



NEW MEXICO

**Sentencing
Commission**

**Annual Report of Outcomes for the
Crime Reduction Grant**

Covering Grants from FY2020, FY2021,
and FY2022



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The Crime Reduction Grant Act (CRGA) (Section 1-28-1 NMSA 1978m et seq.) established that crime reduction grants be made available to members of the state's thirteen Criminal Justice Coordinating Councils (CJCCs) (HB 267, 2019). To date, the grant has been funded annually. Each CJCC represents a single judicial district (JD). The New Mexico Sentencing Commission (NMSC) receives applications, selects grantees, and administers legal, fiscal, and evaluative grant functions. In its original formulation, which applies to the grant periods covered in this report, crime reduction grants were made to address four purpose areas: (1) develop, expand and improve evidence-based treatment and supervision alternatives to incarceration; (2) reduce barriers to participation by criminal offenders in pre-prosecution diversion or specialty court programs; (3) develop or improve pretrial service programs; and (4) purchase equipment or provide training to support any of the above purposes.¹ Some grant-funded projects serve an entire geographic JD, while others serve only a part—often, one county. Any CJCC member may be a grant recipient. Common recipients include district courts, counties, district attorney and public defender offices, and service providers. Grantees may and often do contract with non-CJCC member organizations to complete some or all tasks within their scopes of work.

This annual report is divided into three parts. In Part I, we describe spending patterns by grantees. Part II addresses qualitative perceptions of success and challenges, mostly self-reported information from grantees' quarterly and final reports. Part III analyzes the impact of grants on justice-involved beneficiaries, especially court compliance, incarceration for reference cases, and recidivism as measured by charges for new offenses. Outcomes for beneficiaries are tracked for three years.

For ease of comparison, we categorize grantees by target population. Most grants support programs aimed at individuals in a particular stage of contact with the criminal justice system, ranging from 'public safety' and 'at risk' programs designed to prevent criminal behavior to 're-entry' transition programs intended for individuals who have exited incarceration. Eight categories represent the targets of most programs funded by CRGA; please see the sidebar for definitions.²

Definitions: Eight Target Populations:

- **Public Safety:** Grants that support broad public or justice agency initiatives with no defined beneficiary. Example grants include data-sharing and public outreach initiatives. Public outreach initiatives correspond with SIMS Intercept 0.
- **At-Risk:** Grants that support prevention or diversion activities targeted to individuals that are not currently justice-involved (have no open cases and are not on probation or parole). Example grants include pre-file diversion programs and training staff in crisis intervention. (This population corresponds with SIMS Intercepts 0 or 1.)
- **Pretrial:** Defendants who have been released on bail, their own recognizance, or on pretrial supervision after a criminal court case has been filed against them, rather than being incarcerated while awaiting trial. Pretrial defendants must abide by conditions established by the court and must report to pretrial services. Example grants include bus passes and therapy programs for pretrial defendants. (This population corresponds with SIMS Intercept 2.)
- **Pre-Prosecution Diversion:** In exchange for a defendant's agreement to participate in a pre-prosecution diversion program, the prosecutor has requested the court suspend/temporarily dismiss prosecution. The prosecutor may elect to re-open the case if the defendant commits a new crime or otherwise does not comply with the terms of the pre-prosecution diversion program (Section 31-16A-7 NMSA 1978). Example grants include funding for portions of the pre-prosecutive diversion program, such as monitoring or therapy. (This population corresponds with SIMS Intercept 2.)
- **Treatment Courts:** Pre- and/or post-plea defendants participating in treatment (specialty) courts that are overseen by the New Mexico Department for Therapeutic Justice. New Mexico has drug courts, behavioral health courts, family violence courts, and other treatment courts, depending on the JD. Defendants are not considered to be on probation, nor are they participating in a diversion program. Participants' cases may be re-adjudicated if the defendant does not successfully complete treatment court requirements. CRGA grants may cover the entire cost of some small treatment courts, but more typically cover components of a treatment court, such as the purchase of incentives or training for professionals who work with participants. (This population corresponds with SIMS Intercepts 2 and 3.)
- **Competency:** These individuals were found to be incompetent for purposes of adjudication. Example grants include providing training for treatment guardians.
- **Incarcerated:** Examples include programs to purchase computers for currently incarcerated offenders to complete online treatment programs.
- **Re-Entry:** Examples include transition housing and supply pantries for people who have recently completed a jail or prison sentence.

Overview of FY2020, FY2021, and FY2022 Grants

This year's CRGA report, the first of an annual, covers grants that were distributed in FY2020, FY2021, and FY2022. In the grant cycles covered in this report, grantees serve only three target populations: public safety, treatment court participants, and pretrial defendants. In its first year, FY2020, language in the special appropriation to fund crime reduction grants specified that all grants center on data integration, a public safety population. There were seven grants made that year. Six individual CJCCs received grants for various data collection, planning, hardware, and integration projects; the seventh grant funded a multi-CJCC joint project to build the NM dataXchange, a new platform for sharing various types of criminal justice information.

