

nmSAFE

Making New Mexico safe for all children & families

A Report Card for Public Safety Bills
November 18, 2016

New Mexico SAFE Partner Organizations

Albuquerque Health Care for the Homeless
American Civil Liberties Union of New Mexico
Crossroads for Women
Disability Rights New Mexico
Drug Policy Alliance
El Centro de Igualdad y Derechos
Enlace Comunitario
Equality New Mexico
League of Women Voters
Lutheran Advocacy
My Destiny
Albuquerque NAACP
National Association of Social Workers
Native American Voters Alliance
New Mexico Conference of Catholic Bishops
New Mexico Conference of Churches
New Mexico Criminal Defense Lawyers
New Mexico Voices for Children
New Mexico Women's Justice Project
PB&J Family Services
Santa Fe Safe
Somos Un Pueblo Unido
Southwest Women's Law Center
Strong Families New Mexico
Transgender Resource Center
YWCA



Take the Politics out of Public Safety

New Mexico's criminal justice system is broken. Crime is on the rise and most politicians just keep talking about tougher penalties. But these penalties do not deter criminals, and do nothing to help increase public safety. So who are we really helping? New Mexicans have endured decades of this broken system and it's time for that to end.

A new initiative called New Mexico SAFE - which brings together 26 organizations from around New Mexico -- has created a litmus test for legislation that can break through the gridlock, move New Mexico into the 21st century, and protect future victims from violent crime.

New Mexico SAFE sets the standard for serious legislation to fix our broken system. We should ask whether a bill meets four simple standards:



S Does it make New Mexico SAFER for children and families?

Tougher penalties do not correlate with a decrease in crime. Serious legislation must prevent tragedies before they happen to make New Mexico safer for children and families.

A Is it APOLITICAL?

Too many politicians in New Mexico use tough-on-crime proposals to prop up their political campaigns. Serious legislation must address the problem of crime and public safety, not advance a political agenda.

F Is it FISCALLY-RESPONSIBLE?

New Mexico has one of the nation's most devastating budget crises. Any serious legislation must be fiscally responsible. If it doesn't actually make communities safer, it's not worth the money.

E Is it EVIDENCE-BASED?

Finally, serious legislation must be supported by evidence that it actually works. We cannot afford to waste time on bills that have no proven track record of reducing crime or increasing public safety, nor bills whose implementation has shown bias or inequitable treatment.

Applying the “SAFE” Test to Recent Legislation

SB170 - Sentencing Law Fiscal Impact Reports & Funds

Sponsor: Sen. Joseph Cervantes

Introduced: 2016 Regular Session

Grade: A



SB 170 proposed the New Mexico Sentencing Commission generate fiscal impact statements for all bills that would increase, decrease or create criminal penalties. The amount determined in the Commission’s fiscal impact statement then would be included as an appropriation in any such bill. This is one of the smartest criminal justice reform proposals that introduced during the 2016 session. (Senator Cervantes has been championing this concept for many years.) The legislative debate around crime is so politicized and emotional that clear-headed conversations around the fiscal impact of criminal sentencing bills is usually avoided or minimized. SB 170 cuts through the political bluster by requiring legislative committees in both chambers to think through the best way to spend limited tax dollars on increasing public safety. If SB170 became law, a legislator might think twice before introducing bill after bill every legislative session designed merely to convince constituents how “tough on crime” that legislator is. This bill should elevate the public dialogue around crime and public safety, so that New Mexico policymakers can focus their full attention on finding effective, financially responsible ways to increase public safety in our communities. Dollars saved on over-politicized criminal sentencing bills could be redirected into programs that will actually make kids, families, police officers and New Mexican communities safer.

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SJM4 - Services for Mentally Ill & Awaiting Trial

Sponsor: Sen. Sander Rue

Introduced: the 2015 Regular Session

Grade: B



SJM 4 created a task force to study and make recommendations for clinically appropriate housing options for individuals with serious mental illness in custody in county detention facilities. Jails are often the psychiatric crisis centers of first and last resort because of very few other options. Protracted length of stay in detention for people with serious mental illness comes at substantial human as well as financial cost. Having any type of mental illness increases length of stay by 36 days, and a serious mental health diagnosis such as a psychotic disorder increases median length of stay by 121 days (when compared with inmates charged with the same crime who are the same age and gender). When competency is challenged, length of stay increases even more dramatically and the condition of individuals with serious mental health disorders can deteriorate the longer they are incarcerated. Few detention centers are equipped to deal adequately with the mentally ill population. SJM4 provided a smart and cost-effective way to bring together experts and stakeholders to develop sensible methods for addressing this systemic problem. Further education about mental illness should be provided for inmates and staff as a road to recovery. Appropriate services for the mentally ill are not only a critical part of a well-functioning human services system, but also of a well-functioning criminal justice system. The Task Force ultimately identified 6 interrelated recommendations that can be used to develop effective policy proposals for future legislative sessions.

