

# New Mexico

## Justice Reinvestment Working Group Report

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November 2024



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# Working Group Membership

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The New Mexico Justice Reinvestment Working Group is comprised of 16 criminal justice leaders from across the state. Selected for expertise in their respective fields, representing both rural and urban areas of the state, the Working Group came together to evaluate key criminal justice data findings, research, and best practice examples from other states to form recommendations that will improve public safety outcomes in New Mexico

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# Acknowledgements

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With the support of the Crime and Justice Institute, the Justice Reinvestment Working Group conducted interviews, focus groups, and roundtable discussions with more than 150 stakeholders across New Mexico to learn about the needs of both rural and urban communities. Representatives from the groups below provided vital information and assistance throughout the justice reinvestment process.

**The Executive Office of the Governor**

**New Mexico House of Representatives**

**New Mexico State Senate**

**The New Mexico Sentencing Commission**

**The New Mexico Attorney General's Office**

**New Mexico Children, Youth, and Families Department**

**New Mexico Health Care Authority**, including the Behavioral Health Services Department

**New Mexico Human Services Department**

**New Mexico Department of Health**

**New Mexico Corrections Department**, including the Probation and Parole Department, the Behavioral Health Unit, Recovery Academies, Classification Unit, and Reentry Services

**The New Mexico Administrative Office of the Courts**

**New Mexico Courts, and personnel from across New Mexico's Judicial Branch**, including representatives from Treatment Courts, Pretrial Services, and Magistrate Courts

**New Mexico Law Office of the Public Defender**

**Representatives from New Mexico's District Attorney's Offices**

**New Mexico Adult Parole Board**

**New Mexico Department of Public Safety**, including the Victim Advocate Unit and Tribal Liaison

**Representatives from City and County Governments Across New Mexico**

**County Detention Centers**, including the Eddy County Detention Center, Lincoln County Detention Center, Sandoval County Detention Center, San Miguel County Detention Center, Luna County Detention Center, Doña Ana County Detention Center, Taos County Detention Center, and the Bernalillo County Metropolitan Detention Center

**Law Enforcement Agencies**, including the Albuquerque Police Department, the Pueblo of Isleta Police Department, the Las Cruces Police Department, the Taos Police Department, the Farmington Police Department, San Juan County Sheriff's Office, the Taos County Sheriff's Office, and New Mexico State Police

**Behavioral Health, Reentry, Advocacy, and Support agencies across New Mexico**, including Albuquerque Community Safety, Albuquerque Healthcare for the Homeless, Albuquerque Behavioral Health Clinical Services, Fathers Building Futures, New Mexico Reentry Center, Reach, Intervene, Support, Engage (RISE), Peak Behavioral Health, Icarus Behavioral Health, Goodwill Industries of New Mexico, 100% Otero, Sexual Assault Services of Northwest New Mexico, H2 Academic Solutions, Taos Behavioral Health, Frontline Resurrection, Organizers in the Land of Enchantment (OLÉ), Compostela, Ascend Recovery, Pinwheel, CorrHealth, ARISE Sexual Assault Services, Coalition to Stop Violence Against Native Women, Hidalgo Medical Services, El Refugio, Inc., Tierra Nueva Counseling Center, Candles in the Wind Foundation, The Counseling Center, Centria Healthcare, the Taos County Community Custody Program, La Pinon Sexual Assault Recovery Services, the Victim Rights Project New Mexico, the DWI Resource Center, the Taos County LEAD Program, and the Guidance Center of Lea County

**The University of New Mexico (UNM)**, including Project ECHO

**Crime and Justice Institute**

# Executive Summary

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Over the past decade New Mexico’s correctional population has largely followed national trends with declines in prison, jail, and community supervision populations. New Mexico has also followed national trends with respect to increasing rates of substance use disorders (SUDs), ranking third in the nation for the percentage of individuals with an SUD. However, only six percent of those with SUDs in New Mexico receive treatment. Consequently, the criminal justice system has become the de facto treatment provider in the state, and law enforcement has assumed a primary role in responding to behavioral health crises. This public safety response to the state’s public health challenges has resulted in more individuals entering the criminal justice system with a behavioral health need—an estimated 65 percent in 2024—who are not receiving the necessary treatment interventions. This situation has contributed to poorer public safety outcomes. In fact, New Mexico had the highest violent crime rate in the country in 2022. Responding to crises and low-level crimes driven by substance use strains law enforcement resources and limits their capacity to focus on more serious threats to public safety.

In response to these challenges and to improve both public safety and public health outcomes, state leaders including Governor Lujan-Grisham, President Pro Tempore Stewart, Speaker Martinez, and Supreme Court Chief Justice Bacon, sought technical assistance through the Justice Reinvestment Initiative (JRI) grant, funded by the Bureau of Justice Assistance (BJA) within the Department of Justice’s Office of Justice Programs. With support from the Crime and Justice Institute (CJI), the state established the Justice Reinvestment Working Group (JRWG), which consisted of leaders from across New Mexico’s criminal justice system. This group investigated key data trends relevant to the system and concluded that:

- Law enforcement and the criminal justice system are the primary responders and treatment providers for public health challenges in the state.
- Fourth degree felonies, the state’s lowest felony class, have been the primary driver of arrests, court case filings, prison admissions, and revocations to prison for a decade.
- Possession of a Controlled Substance was the most common fourth-degree felony offense in 2023 for case filings, prison admissions, and underlying conviction for parole violation admissions.
- Behavioral health challenges drive recidivism in the state, with 80 percent of probation and parole violations driven by substance-related issues, readmissions to prison more likely for drug offenses, and the proportion of parole admissions increasing.

Based on this analysis, the JRWG developed a comprehensive package of 19 data-driven policy recommendations to improve public safety and public health in the state. The key policy areas include:

- **Strengthen and Prioritize Public Safety and Public Health Responses** including establishing statewide crisis response, enhancing collaboration between system partners, and creating a public crime data dashboard.



- **Focus Prison Resources on Serious, Violent Offenders** including addressing the wide range of conduct in the state’s lowest felony class and creating more accountability for individuals charged with drug possession.
- **Prioritize Resources for High-Cost, High-Need Individuals** including tailoring probation conditions to individual risk and needs, establishing standardized and timely responses to violations, and expanding medication-assisted treatment (MAT).
- **Reinvest Savings and Ensure Sustainability of Interventions** including investing in recruitment and training initiatives for system actors and safeguarding the successful outcomes of this comprehensive public safety package.

## Background

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In August of 2023, Governor Michelle Lujan-Grisham, Chief Justice Shannon Bacon, Speaker of the House Javier Martinez, and President Pro Tempore Mimi Stewart signed a letter to BJA seeking facilitative and administrative support from CJJ under JRI. The request underscores their collective commitment to use data-driven solutions to address the state’s most pressing criminal justice and public safety challenges.

Signatories requested assistance following the state’s examination into unifying the prison and jail systems from late 2022 to early summer 2023. While unification was not recommended, and with consideration to New Mexico’s heavily populated urban areas surrounded by vast rural areas, state leaders sought to understand how to provide consistent, effective support across the diverse landscape that reduces contact with the criminal justice system and lowers recidivism. They also requested that policy recommendations be included in the final report that focus on ensuring effective interventions are accessible to meet the behavioral health needs of the justice-involved population, as well as improving community reintegration to reduce recidivism, establishing accountability for serious offenses, and enhancing public safety for all New Mexicans.

To facilitate this effort, state leaders identified experts from various areas of the justice system throughout the state to be part of the Justice Reinvestment Working Group (JRWG). These leaders, selected for expertise in their respective fields of practice, convened for the first time in May of 2024 to collaborate on analyzing quantitative and qualitative data to identify the challenges of New Mexico’s criminal justice system.

The working group process was facilitated by CJJ, who conducted the multiagency data analysis alongside a comprehensive qualitative examination of New Mexico’s justice system. This examination included holding stakeholder-specific roundtables, regional focus groups, and over 150 individual interviews throughout the state. The findings from this process were presented to the JRWG across three data presentations from May to July 2024.



Through JRI, we will utilize criminological research and our own justice system data to develop comprehensive strategies and shift resources to more cost-effective public safety strategies.”

In August and September 2024, the JRWG convened twice in distinct subcommittees to fully understand the scope of the challenges facing New Mexico, as articulated in the qualitative and quantitative findings. The subcommittees also examined how other states and localities have addressed similar issues. Through policy discussions within the subcommittees and general consensus from the JRWG, the group identified 19 recommendations that provide a roadmap for comprehensive and sustainable system reform that aligns with the goals set by state leaders.

