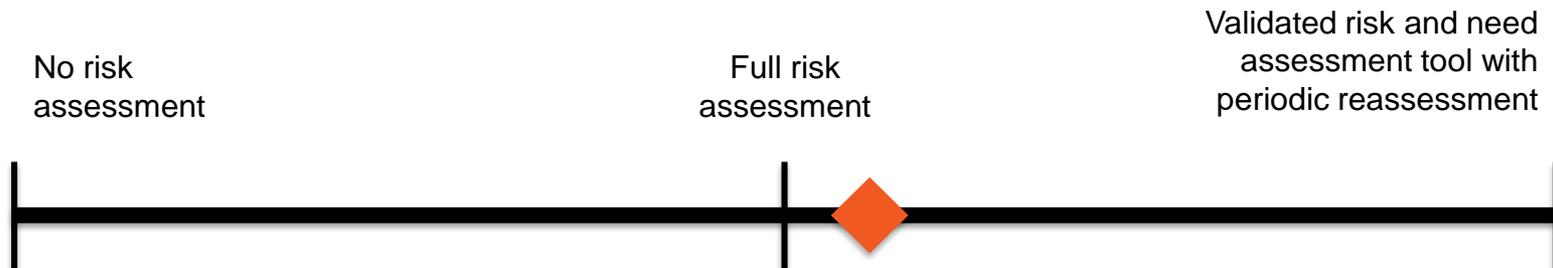
**Are the right approaches being taken with the right people?**

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

# 1. Assess risk and need: New Mexico has a modern risk and need assessment tool but lacks validation.

## Current Practice

NMCD utilizes the COMPAS, but it has not been validated on the New Mexico correctional population, or by race and gender. The department has implemented—or will be implementing—an adjunct assessment for sex offenders, the Static-99 R, STABLE, and ACUTE. However, NMCD lacks a structured quality assurance process and ongoing training opportunities to ensure assessments are completed accurately.



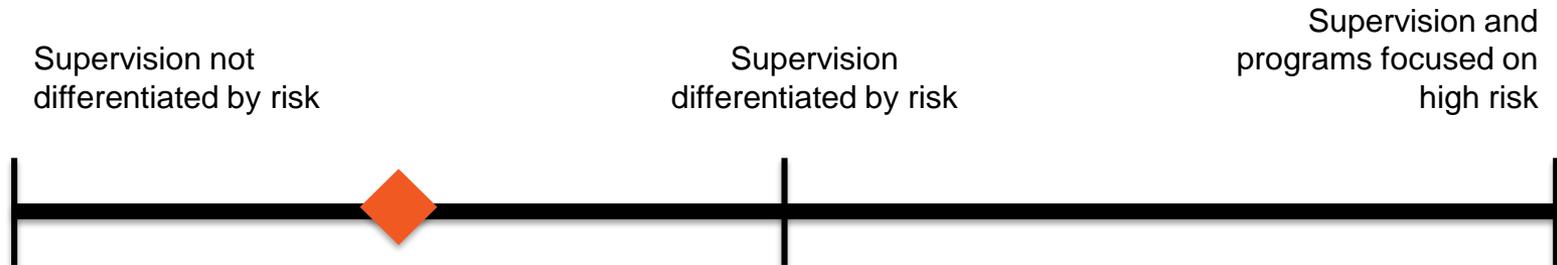
## Recommendations

- Validate the COMPAS on New Mexico's correctional population and conduct validation studies every 3–5 years thereafter.
- Implement quality assurance protocols to ensure accuracy of assessments.
- Conduct ongoing training on risk and need assessments for NMCD, judges, prosecutors, defense attorneys, and other relevant parties.

## 2. Target the right people.

### Current Practice

NMCD supervises based on risk level as determined by the COMPAS; however, a high level of overrides counteract effectiveness. Programming and resources are not intensified based on risk level. Community Corrections Unit (CCU) is designed to be a dual diagnosis unit, but does not function as such.



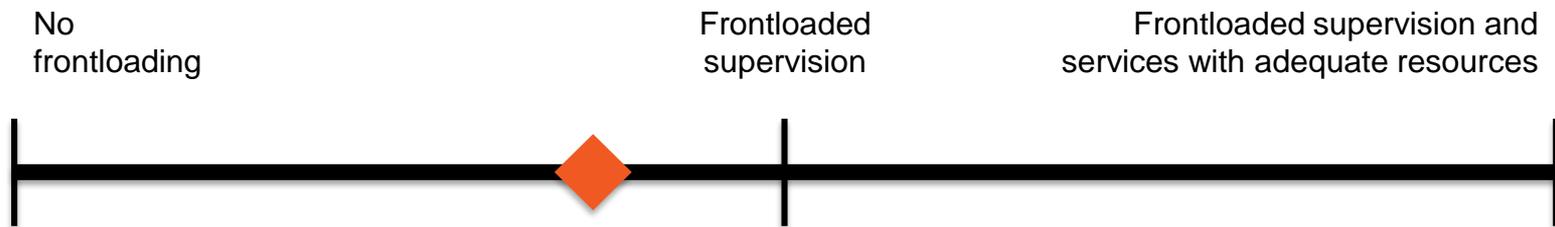
### Recommendations

- Monitor override rates of the COMPAS and ensure override rate is maintained within acceptable levels of 10-15 percent.
- Put controls in place to ensure officers are not over-supervising individuals in order to allow officers more time to engage in CBI strategies to effect behavior change.
- Establish clear admittance and discharge criteria for all enhanced supervision programs, which include behavioral incentives.
- Consider transitioning CCU from an enhanced supervision program to a specialized caseload for people with a dual diagnosis and meeting established criteria.

### 3. Frontload supervision and treatment.

#### Current Practice

People on parole receive more intensive supervision at the onset of supervision through enhanced programs (ISP, CCU, or high-risk caseload). However, the overuse of these supervision programs by judicial overrides inhibits officers from being able to provide Cognitive Behavioral Interventions (CBI) to people at the highest risk to recidivate. NMCD has an early discharge policy for early release from supervision, which could free up officer time to frontload supervision, but it is rarely used.



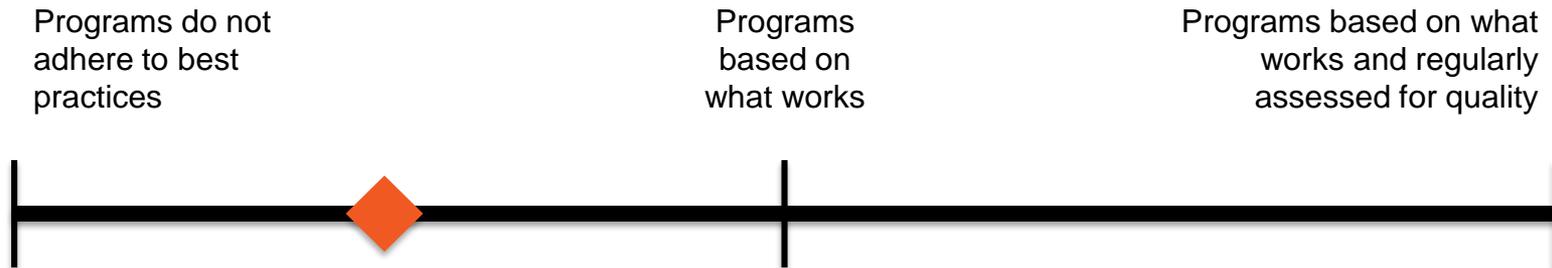
#### Recommendations

- Train officers on effective supervision practices such as EPICS, CCP, STICS, Carey Guides, etc. CBI should target high-risk or moderate- and high-risk individuals.
- Select a strong cognitive behavioral program to address criminal thinking that can be available throughout the state. The program can be conducted by providers or the department. At a minimum, all people assessed as high risk should be referred to programming.
- Reallocate officer time to utilize effective supervision practices.