In FY2021, four CJCCs received five grants. Two grants supported monitoring for pretrial defendants. Three grants went to treatment courts to fund monitoring (1), case management (1), and incentives (1).

In FY2022, four CJCCs received grants. One grant supported pretrial monitoring. Three grants supported treatment courts, for case management (1) and for therapy, recreation, and/or substance use treatment (2).

Part I: Spending

Table 1 shows how monies were appropriated and spent as well as the number of direct or justice-involved beneficiaries, if any, in each of the areas. Grantees estimate the amount of funding they can use, and although the estimates are carefully derived (and sometimes adjusted by the NMSC Grants Committee), spending less than the full appropriated amount does not necessarily imply any failure or problem.³

Grant Year	Target population	# Awards	Amount Awarded	Amount Spent	# Justice-Involved Beneficiaries
FY2020	Public Safety	7	\$377,175	\$340,317	n/a
FY2021	Pretrial	2	\$53,435	\$52,806	575
	Treatment Court	3	\$124,566	\$112,838	104
FY2022	Pretrial	1	\$35,000	\$35,000	815
	Treatment Court	3	\$143,000	\$141,033	282

In FY2020, one grantee was unable to spend any of its appropriation. The other individual CJCC grantees expended between 81% and 100% of their appropriations. The multi-CJCC grant expended 100% of its grant. Overall, grantees spent 90% of their appropriations.

In FY2021, all grant recipients except one were able to spend nearly 100% of their appropriations. The project to fund a case manager for multiple specialty courts in a JD spent 82% of its funds. Overall, FY2021 grantees spent 93% of their appropriations.

In FY2022, the four grants spent nearly all appropriations. One treatment court grantee used 95% of its funds to purchase items for recreation activities for treatment court participants and train staff. Unfortunately, a weather disaster prevented the grantee from implementing its recreation program in FY2022, meaning there are no justice-involved participants whose success we can assess for that program.⁴ The program is now able to serve participants, starting with a renewed crime reduction grant in FY2023.

Part II: Perceptions of Success and Challenges

FY2020 grantees described both successes and challenges. One grantee was able to join the statewide data integration project. Another established universal Return-On-Investment guidelines and Memorandums of Understanding in support of data sharing. Another secured technology to share information between the district court and the detention center. One launched an application for justice partners to access court information.

Grantees reported significant challenges around data integration projects, including the need to change vendors mid-grant, insufficient funds for products more sophisticated than anticipated, lack of governance regarding legal privacy concerns, and difficulties in cross-jurisdictional cooperation. In addition, the COVID-19 pandemic created the need for extending most grants, but some were still unable to complete their projects in the extended timeframe.

In FY2021, 99% of grantees' goals, as described in their scopes of work, were met.⁵ In final reports, grantees reported significant successes. One JD used crime reduction grant monies to kickstart a pretrial services office, reducing jail overcrowding. Two other districts similarly purchased monitoring equipment to provide an alternative to incarceration for specialty court participants, additionally supporting them with cell phones and other devices to enable participants to continue telehealth and counseling treatment.

One grantee managed to hire a case manager and program director to work within specialty courts; but they had significant trouble retaining the staff. (This grantee received a similar crime reduction grant the following year with better success.) Another grantee encountered difficulties purchasing prepaid phone calls due to both government and provider regulations and policies.

In FY2022, 99% of grantees' goals, as described in their scopes of work, were met. One grantee launched a new specialty court. Another successfully put together a hygiene closet for specialty court participants. A grantee who had purchased surveillance equipment to allow specialty court participants to participate in prosocial activities determined that participants attended regularly. One grantee purchased technology to monitor pretrial defendants as a condition of release. Few challenges were noted this fiscal year, other than the grantee who experienced the weather disaster that prevented implementing recreation programming for treatment court participants.

Part III: Impact for Beneficiaries

To compare findings, we divide grants by their target population since programs do not necessarily work toward the same goals across target populations (see Table 4).

Characteristics of Justice-Involved Beneficiaries

FY2021 and FY2022 grantees supplied NMSC with identifying information for justice-involved individuals who directly benefitted from grant-funded programs. Table 2 presents basic demographic information about beneficiaries by target population. One should keep in mind that only a few of the thirteen JDs are represented and are not reflective of the state as a whole. Two FY2021 grantees received additional funding in FY2022, including one of the pretrial monitoring grantees and the case management program in a treatment court. Although no individual is represented in both years for a renewed grant, we would expect similar demography across the two years. Table 2 indicates both the number of grants (and locales) and the number of beneficiaries in each target population for FY2021 and FY2022, as well as age, gender, and race and ethnicity information.