## National/State Context

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New Mexico's criminal justice system has largely followed national trends, showing declines in key metrics over the past decade. From 2013 to 2022<sup>1</sup>, the prison population decreased by 22 percent nationally while falling 28 percent in New Mexico.<sup>2</sup> This downward trend continues across various measures, including the imprisonment rate, which fell 25 percent nationally and 28 percent in New Mexico;<sup>3</sup> jail populations which declined 9 percent nationally and 40.5 percent in New Mexico;<sup>4,5</sup> and the community supervision population which decreased 22 percent nationally and 40 percent in New Mexico.<sup>6</sup>

When examining crime rates, New Mexico saw less substantial declines compared to the national figures. Between 2013 and 2022, the national overall crime rate declined 25 percent while New Mexico's dropped 15 percent. This overall decrease is largely attributed to decreases in property crime, which fell 28.5 percent nationally and 21 percent in New Mexico.<sup>7</sup> While these overall trends may appear to signal a similar decrease in violent crime, the national violent crime rate increased 3 percent between 2013 and 2022 and New Mexico experienced an increase of 25 percent during the same time frame. This data demonstrates how New Mexico underwent a more drastic rise in violent crime than other states, resulting in the highest violent crime rate in the nation in 2022, at 69 percent above the national average.<sup>8</sup> While some stakeholders reported decreases in both violent and property crime in certain areas of the state in 2023 and 2024, others reported recent decreases in property crime and increases in violent crime. FBI data for 2023 shows a decline in crime both nationally and in New Mexico; however, these downward trends have not impacted New Mexico's ranking as the state with the highest violent crime rate in the nation, nor have they impacted the disparity, which remains 69 percent above the national average.<sup>9</sup>

The country has experienced a drastic increase in the number of individuals with SUD and mental illness—growing by 162 percent and 29 percent<sup>10</sup>, respectively, between 2014 and 2022. These trends have had a significant effect on New Mexico, as it ranks third in the country for the highest percentage of individuals with an SUD<sup>11</sup> and eighth in drug overdose death rates, with an overdose mortality rate of 50.3 per 100,000.<sup>12</sup> Additionally, the percentage of New Mexico's state population with any mental illness (AMI) or serious mental illness (SMI) exceeds the national percentage by 11 and 7 percent, respectively.<sup>13</sup> Compounding these challenges is the limited availability of treatment across the state. In 2022, only 6 percent of New Mexicans with an SUD received treatment, while just 19 percent of those with AMI accessed care.<sup>14</sup> The nexus between behavioral health and the criminal justice system further

exacerbates these concerns, as recent reports estimate that of New Mexico’s incarcerated population, 59 percent are dealing with a mental health disorder and 65 percent are dealing with SUD.<sup>15</sup> These unmet needs in the community have resulted in New Mexico’s criminal justice system functioning as the state’s de facto behavioral health treatment provider.

## Key Findings

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Over the last decade, the prevalence of unmet behavioral health needs in New Mexico has increased considerably, resulting in the criminal justice system functioning as the primary treatment provider in the state. To better allocate resources and address the state’s high violent crime rate, the JRWG reviewed prison admissions and release data from the New Mexico Corrections Department (NMCD), as well as statewide data from adult district criminal courts, adult probation and parole supervision data, publicly available data on crime and arrests, and sample population data from eight county detention facilities. In addition to reviewing the quantitative data, the JRWG considered key themes identified through numerous qualitative interviews and focus groups with stakeholders from across New Mexico’s criminal justice system. Based on this comprehensive review, the JRWG determined the following:

- Current public safety responses do not produce positive public health outcomes
- New Mexico’s criminal justice system is predominantly focused on the least serious felony offenses
- Possession charges are the most common fourth degree offense throughout the criminal justice process
- Behavioral health challenges largely drive recidivism and drain public safety resources

### Public Safety Responses are Not Designed to Solve Public Health Challenges

As noted above, New Mexico is a national leader in high rates of unmet behavioral health needs. The percentage of the population with an SUD in New Mexico is 29 percent higher than the national average, and for AMI it is 11 percent higher.<sup>16</sup> Despite this high prevalence, access to treatment remains limited, leading New Mexico to primarily respond to these needs with criminal justice resources. This reliance on the criminal justice system is apparent at all decision points throughout the system.

### Substance Use Drives Low-Level Crime and Drains Public Safety Resources.

The population with behavioral health needs is consuming the state’s public safety resources and recent data shows that rates of certain serious crimes continue to be well above the national average. Stakeholders noted that these persistently high crime rates are due to a variety of factors and while law enforcement respond to every call regardless of crime type, low-level criminal conduct driven by substance use contributes to the highest call volume and use of resources throughout the state. Interviews with law enforcement indicated a cycle of interacting with the same individuals engaged in the same misconduct repeatedly with little change in their behavior. Law enforcement stated all options are exhausted before resorting to arrest and detention when dealing with these high utilizers who are largely dealing with substance use issues, but often there are few options available to divert these



individuals into treatment. They further reported that while brief periods of incarceration may interrupt the incidents, without appropriate supervision and wraparound care, there is little prevention in place and subsequent criminal behavior seems unaffected by the threat of incarceration. Recent studies have shown that early intervention and deflection for individuals whose substance use has led to criminal behavior requires thorough evaluation and community partnership to produce successful outcomes in reducing crime and improving the lives of the individuals.<sup>17</sup>

Many law enforcement jurisdictions have struggled with hiring and retaining staff and do not have the resources necessary to address the multiple public safety and public health challenges in their communities. Additionally, the types and complexities of mental health and substance use needs require specific training and experience. Yet, the absence of sufficient behavioral health alternatives as well as limited collaborations between providers and law

**Law enforcement is the first, and often sole, responder to behavioral health crises in the community.**

enforcement have forced communities to use public safety resources, largely in the form of law enforcement, to be the first, and often sole responder to behavioral health crises. This not only strains law enforcement resources but it channels individuals who need treatment into the criminal justice process. Research has shown that police-led deflection, specifically for individuals dealing with substance use, offers a viable alternative to the criminalization of drug use, as it can reduce the harm and consequences associated with traditional legal involvement and has contributed to public safety improvements in many jurisdictions.<sup>18</sup>

### **Majority of Arrests Involve a Behavioral Health Need.**

Qualitative interviews with law enforcement agencies from around the state indicate that most individuals they arrest have some level of behavioral health need. Although data identifying the percentage of arrests involving individuals with behavioral health needs is unavailable, arrest data generally supports this observation, as most arrests across the state are for offenses categorized as “other offenses”.<sup>19</sup> These include offenses such as possession of drug paraphernalia, trespassing, and many public order offenses. This was a top arrest category in Farmington, Roswell, Taos, Las Cruces and Albuquerque in the past five years. This aligns with national research demonstrating that police spend more time responding to low-level calls for service than any other type of emergency calls, with between one-quarter and two-thirds of these calls typically involving some type of mental health, medical, or other noncriminal activity that could otherwise be diverted to mental health crisis experts or other first responders.<sup>20</sup> Interviews with law enforcement indicated that this is particularly acute in New Mexico because of the lack of alternative options for law enforcement when responding to individuals in crisis. This is evidenced by the current limited inventory of options across the state including crisis stabilization centers, Law Enforcement Assisted Diversion (LEAD) Programs, Crisis Intervention Teams (CIT), and mobile crisis teams working collaboratively with or embedded within law enforcement departments.

This dearth of crisis response services that law enforcement can use as an option when encountering individuals experiencing a behavioral health crisis is significant and forces the state to rely solely on misaligned public safety resources. These challenges are exacerbated in rural areas of the state by limited transportation, housing, and extended supportive services. In areas like Taos, transporting an individual to the Behavioral Health Institute in Las Vegas takes an officer off the street for an entire eight-hour shift. These scenarios are common across rural areas in New Mexico and worsen as the prevalence of crime increases. Based on these findings, New Mexico’s approach to using public safety responses for behavioral health needs is not effective for the state or for individuals.

### **Limited Diversion Leaves Incarceration as the Only Option.**

Data from New Mexico’s state and county detention facilities show a high prevalence of individuals with a behavioral health need ending up in custody. Again, while data measuring the specific number of people incarcerated in the state’s criminal justice system with a behavioral health need is limited, a recent legislative report from July 2024 estimates that of the incarcerated population, approximately 60 to 65 percent are dealing with either mental health issues or an SUD.<sup>21</sup>

**65%**

*Of Individuals Incarcerated  
Are Dealing With*

**Substance Use Disorder**

The JRWG examined available facility-level data and found that nearly half the population incarcerated at the Bernalillo County Metropolitan Detention Center (MDC), the state’s largest jail, were assessed as having high behavioral health needs.<sup>22</sup> These individuals were assessed utilizing validated risk and needs assessment tools. Additionally, looking at mental health identifiers in the 2023 NMCD prison population, the JRWG found that 45 percent<sup>23</sup> of individuals were assessed as requiring some form of treatment for mental health while in state custody.

This high prevalence of behavioral health needs among the incarcerated population is largely due to unmet behavioral health needs prior to justice system involvement and a lack of options to divert these individuals from the justice system. Interviews with stakeholders note existing barriers to these options that include the narrow eligibility criteria of the few pre-prosecution diversion programs in the state, the absence of jail-led diversion programs, and the underutilization (statewide average of 52 percent in 2023)<sup>24</sup> of New Mexico’s Treatment Courts due to both their eligibility criteria and onerous conditions. Research has demonstrated that custodial interventions, such as incarceration, are not successful for individuals with behavioral health needs, particularly SUDs, and earlier intervention is most effective in preventing further criminal activity.<sup>25,26</sup>

## Noteworthy Efforts to Shift from Public Safety to Public Health Responses.

It is important, however, to note the progress New Mexico has made in addressing these needs separate from the criminal justice system. This includes the state's use of the national 988 Suicide and Crisis Lifeline, which allows individuals to connect with a crisis counselor instead of a police officer when assistance is needed. The primary calling reasons are suicide and substance use. In New Mexico, the overall crisis call volume increased 73 percent from May 2022 to May 2024.<sup>27</sup> About 40 percent of all inbound crisis calls subsequently required a clinical intervention. Ninety-two percent of all crisis line clinical calls in 2023 were stabilized by a counselor and referred to a community provider and about six percent were transferred to 9-1-1 or police. Fifteen percent of clinical calls involving suicidal ideation or suicidality were transferred to 9-1-1 or police either with or without the caller's consent.<sup>28</sup> While the state's efforts to address the growing needs of the community are noted, stakeholders report the gap in physical response options and availability of wraparound care as challenges for nonmetro areas of the state.