## 4. Ensure adequate linkage to proven programs.

### Current Practice

Some but not all programs are based on what works to reduce recidivism. Program referrals are driven by need without consideration of risk and with little to no ongoing quality assurance.



### Recommendations

- Prioritize programming referrals based on risk level.
- Incorporate curricula review and group observations into treatment audits to ensure that people are receiving high-quality services.
- Standardize clinical assessment for substance addiction treatment throughout the state and rely on assessment results for placement determination.
- Build more collaboration with Behavioral Health Division of the Human Services Department.

## 5. Use case planning to facilitate behavior change.

### Current Practice

NMCD creates case plans based on the risk and need assessment and utilizes motivational interviewing at the beginning of the supervision term. Case plans are not updated throughout the course of supervision, and skills practice is not utilized with people on supervision. Some duplicative case planning occurs for people involved in multiple services while on supervision, such as drug court, substance addiction treatment, and mental health services.



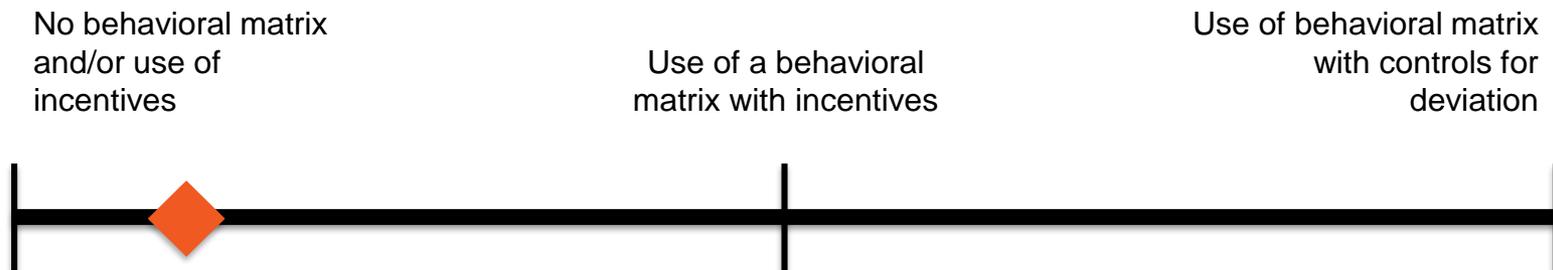
### Recommendations

- Implement structured supervision practices and skills training to promote behavior change and require regular updates to case plans.
- Streamline case planning to reduce redundancies through the use of comprehensive collaborative case plans with community providers for people with the highest risk and needs.

## 6. Respond to both positive and negative behaviors.

### Current Practice

NMCD does not use a statewide structured response matrix to respond to violations for people on parole. StePS is a technical violation program available to people on probation; however, it is developed differently by each judicial district, causing inconsistencies in how violations are handled across the state. A structured system for incentives is not utilized for people on probation or parole.



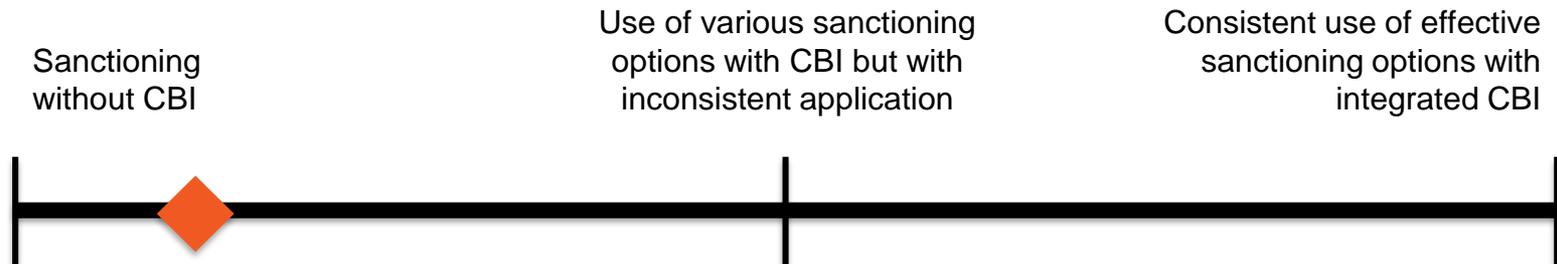
### Recommendations

- Create a statewide structured behavioral response matrix for sanctions and incentives for people on both probation and parole.
- Ensure that responses are proportional to behavior and allow for deviation in extenuating circumstances.
- Educate judges and parole board members on the use of sanctions.

## 7. Hold individuals accountable.

### Current Practice

NMCD probation and parole officers are not trained to utilize CBI in conjunction with violation behavior to promote behavior change. Some CBI may occur through referrals as a result of violation behavior but typically only with drug or alcohol use violations.



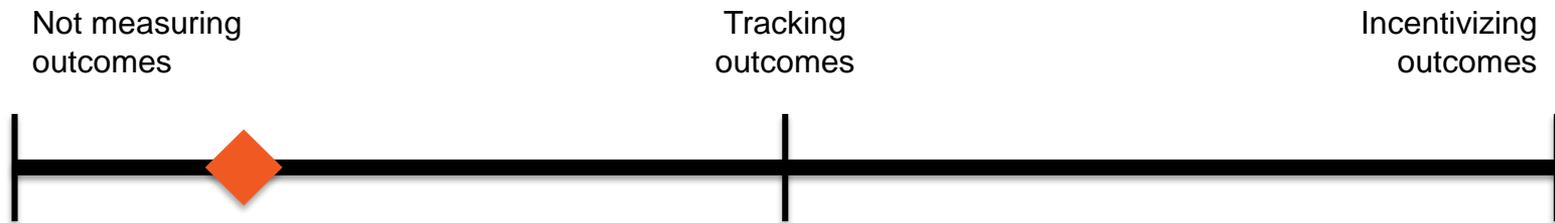
### Recommendations

- Develop robust CBI programming requirements for ISP and other enhanced supervision programs to promote behavior change.
- Create a behavioral matrix to ensure swift, certain, and fair incentives and sanctions throughout the state for people on both probation and parole.
- Develop data monitoring and protocols to ensure consistent and effective use of a behavioral matrix for incentives and sanctions.

## 8. Measure and incentivize outcomes.

### Current Practice

NMCD is developing a new data management system which will streamline inefficiencies and allow for better collection of data. Behavior change outcomes are not tracked for contract providers or internally within NMCD to ensure that quality assessments, programming, and interventions are in place.