Table 2. Demographic Information by Target population				
	Pretrial		Treatment Court	
	FY2021	FY2022	FY2021	FY2022
<i>Number of grants</i>	2	1	3	2
<i>Number of beneficiaries</i>	575	815	104	282
Younger than 35	55%	51%	46%	46%
Male	76%	77%	64%	73%
Race/Ethnicity Unknown	34%	36%	11%	10%
White	53%	53%	23%	34%
Black	3%	3%	3%	10%
Native American	8%	5%	15%	5%
Hispanic	35%	38%	59%	49%
Other	1%	1%	0%	2%

In FY021 and FY2022 combined, 78% of participants in programs that received crime reduction grants are in grant programs supporting pretrial services, and 22% are in grant programs supporting treatment courts. About half of participants in pretrial programs are younger than 35. Three in four are male. Race and ethnicity are unknown for

over one third of participants. For those with known race and ethnicity, just over half are White, just over a third are Hispanic, 5-8% are Native American, 3% are Black, and 1% are another race or ethnicity. Participants in treatment court programs are somewhat different, having older participants, more female participants, and more participants of color. Under half are younger than 35, and somewhat fewer are male (64-73%). Race and ethnicity are known for most. The majority are people of color, especially Hispanic (49%-59%), Native American (5-15%), and Black (3-10%). Whites comprise about one-quarter to one-third of participants.

Table 3 indicates the crime category for the most serious offense within the case(s) that precipitated an individual's induction into the pretrial or treatment court program, 'reference cases.' Although the specific grantees/locales funded by crime reduction grants change from one year to the next, the charges are similar among pretrial programs. Most cases include a felony charge, 58% in both FY2021 and FY2022. The table also indicates the prevalence of different categories for the most serious offense regardless of whether it is a felony or misdemeanor. For more than one third of participants in pretrial programs, the most serious offense is a violent crime, the most common crime category. For about a quarter of participants, the most serious offense is a property crime. Approximately equal percentages of participants are charged with either a drug crime or Driving While Intoxicated (DWI), together just under a third of participants. Most remaining individuals were charged with interference with justice.

	Pretrial		Treatment Court	
	FY2021	FY2022	FY2021	FY2022
Number of grants	2	1	3	2
Number of beneficiaries	569	805	103	273
Felony Crimes	58%	58%	45%	40%
Violent	39%	35%	20%	49%
Property	22%	25%	19%	29%
Drug Crimes	17%	15%	20%	4%
DWI	15%	16%	27%	6%
Interference with Justice	3%	4%	4%	4%
Public Order	1%	2%	5%	3%
Other/Unknown	3%	3%	5%	5%

Crime Categories:

In this dataset, the most common crimes within each category are:

- **Violent:** Assault, Domestic violence
- **Property:** Theft without force, Auto theft
- **Drug Crimes: Possession**
- **DWI:** Driving under the influence of alcohol or drugs
- **Interference with Justice:** Fleeing or resisting a law enforcement officer
- **Public Order:** Disorderly conduct, Driving with a revoked license
- **Other/Unknown:** Among pretrial participants—weapons offenses. Among treatment court participants—nonviolent crimes against persons (e.g. indecent exposure), traffic offenses (e.g. reckless driving).

Among treatment court programs, crimes committed in reference cases differ by year although, unlike in pretrial programs, fewer than half of cases include a felony charge in both years. The most serious crime differs by grant year. In FY2021, crime reduction grants provided funding for one drug court, one JD's behavioral health courts, and one JD's multiple treatment courts of various types. In that year, the most common serious offense is DWI for over one quarter of participants, followed by violent, property, and drug crimes in equal measure, about 20% each. In FY2022, crime reduction grants funded a competency court, a drug and DWI court, and a family violence court. In that year, nearly half of participants are charged with a violent offense. Almost 30% are charged with a property crime. Only 6% are charged with DWI. Please see the sidebar for a description of the most common offenses within each crime category.

Criminal Justice Outcomes

We measure criminal justice outcomes in three ways: court compliance, incarceration for reference cases, and new criminal offenses. We expect different outcomes based on target population. Although grants in FY2021 and FY2022 only serve two target populations, we indicate our expected outcomes for all target populations in Table 4.

Table 4. Expected Outcomes for Crime Reduction Grant-Funded Programs by Target Population

Target population	Improved Court Compliance for Reference Case(s)	Reduced Incarceration for Reference Case(s)	Improved Court Compliance in the Future and for Future Case(s)	Improved Recidivism/ Reduced Future Crime
Public Safety				✓
At-Risk				✓
Pretrial	✓		✓ (short-term)	✓ (short-term)
Pre-Prosecution Diversion	✓	✓	✓	✓
Treatment Court	✓	✓	✓	✓
Competency			✓	✓
Incarcerated			✓	✓
Re-Entry	✓ (probation, parole)	✓ (probation, parole)	✓	✓

Public Safety: Although their success is difficult to assess, we expect some public safety initiatives, those that are geared toward public outreach, to prevent future crime, especially by discouraging people who are not already justice-involved. Such programs rarely have activities aimed at improving court compliance once future crimes have been committed, so we would not expect any effect on compliance. Other public safety crime reduction grants have more to do with helping justice agencies be more effective—for example by improving coordination or the exchange of information between agencies. Such programs are not necessarily expected to impact future crime although they are intended to make policing better, which may improve prosecuting people who commit crime.

