

CRIME IN NEW MEXICO

A Systems Approach to Criminal Justice Reform & Legislative Agenda

A Citizen's Perspective

Rachel L. Feldman

**Chair, Civil Rights & Criminal Justice Reform
Committee--Indivisible SOS Santa Fe**

October 14, 2025

Rlfeldman1949@gmail.com

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Author: Rachel Feldman, rlfeldman1949@gmail.com

EXECUTIVE SUMMARY

Introduction

This paper looks at crime in New Mexico as both the target for intervention and the product of the criminal justice system in 2025. The product of an effective criminal justice system should be both public safety and justice. Our analysis takes a “systems” approach, looking at the actors and institutions, the laws and regulations, the procedures and authorities, and the interactions and interdependence of the core elements of this system: prevention, first response/law enforcement, prosecution/defense, adjudication, and corrections. We start with some key assumptions:

- Whether crimes increase or decrease from year to year, New Mexico has unacceptable levels of serious crime, and the media provides daily horrific coverage: many people don't feel safe; and people are tired of political finger pointing with little or only temporary effect.
- Most of the “system” is driven by historic local practices that are highly variable. New Mexicans do not get equal justice under the law.
- People who engage in anti-social and nuisance behaviors as well as those engaging in low level criminal activity will likely escalate the seriousness of their offenses over time if they do not receive appropriate intervention or consequences.

- New Mexico has very little oversight of criminal justice functions. Effective oversight requires independence of the oversight from the operating institutions.
- The training, education, and career paths of most actors in the criminal justice system have been neglected and underfunded for decades, reducing capacity to respond.
- The capacity of the institutions and the roles of actors in those institutions have also been neglected for decades.
- System capacity limitations, as well as local and political variations, will impede implementation and enforcement of laws and regulations.
- The people who work in the system are generally committed to public service, do the best they can with the resources they have, and innovate productively when provided the leadership to do so, but that leadership is local and often lacking.

This report provides an overview of the 2025 “system” in Part I, explaining where it fails to move the volume of crime encountered through a process that provides meaningful consequences for criminal behavior ranging from nuisance and misdemeanors, through violent felonies. In Part II, it requests legislation to authorize a 10 year plan and fund to strengthen the “system” and improve its functions.

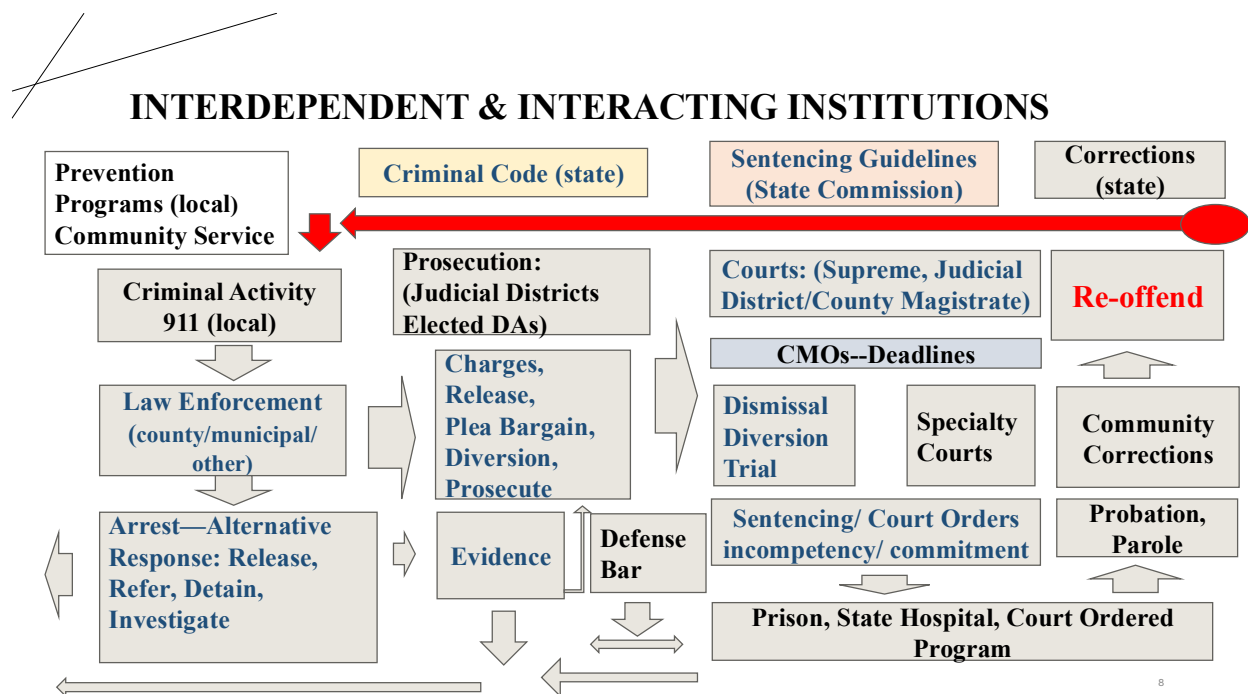
Part I. The 2025 Criminal Justice System in New Mexico

The institutions that interact to comprise the system are shown below:

- Prevention programming is described and should be present in the community to prevent need for intervention by law enforcement, but should also be incorporated into each of the core functions of law enforcement, prosecution, adjudication, and corrections. Prevention and “diversion programs” that provide an alternative to arrest, prosecution, and incarceration, leverage the workforce and resources of the criminal justice

system. Prevention and diversion are currently very limited, vary locally, and may not have stable or sufficient funding.

- First response and law enforcement represent the entry point to the system. These services are mostly locally funded, and the workforce is seriously under-trained. Enforcement priorities are locally driven and inconsistent across the state. Because of delays and obstructions in prosecution, many people who are arrested or detained are not arrested, and are released back to the community without services, adjudication or consequences. Many become “frequent flyers” encountering law enforcement repeatedly. 911 and law enforcement agencies are chronically understaffed, often working long shifts, requiring overtime, and suffer burnout.



- District Attorneys respond to arrests within the judicial district, which covers multiple law enforcement jurisdictions. District Attorney offices also report high vacancy rates, and inadequate resources to process the full range of arrests law enforcement would refer if they were functioning as needed. This means prosecutors ration resources, making decisions about plea bargains, diversions, and releases rather than charging cases to go to trial. Prosecutors need to build the evidence for a case that goes to trial, and often variability

in collecting and handling evidence by law enforcement may impede building a case. Prosecutors also must operate under case management orders from the courts that impose time limits for taking cases to trial: understaffing will interfere with meeting these standards. Many cases that reach prosecutors are released back into the community without services, adjudication or consequences. Many re-offend and are seen repeatedly by law enforcement.

- When cases are charged and go to trial, the magistrate, district, and some specialty courts must evaluate some individuals for competency to stand trial, and assess whether they are dangerous to themselves or others before proceeding to trial. Courts have some diversion options, but could use more. New state legislation is in the process of implementation and planning for provision of court ordered services to address competency and mental illness barriers to adjudication. Currently most persons found incompetent to stand trial are released without services and without consequences, and may become “frequent flyers”. Resources for detaining persons found to be dangerous are limited. For cases that proceed to trial, judges may follow sentencing guidelines, but need not provide public explanation for their sentences or orders. Many violent offenders receive sentences shorter than guidelines allow.
- Corrections receive convicted offenders, and assess their level of incarceration. Prisons provide rules for reducing sentences due to “good behavior”, resulting in shorter stays than anticipated by judges. Probation and parole functions administered by corrections can send convicted individuals back to prison for a wide range of offenses, including missed appointments and failed drug tests (that don’t signal danger to the community). New offenses after release from prison such as illegal possession of firearms may trigger new charges that go back through prosecution. New Mexico corrections suffer high vacancy rates for prison staff, which decreases safety within the prisons. Community transition programs are mostly lacking. Only recently has medicated assisted treatment been introduced for addicted persons, with the need for expanding those services. The core mode of operating corrections is “warehousing”.

The New Mexico criminal justice system “leaks”. The “choke points” identified in the analysis result in large numbers of people struggling with behavioral health

triggered offenses, as well as many other criminal behaviors, being released back to the community without ongoing services or consequences. By releasing a large volume of people entering the criminal justice system back to the community, the system inadvertently is contributing to crime. Furthermore, data that describes the “throughput”, release rates, types of releases, etc. are not standardized and not consistently reported, so there is no way to define or measure the problems.