**73%**

**Increase in Calls to 988  
Suicide Crisis Line**

*May 2022-May 2024*

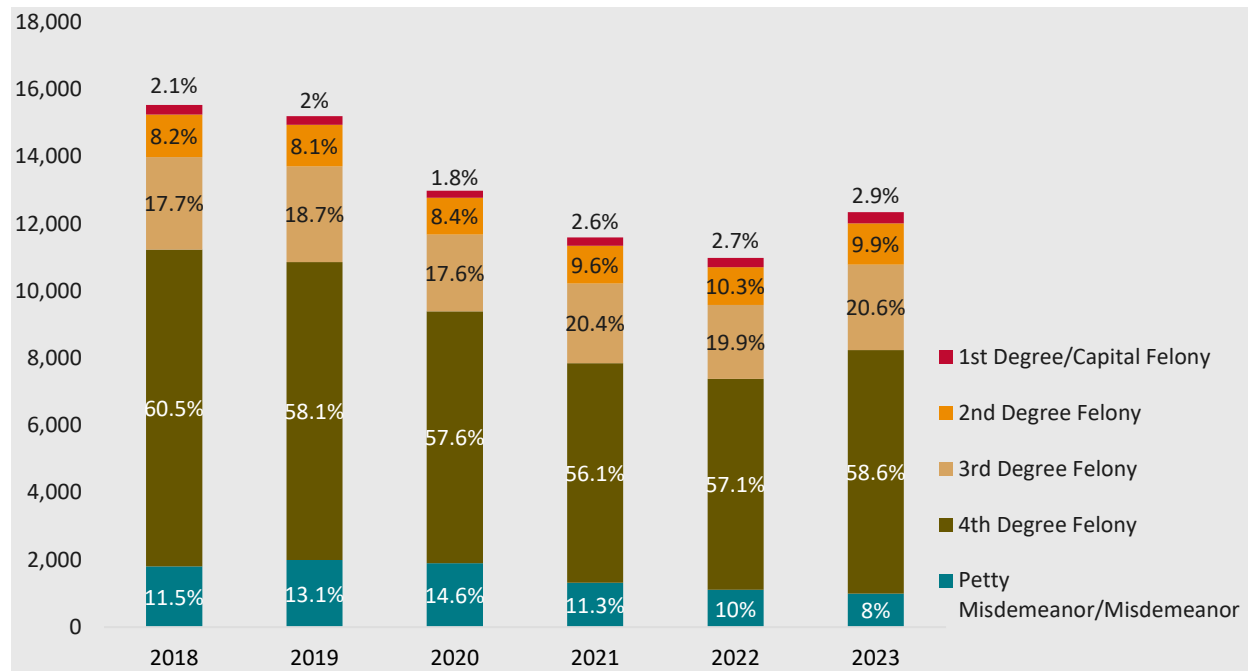
Albuquerque has a third branch of first response (in addition to police and fire/EMT) in the Albuquerque Community Safety (ACS) Department which offers mobile crisis teams, street outreach, and a violence intervention program (VIP). When a citizen calls 9-1-1 in Albuquerque for a crisis emergency, ACS can be dispatched instead of the police, reducing the number of law enforcement interactions. As a third option for first response, ACS receives emergency calls from 9-1-1 and handles the response directly. The 9-1-1 dispatcher determines if ACS is the appropriate response based on the nature of the situation. In 2023, ACS reportedly diverted three percent of calls from 9-1-1 that would have otherwise required a police response. In quarter one of 2024, that number increased to five percent.<sup>29,30</sup> ACS also has a 311-call line for nonemergencies and next-day follow-ups, offering another non-law enforcement response to their host of services. ACS also offers intensive case management and follow-up care for individuals involved in crisis, as well as aftercare with community members who experience violence. Through the VIP program, ACS peer support workers and APD officers actively identify and intervene with high-risk, violent individuals and neighborhoods. According to a July 2024 monthly report, these strategies have contributed to fewer incidents of violence in the community and approximately 94 percent of VIP participants have not engaged in further violent crime.<sup>31</sup> Candidates for the VIP program are identified using law enforcement crime data.

## Fourth-Degree Felonies are the Primary Driver of the Justice System

To understand more about who is entering New Mexico's criminal justice system, the JRWG examined data from the courts, prisons, and community supervision. In all data sets, the most common offense type was fourth-degree felony, New Mexico's lowest felony class. Looking first at what types of cases were filed, the fourth-degree felonies were most prevalent.<sup>32</sup> Between 2018 and 2023<sup>33</sup>, criminal case filings in district court declined by 21 percent, with the steepest decline occurring between 2019 and 2020 during the COVID-19 pandemic, and increasing again recently, up 12 percent between 2022 and

2023. Throughout the decline and rise of case filings since 2018, fourth degree felonies have consistently comprised the most common class for case filings, nearing 60 percent each year.

**Figure 1. Number of District Criminal Cases Filed by Most Serious Charge Degree and Percent of Case Filings by Degree, 2018-2023.**

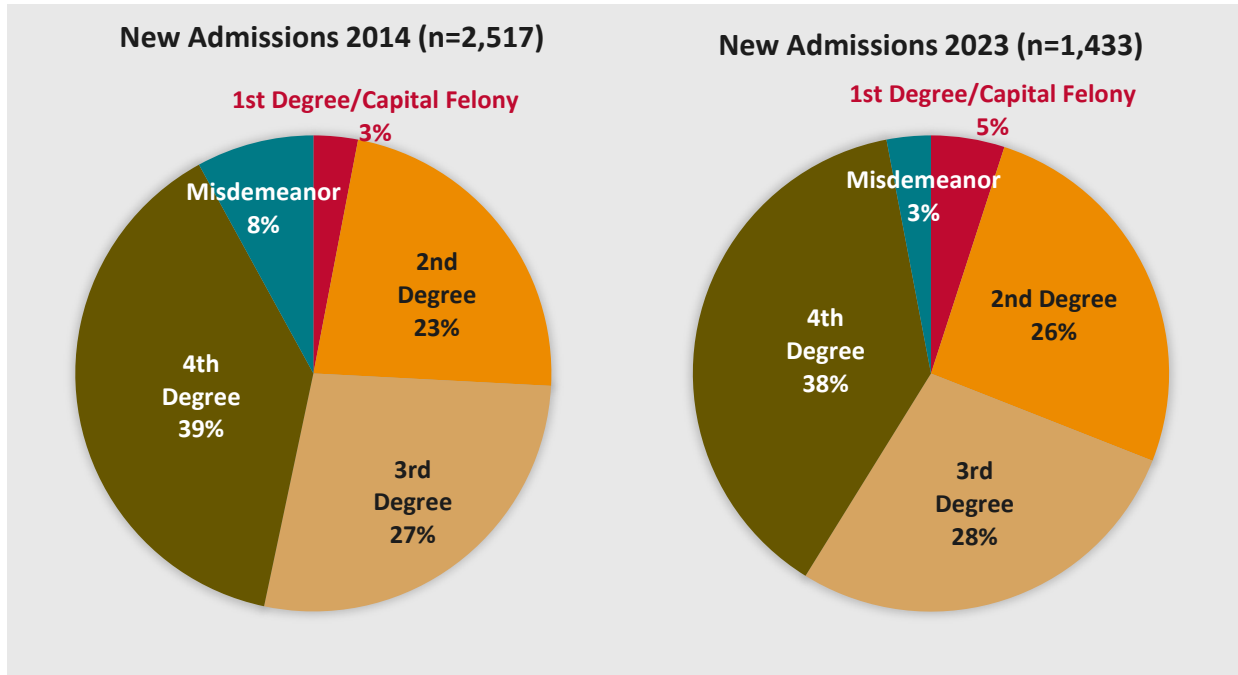


Source: Data from the AOC & provided by the New Mexico DataXChange, Analysis by CJI

This trend continued when looking at disposition data, indicating that not only are cases starting with a fourth-degree felony charge, but ending with a fourth-degree felony conviction. In 2023, 56 percent of dispositions were for fourth-degree felonies and 54 percent of sentenced cases had fourth-degree felonies as the most serious charge.

The prevalence of fourth degree felonies also extended to the admissions data from NMCD. Overall admissions have declined 42 percent between 2014 and 2023. However, despite this decline, admissions for a fourth-degree felony as an individual’s most serious offense was the largest percentage of admissions each year, making up between 29 and 41 percent of admissions each year in the data.