HB246 - Interventions for Some Nonviolent Offenders
Sponsor: Reps. Sheryl Williams Stapleton and Paul A. Pacheco
Introduced: the 2016 Regular Session



Grade: B

HB 246 proposed a \$250,000 appropriation to provide targeted, individualized interventions for nonviolent adult and juvenile offenders who have behavioral health diagnoses, connecting them to resources and services that would reduce the likelihood of committing future offenses. HB 246 could also help provide housing, counseling, or other services to New Mexico probationers and parolees in need, which could help prevent these offenders from committing new crimes to support their families or past criminal lifestyles. HB 246 also expanded access to specialized services like medical assistance, behavioral health therapy, employment training and supportive housing. Providing services to offenders with behavioral health diagnoses is an effective way to reduce the likelihood of recidivism, detention and incarceration, ultimately saving the state money. Intervention, rather than vigorous prosecution, addresses nonviolent adult and juvenile offender's problems through behavioral health and substance abuse treatment while still maintaining accountability.

HB74 - DWI Tests, Penalties & License Revocation
Sponsor: Rep. Stephanie Garcia Richard
Introduced: 2016 Regular Session



Grade: B

HB 74 updated the penalties for convicted DWI offenders by basing license revocation and new interlock requirements on a driver's breath or blood alcohol concentration and the number of prior DWI convictions. HB 74 is a narrow and smart bill that takes a science-based approach to drunk driving by relying on the use of ignition interlock devices to prevent recidivism. Those who don't install interlock devices on their vehicles would be required to undergo a court-supervised sobriety monitoring program. HB 74 is designed to address the problem of DWI in our communities in a thoughtful manner that goes well beyond simply throwing more people in jail, a reactive response that has failed to adequately address the issue in any meaningful way.

HB56/HB5 - Three Strikes Law

Sponsor: Rep. Paul A. Pacheco

Introduced: 2016 Regular Session/2016 Special Session

Grade: D

HB 56 added 16 additional violent crimes to New Mexico's existing "three strikes" law, dramatically increasing the number and type of qualifying felonies under which a person being must be given a mandatory life sentence after a third conviction for any combination of listed offenses. Most other states around the country learned that three strikes laws are antiquated, ineffective, and expensive. Three strikes laws are based on the mistaken notion that focusing on criminal offenses after they are committed will lead to a reduction in the crime rate. 34 million serious crimes occur every year in the United States, yet only 3 million results in arrests. If we want to increase public safety, we must prevent these crimes from happening. There is no evidence that three strikes laws deter violent crime because most of these crimes are not premeditated, but are instead committed in the heat of passion. These laws tend to take a cookie-cutter, one-size-fits-all approach to crime, forcing judges to impose mandatory sentences regardless of the specific circumstances of each individual case. This is expensive and ineffective, clogging up our already overcrowded courts and prisons. The Fiscal Impact Report for HB56 states that such a law could cost the state up to \$5 million per year. There are better ways to spend this money if the goal is truly to increase public safety.



Three strikes laws are based on the mistaken notion that focusing on criminal offenses after they are committed will lead to a reduction in crime.

HB95 - Hate Crimes Against Law Enforcement
Sponsor: Rep. Nate Gentry and Rep. Paul A. Pacheco
Introduced: 2016 Regular Session
Grade: D

HB 95 proposed to amend New Mexico's Hate Crimes Act to provide a sentence enhancement when an individual commits a crime motivated by hate against a law enforcement officer. House Floor Amendment 1 added firefighters and emergency medical technicians as separate classes of victims in addition to police. New Mexico has witnessed multiple tragic and horrifying murders of police officers recently, and ensuring the safety of law enforcement personnel is the highest priority for everyone. That said, this legislation is still a solution in search of a problem. New Mexico already provides the stiffest penalties for violent crimes committed against police officers, rendering HB95 unnecessary. The Fiscal Impact Report for HB95 did not estimate the specific funds such a law would require, but it did note that there would be some additional costs. These would likely better be spent on more police officers or protective gear for officers, and de-escalation training, rather than increased penalties which simply do not factor into a criminal's thinking.



New Mexico already provides the stiffest penalties for violent crimes committed against police officers.