### Recommendations

- Develop and incentivize performance-based outcomes for contract providers.
- Develop internal quality assurance measures to ensure that quality assessments, programming, and interventions are delivered by NMCD staff.
- Incentivize NMCD staff to provide high-quality assessments, programming, and interventions within NMCD.
- Use state-level data sharing to ensure that law enforcement and supervision agencies collaborate in focusing on high-risk individuals.

# Review of topics covered so far

Address high crime comprehensively

- ✓ Crime prevention
- ✓ Victim compensation
- ✓ Behavioral health treatment

Address costly prison growth by reducing revocations

- ✓ Effective supervision practices
- ✓ Cost-effective responses to violations

**Continued analysis of prison population drivers → next**

*Reducing revocations can reduce future spending on incarceration, generating savings that the state can use to expand investments in crime prevention and strengthening communities.*

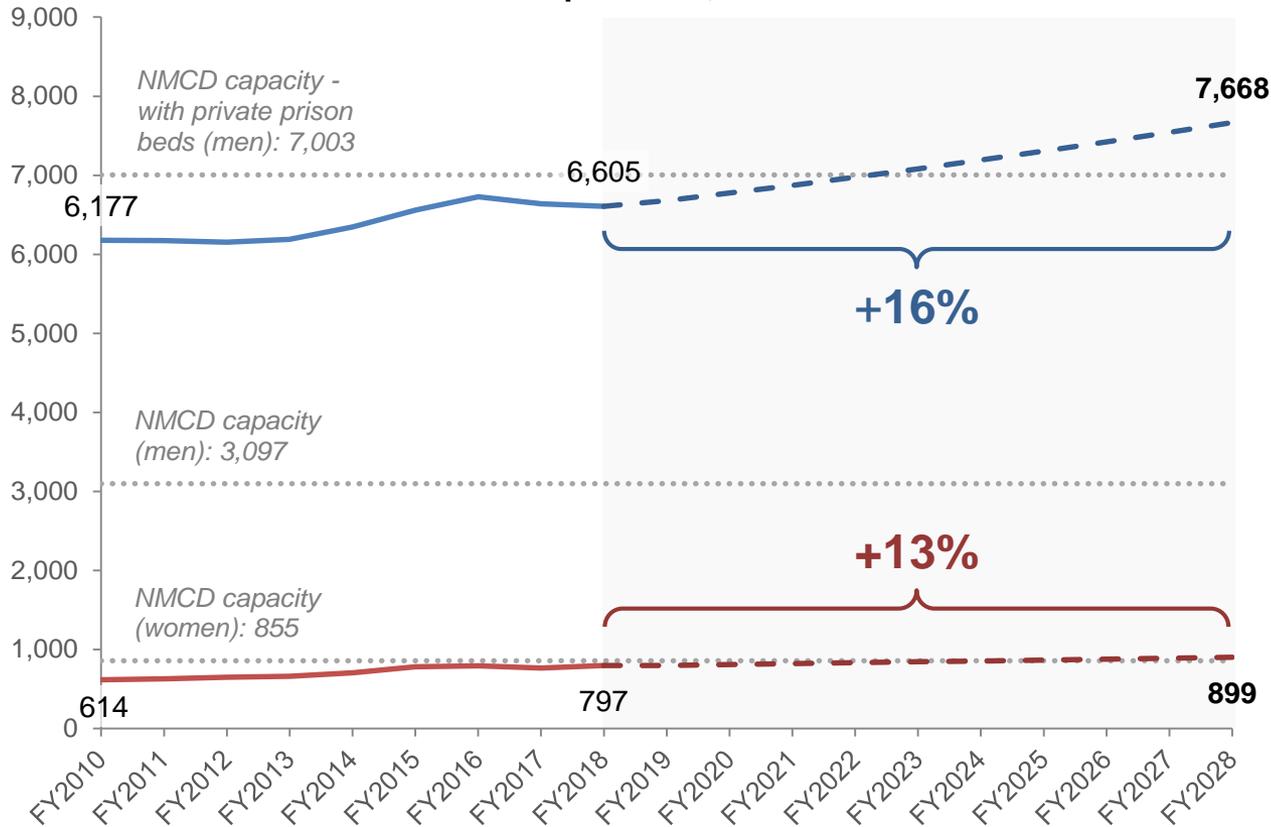
# Overview



- 1** Crime Reduction
- 2** Effective Supervision
- 3** Prison Admissions
- 4** Policy Framework

New Mexico's prison population is projected to grow 16 percent by FY2028, with an estimated additional cost of \$173M over that time.

**Actual and Forecasted Year-End Prison Populations, as of FY2018\***



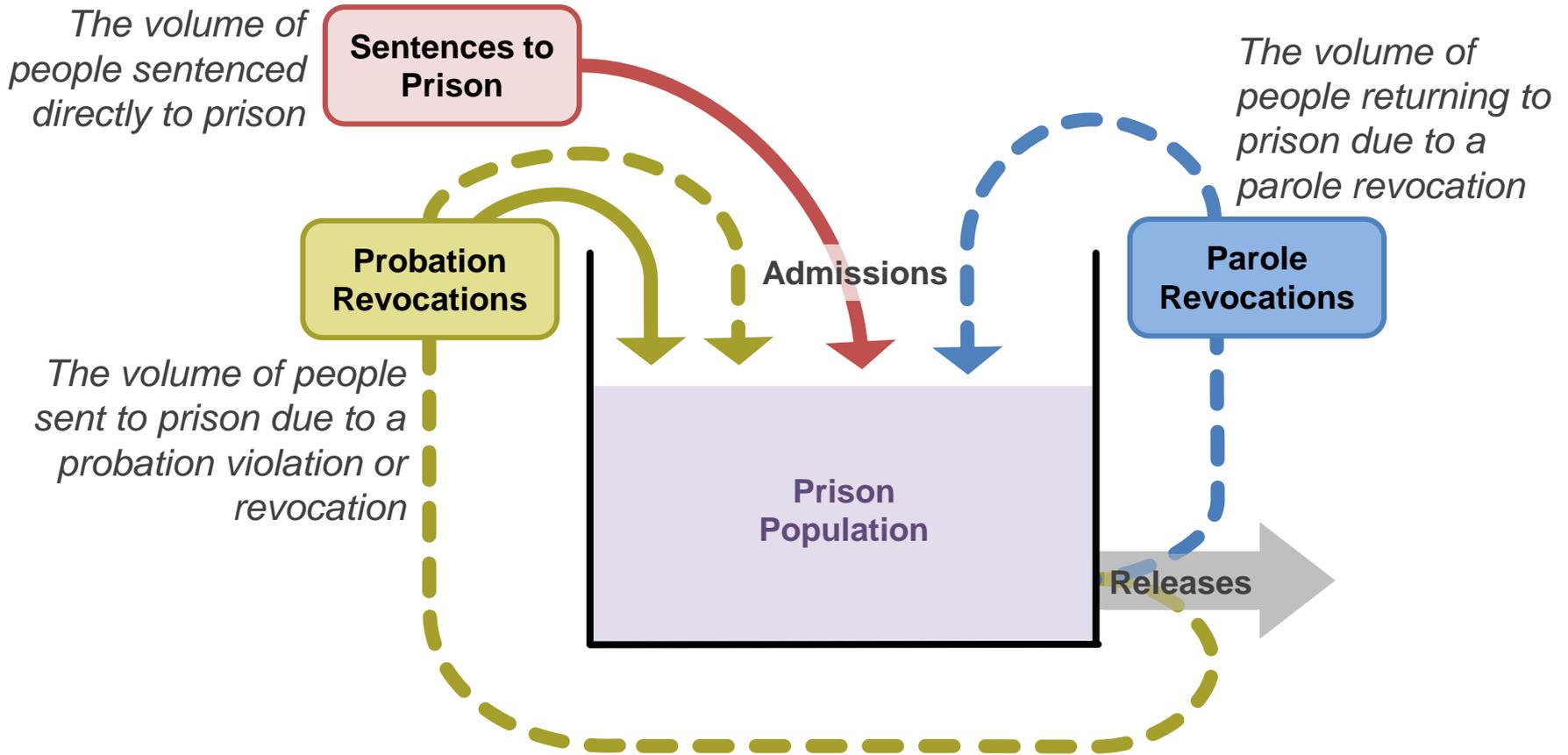
The number of people housed in private facilities currently costs **\$111M annually**