**Figure 2. Percentage of New Admissions by Most Serious Offense Class 2014 & 2023.**

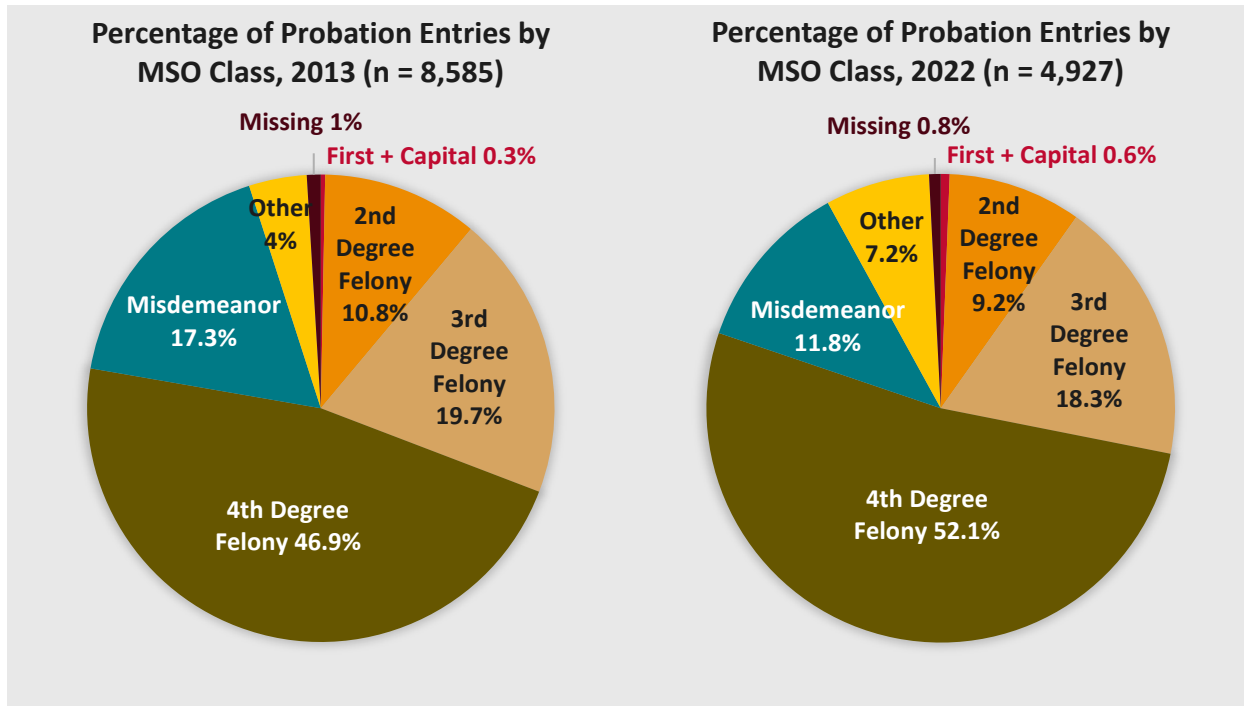


Source: Data from NMCD, Analysis by CJI

The consistency of fourth-degree felonies is also prevalent in the state’s community supervision population. The population under probation and parole supervision has seen similar declines as the prison population over the past decade, decreasing 43 percent in the number of people sentenced to probation since 2013. Even with that decline, approximately half of the individuals sentenced to probation had a fourth-degree felony as their most serious offense in both 2013 and 2022.



**Figure 3. Percentage of Probation Sentences by Most Serious Offense Class, 2013 & 2022.**

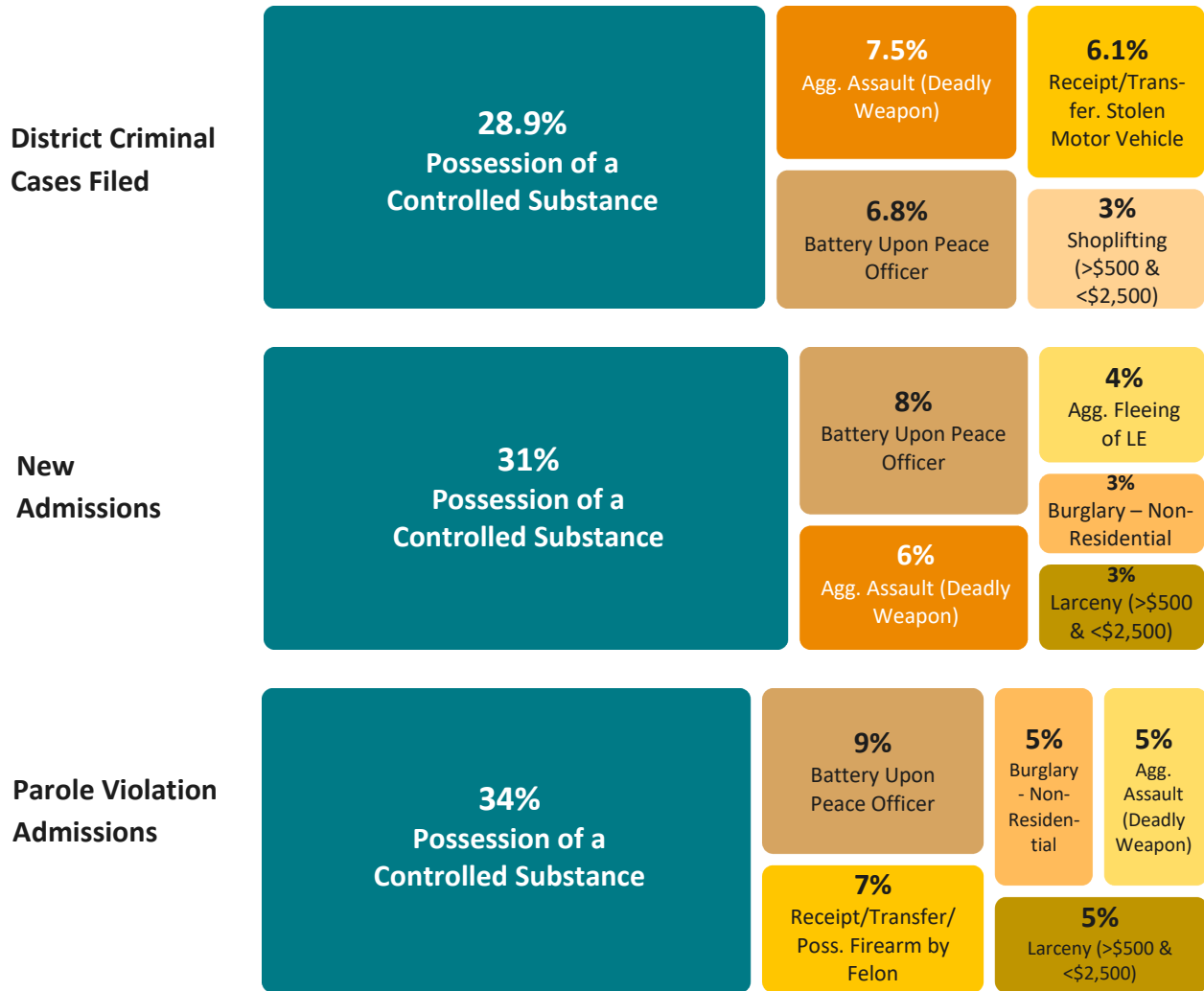


Source: Data from NMCD, Analysis by CJI

### Drug possession is the Most Common Fourth-Degree Felony Across All Criminal Justice Decision Points

In response to the high rates of fourth-degree felonies, the JRWG examined what the most common fourth-degree felonies were throughout the criminal justice system. The data showed that Possession of a Controlled Substance was the most common fourth-degree felony offense across all stages in the criminal justice system, making up approximately one-third of fourth-degree felonies from case filing to prison admissions to parole violation admissions. Court stakeholders interviewed throughout this process stated that the options to divert individuals into treatment courts and other programs are limited, as eligibility for most programs is restricted to first-time, nonviolent offenders, and the prevalence of first-time offenders showing up in their courtrooms is lower as time goes on. Stakeholders also reported a high prevalence of domestic violence offenses co-occurring with issues of substance use. Many times, the domestic violence charge is dropped, and the only charge left to prosecute is the possession charge. This lack of accountability for this category of offenders, coupled with the lack of diversion and treatment for domestic violence and family court has created a system where simple possession is driving New Mexico’s prison population.

**Figure 4. Top 5 Fourth Degree Felonies Across Criminal Justice Decision Points.**



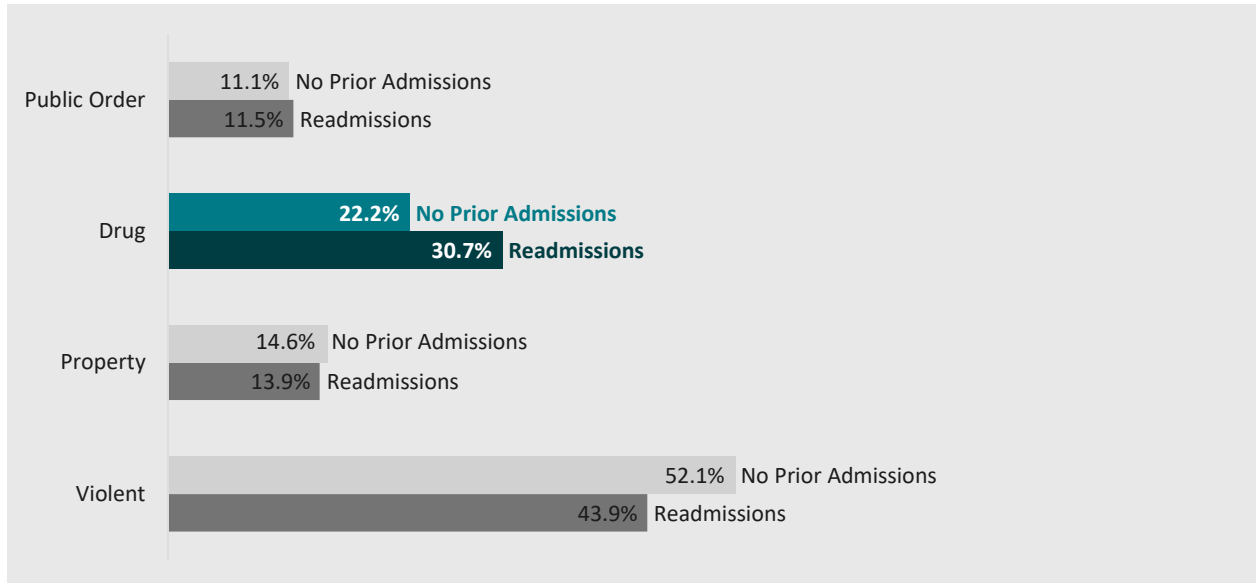
Source: Data from the AOC provided by the New Mexico DataXChange and NMCD, Analysis by CJI

## Behavioral Health Challenges Drive Recidivism Across the State

### Readmissions to Prison are More Likely for Drug Offenses.

The misdirection of public safety responses to public health challenges noted in this report is both contributing to initial contact with the justice system but also a driver of recidivism in the state among individuals who already had system contact. Among individuals admitted into prison in 2023 as a new admission, one-third had a prior admission between 2014 and 2022. Thirty-one percent of these readmissions were admitted on a drug offense in 2023. This is nearly 40 percent greater than the percentage of individuals admitted on a drug offense for the first time in 2023.