Every year the legislature files nearly 100 bills to create new crimes, increase or change penalties, or make other nuanced changes to the criminal code. Few of these bills are passed, and those that are passed may not be enforced due to the failures to move people through the criminal justice system. This paper provides examples of legislative opportunities that directly address system failures and suggests these represent more productive and cost effective responses to improving system performance.

Part II. A Legislative Agenda to Increase System Performance

This discussion asks the legislature to develop a fund and a plan to improve system performance over a 10 year period, beginning with 2026 legislation that sets forth a planning process aligned with 2025 legislation to build the interface between behavioral health and the Justice System, using the judicial district as the geographic jurisdiction to organize plans that are locally responsive, but establish state level standards. The rest of this section takes the primary “choke points” identified in Part I, and proposes types of legislation to build system capacity and increase performance. Suggested legislation is phased over the 10 year planning period. The choke points for which legislation is suggested include:

- Inadequate staff to move people through the system
- Inadequate and sub-standard professional training and education
- Inadequate staffing structures
- Inadequate data to define problems and measure performance
- Inadequate prevention and diversion options
- Inadequate community corrections

Because the system originates in local practice, and given high vacancy rates, local institutions and professionals don’t have the resources or expertise to solve many of their own problems. Legislation can centralize certain functions to the

state where investments can be more efficient and support local efforts. Examples include:

- Establish a Vision for a future Justice System that will attract people to work in New Mexico from both inside and outside the state. Locate long term planning and accountability for implementation in the NM Department of Justice.
- Centralize recruitment and use modern pro-active media campaigns, social media and outreach to potential employees and leaders. Build a pipeline from K-12, into college system, targeted professions, and career changers.
- Professionalize Justice System career paths and related education programs and link into state college system. Get external assessment of all Justice System jobs, and modernize curricula and adult education, include substantive continuing education standards. Move education out of operating agencies where expertise is lacking and commitment of resources is chronically lower than needed (e.g., DPS, Corrections).
- Evaluate the workforce structures within institutions to create paraprofessional and other positions that leverage scarce professionals like lawyers and certified police officers. Define knowledge and skills needed and link training to Justice System educational programs.
- Create a Dash Board and data reporting requirements needed at state, judicial district and local levels to measure performance without duplicating existing reporting—streamline.
- Identify and fund technology that can leverage scarce resources.
- Create oversight mechanisms in separate agencies from those conducting operations.
- Create Office of Prevention at state level, and prevention directors in each judicial district to ensure sharing of information and program models, and to inform local programming with national resources.
- Research national models for community corrections.

The ideas set forth in this paper are not complete, comprehensive or prescriptive. They represent a place to start in legislating and funding system level improvements. Justice system failures have resulted from reliance on habit, and decades of neglect both of analysis and funding. New Mexico can build upon the strengths of its dedicated Justice System workforce, its constitution and legal system, and its recent legislative efforts to shed light on how the system does and

does not work. It is most important to change the conversation and move toward solutions to tangible problems. We believe these problems and their solutions can be non-partisan, and are likely to be welcomed by New Mexicans.

CRIME IN NEW MEXICO

A Systems Approach to Criminal Justice Reform & Legislative Agenda

A Citizen's Perspective

Preface

The opinions expressed in this document are mine alone, though some ideas are borrowed from the many people I have talked to who work tirelessly in the criminal justice system to keep us all safe. This work is also informed by listening to countless legislative interim committee and regular committee hearings, and the generous and enthusiastic support of the women of Indivisible SOS Santa Fe, a group of activists dedicated to improving life for everyone in New Mexico through advocacy grounded in research, listening, and reliable forms of information. I believe that many other citizens will share the perspectives outlined in this paper.

Over the last 7-8 years, I have, with colleagues, conducted interviews, meetings, discussions, and focus groups with law enforcement leaders and front-line personnel, as well as Law Enforcement Academy (LEA) and regional satellite academy faculty from across the state. I have spoken with Department of Public Safety leadership, served on LEA technical review committees, and at the appointment of the Governor, on the Law Enforcement Standards & Training Council, created by legislation I assisted in writing and which Indivisible SOS Santa Fe and other advocacy organizations worked hard to support: Senate Bill 19, sponsored by Senator Maestas, and based on previous legislation, passed the 2023 legislature with 2 dissenting votes and was signed into law by the Governor. It has yet to see full implementation.

Retired from a 50-year career as an executive in health care (including behavioral health) operations, research, policy, negotiations and budget consulting at federal and state levels, I approach defining problems within a “systems” context, recognizing that solutions have their roots in the interaction among institutional players, their relative and interrelated authority/power, available resources, historical practices, law, regulation, implementation and enforcement. A consumer of New Mexico and national news, I became interested in public safety issues, and

particularly in the unacceptable levels of violence experienced in our NM communities. I set out to learn about the criminal justice system in New Mexico, using research and policy skills, and listening to anyone who would talk to me. I have no vested interest, financial links to, or family engagement with the criminal justice system. I am a volunteer who enjoys research, writing and learning, and wants to help improve public safety and justice for everyone.

Many thanks to criminal justice system folks and to legislators, who have shared their concerns, convictions, and experience. The vast majority of people who step up to face the worst of human behavior-- to run toward trouble-- are heroes who seek to serve their communities and protect us all. I admire their idealism, practicality, and courage. They express the desire and need for better training and career opportunities. They deserve better from state government, their employers, and unions. They deserve our support, respect, thanks and recognition.

Introduction

This is not an academic treatise. New Mexico crime statistics are readily available, though reliable detailed standardized data are scarce. A citizen reading newspapers and following local news can readily understand that there is just too much violence:

- too many law enforcement officers injured or killed,
- too many members of the public shot by law enforcement,
- too many repeat offenders on the streets with guns,
- too many children in possession and using guns,
- too much family/domestic violence,
- too much addiction,
- too much injury and death, destroyed lives and lost futures,
- too many unhoused people suffering from behavioral health disorders.

The actual numbers don't tell the whole story. People feel unsafe.

Our sense of safety and quality of life are degraded by violence and the fear many experience leaving their homes. We see a lot of political finger-pointing and a lot of overly simplified proposed solutions (mostly short-term interventions). Yes,

people who are locked up can't commit crimes, but our system of justice requires protection of individual rights. Incarceration is the most costly form of intervention, robbing the system of resources that might be used for prevention, rehabilitation, and better community options. The legal maneuvers to incarcerate people alleged to have committed crimes may drain the system of legal resources to prosecute those for whom evidence meets the standards to go to court.

State and local governments bear millions of dollars in liability for settlements and jury verdicts when rights are violated, potentially bankrupting local governments. These funds can't be used to fund the Justice system, and other services. When you look closely, most of the people accused of crimes, including violent crimes, are not actually prosecuted for those crimes, or if convicted, their sentences are not as long as allowed—they get out and do it again. It is the criminal justice system that is failing to implement and enforce the laws we have on the books, to creatively and responsively exercise the authority granted by law, and to grant the sentences set forth in guidelines. We are throwing money at a system that is failing to produce public safety or justice, and that system is not accountable to the public.

To understand the sources of these failures, this paper relies upon an analysis of the “criminal justice **system**”, namely the factors that drive the functions of the institutions and authorities that make up the “system”. The analysis and proposed legislative opportunities in this paper are not comprehensive. I am not a lawyer and have not done a comprehensive and in-depth analysis of statutes and regulation (though I have reviewed quite a bit). This paper is presented as a place to start looking at meaningful solutions that will improve the performance of the “system”. An earlier draft was presented at a statewide conference of New Mexico Indivisible groups, with comment from House and Senate leaders and a representative of the Governor's office. Participants offered additional suggestions to fill gaps in the “system”.

Researchers, national, and international experts take a systems approach to defining problems in ways that suggest solutions. Models in other states, large cities, and other countries offer options for mitigating crime. We have a state legislature with limited resources, and executives without a vision for how to make things better. New Mexico public safety is the product of decades of neglect across multiple administrations, and habitual practices that have not been closely examined for effectiveness. **But blame is beside the point.**

The effort here is to change the conversation. Let's get down to some hard analysis of where the criminal justice system is broken, and start generating options to improve its performance. It will take time, multi-disciplinary collaboration, stakeholder engagement, and investment. This system does not belong to the professionals that work within it: it belongs to the people. We can't let those with vested interests protect old habits. Nor should we settle for the mediocrity of long practiced and comfortable ways of doing business.