The projected increase in the prison population will cost an **additional \$173M** by FY2028\*\*

\*Numbers shown represent the actual prison population as of June 30 for FY2010 through FY2018 and the long term forecast population for FY2019 through FY2028.  
 \*\*Cost estimates are based on actual and projected prison populations, the reported capacity of state and private facilities, and cost-per-day estimates for state and private facilities.

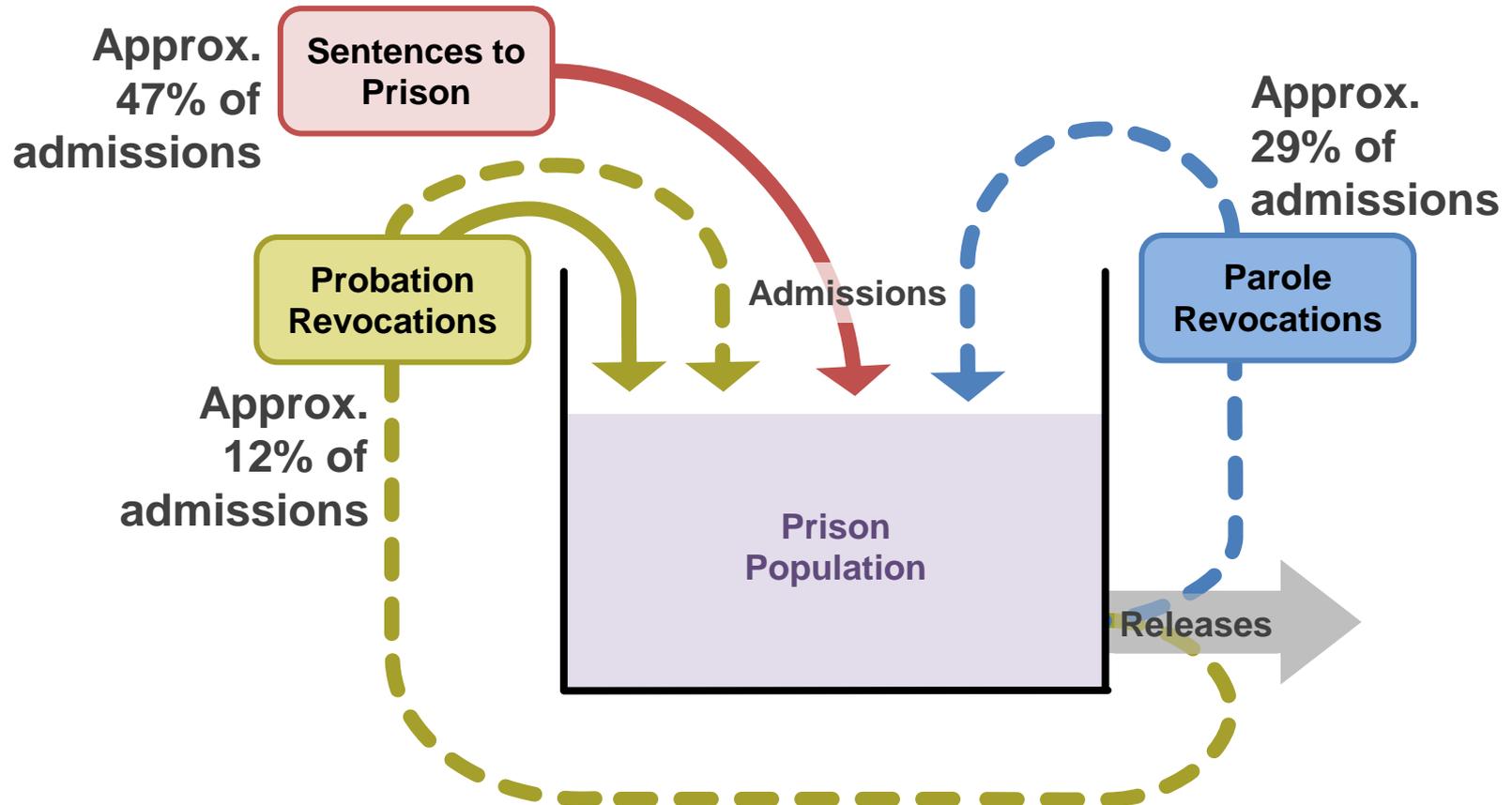
Source: New Mexico Sentencing Commission, "New Mexico Prison Population Forecast: FY2019 – FY2028" (June 2018). Legislative Finance Committee, "Report of the Legislative Finance Committee to the Fifty-Fourth Legislature, January 2019 For Fiscal Year 2020 - First Session, Volume 3" (January 2019).

Three major streams of admissions add to the on-hand prison population.



Analysis presented on sentences to prison and parole revocations is based on Corrections Department data on prison admissions and releases. Prison data did not allow for the identification of people in prison for probation revocations; therefore, the information presented about this group is based on analysis provided by the New Mexico Sentencing Commission.