**Figure 5. Crime Categories for 2023 New Admissions, No Prior Admissions v. Readmissions (%).**

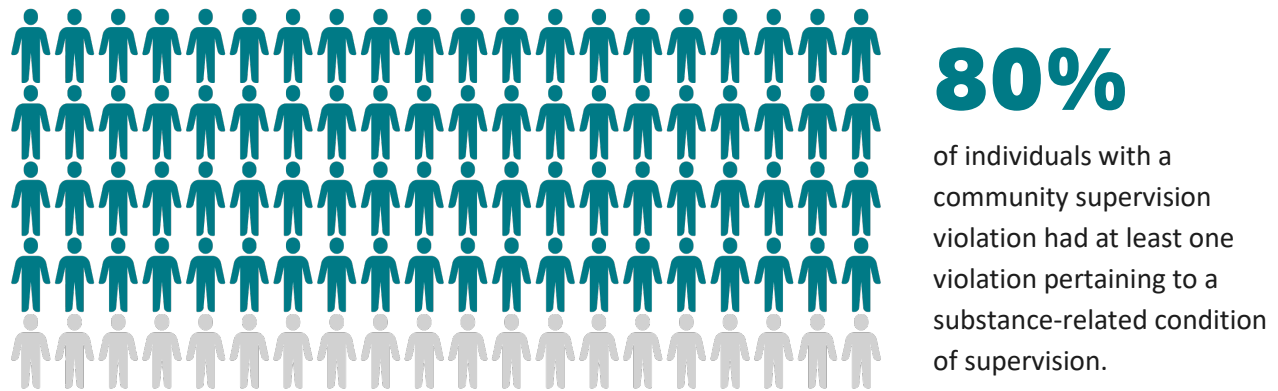


Source: Data from NMCD, Analysis by CJI

### **Substance Use Drives Supervision Violations.**

The same is true for individuals on community supervision. Data showed that from 2014 to 2022, approximately 80 percent of individuals with a community supervision violation had at least one violation pertaining to a substance-related condition of supervision. These include violations of conditions labeled as alcohol, controlled substances, entering bars, and failed urinalyses. Interviews with stakeholders across the state substantiated these data findings. Those on supervision noted barriers to accessing treatment such as transportation, limited providers in rural areas, and an ability to balance steady employment and meet treatment requirements. They cited maintaining recovery as the most significant challenge when reentering the community. Recovery providers stated the driving motivation for sustaining recovery and adhering to supervision conditions was peer support and being able to access resources. The absence of these motivating factors is what most often leads to supervision failures for their clients. In New Mexico, everyone on supervision receives a set of standard supervision conditions that are not tailored to the specific needs of the individual on supervision. General conditions such as abstinence from alcohol and drugs, and frequent in-person reporting requirements may have no connection to the person’s specific needs and result in a distraction from the factors influencing criminal behavior.

**Figure 6. For Individuals with a Violation, Percentage with a Substance-Related Violation, 2014-2022.**

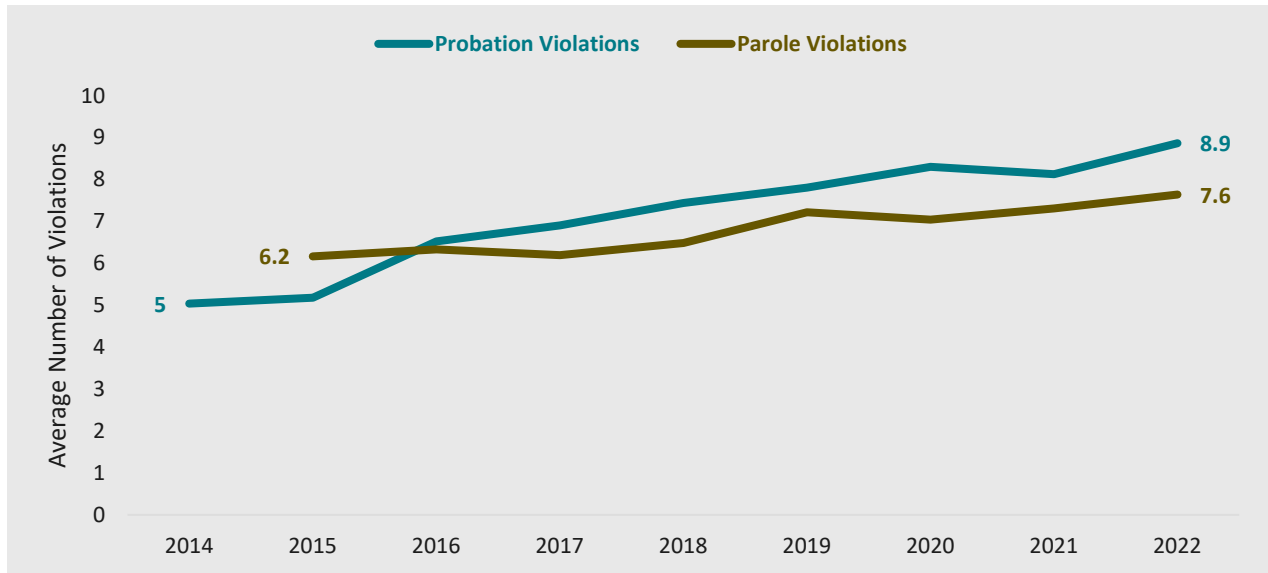


Source: Data from NMCD, Analysis by CJI

**The Number of Violations Per Person Who is Violating Increased.**

Between 2014 and 2022, the number of individuals completing parole and probation with a violation prior to the end of their supervision decreased. For individuals on probation, this decreased 58 percent and for those on parole this dropped by 35 percent. While this demonstrates greater success overall for individuals on community supervision, the data shows the average number of violations for individuals on probation and parole increased during this time. For those with probation violations, the number of violations increased 78 percent from five to about nine violations between 2014 and 2022. For those with parole violations, this increased 23 percent from 6.2 violations to almost eight in 2022. In 2022, approximately half of those on community supervision with a violation, violated in the first four months with 20 percent occurring in the first 30 days. Studies have shown that low-risk individuals who are placed on low-risk supervision are more successful and are less likely to recidivate. These same studies also show that imposing more onerous supervision conditions on those scoring as low-risk can create risk factors that did not otherwise exist because of disruptions to protective factors like self-control and social confidence.<sup>34</sup>

**Figure 7. Average Number of Probation and Parole Violations Among Individuals with Violations 2014-2023.**

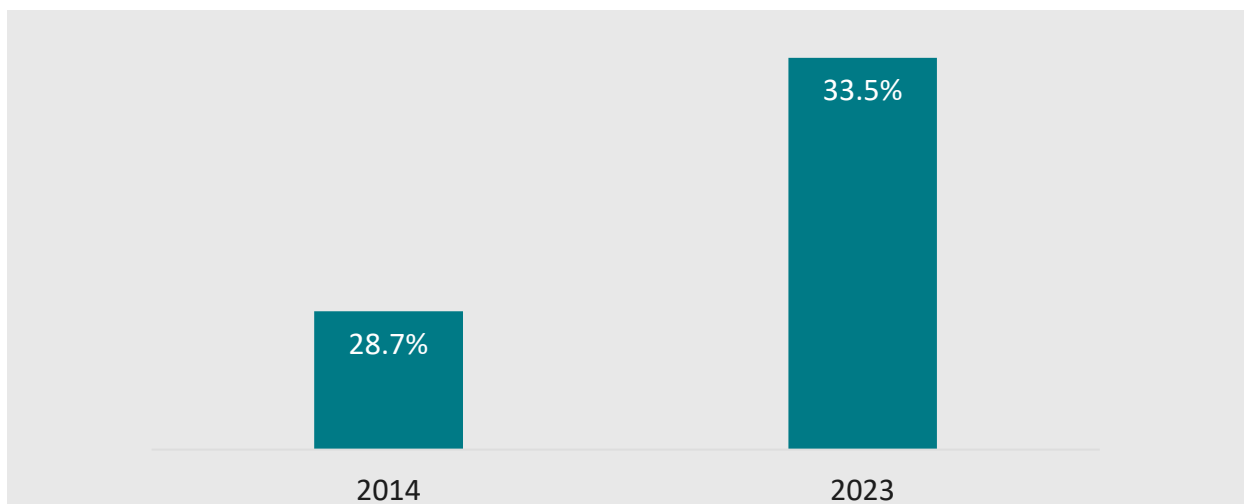


Source: Data from NMCD, Analysis by CJI

**The Proportion of People Returning to Prison on Parole is Increasing.**

As noted above, overall admissions to NMCD decreased 42 percent between 2013 and 2022. This includes the number of admissions for parole violations, dropping 32 percent during this period. Despite these declines, the proportion of admissions for parole violations has increased over the past decade, up 17 percent. Interviews with stakeholders noted several challenges in the reentry process, including access to housing across the state, long delays in getting into treatment programs, and a lack of understanding about the treatment resources available in their communities for treatment.

**Figure 8. Parole Violation Admissions (% of Total Admissions) 2014 and 2023.**



Source: Data from NMCD, Analysis by CJI



# Recommendations

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After reviewing the key data findings, the JRWG members divided into two distinct subgroups to ensure the discussions regarding policy recommendations accurately address the acute needs of New Mexico’s most prevalent challenges in the criminal justice system. The subgroups met twice each in late summer of 2024, once in August and once in September, to review the relevant data findings, the research on best practices, and examples of policies and practices other states have implemented to address similar challenges.

Together, the two subgroups and JRWG collectively identified 19 recommendations to address these key policy areas:

- **Strengthen and Prioritize Public Safety and Public Health Responses**
- **Focus Prison Resources on Serious, Violent Offenders**
- **Prioritize Resources for High-Cost, High-Need Individuals**
- **Reinvest Savings and Ensure Sustainability of Interventions**

The following recommendations represent policy options that comprehensively address New Mexico’s most prevalent criminal justice and behavioral health challenges and strengthen public safety throughout the entire state.