At-Risk: Aimed at preventing future crime, grants supporting specific individuals within at-risk populations are expected to prevent future crime from individuals who are not currently justice-involved. Although generally not aimed at improving future court compliance, some programs may also have this effect. For example, pre-file diversion programs may use peer support workers to help beneficiaries understand court procedures and/or improve stability such that beneficiaries are more likely to comply with court procedures in future criminal cases.

Pretrial: Pretrial services has the primary goal of ensuring court compliance for defendants’ current case(s) without detention in a facility. By surveying a defendant’s location and/or drug activity, pretrial programs, it is hoped, discourage violations of the terms of release and compel defendants to attend court hearings. Such monitoring programs do not explicitly aim to prevent future crime or court compliance beyond the period of monitoring, although the experience of monitoring may discourage future crime indirectly. However, we expect to see an increase in court compliance and a drop in new crime for the first year or two after the start of pretrial service, making the assumption that most pretrial defendants will be monitored for that long.

Pre-Prosecution Diversion: Pre-prosecution diversion programs use the ‘carrot’ of dismissing current cases in exchange for defendants’ successful participation in therapy and/or drug treatment programs, addressing conditions that may have contributed to their current criminal activity. We expect participants will avoid incarceration and comply with current court requirements for reference cases. They will be less likely to commit crime in the future; and their experience should also improve future court compliance by improving stability and understanding of court processes.

Treatment Court: Treatment courts work similarly to pre-prosecution diversion. Cases may not be dismissed, but often successful participants are able to avoid incarceration for current charges. We expect compliance with court requirements as a condition of treatment court participation. Like pre-prosecution diversion, we expect participants in treatment courts to be less likely to commit future crime and more likely to comply with future court requirements.

Competency: Programs for people who have been found incompetent to stand trial on past charges are usually designed to provide or improve mental health treatment. We expect beneficiaries will avoid future crime and improve future court compliance.

Incarcerated: Programs for currently incarcerated individuals provide training, education, therapy, or treatment

designed to help participants with unemployment or other conditions that may have contributed to their criminal activity. These programs help beneficiaries avoid future crime and improve future court compliance.

Re-Entry: Similar to programs for currently incarcerated individuals, re-entry programs provide employment, training, education, training, therapy, and/or treatment to help formally incarcerated individuals back on their feet. These programs help beneficiaries avoid future crime and improve future court compliance. They also should help individuals avoid parole or probation violations for their reference case(s), violations which could return them to prison or jail.

Grouping grants by target population makes sense for ease of analysis, but programs may differ substantially even within target population groups. Programs may vary widely in terms of participant needs, characteristics, and history; services provided; and even goals. In addition, crime reduction grants do not necessarily fund all components of programs; often grants supplement or enhance existing programs. The following analyses are illustrative, but cannot necessarily speak to the overall value of any particular program.

Court Compliance for Reference Cases

We begin our outcome analysis with court compliance for reference cases. A reference case is one that precipitated the grantee's participation in the program, as indicated by grantees. As all FY2021 and FY2022 grants support pretrial or treatment court programs, we expect improved court compliance for reference cases across the board. While most participants have just one, about 10% of participants in pretrial programs have multiple reference cases, and about 12% of participants in treatment courts have multiple reference cases.

We measure court compliance using warrants. Warrants are issued by courts to authorize law enforcement to arrest a defendant and bring them to court. Warrants are issued when a defendant fails to appear for a scheduled hearing or commits a violation of the conditions of their supervision (probation or pretrial). Our dataset specifies the reason for a warrant only about half of the time. When specified, the defendant's 'failure to appear' in court for a hearing accounts for 80% of warrants; a probation violation accounts for 15% of warrants. Most of the remaining warrants refer to a failure to comply.

Table 5 describes the percentage of defendants receiving at least one warrant for a reference case as well as the average number of warrants per reference case among those who received at least one warrant (omitting persons who received no warrant in the time period). We compare these values for three time periods: prior to the defendant's start date⁶ in the crime reduction grant-funded program; in the first year of participation; and, for FY2021 grants, in the second year of participation.

In both years just under 30% of pretrial program participants receive at least one warrant prior to being placed on pretrial for their reference case(s). Among those who receive any warrant, they have on average between 1.3 and 1.6 warrants issued per case. There is neither a reduction in the percentage receiving any warrant nor the average number of warrants per case within the first year of program participation. Within the second year of being placed on pretrial, we do see a marked decrease in the percentage of participants receiving a warrant, down to about 12%, and a small decrease in the average number of warrants per case, to 1.2.⁷ In future reports, we will be able to see whether this trend continues and if it is consistent across grant years.

For treatment court programs, court compliance for reference cases is similar across the two years despite the differences in programs and beneficiaries noted above. Compared to pretrial programs, more treatment court participants receive a warrant before their start date, about 40%. The average number of received warrants is also higher, on average about two warrants per case. We note a precipitous drop in the first year of participation especially regarding the percentage of participants receiving any warrant, to 20% or about half of the number for those not in grant-funded programs. The average number of warrants per case also drops. In the second year after beginning participation, the percentage of participants receiving warrants drops further still to 6%, with on average one warrant per case.

