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**Bill Analysis 2018 Regular Session**

**SPONSOR:** Rep. Sheryl Williams Stapleton

**SHORT TITLE:** Nonviolent Offender Interventions

**SYNOPSIS OF BILL:** Requires the Behavioral Health Services Department to “create a framework of targeted, individualized interventions” for non-violent adult and juvenile offenders with behavioral health diagnoses. That framework should work to reduce recidivism, detention and incarceration through strategies such as supportive housing, public assistance, behavioral health therapy, medical assistance and employment training.

**STRENGTHS:** Arresting and incarcerating non-violent people with mental health needs is costly and highly ineffective. This legislation is a great example of a bill that acknowledges root causes of arrest and incarceration, such as lack of appropriate mental health and substance abuse treatment, and seeks to reduce recidivism through proven strategies addressing the underlying issues. According to Bureau of Justice Statistics,<sup>1</sup> people with mental health needs make up a significant portion of the United States incarcerated population, including 56% of state prisoners, 45% of federal prisoners, and 64% of jail inmates. Proven strategies for reducing recidivism and incarceration for people with mental health needs include:

- Diversionary mechanisms, such as mental health courts, that route mentally ill offenders to community-based mental health treatment programs instead of prison or jail;
- Community-based reentry programs providing coordinated services and case management for mentally ill offenders transitioning into the community; and
- Policies that provide mentally ill offenders with increased access to medical and mental health care.

See below for more information.<sup>2</sup>

Case studies of effective programs already in existence show that transitional planning of coordinated services for people with substance use and mental health treatment needs reduces recidivism and improves health outcomes.<sup>3</sup>

<b><u>S</u>afer</b>	<b><u>A</u>political</b>	<b><u>F</u>iscally-Responsible</b>	<b><u>E</u>vidence Based</b>	<b>Grade</b>
A significant portion of our incarcerated population has mental health needs. Often people with untreated mental illness face a cycle of arrest, recidivism, and incarceration. This bill has the potential to significantly reduce crime over the long-term by investing in proven strategies for people with mental health needs.	N/A	The real issue is whether our state will invest in proven strategies such as behavioral health therapy, substance abuse treatment, supportive housing and employment training, or will we continue to try to solve deep societal issues through incarceration. Although such strategies require initial investment, over the long term they lower costs to society and reduce crime. Given the financial situation of the State, this program is unlikely to be fully funded without shifting resources away from another source.	Examples of successful, evidence-based programs for people with mental health needs exist throughout the country. New Mexico can choose from a variety of proven models for service delivery, but the choice requires thinking about the criminal justice system in a different way.	<b>A</b>

<sup>1</sup> U.S. Department of Justice. Office of Justice Programs. 2006. Bureau of Justice Statistics Special Report. Retrieved: <https://www.bjs.gov/content/pub/pdf/mhppji.pdf>

<sup>2</sup> Kim, KiDeuk, Miriam Becker-Cohen, and Maria Serakos. 2015. "The Processing and Treatment of Mentally Ill Persons in the Criminal Justice System." Urban Institute. Retrieved: <https://www.urban.org/research/publication/processing-and-treatment-mentally-ill-persons-criminal-justice-system>

<sup>3</sup> Cloud, David and Chelsea Davis. 2013. "Treatment Alternatives to Incarceration for People with Mental Health Needs in the Criminal Justice System: The Cost-Savings Implications." Vera Institute for Justice. Retrieved: <https://www.vera.org/publications/treatment-alternatives-to-incarceration-for-people-with-mental-health-needs-in-the-criminal-justice-system-the-cost-savings-implications>