## **Strengthen and Prioritize Public Safety and Public Health Responses**

### **Recommendation 1: Establish a statewide system for crisis response**

In New Mexico the primary response to public health challenges in the community has been through the 9-1-1 system, and by extension law enforcement as first responders. However, many state and national policy makers are investing in alternative strategies to ensure that the first response to crises in the community are the professionals best equipped to handle these emergencies.

As a result of the lack of behavioral health services and crisis response collaborations, New Mexico’s reliance on law enforcement as the primary and often sole crisis responder diverts law enforcement resources from more serious threats to public safety. While New Mexico’s 988 Crisis Line is active and receiving a high volume of calls daily, up 73 percent since July 2022,<sup>35</sup> wraparound services needed to support a continuum of care in the community are lacking in most areas of the state. Research shows that collaborating with other system partners to deflect people away from justice involvement and toward public health services—specifically for individuals with SUD—can reduce the strain on law enforcement and minimize the harm and stigma associated with being in a behavioral health crisis.<sup>36</sup>

The JRWG concluded that mobile crisis response units and virtual crisis options, expanded to serve communities across the entire state, will be important in ensuring sustainable, positive outcomes from

the 988 system and assist in redirecting law enforcement resources where they are most needed—toward addressing crime and public safety.

**The JRWG recommends:**

- Establishing a statewide system for crisis response that is available 24/7 and can reach rural areas of the state virtually or by a mobile dispatch team
  - Explore opportunities to expand interoperability between 9-1-1 and 988 systems
  - Utilize newly funded Certified Community Behavioral Health Clinics to address the needs of the justice-involved population, particularly those related to detox and wraparound care

**Recommendation 2: Expand collaboration between law enforcement and behavioral health providers**

With the nexus mentioned above in mind, the JRWG discussed the need for enhanced collaboration between these system partners to ensure calls are appropriately diverted to the experts who are best equipped to handle them. Studies show that the best response system to address acute distress in the community involves limited police intervention.<sup>37</sup> The JRWG also recognizes that the best response to criminal activity is law enforcement, and protocols for who should respond and when are needed to support a comprehensive approach to public safety.

South Dakota’s Virtual Crisis Care model,<sup>38</sup> where appropriate and timely interventions lead to decreased involvement with the justice system and fewer probation violations, is successful due to the enhanced collaboration between justice system partners and behavioral health partners. The program is designed for states with vast rural areas where services are unavailable, and police and supervision officers can connect individuals in crisis to a behavioral health counselor 24/7 via a cellular-enabled tablet. This type of co-responder model involves follow-up care in the community and prolonged collaboration between system partners to facilitate positive outcomes.

**The JRWG recommends:**

- Expanding collaboration between law enforcement and behavioral health providers to ensure calls involving conduct driven by unmet behavioral health needs are diverted to appropriate treatment, and establishing standards for appropriate law enforcement engagement when a public safety risk is evident

**Recommendation 3: Establish a statewide intensive case management model**

The JRWG considered many examples and policy options when discussing intensive case management and the need to adopt a statewide model. Programs like Law Enforcement Assisted Diversion (LEAD) are operating in some areas of New Mexico, but the utility and outcomes of these programs are not widely known, and recent data are unavailable for analysis. The JRWG explored examples of intensive case management models from across the country and identified several models that could be applied statewide in New Mexico to assist with giving law enforcement the option of a “warm hand-off” to a case manager when encountering an individual who needs behavioral health services, but also committed a low-level crime. Much like a LEAD program, programs like Albuquerque Community Safety

(ACS) successfully provide case management and follow-up care within the Bernalillo County Metro area and are currently diverting about 3,000 9-1-1 calls per month.<sup>39</sup>

**The JRWG recommends:**

- Establishing an intensive case management model for law enforcement to deflect individuals from justice involvement and case managers to provide wraparound services and a continuum of care
- Providing guidance on limitations to prevent overuse

**Recommendation 4: Expand access and eligibility to pre-prosecution diversion programs**

New Mexico law, NMSA 31-16A, currently requires prosecution agencies to establish pre-prosecution diversion programs (PPD) if funds in their district allow. The statute further outlines the required eligibility criteria for individuals to participate, including no prior violent felony offenses and “any additional criteria set by the district attorney.”<sup>40</sup> In practice, interviews noted that this additional criterion is often a requirement that individuals sign a waiver of constitutional rights, a condition that prohibits defense counsel from advocating for participation in these programs.

The JRWG discussed the eligibility criteria and the waiver of rights as limiting factors for participation. Several states such as Nevada<sup>41</sup> and Oklahoma<sup>42</sup> have established PPD programs that permit eligibility on a case-by-case basis to expand the pool of appropriate participants.

**The JRWG recommends:**

- Expanding access and eligibility to PPD programs based on the needs of the individual

**Recommendation 5: Utilize crime mapping to inform and deploy violence intervention strategies**

As crime rates and recidivism remain a consistent challenge in New Mexico, the JRWG discussed strategies to interrupt and deter violence by identifying and targeting individuals, groups, and locations where violence is concentrated. In states where these strategies are proactively deployed, funding is allocated for problem analysis and crime mapping in jurisdictions where there are high incidents of violence. The JRWG recognizes that while the Albuquerque Police Department operates a Violence Intervention Program through ACS and has seen positive outcomes – 94 percent of participants have not engaged in further violent crime in the past two years<sup>43</sup> – other areas of the state are also experiencing frequent incidents of violence that require immediate solutions.

**The JRWG recommends:**

- Creating statewide capacity to utilize crime mapping to inform problem analysis sampling and deploying targeted violence intervention strategies in rural areas

**Recommendation 6: Require statewide crime data reporting and establish a public crime data dashboard**

Over the past 10 years, crime rates across the nation have largely declined, and more recently, these declines have been steady and significant, especially for violent crime. However, New Mexico’s violent

crime rate was 69 percent higher than the national average in both 2022 and 2023. Yet, while the total volume of arrests in New Mexico increased from 2020 to 2023, the arrest rates for violent crime have declined in most areas of the state. Several stakeholders in leadership roles across the state mentioned the potential of piloting a comprehensive public safety data platform within their agencies to address these issues and enhance their reporting measures. The JRWG cited a need for enhanced law enforcement data collection to better understand the nuances to these trends, specifically in areas where behavioral health resources are scarce, and law enforcement are the primary responders to crises. An area further discussed was the ability to share data across jurisdictions to identify cross-agency threats to public safety.

**The JRWG recommends:**

- Requiring statewide crime data reporting and establishing a public crime data dashboard
  - Ensure data collection includes protections on locations and personally identifiable information to safeguard the privacy of victims and survivors of crime
  - Address current barriers to reporting under current reporting statute, NMSA 29-3-11, and provide state assistance to nonreporting agencies

## **Focus Prison Resources on Serious and Violent Offenders**

### **Recommendation 7: Address wide range of conduct included in lowest felony class**

Noted throughout this report, fourth-degree felonies have been the primary driver of arrests, court case filings, prison admissions, and revocations to prison for a decade. While most states reserve their lowest felony class for nonperson, nonviolent crimes, New Mexico has over 150 offenses in their lowest class and the severity ranges from serious person offenses like Involuntary Manslaughter and Aggravated Battery to nonviolent offenses like Drug Possession and Larceny. The JRWG discussed the fourth-degree felony class as being a “catch-all” for new offenses when they are enacted. The result is similar penalties for serious criminal conduct that require incarceration as well as low-level conduct that could be diverted to treatment.

Upon reviewing the key findings and relevant state examples, the JRWG agreed that reclassifying certain offenses within the fourth-degree felony class to adjust the range of penalties would allow more serious, violent offenses to be appropriately escalated to a higher class, while less serious offenses are reclassified to enable greater use of alternatives to incarceration and minimize the long-term consequences of a felony record.

**The JRWG recommends:**

- Addressing the wide range of conduct included in lowest felony class by separating serious and violent conduct from nonviolent, nonperson conduct

### **Recommendation 8: Expand diversion options for individuals with behavioral health needs**

State law authorizes the use of a conditional discharge disposition to incentivize supervision and treatment as an alternative to incarceration. This kind of disposition enables the court to direct

individuals with behavioral health needs to treatment, and compliance with conditions is based on the threat of incarceration if requirements are not met. However, the law only allows this disposition for first-time, nonviolent offenses and it does not allow the case to be dismissed. In practice, court personnel reported these dispositions were underutilized, as many individuals with high behavioral health needs are far-removed from being first-time offenders. In 2023, only 11 percent of district criminal case dispositions resulted in a conditional discharge.

Upon reviewing this information, the JRWG determined that expanding the diversion options for individuals with behavioral health needs was needed, with consideration to the previous recommendations which would expand programming options for these individuals.

#### **The JRWG recommends:**

- Incentivizing individuals to participate and complete treatment programs by authorizing case dismissals and charge reductions upon successful completion of program requirements
- Expanding eligibility criteria to allow second and subsequent convictions
- Ensuring eligibility criteria protects against overuse

#### **Recommendation 9: Create more accountability for individuals charged with drug possession**

Possession of a Controlled Substance was the most common fourth degree felony offense across all criminal justice decision points. Drug possession comprises nearly 30 percent of case filings and more than one third of prison admissions due to a parole revocation. In 2023, individuals who had been readmitted to prison within the last 10 years were more likely to have been admitted on a drug offense than individuals who were being admitted for the first time.

#### **The JRWG recommends:**

- Holding individuals accountable by creating greater access to alternatives for low-level conduct driven by unmet addiction and mental illness needs and more severe penalties for serious misconduct driven by profit-making interests

### **Prioritize Resources for High-Cost, High-Need Individuals**

#### **Recommendation 10: Require conditions of probation be tailored to individual risk and needs**

In New Mexico, individuals are entering terms of probation through several means. Probation is an alternative to incarceration and the term of supervision may begin at sentencing, and it may also be a period of supervision following a term of incarceration in either a state or county detention facility.