Most of the legislative options in this paper are not hostile to criminal justice professionals. But they will require a lot more work to shape legislation or executive functions that can be realistically implemented. Some changes to executive agencies may be required, but we have seen such restructuring recently with the formation of the Health Care Authority. Nothing here is impossible....some things are harder than others, more expensive, or require more time. Once a process is established to improve the "system" many additional ideas will surface.

Setting forth a vision for and commitment to reform, and in particular building the criminal justice professions, could help attract talent to New Mexico and retain existing talent. A public non-partisan reform effort would also draw out the heretofore unrecognized talents evident in many folks in the criminal justice system—not current leaders, but future leaders. Many mid-level experienced folks are cynical that their voices will not be heard within the paramilitary and political hierarchies that control the criminal justice system. Speaking out means risk to jobs and promotions. When you invite people to share their ideas with an outsider, the ideas flow. Current leaders are inhibiting ideas, not intentionally, but mostly out of the habit of hierarchy. Permission structures that reduce risk are needed.

Part I. Criminal Justice as a System

Law, Regulation, Guidelines, Budget, Policy & Discretion

Laws delineate the authority and functions of institutions and define the roles of people empowered and entrusted with implementation and enforcement.

Regulations elaborate how laws shall be implemented, clarifying legislative intent and implementation issues. Guidelines are provided by entities such as the Sentencing Commission, that employ experts and incorporate research, best practices, and national standards (where they exist) to provide a framework to guide the decisions of those implementing laws. Legislated budgets determine resources available to operate the system, and agency budgets reflect state and local executive decisions on allocation of scarce resources. Policy includes law, regulation, guidelines, as well as executive leadership decisions that determine the relative weight, emphasis, and resource allocation to give to implementation and enforcement efforts.

Discretion is a key part of the criminal justice system: its professionals cannot enforce every law in all situations. That discretion is the source of the incomplete implementation of laws and regulations, and inconsistent application of guidelines and leadership policy. System performance depends on consistent and effective use of discretion in the public interest. Political ambition, self-interest, lack of critical education/training, resource deficits, and leadership failures degrade system performance.

The written scope of criminal justice policy includes at least:

- NM statutes, including the criminal code and the children's code
- NM Administrative Code
- City and County ordinances
- Sentencing Guidelines
- Judicial Case Management Orders
- Executive orders
- NM case law
- Federal law

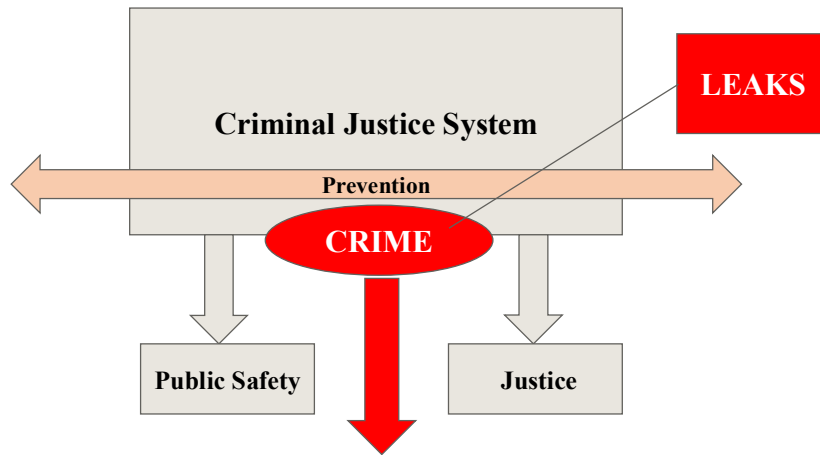
Discretion is generally not transparent to the public. Law enforcement does not routinely disclose its priorities for arrests or investigations. District Attorneys do not routinely disclose priorities for plea bargains, full scope of charges, or reasons for dismissal or prosecution. Judges often do not disclose their reasoning for sentences or court orders. Corrections is a “black box”. Accountability depends upon the electorate:

- Sheriffs and District Attorneys are elected
- Judges face one partisan election after appointment, followed by periodic retention elections
- Police chiefs are appointed by mayors or city councils, who are elected
- Law enforcement certification oversight is only partially functioning impeded by lack of independence and lack of staff (Law Enforcement Certification Board)
- Most law enforcement agencies accept complaints but have their own methods for investigation with limited disclosure
- Court oversight is hierarchical from the Supreme Court over other courts, with limited disclosure
- District Attorneys have no formal oversight
- Corrections has no formal oversight

The Criminal Justice System is Supposed to Produce Public Safety & Justice

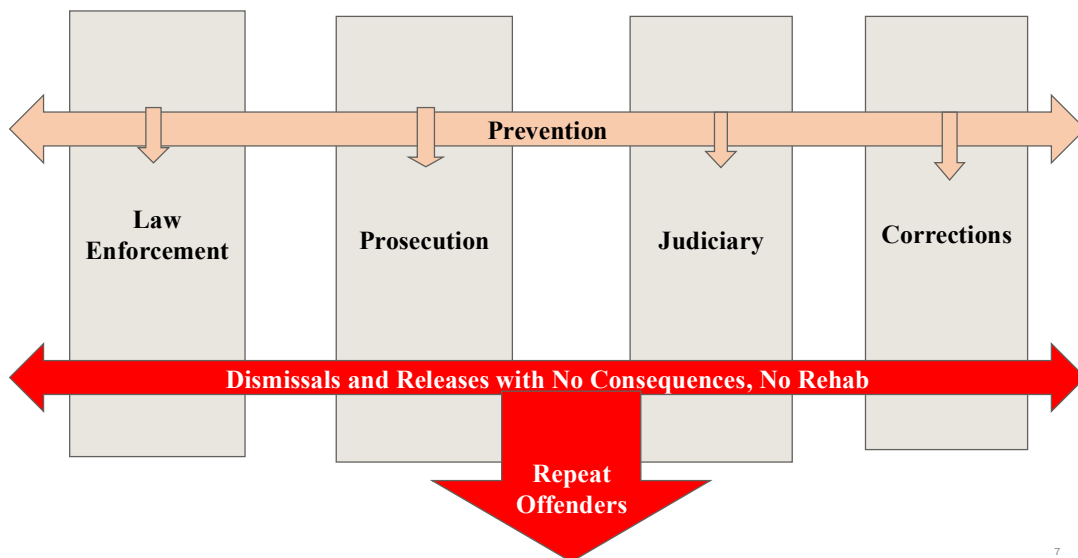
This system, however, leaks. The people who come into contact with the system as the result of their behavior violating laws or creating threats, meet with a variety of responses that are not effective in mitigating that behavior. Many people who are detained are released without adjudication or consequences and receive no services. Many people who are arrested are not charged, and may be released back to the community without adjudication or consequences. Apart from people who are innocent and released, many people with serious problems are released back into the community and continue to violate laws and/or pose threats to public safety. So the current system may actually contribute to creating crime.

WHAT DOES THE CRIMINAL JUSTICE SYSTEM DO?



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Prevention

Ideally, we want to prevent crime whenever possible. Most prevention needs to occur in the community prior to contact with the criminal justice system, but some prevention programs and policies can be effective once individuals interact with law enforcement, and in the case of juveniles, with the Children Youth and Families Department (CYFD). A search of national prevention literature surfaces myriad programs, many evidence-based, targeting different risks. In addition, local communities experiment with prevention efforts. Examples of prevention programs include:

- Conflict resolution training in schools, some down to kindergarten level, and age appropriate throughout K-12. Conflict resolution training in some workplaces can also serve as effective violence prevention. Conflict resolution training creates capacity and experience problem solving within the general population, generating alternatives to conflict that can lead to violence.
- Peer mediation training and programs starting at middle school level and age appropriate in high school and para-professional college level. Some peer mediation programs have been developed in cities to work with gangs and formerly incarcerated people for interventions on the street.

- Family violence prevention programs can be initiated in schools, by healthcare professionals, in child and adult protection contexts, and in diversion programs.
- Sexual assault prevention programs can be introduced in high schools, college campuses, and by other helping professionals.
- Gun laws that: delay purchase of a fire-arm preventing impulsive use; require safety training; prevent access for children, persons with behavioral health disorders or repeat offenders; all have preventive functions.
- Addiction and mental health treatment programs strengthen individuals' capacities to cope with stress, teach alternative behaviors consistent with laws, and offer pathways to social and economic participation in communities.
- Affordable housing, and various forms of basic assistance, decrease vulnerability to victimization, and lessen nuisance infractions.
- Work and educational programs provide mechanisms for social and economic participation in communities and decrease isolation and its risks.
- Other violence prevention efforts are continually being designed and tested.

