

Bill Analysis 2020 Regular Session**SPONSORS:** Senator Nancy Rodriguez**SHORT TITLE:** Law Enforcement-Assisted Diversion Programs

SYNOPSIS OF BILL: Appropriates \$500,000 (GF) to DFA's Local Government Division for use in FY2021 for general support operational support for law enforcement-assisted diversion in the city of Santa Fe, Santa Fe county, Rio Arriba county, Bernalillo county and Doña Ana county.

STRENGTHS: Handling low-level non-violent drug offenders in the local and state criminal justice system is not only costly, but evidence suggests that this is not a way to break the cycle of addiction or enhance public safety. Instead, many people often go through the system without any impact on their behavior and end up costing the system far more than they would if they were diverted immediately into treatment. LEAD recognizes this. This LEAD model represents the work of a unique collaboration between the District Attorney's Office, Public Defenders Office, law enforcement, city government, treatment providers, educators, the community and the criminal defense community as a whole.

Both the LFC and executive recommendations for the Human Services Department's Behavioral Health Services Division in FY21 include \$1 million for grants to LEAD programs. The additional financial support in SB 126 for LEAD will help cover case managers, treatment, and community services. With the economic strain on our local counties, pre-booking diversion programs offer a viable, cost effective alternative to the status quo. The LEAD program redirects public safety resources to more pressing priorities such as serious and violent crime. The cost-benefit impact of the LEAD program will be more evident in the long-term as the upfront investment of intensive treatment and support services pays off in reduced recidivism and cost to the current systems over time.

Other long-term positive impacts include prevention of drug addiction and related criminal activities, improved wellbeing of individuals, family and community, and positive contribution to earnings and economic productivity through reintegration to society and job market. The Law Office of the Public Defender (LOPD) also reports that "expanding LEAD programs also has the potential to reduce attorney caseloads by moving low-risk individuals out of the criminal justice system, eliminating the costs associated with defending them in court."¹

ADDITIONAL INFO: Evaluation of a similar program in Seattle, where it was launched in 2011, showed that people in LEAD were 58% less likely to be arrested.² The LEAD program launched in Santa Fe in 2014 reported a 20% decrease in the average number of new arrests in the first 6 months post diversion.³ The LOPD reported that the "three-year LEAD pilot in Santa Fe reduced participants' number of arrests, days in jail, use of heroin, and costs associated with emergency medical services."⁴

1 <https://www.nmlegis.gov/Sessions/20%20Regular/firs/SB0126.PDF>

2 <https://www.leadbureau.org/evaluations>

3 <https://www.lead-santafe.org/impact/>

4 A Summary Report of Findings of a 3-Year Pilot Period (October 2018), https://www.lead-santafe.org/wp-content/uploads/2018/10/LEAD-Report-Final_10818.pdf
www.nmsafe.org

<u>S</u>afer	<u>A</u>political	<u>F</u>iscally-Responsible	<u>E</u>vidence Based	Grade
<p>A three-year evaluation of LEAD in Santa Fe showed: LEAD participants had no violent charges post diversion; participants with high levels of participation in case management had fewer arrests for new charges; and LEAD participants had a statistically significant decrease in the number of arrests in the first six months after diversion into the program.⁵</p>	<p>The LEAD model is apolitical – the model has been supported by local and state law makers on both sides of the aisle.</p>	<p>A 2019 Fiscal Impact Report states that according to the Santa Fe LEAD website, “a cost benefit analysis conducted in 2013 of 100 individuals arrested by City of Santa Fe Police for opiate possession or sales revealed a cost of more than \$4 million dollars over 3 years (2010- 2012) or an average of \$42 thousand per individual across local and state criminal justice and health systems.</p> <p>A 2018 evaluation of the Santa Fe LEAD program indicated, “cost savings to the Systems “as usual” was \$4,727 per person per year, a 52% savings.” Additionally, “when the program cost of the LEAD program is added to the criminal justice and emergency medical cost, the average annual cost for a LEAD client was \$7,541 per client per year. Thus, overall cost savings of LEAD over system “as usual” was \$1,558 per client per year, a savings of 17%.⁶</p>	<p>The LEAD program is considered a promising practice by the Department of Justice. A 3-year evaluation, published in October 2018, of the Santa Fe LEAD program was conducted by the New Mexico Sentencing Commission in partnership with the New Mexico Statistical Analysis Center and Pivot Evaluation.</p> <p>The evaluation replicated the criminal recidivism outcome evaluation conducted by LEAD Seattle. In addition, LEAD Santa Fe evaluated the psychosocial outcomes in LEAD clients and the cost/benefit of the program on the criminal justice and public health systems in Santa Fe.</p>	<p>A</p>

5 A Summary Report of Findings of a 3-Year Pilot Period (October 2018), https://www.lead-santafe.org/wp-content/uploads/2018/10/LEAD-Report- Final_10818.pdf.

6 Ibid.