Data shows that behavioral health needs drive supervision violations, yet conditions are not often based on individual needs and risks. Recidivism reduction research is clear about how to achieve positive supervision outcomes. The Risk-Need-Responsivity model is based off the principles of effective intervention and is a proven model to rehabilitate system-involved individuals both pre-and post-release. The risk principle is based on matching the intensity of supervision to the individual's level of risk. The need principle assesses criminogenic needs to match the individual with the appropriate level



of treatment. The responsivity principle adapts the supervision plan to the person’s cognitive characteristics such as learning style and external factors such as transportation, housing, and childcare to improve the likelihood of success.

While NMCD does utilize a risk and needs-based assessment upon reentry, outcome data were unavailable for analysis and review by the JRWG. The JRWG did note that the standard conditions of probation are extensive and are not based on individual risk and needs. There is also no ability for the supervision officer—the party closest to the person’s behavior—to modify the conditions as the supervision term evolves. Stakeholders in the court system reported that many probation conditions are inconsistent with best practices and often conflict with objectives such as employment and stable housing. Transportation and other barriers exist across the state that make some conditions difficult to meet.

**The JRWG recommends:**

- Requiring conditions of probation be tailored to individual risk and needs
- Validating and utilizing a risk and needs assessment tool to determine appropriate levels of supervision for individuals entering terms of probation
  - Validate the assessment for the population entering probation from sentencing to supervision and for individuals reentering the community upon release from state and county detention facilities

**Recommendation 11: Establish standardized and timely responses for supervision violations**

The average number of probation and parole violations per person increased 78 percent and 23 percent, respectively. In 2022, approximately half of community supervision violations occurred within the first four months of supervision. The percentage of parole revocations for prison re-admissions where the revocation was due to a new charge increased 24 percent from 2018 to 2024. Given the connection between repeated violations while on supervision with recidivism and relapse, the JRWG recognizes the need for a systemic approach that ensures appropriate responses hold people accountable and interrupts challenging behavior.

**The JRWG recommends:**

- Establishing standardized and timely responses to hold individuals accountable for supervision violations and incentivizing good behavior and program completion

**Recommendation 12: Request the Sentencing Commission work with its members to develop reentry standards for county and state facilities**

In New Mexico, reentry standards vary across facilities. NMCD policy establishes that each state institution will form its own Reentry Committee, and stakeholders shared that NMCD reentry planning is further dependent on whether an individual is releasing to supervision. County detention facility reentry practices depend on local priorities and available resources. Local partners reported that reentry planning positions are not staffed in all facilities and that assessment practices are not uniform. Members of the JRWG had limited knowledge of reentry processes and services outside of their

agencies or jurisdictions, and service providers expressed challenges navigating the requirements of different facilities and types of community supervision.

The JRWG agreed on the importance of greater cross-agency collaboration and communication to establish reentry standards and reduce operational challenges to support successful reentry.

**The JRWG recommends:**

- Establishing a Reentry Committee under the New Mexico Sentencing Commission, to include state, county, nonprofit, and behavioral health entities. The Reentry Committee will focus on coordinating reentry efforts across the state and should meet regularly to foster collaboration and communication across stakeholder groups
- Tasking the Reentry Committee with establishing minimum standards for reentry, including pre-release assessment, behavioral and physical health continuum of care, employment, housing, and basic needs

**Recommendation 13: Expand the Reach, Intervene, Support, and Engage Program to support successful reentry for individuals releasing from jails**

Counties across the state struggle to meet the complex needs of their jail populations. Although statewide data on the needs of the jail population is not available, as jail intake forms are not standardized across the state, MDC collects risk and need data at intake. According to the May 2024 monthly report, 41 percent of the jail population at MDC was screened for the Psychiatric Services Unit<sup>44</sup>, and daily population data from June 2024 stated 50 percent of individuals were unhoused, and 73 percent were unemployed. Many jails, particularly in rural areas, do not have the financial, human, or community resources to meet these needs. Stakeholders shared that the high costs of treating the behavioral health needs of those in jail impacts the access and quality of the services provided.

The JRWG recognized that county detention facilities face a range of challenges to provide reentry services, including short and uncertain lengths of stay, limited county resources, understaffing, and incentivizing program participation pre-adjudication. The Reach, Intervene, Support, and Engage (RISE) program, administered by the Behavioral Health Services Division, provides a range of behavioral health and recovery support services to individuals in county detention and currently provides services in 12 counties, with planning underway for two more. RISE has been effective in both rural and urban areas, with implementation ranging from a partnership with the University of New Mexico in Bernalillo County to a transitional housing and behavioral health program in Sierra County. Additional funding would continue these critical services and expand programming to meet more needs and serve additional counties.

**The JRWG recommends:**

- Increasing funding to RISE to provide sustainability, offering services to all county detention centers, and increasing the scope of services available

**Recommendation 14: Require jails and prisons to provide access to medication assisted treatment, when clinically indicated, and expand the continuum of care as individuals return to the community**

Stakeholders consistently highlighted widespread substance use as one of the most pressing challenges facing New Mexico’s criminal justice system. This challenge is also clear in the data, as New Mexico is ranked third in the nation for highest percentage of persons with an SUD, with a rate of SUD 29 percent higher than the national average. Individuals with substance abuse are overrepresented in the criminal justice system, with more than half of individuals in prisons and jails meeting drug dependency or abuse criteria. Effective substance abuse treatment interventions in the carceral setting are a key component of disrupting patterns of substance abuse and criminal justice involvement.

As previously mentioned, New Mexico ranked eighth in the nation in drug overdose death rates in 2022. Several JRWG members emphasized the importance of medication assisted treatment (MAT) to treat opioid use disorder in jail and prison settings. MAT is a clinical therapy that involves the use of FDA-approved medication in combination with behavioral therapies, and has been shown to increase retention in treatment, decrease illicit opioid use and related criminal activity, improve patient survival, and increase the ability of patients to maintain employment.<sup>45</sup> Other states across the country have integrated MAT into their jail and prison settings as part of a comprehensive continuum of SUD treatment. JRWG members noted that in New Mexico, MAT is only available in certain jail facilities, and that MAT uptake in NMCD facilities is currently very low.

With the approval of the New Mexico Section 1115 demonstration waiver, which authorizes Medicaid coverage for incarcerated individuals up to 90 days prior to release, the state has a unique opportunity to leverage federal funding to expand jail- and prison-based MAT and to support individuals to maintain their MAT regimen at release.

#### **The JRWG recommends:**

- Establishing guidelines for behavioral health screening, to include SUD diagnosis and treatment recommendations
- Requiring all jails and prisons to provide access to MAT when clinically indicated, as a part of a continuum of SUD treatment. This includes continuation of existing prescriptions and induction onto prescribed medications. All three medications approved by the Food and Drug Administration to safely and effectively treat opioid use disorder—methadone, buprenorphine, and naltrexone—should be available for clinicians to prescribe.
- Establishing guidelines for the continuation of MAT medications at transfer between facilities and at release from incarceration
- Exploring options for a state funding mechanism to support jails and prisons to provide MAT medications that are not covered under the Section 1115 expansion

### **Reinvest Savings and Ensure Sustainability of Interventions**

The lack of infrastructural support, reliable funding streams, and intergovernmental collaboration needed to produce long-term, positive outcomes has been a consistent challenge among numerous past efforts and gap analyses. The JRWG recognizes the need to address this challenge and has recommended 5 responsive solutions to support the sustainability of the previous 14 recommendations.

### **Recommendation 15: Use a single electronic medical record system in all jails and prisons and develop an implementation plan**

The JRWG noted that communication between and among detention and corrections facilities is critical to ensuring continuity of care. In New Mexico, there is no shared electronic medical record (EMR) system across jails or between jails and prisons. Stakeholders reported that this lack of coordination complicates continuing medical and behavioral healthcare when incarcerated individuals are transferred between detention and correctional facilities. Additionally, there is no official guidance regarding the information to collect and how it should be shared. The JRWG determined that a unified EMR system would help to ensure continuity of care for incarcerated individuals and reduce the administrative burden on prison and jail medical staff.

A data sharing system for medical information would also help to facilitate the continuum of care at release. Currently, many facilities depend on detention and corrections staff to transfer medical records to community providers when an individual is released from custody. Not only does this process present an additional administrative burden, but transferring records may not always be possible, based on factors including understaffing, uncertain release times, and processes in place to ensure HIPAA and other privacy protections. In Bernalillo County, the MDC medical provider utilizes the same EMR system as federally qualified health centers and many hospitals and emergency rooms, which facilitates the sharing of health information from prior to incarceration through the period of incarceration and after release.

A unified EMR would also help the state to better understand the behavioral health needs of its incarcerated population and provide a mechanism to collect and aggregate data to drive decision-making. Stakeholders expressed a need for an overarching entity to analyze gaps in behavioral healthcare coverage and to determine which groups are not served, and a single EMR could help to bridge this gap for the incarcerated population.

#### **The JRWG recommends:**

- Establishing a commission—including representation from jails, prisons, behavioral and physical healthcare providers, state and local health care authorities, and the Administrative Office of the Courts (AOC)—to select a single EMR system for state and county detention facilities and develop an implementation plan
- Supporting the implementation of the commission’s plan

### **Recommendation 16: Develop a state certification for detention officers, under state authority and with state funding, and utilize existing New Mexico Corrections Department trainings when feasible and appropriate**

The JRWG identified that counties do not have the financial or human resources to train and certify their detention officers, and that in addition to jeopardizing jail operations this gap may be impacting hiring and retention. Stakeholders shared that operating detention centers is one of the most challenging and costly tasks facing New Mexico counties, while some jail partners noted that they do not have the resources to provide trainings themselves or to pay to send their detention officers to trainings provided

in other parts of the state. The JRWG recognizes the need for a process that will ensure detention officers are well-equipped to fulfill their job responsibilities, elevate the profession of detention officers, and relieve some of the burden that operating detention centers puts on counties. To leverage available state resources, the JRWG also recommends incorporating existing NMCD trainings offered through the New Mexico Corrections Training Academy into the detention officer training process whenever the subject matter is applicable to both state and county facilities.