HB7 - Reinstate Death Penalty

Sponsor: Reps. Monica Youngblood, Andy Nunez, and William R. Rehm

Introduced: 2016 Special Session

Grade: F

Of all the crime bills introduced in 2016, HB7 fails every element of the SAFE test. In 2009, after many years of legislative debate, New Mexico repealed the death penalty. In the late summer of 2016, less than three months before the general election, the governor announced she would push to reinstate the death penalty. In October 2016, she called a special legislative session, which was intended to address a crisis in the state's budget, which most legislators in both parties sought to resolve. Instead, just weeks before the election, the governor generated a highly public effort in attempting to push through this proposal, to the detriment of bipartisan budget solutions. Support for the death penalty has plummeted nationally over the last two decades, largely because of a deepening understanding among policy makers and the general public that it is expensive and ineffective. The Fiscal Impact Report for HB7 estimated that the total three-year cost of this law would be over \$7 million. That money is better spent on other more rational public safety initiatives. The vast majority of law enforcement professionals believe that the death penalty does nothing to deter crime. A survey of police chiefs nationwide ranked the death penalty lowest among competing approaches to increasing public safety - behind increasing the number of police officers, reducing drug abuse, and creating a better economy with more jobs. Reinstatement would waste resources that would be better spent helping New Mexican communities, lifting them out of poverty, and greatly lowering the prevalence of serious crime. This is the ultimate misguided public safety proposal. The legislature would better spend its energy on more thoughtful proposals designed to truly reduce crime in our communities.



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HB7 fails every element of the SAFE test.**

	SAFER	APOLITICAL	FISCALLY-RESPONSIBLE	EVIDENCE-BASED	GRADE
SJM4 Services for the Mentally Ill & Awaiting Trial	SJM 4 provides an alternative system of release that assures security and treatment for individuals diagnosed with mental illness.	The current situation exposes the state and local governments to substantial liability. SJM4 targets individuals for therapeutic detention who are vulnerable and high need, but not appropriate for or likely to be released.	Undetermined	The report produced by this task force assembles information using factual statistics and verified studies that can be used to further develop and implement recommendations	B
HB246 Interventions For Some Nonviolent Offenders	Individualized interventions for nonviolent adult and juvenile offenders who have behavioral health diagnoses provide resources and services that would reduce the likelihood of committing future offenses.	With bipartisan support, HB 246 presents a sensible way to help people living with mental illness who are accused or convicted of nonviolent crimes.	HB 246 could save the state money by lowering the costs associated with recidivism and incarceration.	Treatment is more effective than incarceration for nonviolent juveniles and adults living with mental illness.	B
HB56 Three Strikes Law	There is no evidence that three strikes laws deter violent crime because most of these crimes are not premeditated, but are instead committed in the heat of passion.	HB 56 is expensive and ineffective, clogging up our already overcrowded courts and prisons.	The Fiscal Impact Report for HB56 states that such a law could cost the state up to \$5 million per year.	There is no evidence that three strikes deter violent crime.	D
HB95 Hate Crimes Against Law Enforcement	New Mexico already provides the stiffest enhanced penalties for violent crimes committed against police officers, rendering HB95 unnecessary.	Ensuring the safety of law enforcement personnel is the highest priority for everyone. However, this legislation is still a solution in search of a problem.	The Fiscal Impact Report for HB95 did not estimate the specific funds such a law would require, but it did note that there would be some additional costs.	Undetermined	D
SB170 Sentencing Law Fiscal Impact Reports & Funds	SB 170 should elevate public dialogue around crime and public safety, so that New Mexico policymakers can focus their full attention on finding effective, financially responsible ways to increase public safety in our communities.	SB 170 would require legislative committees in both chambers to think through the best way to spend limited tax dollars on increasing public safety.	New Mexico Sentencing Commission would be required to generate fiscal impact statements for all bills that would increase, decrease or create criminal penalties.	Undetermined	A
HB74 DWI Tests, Penalties & License Revocation	HB 74 would help address DWI in our communities in a thoughtful manner beyond simply throwing more people in jail, which fails to address the issue in a meaningful way.	n/a	Undetermined	HB 74 takes a science-based approach to DWI by relying on the use of ignition interlock devices to prevent recidivism.	B
HB7 Reinstate Death Penalty	The majority of law enforcement professionals believe that the death penalty does nothing to deter crime.	In 2009 New Mexico repealed the death penalty. In the summer of 2016, less than three months before a general election, the governor announced that she would push to reinstate the death penalty.	The Fiscal Impact Report for HB7 estimated that the total three-year cost of this law would be over \$7 million.	Support for the death penalty has plummeted nationally over the last two decades, largely because of a deepening understanding among policy makers and the general public that it is expensive and ineffective.	F