A tricky aspect of interpreting Table 5 is that in most cases, reference cases are filed very shortly before defendants' start dates and therefore were not 'eligible' for any warrants in the pre-grant period, or not for very long. Over a third of offenses were committed less than a month before the participant's start date; the median length of time is 85 days. Although it is possible to issue a warrant just one day after an offense is committed and enroll a defendant into a program shortly thereafter, in most cases there was little opportunity for warrants to be issued in the pre-grant period.

In the year following a participant's start date, however, there was ample time for every participant's reference case(s) to be 'eligible' for a warrant. Thus, the increase in warrants in Year 1 compared to the pre-grant period in Table 5 is misleading.

				Three Year Period Prior to Start Date		Within 1st year of Crime Reduction Grant-Funded Program Start Date		Within 2nd year of Crime Reduction Grant-Funded Program Start Date	
Target population	Year	# grants	<i>n</i> with precipitating case(s)	Any warrant	Avg. # warrants/case	Any warrant	Avg. # warrants/case	Any warrant	Avg. # warrants/case
Pretrial	FY2021	2	570	29%	1.6	35%	1.4	12%	1.2
Pretrial	FY2022	1	805	28%	1.3	32%	1.4		
Treatment Court	FY2021	3	103	41%	2.2	15%	1.2	6%	1
Treatment Court	FY2022	2	273	39%	1.8	22%	1.5		

A different way at looking at the impact of programs on court compliance in reference cases is to limit the analysis to those who received a warrant in the pre-grant period. This is a straightforward way to examine the program's effect on compliance. In Table 6, we include the 539 participants who were issued a warrant for any reference case before their start date. We use paired student t-tests to determine if the changes in warrants from the pre-grant period and the first year following participants' start dates are statistically significantly different. The improvement in compliance is substantial and statistically significant across for both target populations and fiscal years. Among pretrial programs, the number of warrants decreases by more than half in the year following their start date. About 60% of these participants were issued no warrants at all.⁸

Target population	Year	# grants	<i>n</i> reference case(s) with warrants prior to start date	Average # Warrants Prior to Start Date	Average # Warrants Within One Year of Start Date	t
Pretrial	FY2021	2	164	1.6	0.7	8.1***
Pretrial	FY2022	1	226	1.3	0.6	10.7***
Treatment Court	FY2021	3	42	2.2	0.3	8.1***
Treatment Court	FY2022	2	107	1.8	0.5	9.2***

****p*<.001

Among treatment court participants, compliance improved even more dramatically. The average number of warrants decreased from an average of 2.2 to 0.3 in FY2021, and from 1.8 to 0.5 in FY2022. About three-quarters of these participants were fully compliant in the year following their start date.

Reduced Incarceration for Reference Cases

We do not expect participants in pretrial programs to avoid incarceration, but we do expect treatment court participants to avoid incarceration. The COVID-19 pandemic highly impacted courts in New Mexico, delaying adjudication and suppressing incarceration in FY2021 and FY2022; the results from this period may not be typical or generalizable. Reports in future years will show whether the FY2021 and FY2022 results are typical or anomalous.

Table 7 describes the dispositions for reference cases that have been adjudicated.⁹ Among pretrial program participants, adjudication patterns are similar for FY2021 and FY2022. Taken together, most defendants' cases are dismissed, about two in three. A very small number are acquitted or otherwise found not guilty (1%). Among the

remaining third of participants with a finding a guilt, most are not sentenced to incarceration. Instead, they are sentenced to probation, their sentence is deferred (delayed while the defendant completes certain requirements of probation), or their sentence is fully suspended (that is, a sentence for this crime could be imposed later if the defendant is convicted of another, future crime). The remaining 8% - 9% are sentenced to some amount of incarceration, often with a partial amount of their sentence suspended. About a quarter of participants with a finding of guilt are sentenced to incarceration. For them, the median number of days of incarceration is 12 in FY2021 and 30 in FY2022.

Dispositions for participants in treatment court programs differ by year. In FY2021, one third of cases are dismissed; 42% are found guilty and not sentenced to incarceration, and fully a quarter of participants overall are sentenced to incarceration. Among participants with a finding of guilt, about 38% are incarcerated, with a median length of stay of 6 days. In FY2022, the great majority of cases are dismissed. About 5% of participants overall, or 46% of those with a finding of guilt, are sentenced to incarceration. Though a far lower percentage are incarcerated compared to FY2021, the median sentence is much longer, 365 days.

Treatment court programs can vary substantially one from the other as can crime-reduction-funded activities. In this case, it is unclear whether differences in treatment courts and their activities explain the disparity in dispositions in FY2021 and FY2022. In FY2021, CRGA funded a wide variety of treatment courts. Funds were used for a case manager, participant incentives, and GPS monitoring equipment. That year, the most common serious offense was DWI. In FY2022, CRGA funded a case manager for a competency court and a family violence court.¹⁰ That year, only 10% of cases were drug or DWI-related, and half were violent crimes. Once dismissals are taken into consideration, incarceration rates are similar.