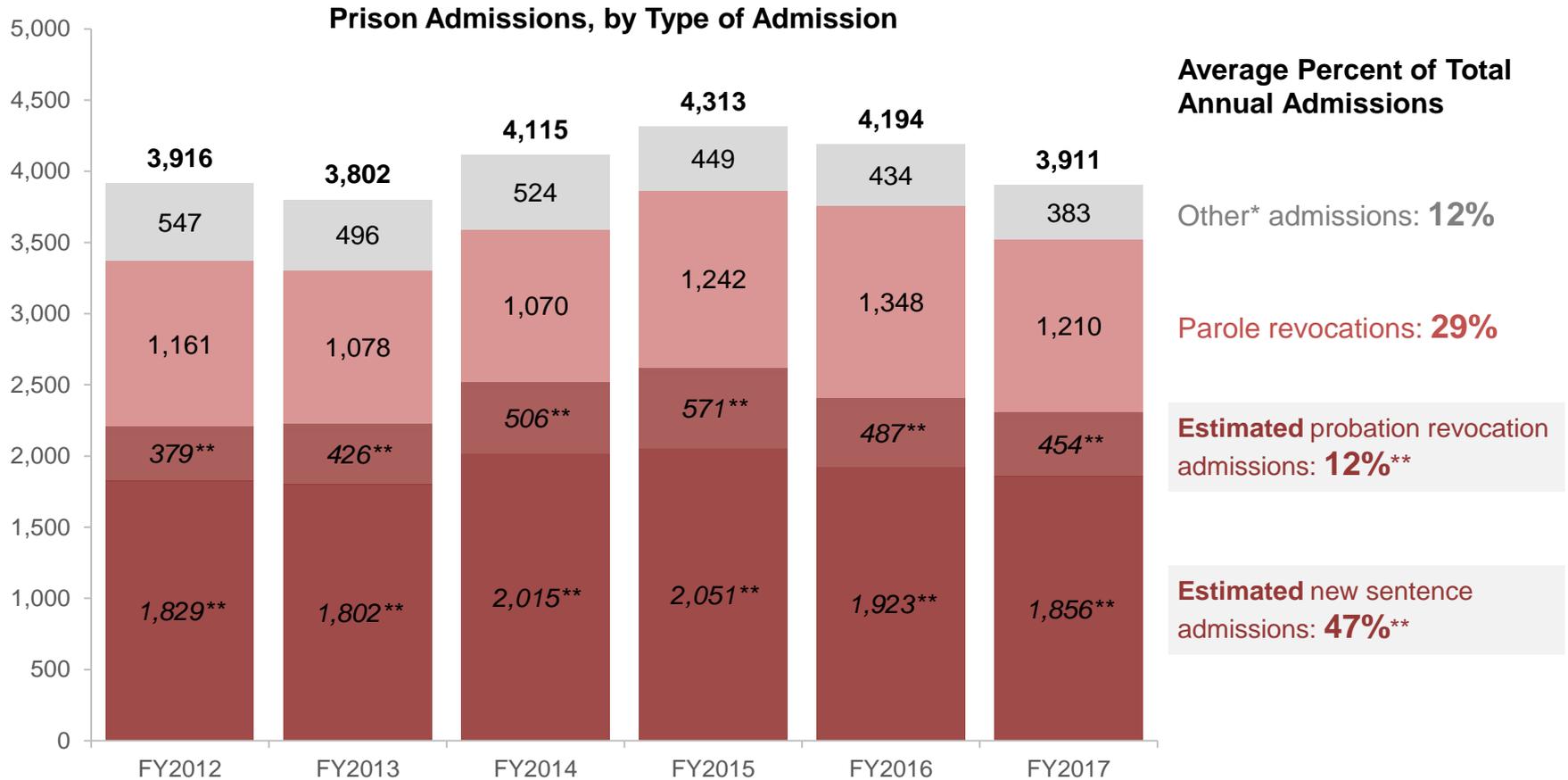
Revocations from supervision make up approximately 41 percent of prison admissions, over 1,600 people in 2017.



Analysis presented on sentences to prison and parole revocations is based on Corrections Department data on prison admissions and releases. Prison data did not allow for the identification of people in prison for probation revocations; therefore, the information presented about this group is based on analysis provided by the New Mexico Sentencing Commission.

Source: CSG Justice Center analysis of prison admissions data provided by NMSC (January 2019) and correspondence with NMSC on February 11, 2019. Approximately 12% of admissions are diagnostic or "other" admissions, as categorized by NMCD.

Based on probation violation analysis, it is estimated that about 12 percent of prison admissions are for probation revocations, and parole revocation volume is well documented.



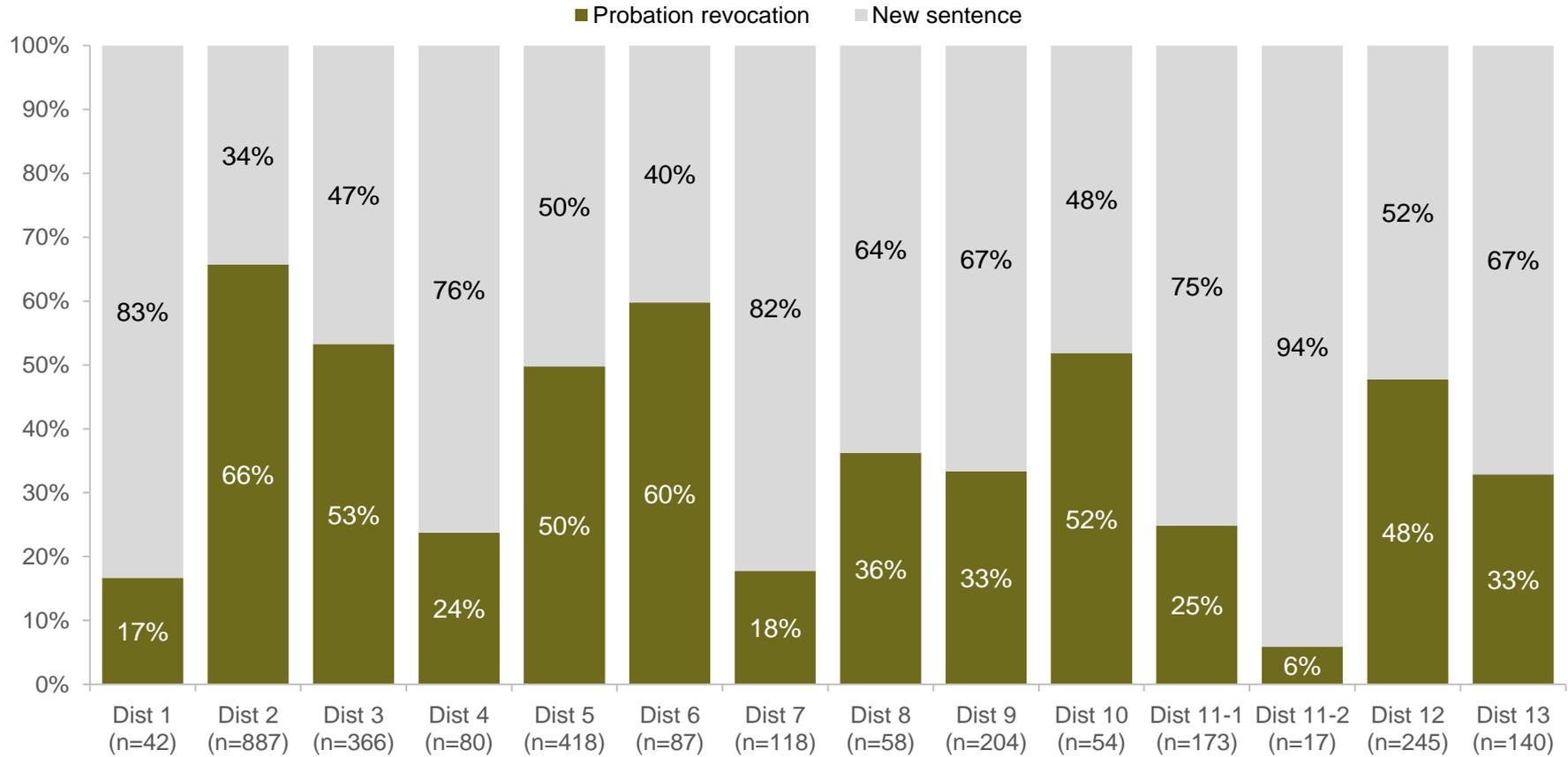
\*Other admissions are based on the admission types “Diagnostic” and “Other” in prison data files from NMCD. Less than 1 percent of admission records were missing admission type.