Prevention can be effective in providing consequences for low level criminal activity. Community service, restitution, required education programs, and other activities could be used to ensure low level offenders learn the lesson that criminal activity is not going to be rewarded or overlooked. Consequences can be most preventive if introduced in the context of family/school/community for juveniles. Currently there is a dearth of programs for juveniles, and it is important that programs be accessible to the child's home community. For persons with high risk for violence, detention facilities are needed, but these also need to include therapeutic/rehabilitative programs, and not simply warehouse people. Warehousing dangerous people together simply makes them more dangerous over time.

The NM legislature has appropriated some funding for grants to community violence prevention programs. Grant funding is usually short term and cannot sustain many programs. Funding sources that can support sustainable programs that have been shown to be effective are scarce. Some city and county funding is available in a few jurisdictions. Investment in prevention reaches more people and is much more cost effective than most of the other functions in the criminal justice system.

Interdependent Interacting Institutions

Emergency Response

When violence threatens or emerges, residents generally call 911 which triggers the emergency management agency with jurisdiction for the area the call comes from, to deploy law enforcement, and in some cases, alternative response resources (behavioral health professionals instead of/or accompanied by law enforcement). Emergency medical and fire department deployment may also occur. Emergency response professionals must meet state training requirements, and utilize communications technologies that are continually being updated. Public safety telecommunicators are trained and certified by the Law Enforcement Academy and its satellite academies. Emergency medical technicians are certified by the Health Department and its contractors. Fire department personnel are certified by State Homeland Security. 911 agencies record all calls, and data are maintained in a computer aided design system (CAD). At the present time, the CADs are not all interoperable, so data from one jurisdiction is not necessarily available to other jurisdictions in the state. National organizations provide standards and resources for the continual upgrading of 911 operations.

Deployed law enforcement and alternative response personnel have ongoing communication with 911 operators as needed during an incident. 911 operators are dealing with members of the public under crisis conditions, and conveying critical information to deployed personnel. The quality of these communications can determine the quality and appropriateness of the response to the crisis. Emergency response personnel are professional and critical members of the law enforcement team. Their pay and benefits have historically been less than other law enforcement jobs. Their training has not been modernized in decades despite continual changes in technology and increased demand for behavioral health crisis intervention. Emergency management agencies rely on national association resources and on-the-job training due to out-of-date curricula and preparation. Vacancy rates have been high, sometimes requiring an agency to route calls to another agency for lack of adequate coverage. Administration and funding of these agencies falls to county and local governments, and some have been working to improve salaries, but many continue to have very low pay rates.

Law Enforcement Agencies (agencies)

More than 100 law enforcement agencies operate in NM, ranging from the State Police which has many regional offices throughout the state, and large city and county police/sheriff departments inclusive of the major urban areas in the state, to very small agencies in rural areas with only a few officers. Each county has an elected sheriff. Most counties have jails/detention centers for adults. Most juvenile detention facilities in NM have been closed, with 4 remaining to serve the entire state. The universities and colleges have their own law enforcement agencies, and some state agencies employ certified law enforcement officers with specific enforcement functions (e.g., fish & game, fraud, new cannabis regulatory agency). In addition, some school districts employ school resource officers. Finally, tribes and pueblos may have their own police departments that operate on reservation land, not subject to state law, and others rely upon the Bureau of Indian Affairs police. Some tribes and pueblos have intergovernmental agreements with city and county law enforcement, and some, but not all, require their officers to be certified by the state.

Law enforcement employment has a paramilitary structure based on rank. While all use the same ranks, the criteria for placement and promotion from one rank to another vary locally. Responsibilities of a sergeant in one agency will not be the same as at another agency. Pay levels also vary by agency. Law enforcement officers must be 21 years of age when certified based on passing one of the law enforcement academy or satellite academy basic training programs, and must be hired as full time employees of a law enforcement agency. Since COVID, vacancy rates have been high, recruitment difficult, and law enforcement officers typically work 8, 10, or 12 hour shifts and incur overtime. Most patrol officers work alone in their vehicles, often patrolling vast geographic areas that require significant time to get back-up to a scene. In a rural state with insufficient staff to cover the jurisdiction 24/7, the quality of 911 and agency communications is a matter of life or death.

Law enforcement has historically been largely a local matter, with enormous variability in use of discretion and limited public accountability. Agency policy is limited to a few state laws (e.g., prohibition on profiling, requirements for body cameras, NM Civil Rights Act). Most agencies suffer significant vacancy rates and do not have the resources needed to recruit, train, and provide professional development for their workforce. Recent state appropriations have provided

funding to upgrade salaries, provide retention bonuses, and hiring incentives. These investments are expensive to sustain, and it isn't clear whether or how local governments will share in the cost or replace state funding.

Agency Coordination

Most law enforcement agencies are responsible for enforcing the full scope of the criminal code as well as other law (e.g., traffic ordinances), but smaller agencies have limited capacities for investigation, evidence collection, and other key functions. Smaller municipal agencies and tribal police may coordinate with their county sheriff, and the state police may be engaged anywhere in the state. Given the diversity of local policies and practices, coordination can be difficult, making a hierarchy among agencies necessary in shared cases. In some cases, federal law enforcement becomes involved.

Arrest, Detention, & Evidence

Arrests and detention are complex. Charges at arrest are provisional and must justify the detention of an individual. Formal charges must be made by the District Attorney if a case is to move forward and the suspect is detained for reasons other than immediate safety. Law enforcement officers have discretion to refer individuals for services, release individuals under certain conditions before or after booking, transport individuals to hospital emergency departments or crisis mental health/addiction facilities. Patrol officers are generally in communication with supervisory personnel that oversee and advise on their exercise of discretion.

Law enforcement is often a team endeavor: in crisis or dangerous circumstances, agency personnel mobilize to provide back-up, and in some cases specialized support is deployed (e.g., negotiators, SWAT). Team members will have assigned functions. With recent state requirements to activate body cameras, film can help reconstruct an incident. However, detailed reports are still required by all officers on the scene. Body camera and other camera evidence, reports including witness statements, and physical evidence from the scene will determine the body of evidence available to support the charges brought by the District Attorney. The proper collection, production, handling, and storage of evidence is a critical responsibility of law enforcement, if crimes are to be prosecuted, and convictions obtained.

Training

Inadequate training is a serious obstacle to successful law enforcement practice. The current New Mexico basic training curriculum is 25 years out-of-date and does not meet national standards or best practices, according to an evaluation conducted in 2024 by the International Association of Directors of Law Enforcement Standards and Training (IADLEST) under contract to the NM Department of Public Safety. The evaluation indicates that NM is at moderate risk for litigation for negligence in training its law enforcement workforce. A contract with IADLEST for complete revision of the basic training program was recently executed in 2025 to require 3 years before it can be implemented. Some satellite academies have partially updated curricula, some offer longer training with additional topics, and some agencies offer supplemental training programs, but all follow the state basic curriculum.

In general, the entire law enforcement workforce is seriously undertrained and unprepared to respond to current incidents with the knowledge and skills needed to minimize harm, protect the public and themselves, and produce evidence to support prosecutions. **This should be viewed as a crisis.** Fixing the basic curriculum will not improve the capacities of the current workforce. Current in-service training programs are scorned by most law enforcement personnel. Continuing education needs a complete revision, and regular updates, with a concentrated effort to update the capacity of the existing workforce to new standards. No funding is currently available to do this and it has not been a priority of the Law Enforcement Academy, which has limited capacity without contractors to do such a revision (currently no director and often operating at about 50% capacity). Similarly no formal training exists for field training officers (FTOs) who take new cadets completing basic training into the field, supervising and mentoring them on the job. FTOs are not prepared to ensure state-of-the-art field training or practice, and their own training is out-of-date. No executive level training is required for law enforcement leadership.

Modernizing training is not just a matter of updated content, but requires updated methods that integrate knowledge and skills into simulations of real life situations. Patrol officers, in particular, need to think on their feet, often in a crisis situation. Current standards for adult education methods have never been used to train law enforcement officers in NM. While the Academy and some satellite academies

have simulation software, as do a few agencies, curricula have not been developed to ensure it can be used to accomplish the integration of knowledge and skill in practice. Similarly, all instructor training must be updated consistent with modernized curricula and methods, as well as all specialized and advanced training.