Table 7. Disposition of Reference Cases by Target Population

Target population	Year	# Grants	# Participants with known dispositions	Finding of Guilt		Finding of no guilt	Case Dismissed
				Sentence including incarceration	Sentence not including incarceration (suspended/deferred/probation)		
Pretrial	FY2021	2	540	9%	24%	1%	66%
Pretrial	FY2022	1	723	8%	24%	1%	67%
Treatment Court	FY2021	3	103	25%	42%	0%	33%
Treatment Court	FY2022	2	234	5%	6%	0%	88%

Court Compliance in the Future and for Future Case(s)

We expect most crime reduction grant-funded programs to improve court compliance because of programming aimed to improve participants’ familiarity with court processes and/or conditions that may contribute to criminal behavior. This would apply both to existing cases (reference cases and non-reference cases) as well as future cases. Pretrial services, however, do not generally provide and are not necessarily concerned with future criminal behavior, although we would still expect improved compliance during the pretrial period, while participants are monitored. The pretrial period varies widely from case to case. For this report, we might expect improved compliance at least for the first year or two following pretrial program participants’ start date.

In Table 8, we compare court compliance for all participants’ cases (reference cases and other) in the three years prior to their start date and in each year following, again using warrants as the measure of compliance. Like Table 5, we examine two metrics: the percentage of participants with warrant-eligible cases who received at least one in each time period, and, among those who received at least one warrant, the average number of warrants per case. We include warrants for any criminal case.¹¹ In each time period, we exclude participants for whom there are no warrants and, we assume, there are no cases eligible for warrants. Including participants who could not receive a warrant could bias results.

We standardize warrant information by dividing the number of warrants by the number of cases. The standardized metric is helpful in interpreting changes in compliance over time. For example, even with no change in compliance,

the number of warrants may decrease over time as cases close and become ineligible for warrants. We assume cases are eligible for warrants within two years of the day it was filed and ineligible thereafter. This assumption is highly imperfect. Cases can be open much longer than two years or close much sooner; cases can and often do reopen years after they have been adjudicated due to a probation violation or other program infraction. Thus, these results should be interpreted with caution.¹²

Table 8. Court Compliance Comparison Over Time by Target population

				Three Year Period Prior to Start Date			Within 1st year of Crime Reduction Grant-Funded Program Start Date			Within 2nd year of Crime Reduction Grant-Funded Program Start Date		
Target population	Year	# grants	Total n	# Participants with open criminal case(s)*	% Any criminal warrant	Avg. # criminal warrants/ criminal case	# Participants with open criminal case(s)*	% Any criminal warrant	Avg. # criminal warrants/ criminal case	# Participants with open criminal case(s)*	% Any criminal warrant	Avg. # criminal warrants/ criminal case
Pretrial	FY2021	2	575	526	78%	1.2	575	71%	0.9	562	40%	0.6
Pretrial	FY2022	1	816	747	69%	1.2	815	54%	0.9			
Treatment Court	FY2021	3	104	102	67%	1.3	103	29%	0.8	84	24%	0.8
Treatment Court	FY2022	2	282	278	82%	1	282	51%	0.7			

* Does not include reference case(s) that were filed within two days of the participant's start date. Criminal cases are assumed to be open and eligible for warrants for two years after filing.

Across programs, most participants have at least one case assumed to be eligible for warrants in the three years prior to their start date, even excluding reference cases filed immediately prior to a participant's start date. The majority of participants, at least two-thirds, received at least one warrant in the pre-grant period. The average number of warrants per criminal case, about 1.2, does not vary appreciably by target population or year.

Due in part to reference cases, there is at least one warrant-eligible criminal case in the first year following participants' start date for nearly everyone. Except for FY2021 treatment courts, the majority of participants do indeed receive at least one warrant in the first year. Across the board, these percentages, though, are smaller than the percentages who received warrants in the pre-grant period. In addition, the average number of warrants per case decreases by 25% or more. As seen in Table 5, there are relatively few warrants for reference cases in the first year. In fact, 70% of warrants issued to participants in the first year following their start date are not related to reference cases. These warrants are about evenly divided between cases for offenses that took place prior to participants' start date and new offenses committed after their start date.

For FY2021 grants, about 40% of pretrial program participants receive any warrant in the second year following their start date, and the average number of warrants per criminal case is 0.6. Thus, there seems to be further improvement in the percentage of participants receiving a warrant and their court compliance. About 24% of treatment court participants receive any warrant in the second year following their start date, representing a 17% drop compared to the percentage of participants who receive any warrant in the first year following their start date. The average number of warrants per case remains the same. Most warrants that are issued in this period are for new cases, about 75%, in both pretrial and treatment court programs.