\*\*Admissions for probation revocations for FY2012 through FY2015 were estimated by NMSC based on probation violation data. Admissions for probation revocations for FY2016 and FY2017 were estimated by applying the average percent of total admissions for FY2012 through FY2015 to the total admissions in each year. Data files provided to CSG Justice Center did not allow for the identification of admissions to prison for probation revocations. New sentence admissions were estimated by subtracting the estimated number of probation revocation admissions from the number of new admissions for each fiscal year.

Source: CSG Justice Center analysis of prison admissions data provided by NMSC (January 2019) and correspondence with NMSC on February 11, 2019.

# In many judicial districts, over half of people sentenced to prison in 2017 were sentenced for a probation revocation.

**Percent of People Sentenced to Prison by Sentence Type, FY2017**

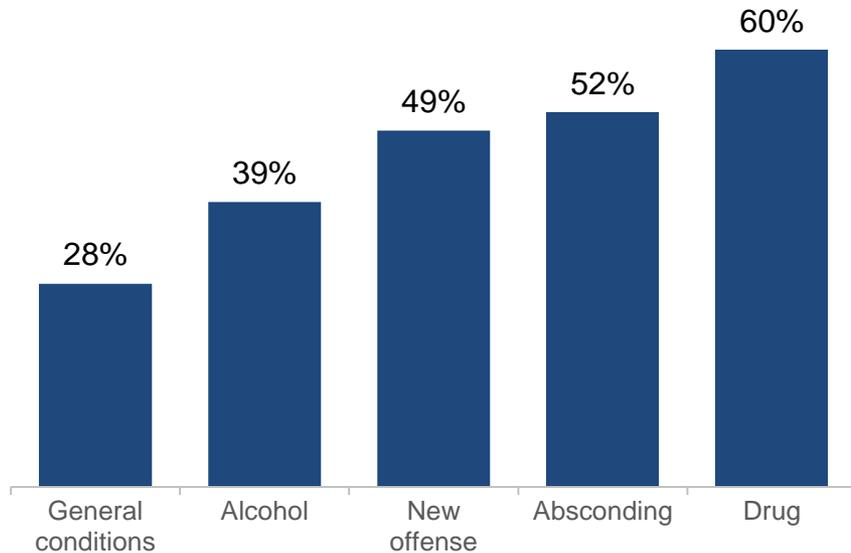


Number of people is based on the most serious sentence per fiscal year for each person. Probation revocation sentences were identified by case class and sentence type. If a person received both a new sentence and a probation revocation sentence in the same fiscal year, they were counted as a probation revocation. Sentences to prison include partially suspended prison sentences.

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

Two prior reviews indicate that the most common types of supervision violations are absconding and drug violations.

**Most Common Supervision Violation Types\***  
(N=11,527)



In 2018, Legislative Finance Commission staff reviewed 100 randomly selected parole cases and found that **two-thirds** of people on parole had at least one violation, and

- **75%** were due to substance use or absconding; and
- **15%** were caused by new criminal charges.

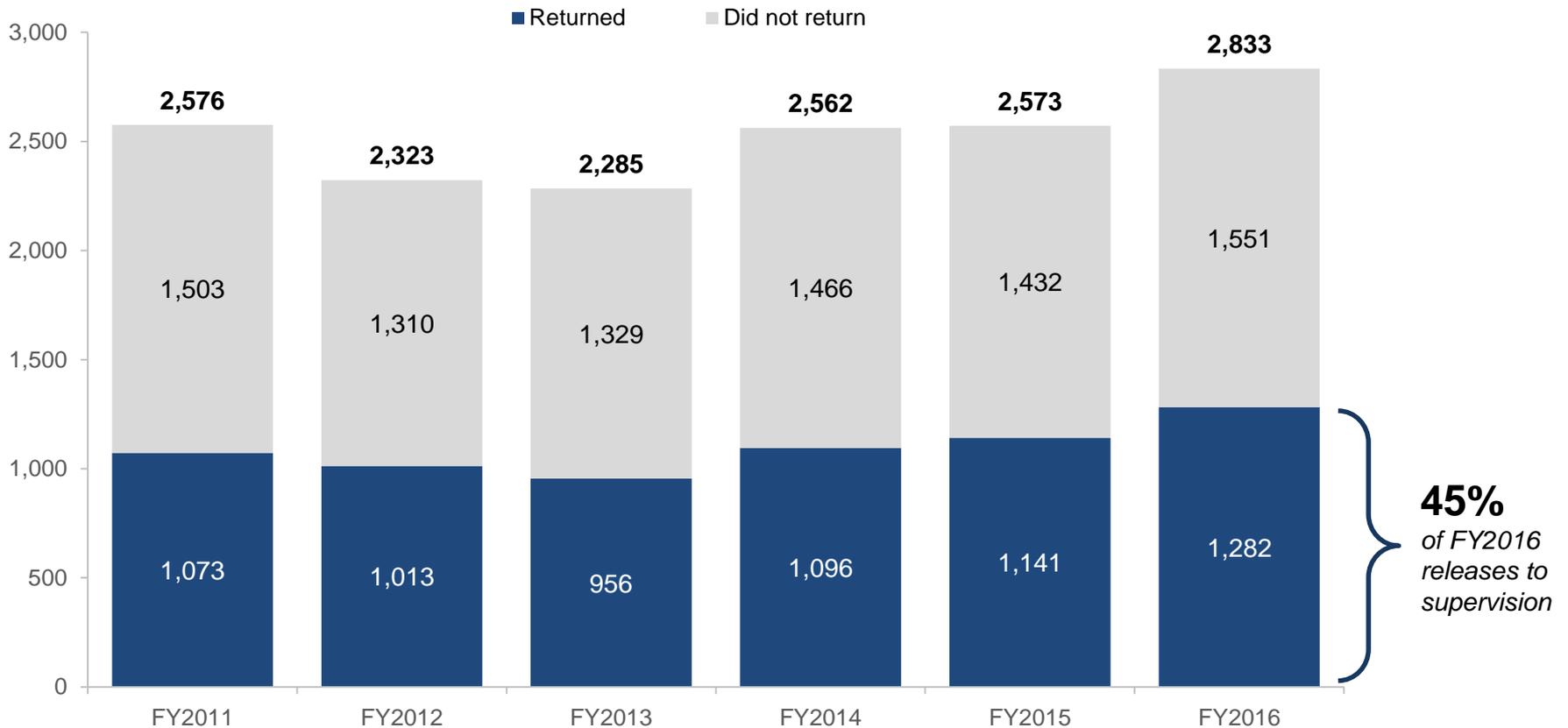
*\*Of people starting probation, parole, or dual supervision during calendar years 2011 and 2012, followed for three years. Individuals with multiple violations are included in more than one category, therefore percentages will not add up to 100. Violation types are based on NMCD supervision conditions, and not all violation types are shown.*

*“General conditions” violations are violations of standard conditions of supervision, such as obey probation/parole officer, counseling, supervision level, and curfew.*

*Source: New Mexico Statistical Analysis Center, “Absconding and Other Supervision Violations: A Study of Probationers, Parolees, and Dual Supervision in New Mexico” (August 2017); New Mexico Legislative Finance Committee, “Program Evaluation: Corrections Department – Status of Programs to Reduce Recidivism and Oversight of Medical Services” (October 2018)*

Nearly half of all people released from prison to some form of supervision return to prison within one year.