**The JRWG recommends:**

- Developing a state certification process for detention officers working in county detention facilities, under state authority and with state funding
- Integrating NMCD trainings into the curriculum for detention officers, when feasible and appropriate based on factors including subject matter, NMCD capacity, and detention center proximity to an NMCD training facility

**Recommendation 17: Improve employee recruitment and enhance compensation among criminal justice and behavioral health partners by leveraging state funding to establish incentive programs**

Although law enforcement shortages are a critical gap, New Mexico also faces staffing challenges across its criminal justice system. Persistent staffing shortages in Public Defender and District Attorney offices have contributed to delayed case processing, as median time to disposition has increased 54 percent since 2019. Stakeholders across the system reported that healthcare provider shortages complicated providing jail- and prison-based care, planning for reentry, and connecting individuals to behavioral health resources in the community. Additionally, with limited behavioral health alternatives, law enforcement partners in some jurisdictions reported having no option but arrest when they encounter an individual in behavioral health crisis.

The JRWG recognized that staffing shortages are complex challenges that require multifaceted solutions. In the behavioral health field, clinician applicants make employment decisions based on factors including student loan debt, salary, opportunities for clinical supervision and mentorship, pathways to employment, and ease of licensure. JRWG members also noted that returning to pre-pandemic staffing levels may not be a feasible goal, and that agencies need to address the collateral challenges caused by lower levels of staffing. Through strategies including improved training, strategic use of technology, and an emphasis on retention, agencies can mitigate the impact of lower staffing levels.

**The JRWG recommends:**

- Investing in recruitment and retention initiatives to improve District Attorney and Public Defender office staffing levels
- Complementing ongoing law enforcement recruitment efforts by investing in staff retention, including incentives and training
- Developing pathways to clinical jobs serving justice-involved individuals, such as increasing financial incentives, creating mentorship and employment opportunities, removing barriers to licensure, and collaborating with academic institutions
- Creating a state subsidy for clinical supervision hours to help behavioral health providers offset the costs associated with supervising behavioral health professionals pursuing licensure



### **Recommendation 18: Increase funding for the Department of Public Safety’s Forensic Laboratory to reduce delays and increase efficiency**

From 2019 to 2023, the median time to the first disposition decision increased 54 percent, from 230 days to 354 days. According to stakeholders across judicial districts in the state, the case processing time is frequently delayed due to forensic lab delays. These delays are compounded by the staffing shortages within the Forensic Laboratory, which is under the Department of Public Safety. The shortages are specific to the scientists and lab technicians required to process and analyze evidence. According to a Bureau of Justice Statistics report, in 2020, state crime labs in the US had more than 1,500 job vacancies.<sup>46</sup>

The JRWG discussed the need for timely processing of evidence and funding to bolster the implementation of the sentencing policies mentioned above, as well as improve case processing delays still present from the Covid-19 backlog.

#### **The JRWG recommends:**

- Increasing funding for the Forensic Laboratory to reduce delays and increase efficiency

### **Recommendation 19: Develop behavioral health training standards for judges and court personnel under the Administrative Office of the Courts and require continuing education on substance use disorders, mental health conditions, and co-occurring disorders**

The JRWG acknowledged that judges and court personnel have regular interactions with individuals struggling with behavioral health symptoms. Criminal justice stakeholders expressed the prevalence of justice involvement driven by substance use and mental health. Beyond the pervasiveness of behavioral health disorders at every level of the criminal justice system, many court programs, such as drug and behavioral health courts, are specifically designed to serve individuals struggling with addiction and/or mental health. However, in New Mexico there are no uniform training standards for judicial personnel, including no required training on behavioral health. Members of the JRWG expressed the need for training specifically focused on SUDs, mental health conditions, and co-occurring disorders.

#### **The JRWG recommends:**

- Developing ongoing training curriculums for judges and court personnel on SUDs, mental health conditions, and co-occurring disorders
- Providing access to the training curriculum through continuing education opportunities through the AOC

# Conclusion

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While New Mexico has taken great strides to improve outcomes for its justice-involved population by enacting bold and transformative justice system policy changes in the last decade, the state continues to stand out as a national leader in violent crime and substance use prevalence. In response, JRWG members dedicated their time and effort to reviewing the comprehensive data and research findings, as well as best practices and policy examples from across the country, in order to recommend this package of responsive solutions to realign New Mexico's approach to public safety. The JRWG recognizes that public safety is not only measured by the presence or absence of crime, but also by a sense of security and well-being within communities. Their findings and recommendations reflect the necessary policies, support systems, and infrastructure required to enhance public safety in New Mexico. The collaboration throughout this effort underscores their commitment to this process and emphasizes the urgency and importance of addressing these critical issues.

New Mexico will improve outcomes across the criminal justice system by adopting and ensuring the implementation of these 19 data-driven policy and practice recommendations.

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<sup>1</sup> Years referenced for court and prison data were provided in fiscal years. The fiscal year period is from July 1-June 30. Publicly available data are referenced in calendar year from Jan 1-December 30.

<sup>2</sup> E. Ann Carson. "Prisoners in 2013, Statistical Tables." U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics (2013): Table 2. Accessed October 29, 2024.

<https://bjs.ojp.gov/content/pub/pdf/p13.pdf>; E. Ann Carson and Rich Kluckow. "Prisoners in 2022, Statistical Tables." U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, (2022): Table 2. Accessed October 29, 2024. <https://bjs.ojp.gov/document/p22st.pdf>.

<sup>3</sup> Ibid.

<sup>4</sup> Zeng Zhen and Todd D. Minton. "Census of Jails, 2005–2019 – Statistical Tables." U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, (2021): Table 4. Accessed October 29, 2024.

<https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/cj0519st.pdf>.

<sup>5</sup> "Corrections State Statistics Information – New Mexico 2022." National Institute of Corrections. Accessed October 28, 2024. <https://nicic.gov/resources/nic-library/state-statistics/2022/new-mexico-2022>

<sup>6</sup> "Probation and Parole in the United States, 2022." Bureau of Justice Statistics. Accessed October 29, 2024. <https://bjs.ojp.gov/document/ppus22.pdf>.

<sup>7</sup> "FBI Crime Data Explorer." Crime/Law Enforcement Stats (UCR Program). U.S. Department of Justice, Federal Bureau of Investigation, September 23, 2024. <https://cde.ucr.cjis.gov>.

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

<sup>10</sup> "2021-2022 National Survey on Drug Use and Health: Model-Based Estimated Totals (in Thousands) (50 States and the District of Columbia)," Substance Abuse and Mental Health Services Administration, October 10, 2023, <https://www.samhsa.gov/data/sites/default/files/reports/rpt44485/2022-nsduh-sae-totals-tables-csv/2022-nsduh-sae-totals-tables.pdf>.

<sup>11</sup> Ibid.

<sup>12</sup> "Drug Overdose Mortality by State," Centers for Disease Control and Prevention, March 1, 2022, [https://www.cdc.gov/nchs/pressroom/sosmap/drug\\_poisoning\\_mortality/drug\\_poisoning.htm](https://www.cdc.gov/nchs/pressroom/sosmap/drug_poisoning_mortality/drug_poisoning.htm)

<sup>13</sup> "2021-2022 National Survey on Drug Use and Health: Model-Based Estimated Totals (in Thousands) (50 States and the District of Columbia)," Substance Abuse and Mental Health Services Administration, October 10, 2023, <https://www.samhsa.gov/data/sites/default/files/reports/rpt44485/2022-nsduh-sae-totals-tables-csv/2022-nsduh-sae-totals-tables.pdf>.

<sup>14</sup> Ibid.

<sup>15</sup> "Update on Crime in New Mexico and Bernalillo County." New Mexico Legislative Finance Committee. July 15, 2024. <https://www.nmlegis.gov/handouts/CCJ%20081224%20Item%204%20BernCo%20Crime%20Update.pdf>.

<sup>16</sup> "2021-2022 National Survey on Drug Use and Health: Model-Based Estimated Totals (in Thousands) (50 States and the District of Columbia)," Substance Abuse and Mental Health Services Administration, October 10, 2023, <https://www.samhsa.gov/data/sites/default/files/reports/rpt44485/2022-nsduh-sae-totals-tables-csv/2022-nsduh-sae-totals-tables.pdf>.

<sup>17</sup> Alice Zhang et al., "Offering Recovery Rather than Punishment: Implementation of a Law Enforcement–Led Pre-Arrest Diversion-to-Treatment Program for Adults with Substance Use Disorders," *Journal of Substance Use and Addiction Treatment* 159 (April 2024): 209274, <https://doi.org/10.1016/j.josat.2023.209274>.

<sup>18</sup> Etienne Blais et al., "Diverting People Who Use Drugs from the Criminal Justice System: A Systematic Review of Police-Based Diversion Measures," *International Journal of Drug Policy* 105 (July 2022): 103697, <https://doi.org/10.1016/j.drugpo.2022.103697>.

<sup>19</sup> All Other Offenses (Except Traffic) as categorized by the UCR and NIBRS includes any offense not otherwise categorized in Part I or Part II offenses.; U.S. Department of Justice, Federal Bureau of Investigation. *Uniform Crime Reporting Handbook: UCR* [Washington, D.C.]: U.S. Dept. of Justice, Federal Bureau of Investigation, 2004.

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