Many law enforcement personnel express interest in education leading to college degrees, and new career paths, but they are not provided any guidance in developing their careers. The Law Enforcement Academy grants some college credit for basic training, but it isn't clear if that credit would hold up to scrutiny given how out-of-date it is. Law enforcement personnel want to be seen as professionals, comparable to other professions, but the system used to prepare them for their jobs and careers is not comparable to other professions, and that deficit is felt, if not understood. The entire approach to professionalizing law enforcement needs to be re-considered, if our personnel are to be able to perform effectively, and if we are to attract and retain a new generation workforce.

District Attorneys (DAs)

Law enforcement refers cases to DAs for prosecution, and both agency and DA must collaborate for a case to get to court. No one knows how much violent crime is never prosecuted because of failures in this collaboration: it is invisible to the public. DAs are elected in the NM judicial districts which overlap multiple law enforcement agency jurisdictions, so collaboration may be complex, particularly when cases have been shared by law enforcement agencies.

While elected in their judicial districts, DAs are paid by the state. DA office budgets are submitted to the legislature for approval as part of the state budgeting process.

DAs are subject to case management orders (CMOs) from the courts that impose deadlines and other requirements of the court system to ensure speedy and fair trials. DAs' offices are often understaffed, some severely. With inadequate resources, prosecutions may fail because the requirements of CMOs can't be met, limiting the number and type of cases that get to trial. When DAs are resource constrained, they may focus on more serious crimes, leaving persons committing lesser crimes without consequences. No consequences for lower level crimes, degrades the credibility of the entire criminal justice system, as criminals repeat

offend with increasingly serious crimes. In this sense, prosecution of lesser crimes is a form of prevention, but the system does not have the resources to pursue this concept of prevention.

Data on the reasons for not prosecuting cases, particularly felonies are not generally available for scrutiny by the public. Failure due to lack of resources requires different solutions than failure due to inadequate evidence because of failures by law enforcement agency coordination with prosecutors. Plea bargaining criteria may or may not be discussed publicly. Certainly the public does not understand the reasons for most plea bargains. A good deal of DA practice is a kind of “black box” to the public, with people arrested and then released back into the community, some diversion arrangements, and often inadequate evidence to prosecute, inadequate resources to comply with CMOs, political priorities, and other reasons that are not transparent. And this varies across the 13 judicial districts and may change with leadership changes and other factors.

The New Mexico Administrative Office of District Attorneys is a state agency with a variety of functions including a “case management” data system of certain decisions made by DAs, continuing education for DAs, victim notification, legislative analysis, and special prosecutions. It isn’t clear whether reporting to this agency is complete, consistent, how its information is used, or how the agency is held accountable.

Public Defender & Defense Bar

Public defenders are funded by the state to guarantee access to legal defense for indigent persons accused of criminal offenses. Here again, resources and vacancy rates will limit the access of criminal defendants to adequate legal representation. Defendants with resources can hire private practice criminal lawyers to represent them. I have not seen data illustrating by type of defense attorney and crime, differences in prosecution, diversion, release, and case outcome. It is possible, as with many situations, that those who can afford legal representation fare better in the criminal justice system, than those who must rely on the public defender. Such an outcome would not suggest that public defenders are less able, but a combination of circumstances may mitigate against the best outcomes.

Courts

Magistrate Courts

Magistrate courts are under county or municipal jurisdiction. Judges are elected, but requirements to serve as a judge vary by size of jurisdiction, with most jurisdictions in NM not requiring judges to be lawyers. Magistrate courts hear civil, traffic, misdemeanor and lower level felony cases. These courts have severely limited capacities both in resources and expertise, but offer considerable potential for preventive interventions that produce consequences for early unlawful and criminal behavior. It isn't clear how much diversion, specialty court, and prevention takes place in these courts. Public information would suggest they are frequently overwhelmed and that many cases are dismissed (without consistent data available regarding the reasons for dismissal).

District Courts

Criminal cases are heard in district courts. Judges are appointed by the Governor based on recommendations of a bipartisan panel, and confirmed by partisan election, then subject to periodic retention elections. Most voters don't understand how judges are elected, and little information about judicial candidates is publicly available. As a result, accountability for judges is largely within the court hierarchy. The public would probably be interested in the types of sentences handed out by type of crime by the judges in their district.

Some district courts have specialty courts that provide hearings and trials for defendants with certain needs (e.g., addiction, behavioral health). Judges also need to make determinations of competency and dangerousness, which can result in dismissal of a case, referral for court ordered services, or pre-trial detention). Training for judges in specialty areas is handled by the Administrative Office of the Courts (AOC), which is currently charged with overseeing the planning process for recent behavioral health planning and program priorities to be funded by the Healthcare Authority. Some courts operate diversion programs that route a defendant into a program, such that compliance may result in dismissal, or non-compliance advancing to trial.

These courts rely upon sentencing guidelines published and updated by the NM Sentencing Commission. Guidelines are established to align with national trends and standards, and to ensure that sentencing is consistent with the seriousness of

the crime. Judges are not required to follow the Guidelines, and often provide shorter sentences than allowed. It isn't clear how frequently judges' decisions are explained in writing, or whether data on case outcomes is standardized and available to the public.

What is apparent anecdotally and from limited data from some jurisdictions, is that the proportion of cases that are handled by prosecutors that actually go to trial is relatively small, and that those convicted often get shorter sentences than allowed by guidelines, including for violent felonies.

Corrections

The state department of corrections oversees the state prison, probation and parole systems. Jails and detention centers are operated under county/municipal authority and hold people prior to going to trial. Both local and state institutions are obligated to provide medical care and a safe environment for inmates. Law suits and press coverage suggest that both systems encounter significant challenges in providing the expected level of safety and services. State prisons have accreditation from a national body. Local facilities may not have such accreditation, and the extent of oversight for all facilities is unclear. Legislation to create civilian oversight of prisons has been vetoed by the Governor.

The effective functioning of the state prison system depends to some extent upon the correct placement of inmates in different security levels based on risk assessment. UNM updated these tools in 2024 released a long delayed report updating the state's risk assessment tools. Corrections staff were reported to routinely over-ride placements based on risk assessments. The current status of these practices is unclear. Placement by level of risk determines cost and exposure to rehabilitative services, so correct placement is important. It isn't clear that there is any oversight of these placements.

Inmates often benefit from a variety of treatment and rehabilitation programs while incarcerated, but these programs are limited. Corrections has been implementing medication assisted treatment for addicted inmates, but the extent of other programs is not well documented. Data on what happens during incarceration is limited, making oversight and accountability difficult. Sexual assaults of female inmates had been reported and a facility was closed within the last several years.

Recidivism has been higher than should be acceptable, but analysis is limited. Minor probation violations can result in return to prison, while early release based on credit for good behavior shortening sentences, even for violent felonies, often results in re-offending. Data on felons arrested in possession of firearms (illegal) in Albuquerque has been alarming. Clearly very dangerous persons are released back to the community to re-offend, and go through the entire system over and over again. The Governor has wanted to make pre-trial detention easier, but other solutions to managing the state's most dangerous offenders are slow to surface.

Community based corrections programs are limited (e.g., halfway houses, work programs). No plans or strategies for expanding such services appear to be in the works. Similarly, plans and strategies for rehabilitation within the prisons are limited or non-existent.

Training for prison personnel is performed by the Department of Corrections, and is accredited by national accreditation programs. Vacancy rates present similar problems as in other parts of the criminal justice system. Inadequate staffing endangers both personnel and inmates. The adequacy of training has not been evaluated by an outside source, as was done for police officers. No pipeline to recruit and develop corrections personnel has been developed so recruitment and retention are challenging. Recruitment/retention programs comparable to those for police officers have not been developed to stabilize this workforce, and no meaningful career paths are evident. Prisons offer employment in communities that have limited alternative employment options, and so may play an economic stabilization role in those communities. But prison jobs are unlikely to attract applicants from other communities or states.

Legislative Opportunities to Plug Leaks and Improve Productivity

Prevention

- Meaningful consequences for lower level offenses—community service, education, referrals for services—create authority for consequences to decrease dismissals
- Sustainable funding for prevention programs
- Mandate outcome data for prevention programs
- Bridge juvenile services into early 20's

Emergency Response

- Establish parity of benefits and professional salaries for Public Safety Telecommunicators to other law enforcement positions.
- Modernize training at all levels for Public Safety Telecommunicators
- Evaluate inclusion of 988 functions recently defunded by Feds into 911 and state crisis hot line operations.
- Create funding mechanism to bridge smaller 911 agencies to upgrade salaries and benefits to allow local governments to update budgets.
- Fund existing and new Alternative Response capacities in counties as transition to building into county budgets.
- Require inter-operability of all 911 CAD systems statewide to ensure access to data by all law enforcement agencies across state.