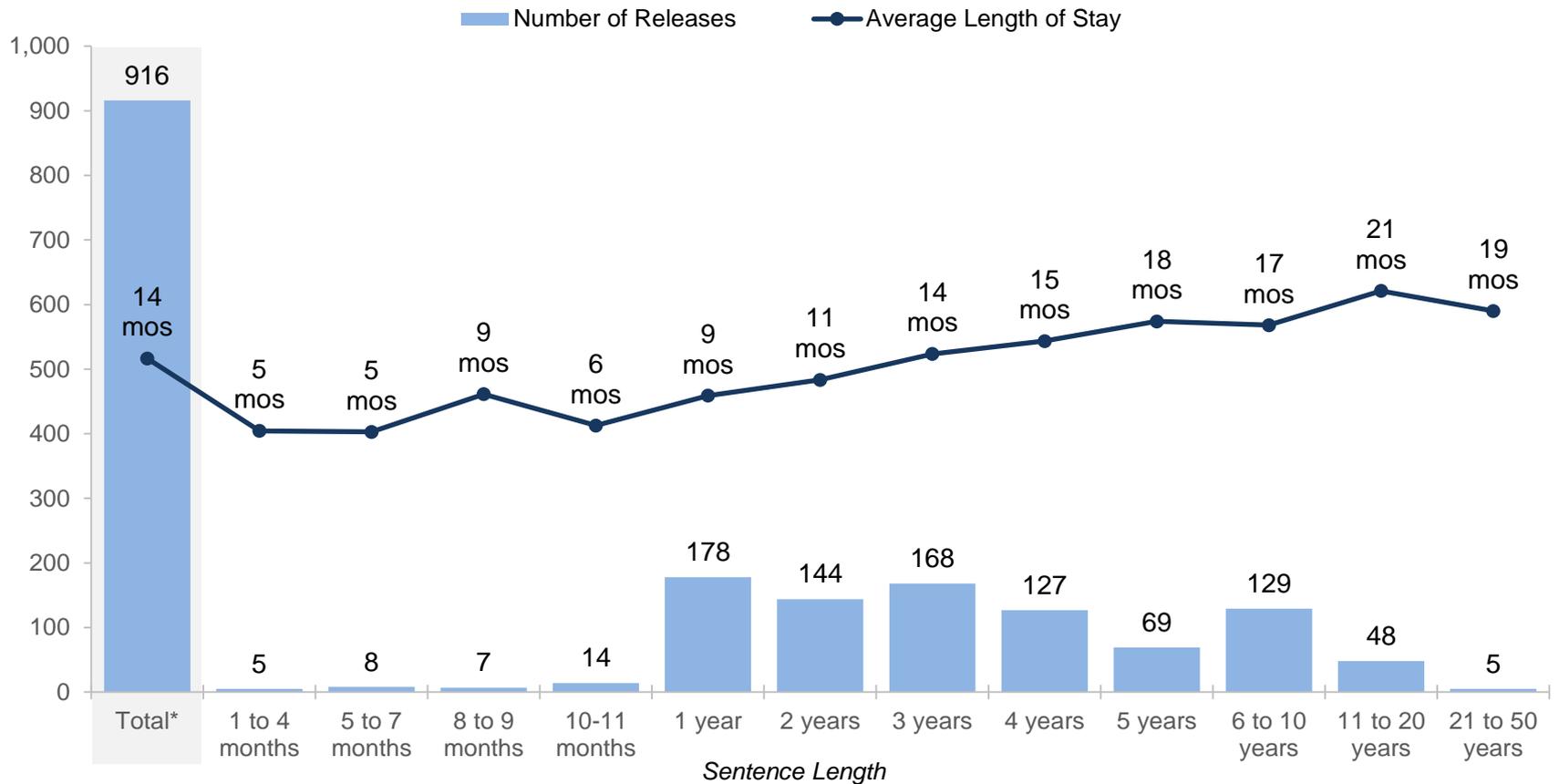
**Prison Releases to Supervision,\*  
Returns to Prison within One Year of Release**



*\*Releases to supervision are releases to probation, parole, or dual supervision. Releases are for any admission type, including revocations. Reincarceration is based on admission to prison for any reason within one year of the release date, and may have occurred after the period of supervision ended.*

The average length of stay in prison for parole revocation admissions, many for technical violations, is about 14 months.

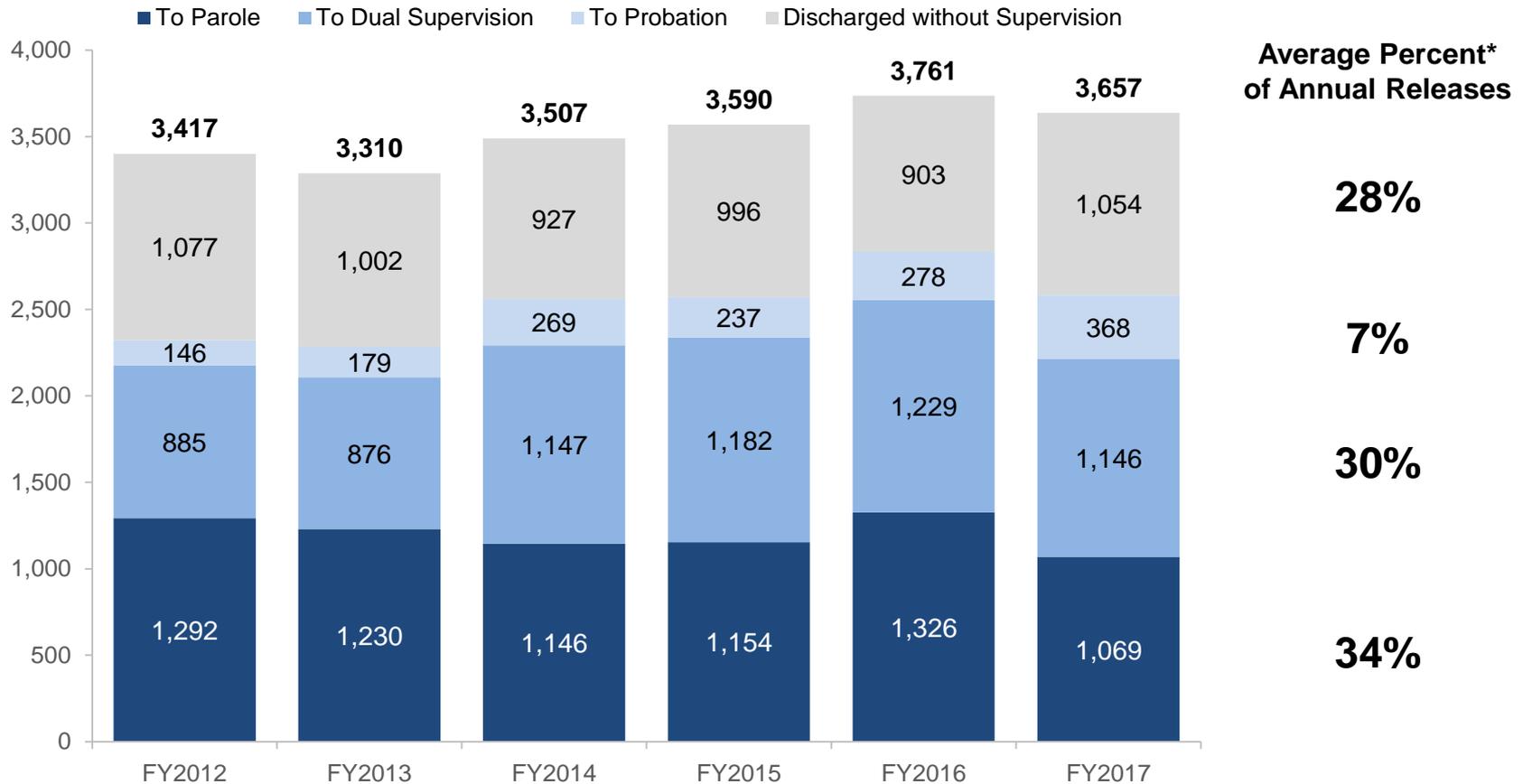
**Parole Revocation Admissions Released in FY2017, by Sentence Length**