Although it appears that the percentages of participants receiving warrants decreases over time and court compliance may be increasing, it is not yet possible to determine whether these differences are meaningful. The pre-grant period covers warrants issued in three years' time, and an equivalent amount of time has not yet passed following participants' start dates. In future reports, we will have an equal amount of time following the start date for FY2021 grants and will be able to compare court compliance with more confidence.

Recidivism/ Future Crime

We measure recidivism as new criminal cases with offense dates occurring after a participant’s program start date. Just as with court compliance, we expect most crime reduction grant-funded programs to improve recidivism because of their programming. Again, although pretrial services are not concerned with recidivism, we would still expect participants to avoid new criminal behavior during the pretrial period while they are being monitored.

Table 9 shows the percentage of participants with at least one criminal offense that occurred within each time period. (Each criminal case is represented in only one time period.) Reference cases are nearly always included in the three-year pre-grant period, with the rare exception of reference cases that occurred earlier. For participants with any criminal case only, we calculate the average number of total criminal cases as well as the average number of felony cases.

				Three Year Period Prior to Start Date			Within 1st year of Crime Reduction Grant-Funded Program Start Date			Within 2nd year of Crime Reduction Grant-Funded Program Start Date		
Target population	Year	# grants	Total n	% Any criminal case	Avg. # criminal cases	Avg. # felonies	% Any criminal case	Avg. # criminal cases	Avg. # felonies	% Any criminal case	Avg. # criminal cases	Avg. # felonies
Pretrial	FY2021	2	575	99%	3.6	1.6	51%	2.2	1.1	39%	1.8	0.8
Pretrial	FY2022	1	815	98%	3.2	1.5	45%	2.2	1.1			
Treatment Court	FY2021	3	104	96%	3	1.3	18%	1.6	0.8	22%	1.7	1
Treatment Court	FY2022	2	287	98%	6	2	45%	2.8	1			

In the pre-grant period, participants in pretrial program grants and the first year of treatment court grants are similar in both overall criminal cases and felony cases they accrued, with an average of 3 to 4 total criminal cases, and an average of 1.5 felony cases. Felony cases comprise just under half of total cases. In contrast, participants in FY2022 treatment court programs accrued an average of six criminal cases in the pre-grant period. Although most of their cases (two-thirds) did not include felony charges, this group’s felonies still outnumber those for participants in other programs—on average, 2.0 felonies compared to 1.3 for FY2-21 treatment court programs, and 1.5 to 1.6 felonies for pretrial programs.

In the year following their start date, fewer participants are charged with a new criminal offense. For most programs, about half are charged with a new offense. However, only 18% of participants in FY2021 treatment court programs are so charged. Across all programs, the average number of new cases drops compared to the pre-grant period among those charged with any new crime. Note, though, that the time frame is only one third as long. The proportion of new cases that include a felony charge is about the same in the two time periods—that is, about one third of cases for FY2022 treatment court beneficiaries, and about half for all other beneficiaries.

For FY2021 grants, still fewer pretrial program participants are charged with a new crime in the second year following their start date, only 39%. These participants also have a lower average of new cases, 1.8 cases compared to 2.2 in the first year, and fewer cases that are felonies, 0.8 felony cases compared to 1.1 in the first year.

We do not see a continued downward pattern for FY2021 treatment court programs, but on the other hand there was a much deeper drop in the first year following participation compared to pretrial programs. In the second year after their start dates, 22% of participants are charged with a new crime, a low and similar percentage compared to the first year following participants’ start date (18%). The average number of total new cases and felony cases are also similar to the first year following participants’ start date. The average number of criminal cases are 1.6 in the first year and 1.7 in the second year. The average number of felonies is 0.8 in the first year and 1.0 in the second year.

As is true in the analysis of court compliance, we cannot yet determine the impact of participation on recidivism until three years after participants’ start date. For now, it seems that many pretrial participants commit new crimes even in the short term. Recidivism among treatment court participants may vary by program. Enough time will have elapsed

by next year's report to be able to examine recidivism more fully for FY2021 grants. In particular, it will be interesting to examine the level and nature of new crimes.

Conclusions

The 16 grant programs supported in the first three years of the crime reduction grants awarded under the Crime Reduction Act report more successes than challenges. They spent funds as intended. Their quarterly and final reports reported positive experiences overall. Grants were used to share information across agencies, reduce jail overcrowding, and provide alternatives to incarceration both pretrial and after adjudication. Some grants provided direct treatment or other services or assisted justice-involved individuals. One grantee launched an entirely new treatment court.

We note some challenges that will likely persist. Cross-jurisdictional coordination, as it pertains to criminal justice data quality and accessibility, remains an important and difficult goal in New Mexico. Grantees that use funds to hire staff often encounter trouble attracting and keeping them. Finally, grantees usually do not have the resources to conduct their own evaluations. This is unfortunate because they would be able to measure outcomes more aligned with their specific goals and tailor their programs accordingly. One long-term NMSC goal is to support grantees' own evaluations, especially as programs become well-established.

