
Bill Analysis 2018 Regular Session

SPONSOR: Rep. Sheryl Williams Stapleton

SHORT TITLE: Public Safety Data Needs

SYNOPSIS OF BILL: HJM 9 requests the Department of Public Safety (DPS) to convene a task force that looks at 1) the needs of municipalities and counties for fighting crime; 2) making changes needed to the Criminal Code for consistency; 3) gathering accurate data to inform decisions; and 4) providing stable and adequate funding for a holistic criminal justice system.

STRENGTHS: HJM 9 attempts to address the very real need for better data collection and sharing across the entire justice system in New Mexico. The Memorial also recognizes that law enforcement models focused primarily or exclusively on punishment have not been successful in “moving New Mexico forward” and calls for a more holistic approach to justice. Advocates for reform regularly call for better data collection and dissemination in order to address racial disparities and other systemic flaws within the criminal justice system. Without this data, policymakers cannot make informed decisions about what strategies work and where improvements could lie.

WEAKNESSES: HJM 9 calls for participation in the task force from certain stakeholders in the criminal justice system, all of whom are law enforcement focused with the exception of the Law Office of the Public Defender. It is important to recognize that law enforcement has a vested interest in maintaining certain aspects of the system as it exists, and in order for a truly holistic model to ever materialize, voices from outside the system should be included. For instance, victims and survivors of crime, formerly incarcerated people, the faith community, criminal defense lawyers, and civil rights organizations should have a seat at the table.

HJM 9 also calls for DPS to oversee a review of the Criminal Code for consistency. DPS has neither the capacity nor the expertise to undertake such a review, and other existing committees have been tasked with this same mission (i.e., the Criminal Justice Reform subcommittee).

ADDITIONAL INFO: According to the Fiscal Impact Report, DPS itself submitted an analysis of this Memorial recognizing that it “does not have the in-house expertise, funding mechanism, nor dedicated resources required to perform this project.” A recent report¹ found that without comprehensive data collection, the true extent of bias in drug law enforcement against African-American, Indigenous, and Hispanic/Latinx people is hidden. The report also found that New Mexico’s case tracking system does not meet current federal guidelines for race and ethnicity data collection, and the state does not report race and ethnicity figures related to arrests to the federal government. The ongoing failure to comprehensively collect and report racial and ethnic data affects the entire criminal justice system.

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The use of data in criminal justice policy making should decrease racial disparities and other inequities in the existing criminal justice system, which ultimately will make us all safer.	Data driven decision making is the antithesis of using criminal justice policy to score cheap political points.	The Fiscal Impact Report states that the project has an indeterminate but significant cost. The FIR also acknowledges that there are multiple ongoing projects with similar objectives.	In order to make evidence-based decisions, policymakers need hard data to inform their decisions. Without data, criminal justice policy is often created out of fear, anecdotal information, or political motivation. This Memorial focuses on gathering and sharing data across the system.	B

1 *Racial and Ethnic Bias in New Mexico Drug Law Enforcement: A Summary of Preliminary Findings and Recommendations*, by Young Women United, Drug Policy Alliance, ACLU of New Mexico, and New Mexico Voices for Children (July 31, 2017).