Law Enforcement

- Professionalize law enforcement, increasing stature and respect to attract and retain best people.
 - ✓ Mandate and invest in modernized training for all levels (not just basic currently in process of update over next 3 years): re-envision as professional training and credentialling similar to other professions.
 - ✓ Ensure staffing, funding and independence of Standards & Training Council—move to RLD or DFA
 - ✓ Research making LEA independent agency reporting to Higher Education—DPS has not supported for decades. Create Academy for criminal justice positions, including emergency response and corrections, integrated into college system to create clear career pathways.
 - ✓ Create pipeline with internships starting in high schools (public safety corps)—note old legislation was never implemented by DPS.
 - ✓ Move Certification Board to RLD or DFA to ensure oversight of misconduct and validation of qualified work force. Add

requirement for review of citizen complaints and include violation of civil law/policy by law enforcement leaders in criteria for misconduct associated with revocation of license.

- Mandate community policing in urban core in larger cities—this is national best practice.
- Grant program or other funding to support “REAL TIME POLICING” technology and training systems.
- Mandate DPS modernize its performance measures to address legislative concerns—create accountability mechanism to legislature.
- Grant program or other funding for simulation software, equipment and facilities to regional training academies, and local agencies willing to share with smaller rural agencies— for use in training, continuing education, and incident review (quality assurance).
- Modify retirement and pension rules to enable experienced professionals to return to work as instructors/faculty to strengthen the profession.
- Modify legislation to count work as instructor/faculty toward retirement benefits comparable to front line and leadership positions (currently this is barrier to hiring faculty).
- Require and fund leadership training for sheriffs, undersheriffs, chiefs and captains (Standards & Training Council).
- Create financial incentives for specializations (Spanish and Indigenous language speakers, behavioral health expertise, negotiators).
- Mandate standards for evidence collection, storage, and maintenance by agencies, with agency certification and re-certification.

Prosecution

- Establish data reporting requirement for DA offices to ensure standardized public accountability for productivity and case outcomes. Create an interdisciplinary committee to define these requirements, and place reporting at Administrative Office of District Attorneys—evaluate adequacy of its case management data system.

- Create (or clarify) authority for DAs to create diversion programs as alternatives to prosecution, with prosecution as a consequence of failure to comply, including for juveniles. Potentially link to SB 3 planning process and program funding.
- Provide for parental responsibility and consequences for non-compliance regarding disposition of juvenile offenders.
- Explore resource related challenges to compliance with CMOs and a reasonable exception process from courts that protects rights while allowing for important cases to move forward.

Courts

- Establish data reporting requirement for Magistrate Courts to ensure standardized public accountability for productivity and case outcomes. Create an interdisciplinary committee to define these requirements, and place reporting at county or municipal administrator office with mandatory public reporting of aggregate results. Establish grant or bridge funding for smaller jurisdictions to establish reporting systems while cost is built into local government budgets.
- Require public reporting of disposition of cases in aggregate on regular basis by judicial district and by level of crime, with classification of reasons for dismissals and sentencing outcomes. Fund AOC to establish public reporting system.
- Require AOC to collaborate with domestic and family violence experts and programs to establish standards for training of judges on family and sexual violence and related national standards, best practices, and protection of child and victim rights. Fund development and implementation of modernized training.
- Develop child witness protection standards that minimize re-traumatization.
- Direct Sentencing Commission to explore adding broader range of sentencing options to its recommendations, including parental consequences in cases of juvenile offenses.
- Extend juvenile sentencing options to age 25.

- Authorize court ordered programming during incarceration, which would require the Department of Corrections to provide such programming with appropriate placement. Fund rehab, treatment, and re-entry programs in Corrections.
- Fund regional juvenile detention facilities, potentially requiring financial match/offset from counties that use them, and link to SB 3 planning process.
- Require written explanations of dismissals for repeat violent offenders.

Corrections

- Mandate citizen and stakeholder oversight of corrections, including incident reviews in all cases of serious injury, death, major medical crisis, and sexual assault. Ensure feedback loop for analyses of incidents and complaints to legislature, executive, and aggregated for public reporting.
- Require Department of Corrections to update its performance standards to comply with legislative requests for data and impose consequences for non-reporting: data to be included in LFC reports.
- Require Department of Corrections to submit a 5-10 year plan for developing the programming required by national best practices to support re-integration of inmates to their families and communities, along with a budget and implementation schedule.
- Develop alternatives to re-incarceration for technical violations of probation and parole.
- Professionalize corrections officers:
 - ✓ Commission outside consultant to perform job task analysis for corrections personnel
 - ✓ Use results to commission state-of-the-art training curricula update for state training academy
 - ✓ Develop continuing education requirements, specialty career paths, and advanced programs
 - ✓ Link to state college system (see proposal for separate academy for all criminal justice professionals) outside Department of Corrections

- Create pipeline for corrections profession at high school and community college, including internships and mentoring opportunities.
- Ensure oversight of over-rides of risk assessment for placements.
- Require outcomes data by prison and incarceration level in reports to the public.
- Commission study of community corrections and rehabilitative programs nation-wide, for evaluation for implementation in New Mexico.

Part II Legislative Agenda

In Part I, we provided an analysis of the NM Criminal Justice system in 2025. Many “choke points” are identified, to show where inadequate system capacities and features interfere with production of public safety and justice. Part I concludes with a list of many possible legislative options that address major and minor choke points. Many more could be added by those with expertise in specific functions within the system. Historically, the legislative process has concentrated on very narrow changes to this system.

In Part II, we tackle the Justice System we want to move toward creating, taking into account system level problems:

- Justice system performance is impeded because of historic neglect and underinvestment in key capacities: referred to as “choke points” below.
- With a fixed capacity, changes to priorities take resources from one place to be used elsewhere, shifting the problems, resulting in more people released from the system without appropriate adjudication, and without consequences.
- The public loses confidence in the system.
- People at risk for criminal activity escalate the dangerousness of their violations of law when interventions are ineffective or lacking altogether for lesser infractions.
- Legislation should focus on the “choke points” in the system and invest in re-structuring to:
 - Leverage scarce resources: lawyers, certified law enforcement officers, expensive facilities, etc.
 - Consider paraprofessional specialists and team staffing strategies
 - Increase non-institutional prevention programs
 - Increase prevention and community transition programs within corrections and institutional settings
 - Incorporate evolving technologies

- Modernize and upgrade professional training and standards at all levels.
- Create accountability mechanisms and feedback loops for continuous performance improvements:
 - Create targeted data collection and reporting resources that identify system performance problems.
 - Place effective oversight mechanisms outside operational agencies, and give them “teeth”.

Current performance deficits are the result of decades of neglect and underinvestment: there will not be any quick fixes, or simple solutions. System problems will impede implementation and enforcement of incremental improvements, even when they seem to make sense.

As citizens concerned about public safety and justice, we ask the legislature to consider an overhaul of the system: an investment strategy and a 10 year plan to address the fundamental choke points in the system, and address its overall performance. Build upon the investment and planning strategies undertaken to address the behavioral health and justice system interface in 2025, and utilize the investment strategies the state has undertaken to finance ongoing childcare, education, and other critical services.

Please consider the proposed legislative agenda described below. It is not complete or comprehensive, but it does address the critical system performance problems based on our analysis. It offers an alternative approach to the hundreds of bills filed every session that address crimes, penalties, and details of justice system functions.

We see justice system performance as fundamental to public confidence in government, to the public safety necessary for economic productivity, and to protect our rights under the US and NM constitutions. We ask for a bi-partisan commitment. And we focus on next generation leadership, as many changes to existing practices will be needed to meet our current and future needs. We need to have a multi-disciplinary planning process that invites expertise from all over the country, and from different evolving institutional systems to contribute. In other words, we need to look inside our own NM justice system for emerging leadership and outside the NM justice system for ideas and solutions tested elsewhere. We need to appreciate and thank existing leaders and ask them to keep operations

moving as effectively as they can while improvements and system changes are made. We ask for zero tolerance for defensiveness of historic practices, and for open minds.