The analysis of justice-involved beneficiaries' outcomes in this report is broad in scope, relies on particular assumptions, and does not extend more than two years past beneficiaries' start dates. It is too early to answer some evaluation questions because we need equivalent time periods before and after participants' start dates to fairly assess outcomes. Unique perhaps to this year's report, FY2021 and FY2022 programs are prone to esoteric COVID-19 effects.

We can nevertheless draw some tentative conclusions about the impact of crime reduction grant-funded grants on justice-involved beneficiaries. In both pretrial and treatment court programs, there are marked improvements in court compliance for reference cases among those who had received warrants prior to their start date, although it appears participants receive many warrants for other cases after their start date, including for prior (non-reference) cases and for new offenses. Similarly, many participants commit new crimes even in the year following their start date. This seems to be true for pretrial program participants as well as for participants in at least some treatment court programs. It remains to be seen which programs show overall improvements in court compliance and recidivism.

Some results are difficult to interpret. Unexpectedly, the percentage of participants who received a sentence including incarceration in reference cases is higher for treatment court participants than it is for pretrial program participants. Also, FY2022 treatment court programs dismissed a very high percentage of cases, possibly a response to the COVID-19 pandemic. Finally, there appear to be quite different results (disposition of referral cases, recidivism) among different treatment court programs without an obvious explanation.

Limits to this Research

Crime reduction grants usually, but not always, supplement existing programs rather than fund an entire program. Given that some grants are targeted to the beneficiaries with highest needs, results for beneficiaries of crime reduction grant funding may not be typical for the program overall. We do not assess the quality of any grant program's implementation or the evidence upon which their approach is based, crucial factors in their success.

There are weaknesses in the data we have been able to collect for this report. We depend on grantees to provide qualitative information regarding strengths and challenges they experienced (see Part II), information which is prone to bias and wide differences in specificity. Participants' identity, start dates, and reference cases are also self-reported by grantees, although this information appears to be mostly accurate. There may be errors in court data in linking cases (especially recent ones) to the correct individual; in other words, we may be missing or inappropriately including some case history. Key to this study's analysis of court compliance, we make assumptions about when a case is warrant-eligible simply based on the date it was filed. Of course, the progression of criminal cases—including when they are warrant-eligible—is highly individual. Importantly, we do not take into account that individuals may be incarcerated for all or part of some time periods. This has the effect of artificially decreasing recidivism and increasing court compliance. We are unable to control for a host of individual-level factors that affect our outcomes. Finally, it is difficult to assess program effectiveness in the absence of comparison groups. This study strives to describe grantees' and beneficiaries' experiences with crime reduction grant-funded programs, but it should not be used to judge the quality of any particular justice program.

Endnotes

1. In 2022 and 2023, the Legislature added additional purposes to the Crime Reduction Grant Act, applicable to FY2023 and later grants. Grants for which these purposes might apply are not covered in this report. Because purpose areas can overlap, in this report we categorize grants by target population instead.
2. The target populations are similar to the six categories defined in the Substance Abuse and Mental Health Services Administration (SAMHSA) Sequential Intercept Model (SIM), as indicated in the definitions in the side bar.
3. A grantee may request, or NMSC may impose, a reduced appropriation during the grant cycle, but none of the grants covered in this report amended their intergovernmental agreement in this way.
4. This grantee is omitted from all further analyses in this report.
5. The percentage of scopes of work that are met is determined by NMSC based on the actions and deliverables listed in each grant's intergovernmental agreement (IGA). If an IGA was amended to adjust the grantee's scope of work, the determination is based on the revised scope.
6. When grantees provided more than one start date for the same individual, we used the earliest date.
7. The percentage of participants who receive warrants is artificially low, probably especially in the second year following participants' start dates. Some participants are incarcerated after their start date and are therefore ineligible to receive warrants. Ideally, incarcerated individuals would be removed from analysis, but unfortunately this is impossible in many cases. NMSC cannot access individuals' incarceration out of state, in New Mexico jails, or as federal detainees. NMSC can access individuals' incarceration in state prisons, but this time-consuming task does not sufficiently eliminate validity concerns.
8. The number of warrants issued for reference cases in the second year following participants' start dates is very low. Many reference cases were adjudicated and closed before the second year; warrants are much less likely although cases can be re-opened for a probation violation or other program infraction. We omit this analysis because of the likelihood that many or past reference cases would be ineligible for warrants.
9. Four percent of reference cases had not been adjudicated at the time of data collection. A case in which the defendant was found guilty on any charge is coded as having a finding of guilt.
10. CRGA also funded a drug/DWI court, but there were no justice-involved beneficiaries in FY2022.
11. We omit warrants associated with child support enforcement and traffic cases.
12. Similar metrics in Tables 5 and 6 are not problematic because we hold cases constant (to reference cases only) and reference cases are eligible for warrants after participants' start dates, by definition. We can be certain the differences represented in Table 6 indicate changes in compliance rather than changes in cases' eligibility. No such assurances are possible when all criminal cases are included as in Table 8.