\*Less than 1 percent of release records were missing sentence length information. Admissions may include probation revocations; prison data files did not identify admissions for probation revocations. Less than 1 percent of release records were missing admission type.

Approximately 1,000 people released from prison each year, or more than one-quarter of releases, leave without supervision.

**Prison Releases, by Type of Release**



*Releases from prison for any admission type, including revocations.*

*\*Less than 1 percent of releases had a release type of "Court Ordered" and are not shown on this chart.*

Additional data is necessary for the CSG Justice Center to project population impacts.

Projected impacts of policy changes would be based on historical activity and population forecasts made under the status quo.

For example, in order to reduce the number of prison beds used for supervision revocations, either the number of admissions or the length of stay in prison need to be reduced. For each type of supervision revocation, we would need to know:

- The number of prison admissions
- The average length of stay in prison
- The number of people in the on-hand prison population
- The types of violations—number of revocations for technical violations versus new offenses

*NMCD data on revocations and violations requires cross-checking and verification across multiple systems before it can be used*

# Overview



- 1** Crime Reduction
- 2** Supervision Practices
- 3** Reincarceration
- 4** Policy Framework

# Overview of Justice Reinvestment Legislative Policy Framework

## Policies for Legislative Adoption

### Tackle addiction and recidivism.



Leverage probation to **reduce recidivism.**

### Repair harm through victim services.



Increase **information, eligibility, and resources** for compensation.

### Prevent crime through data-informed grants,



**Endorse** the policy framework created by the HJM 16 Task Force.



**Build on** the task force framework.

# Legislative policy should drive supervision improvements to tackle addiction and recidivism.

- A.** Define the purposes of probation: to hold people accountable, promote their reintegration, reduce risk, and enforce restitution.
- B.** Require the Department of Corrections (NMCD) to apply principles of effective intervention, focus on early period of supervision, use effective conditions, and apply incentives and sanctions in response to behaviors, for probation and parole.
- C.** Require that pre-sentencing investigations include risk/needs assessment as well as victim impacts and criminal record, and require judges and the parole board to consult assessments when setting probation or parole conditions.
- D.** Require that NMCD adopt an administrative incentives and sanctions system for responses to behavior under supervision.
  - Define “absconding” and “technical violations” to guide responses to violations, with a process for administrative sanctioning responses to technical violations.
  - For non-technical violations, allow revocation but provide for detention up to 90 days as an explicit alternative to revocation to encourage shorter sanctions than are currently imposed on average.

## Legislative policy should increase information, eligibility, and resources for victim compensation.

- A.** Include notification of crime victim compensation in the list of victim rights. Require the investigating law enforcement agency and prosecuting offices to provide standard information, prepared by the Crime Victim Reparation Commission (CVRC), on the availability of crime victim compensation.
- B.** Allow the victim to report to a medical or mental health care provider, including a Tribal care provider, to be eligible for crime victim compensation. (Currently, only a report to law enforcement satisfies this key eligibility requirement.) Also, allow the CVRC to find that the victim acted reasonably even if they did not “fully cooperate” with law enforcement.
- C.** Provide a general fund increase in appropriations of \$550,000\* to the crime victim compensation fund to account for increased eligibility, signal the state’s support for crime victims, and increase federal funding in future years.

*\*Estimated impact of 350 additional victims with an average payout of \$1,571.*

## Legislative policy should build on the HJM 16/HB 276 framework.

**A.** Require NMSC rulemaking to describe data-sharing system objectives, permissions, uses etc. and address concerns over privacy and disparity through a public process.

**B.** Create a Crime Reduction Grant Act board to arrive at uniform applications, procedures, and timing, and ensure that complementary efforts in law enforcement, behavioral health, and probation (among others) are synchronized.

- The board would include representatives of each grant administration agency.
- Grant administration agencies would make the actual grants to CJCCs and their members.

More policy areas were identified as deserving attention to achieve the most comprehensive approach.

### Policies for Legislative Adoption

#### Tackle addiction and recidivism.



Leverage probation to **reduce recidivism.**

#### Repair harm through victim services.



Increase **information, eligibility, and resources** for compensation.

#### Prevent crime through data-informed grants,



**Endorse** the policy framework created by the HJM 16 Task Force.



**Build on** the task force framework.

### Policy Areas for Further Exploration

- Build on JUST Health collaboration to connect behavioral health and criminal justice systems.
- Inspire employment in behavioral health treatment.

- Ensure that protective orders are verifiable by law enforcement.

- Create state focus on law enforcement practices.
- Memorialize priorities for data-sharing efforts.

# The Justice Reinvestment timeline in New Mexico



## Phase I

*Analyze data to design policy changes*

- Collect and examine data.
- Engage stakeholders.
- Develop policy options.
- Draft legislation / bill passage.
- Plan for implementation of policy goals.

## Phase II

*Implement policy changes*

- Develop implementation plan.
- Deliver targeted technical assistance, providing expertise and support for effective implementation.
- Monitor metrics.
- Adjust implementation strategy as needed.

# THANK YOU



Michelle Rodriguez, Policy Analyst  
mrodriguez@csg.org

Receive monthly updates about Justice Reinvestment states across the country as well as other CSG Justice Center Programs.

Sign up at:

**[CSGJUSTICECENTER.ORG/SUBSCRIBE](https://CSGJUSTICECENTER.ORG/SUBSCRIBE)**

This material was prepared for the State of New Mexico. The presentation was developed by members of The Council of State Governments Justice Center staff. Because presentations are not subject to the same rigorous review process as other printed materials, the statements made reflect the views of the authors, and should not be considered the official position of the Justice Center, the members of The Council of State Governments, or the funding agencies supporting the work.



**Justice Center**  
THE COUNCIL OF STATE GOVERNMENTS