2026 Session

We are suggesting that the 2025 legislation (SB 1 and 3) to redesign the behavioral health system, serve as model legislation: addressing obstructions to Justice system performance will require both an investment strategy, and a planning process. To adapt that model we recommend either a joint memorial or joint bill that establishes a planning body to develop both. We are looking for bipartisan sponsorship. The parameters for this planning body might include:

- A paid director, possibly a consultant from out of state, potentially from a think tank, research center, or similar institution with national scope.
- At least 2 staff FTE (administrative & research), or equivalent assigned from the LFC.
- A consultant budget for national experts
- A 6 month duration, meeting twice a month.
- Identification of an investment fund target amount to support a 10 year plan to recommend to the 2027 legislature.
- Assume that planning will take place at the judicial district level to correspond with and link to the Administrative Office of the Courts behavioral health/judicial system process.
- Speaker and Pro Tempore appoint bipartisan bicameral small group to take nominations from any legislators for members of planning body.
- Suggestions for composition of membership (members to represent different areas of the state, be tri-partisan (democrat/republican/unaffiliated) and diverse population groups):
 - A democrat and republican from the House
 - A democrat and republican from the Senate
 - Representation from both Magistrate and District Courts
 - Representation of citizens at-large
 - Representation of law enforcement leaders (no current chiefs or sheriffs—next generation leadership) with municipal, sheriff office, and tribal leaders)
 - Representatives of district attorneys or their leadership

- Representation from the Public Defender Service
- Representation from the NM Bar
- Representation from the Sentencing Commission
- Representation of the NM Crime Victim Reparation Commission
- Representation of criminal justice advocacy organizations
- Representation of crime prevention advocacy organizations, including at least domestic violence prevention, gun control, and juvenile programs.
- Representation of first response 911 and alternative response organizations/professionals.
- Representation of public education leadership K-12
- Representation of state college and community college leadership
- Representation of corrections officer leadership (next generation)
- Representation of adult and juvenile probation & parole professionals
- Advisors to be incorporated into the planning process:
 - Higher education system
 - Workforce Solutions
 - Regulation & Licensing
 - Administrative Office of the Courts
- National expert consultation to be sought
 - Justice system career path experts (e.g., John Jay College of Criminal Justice)
 - Criminal justice research institutions
 - Juvenile justice research institutions
 - Law enforcement research institutions
 - Corrections research institutions
 - Accreditation & Standard setting institutions
 - Other related Justice system research bodies (e.g., American Prosecutors Research Institute, Institute for Intergovernmental Research, and University based centers)

The product of this work would be recommendations for the 2027-2029 legislative sessions: budget, investment, first phase recommendation, and design for an on-going planning and implementation oversight function which may be placed and funded inside the NM Department of Justice. A premise for moving forward with reform of the Justice System requires separation of oversight from operations to ensure accountability for performance.

Suggested Legislation to Address Primary Choke Points by Topic and Phase

Phasing over time is incorporated into the proposals below. Some critical tasks necessarily precede others, and some can more readily be launched given existing structures.

Primary Choke Point: Inadequate staff to move people through the system

Sub-issues:

- Need to refine job descriptions/positions to better leverage sworn law enforcement and lawyers—new para-professional specialties may be needed, including team structures.
 - With refined positions, re-assess actual needs for staffing across local jurisdictions and state agencies.
 - NM Justice system is not interesting or attractive to potential employees, including from surrounding states: A “vision” is needed that stands out from the norm of locally driven institutions. This vision needs to enable response to local needs, while asserting a standard for the state that ensures equal justice under the law for all New Mexicans.
 - Local institutions don’t have resources or expertise to recruit effectively and consistently.
 - Local institutions don’t have resources to develop a pipeline into local schools, colleges, athletic organizations, military, businesses transitioning workforce, etc.
- **Vision & Plan 2027-2029:** A state plan to re-invigorate and re-envision the NM Justice system, with a commitment to invest in its implementation may attract leaders from around the country as well as inspire students, unhappy practitioners in other states, and career changers. Such a vision and plan needs to feature career paths that promise respect, stature, advancement, and professional standing. This can be mandated as the initial product of the oversight body proposed in the 2026 planning process. Legislation can target publication of the vision and plan in national publications reaching

Justice system professionals, social media, and institutions that have an interest in Justice system innovation.

- **State Recruitment Center 2027-2029:** A state centralized resource placed in Workforce Solutions, or other appropriate state body (or could be established as independent quasi governmental/private partnership), would include:
 - Centralized computer capacity designed (including AI components) to receive and track inquiries regarding all Justice System (and potentially other related workforce shortage areas such as CYFD) work opportunities, and route them to the local and state agencies seeking employees. This would include a portal for all hiring agencies to register their open positions, salaries, benefits, and other relevant information, along with contact information to make it easy to establish contact between the person making the inquiry and the agency. This system must provide a pro-active and welcoming response to the inquirer. (most recruiting systems are passive and those on the internet are a black box for job seekers).
 - A professional major media campaign that features the NM Justice jobs of the future, anchored by the stories of current workforce participants and featuring articulate local leaders, including community leaders who can express how important these jobs will be to NM communities. Media will feature the diversity of NM landscape, ethnicity, and welcoming families, including our free day care and college.
 - A media placement contract to ensure that the media are appropriately targeted over time to be pro-active, and that NM opportunities are prioritized in various search mechanisms. With the current federal administration, NM may offer a more hospitable professional environment, providing the “vision” is in place.
 - An evaluation component to determine effectiveness, gather feedback, and improve performance.
- **Pipeline Development (2029-2031):** establish ongoing functions that reach into sources for employees:

- Potentially attached to the central recruitment function or out of a higher education program (see later section on education/training):
 - Develop materials to be disseminated to all secondary school libraries and social studies teachers, linked to media campaign, vision, and career path work.
 - Develop separate materials for dissemination to law schools and legal organizations nationally.
 - Recruit a speakers bureau including current practitioners, to give presentations at high schools, community colleges, ROTC programs, military, athletic programs, job training programs, public events, youth and community centers, etc.
 - Develop an internship system for local agencies, that includes, training (with college credits), paid work, liability insurance, etc. Potentially develop a public safety corps¹, to expose youth to various careers (dispatch, first response agencies, law enforcement, legal professions including para-legal and administrative options, corrections, prevention).
 - Develop internship system for college and law students and new graduates.
 - Publicize internship opportunities in surrounding states.
 - Provide recruiting materials to selected targets in surrounding states.

Primary Choke Point: Inadequate and sub-standard professional training/education

Sub-issues:

- Recent 2024 study under DPS contract by national expert consultants assesses law enforcement basic training curricula and methods as decades out of date, not meeting the most basic national standards, and placing the state at moderate risk for litigation over negligence in training police. The entire state law enforcement workforce is seriously under-trained, though some local satellite academies and agencies provide supplementary training that exceeds the state

¹ Something like this was legislated but never implemented.

minimums. A contract is in place to rebuild the basic curriculum over three years, but no resources have been committed to upgrade training for the rest of the workforce.

- Law enforcement leaders have long complained that the in-service training program required and developed by the state is out-of-date, inadequate, not responsive to needs, and seldom updated.
- Training/continuing education for all instructors, specialties, and advanced areas of expertise are similarly out of date.
- Training and certification for public safety telecommunicators is similarly decades out-of-date.
- The Law Enforcement Academy housed within DPS has been chronically understaffed and underfunded, lacking accreditation, with intermittent leadership, and lacking oversight for quality and meeting needs of the law enforcement workforce. The recently legislated Law Enforcement Standards & Training Council has been meeting for a little over a year but is without staff or budget or clear leadership, and is only partly implemented.
- The Law Enforcement Certification Board, which replaced the previous Law Enforcement Academy Board is charged with oversight of police misconduct and approving certification for law enforcement officers and public safety telecommunicators, is similarly only partly implemented, and has no staff.
- DPS as the agency to which the Board & Council are administratively attached, has interfered with implementation of both oversight bodies, limiting their ability to perform legislatively mandated functions.

➤ **Upgrade in-service/continuing education consistent with revisions underway to basic curriculum 2027-2029:**

- Explore addition to contract for basic curriculum revision to work with Standards & Training Council for complete modernization of a continuing education program for law enforcement, including hours, content, and methods. The first new 2-year cycle will need to have more hours to bring existing workforce into consistent standards with new basic training.

- Mandate a process to engage community and national experts in review of new continuing education programs.
 - Mandate updating continuing education requirements annually for legal updates, and every four years for complete update. Authorize updating as needed to respond to real time changes in crime and technology.
- **Move Law Enforcement & Training Council and Certification Board to Department of Regulation and Licensing 2026-2029**
- These bodies are intended to function independently, and have faced some conflict of interest attached to DPS. They are intended to provide professional oversight comparable to other professional boards and would be better able to function attached to RLD.
 - Require budget and staffing plan from each body for 2027 session for appropriations, either through RLD or DPS depending on status.
- **Require and appropriate funds for contract for a job task analysis/assessment of the training needs for public safety telecommunicators 2026-2029**
- Require budget and implementation schedule from Standards & Training Council based on recommendations of assessment.
- **Require and appropriate funds for contract for a job task analysis/assessment of training needs for corrections officers 2026-2029**
- Require budget and implementation schedule from Corrections Department based on recommendations of assessment.
- **Require and appropriate funds for contract for a job task analysis/assessment of training needs for CYFD key staff positions 2026-2029.**
- Require budget and implementation scheduled from CYFD based on recommendations of assessment.

- **Identify planning process to move the Law Enforcement Academy and the Corrections Academy out of DPS and the Corrections Department to an independent educational institution linked to the state college system (2029-2031)**
 - These agencies are operating agencies and do not have appropriate capacities to oversee professional education programs. They have historically been understaffed and under-resourced to provide continually updated educational programs and career development to support a professional workforce.
 - The NM Justice system needs to offer a continuum of educational opportunity to attract employees and professionals that will meet the needs of the system and national performance standards, and mitigate litigation, associated liability, and cost for violations of civil rights and other standards of practice.
 - This would be most effectively done over the long term, by creating a Justice system educational capacity within the state and community college system. Several state universities have multi-faceted criminal justice programs, and these should be looked at as models.
 - This planning process would yield a separate budget and implementation strategy over the 10 year planning for the Justice system revisions. It can be phased in and should include specialty certification programs, continuing education, associates degrees and bachelors degrees. Graduate degrees can be added later on.
 - An educational resource in NM would attract students from other states, who may decide to stay and work in NM.
 - Programs can be linked with UNM law school that encourage law students to engage with other Justice system practitioners in areas related to prosecution, criminal defense, and the courts.
 - Programs related to prevention and diversion may also be incorporated into credits, specialties, and certifications.

- **Mandate Standards & Training Council to supervise assessment and updating for basic law enforcement training and related faculty certification every 5 years, and all advanced and specialty education and faculty certification at least every 7 years, but as needed to address**

evolving conditions, technology, and national standards of practice 2029-2033)

- The Council should submit annual budgets to retain contractors to develop all necessary revisions to curricula and training methods, to field test them, and monitor implementation, until such time as some of these functions may be carried out by a new educational capacity established under the state college system.
- **Based on assessment of new or modified para-professional positions identified to leverage certified law enforcement officers and attorneys, commission Workforce Solutions to oversee task forces of practitioners to define job requirements and training needs. Product should go to the planning and oversight body for approval and referral to personnel agencies in state and local government, and to the Standards & Training Council, the Administrative Office of the District Attorneys, and the Administrative Office of the Courts, for recommendations on appropriate training settings.**
- **Modern educational methods will require use of evolving technologies. The Standards & Training Council may be tasked with surveying the needs and researching the costs for ensuring that simulation and related technologies are available for all educational programs within satellite academies and other law enforcement and public safety telecommunicator educational settings, and that educational access to necessary technology is available within each judicial district 2027-2029 and every five years.**
 - Recommendations shall be made to the legislature for funding.

Primary Choke Point: Inadequate staffing

Sub-issues:

- Counties, cities, state agencies, and judicial circuits may need outside expertise and data to determine the staffing needed for the Justice system to handle the throughput of cases.
- Funding for existing positions flow through local governments and the state. Increases identified will need to be planned and supported by an investment strategy.

Primary Choke Point: Inadequate data

Sub-issues:

- Existing data collection and resources have evolved to support specific local programs and institutions, with limited standardization. Increased standardization and focus on essential data are necessary to evaluate Justice system performance.
 - Gaps in data make it difficult to design strategies and programs that can efficiently improve system performance and hold practitioners accountable to the public.
 - Data reporting must be required with meaningful consequences for non-reporting.
- **The Justice system planning and oversight body needs to establish a task force or set of work groups to inventory and evaluate existing data to determine its reliability and identify additional data needed (2027-2031):**
- Gaps in existing data, where it is deemed to be essential will need to be identified, definitions standardized, and reporting procedures refined.
 - Data elements essential to measuring throughput, such as key decisions on disposition of arrests and cases forwarded for prosecution or diverted, will require standardization and a system for reporting, as will reasons for sentences and dismissals once cases go to court. Public accountability demands a data driven explanation for the volume of “offenders” returned to the community for different offenses, and with different consequences.

- The work group/task force product would be recommendations for legislation of data reporting requirements **that do not duplicate existing data sources.**
- There will need to be consequences for failure to report data. And data-receiving organizations will need to monitor compliance.
 - DPS is the logical agency for reporting law enforcement data. Its record for compliance and imposing consequences for non-compliance has been poor, so compliance measures should be required as part of its performance measures reported to the legislature.
 - The Administrative Office of District Attorneys is currently state funded to provide these types of data. Additional funding and reporting mechanisms may be required.
 - The Administrative Office of the Courts currently collect most information on court disposition. Its data administration capacities may need to be enhanced.
 - The Department of Corrections will need to have its data reporting capacities analyzed, enhanced, and compliance will need to be monitored.
 - CYFD will need to have its juvenile justice data reporting capacity analyzed, enhanced, and compliance will need to be monitored.
- A Justice system dash board should be designed to produce data useful to the public that demonstrates the volume of arrests, releases prior to referral for prosecution, diversions, referrals for prosecution by type of crime, pretrial detention, pretrial jail time, releases prior to prosecution, conditional diversions, plea bargains, charges filed by type of court, court diversions, behavioral health referrals, court dismissals, convictions, sentences, admissions to prison, placement by level of risk, time granted for good behavior, time served before release compared to sentence, probation & parole status, etc. These data need to identify multiple offenders, juvenile vs adult offenders, data on juveniles overseen by CYFD and juvenile facilities/programs. They also need to be classified by level of crime. The Dash Board should show data by judicial district, county, and statewide.
- The data on release/dismissals and plea bargains, along with classification by reason will be important to assess the adequacy of

staffing. The legislature will be able to see the extent to which the system is able to provide consequences for different levels and types of crime, and the type of offenders being released back into the community without consequences.

- **Based on task force recommendations, the legislature can establish data reporting requirements, reporting entities, receiving entities, schedules, capacity enhancements, compliance rules, and an investment strategy to establish the Justice system Dash Board. (2029-2033)**

Primary Choke Point: Inadequate prevention and diversion programs/options

Sub-issues:

- A search of the literature on crime prevention programs provides many programmatic options, some of which have been evaluated and for which consultation and expertise may be available for replication. Many local jurisdictions in NM are piloting or have tested strategies they believe work. The problem is information on these programs is mostly local and there are not dedicated resources to mine both national and local innovations.
- Similarly many local jurisdictions have a variety of forms of diversion, but information about those programs remains largely local.
- Prevention programs range from crisis intervention, to primary prevention to targeted prevention:
 - Crisis intervention provides a critical opportunity to refer troubled people for services and to link them and their families to systems that can prevent escalation and tragedy. Key examples include:
 - State funded 24/7 crisis hot line (and 988 national mental health hot line if it is funded)—this resource is under-used by law enforcement.
 - Local alternative response units, which incorporate social work, counselors, peer supports, and other

- professionals into responding to 911 calls, limiting law enforcement participation.
 - Crisis behavioral health and outreach services for homeless persons.
 - Crisis child and family services.
 - Primary prevention includes school based programs in conflict resolution—tested in some schools, but could be legislated state-wide. Conflict resolution can be taught to teachers and school personnel, and incorporated into curricula from K-12. It can begin on the playground, be integrated into the social studies curriculum, and taught to older students as required or elective subject matter.
 - Primary prevention also can include peer mediation for secondary level students, and as elective subject matter for students interested in public safety careers. Peer mediation has been used in some cities to mitigate gang activity, and in community based correction transition programs.
 - Targeted prevention programs can address diverse subjects such as :
 - Gun safety
 - Domestic violence, batterers’ intervention
 - Sexual safety
 - Anger management
 - Alcohol and drug education and treatment
 - Situational awareness
 - De-escalation
 - DUI programs
 - Wide variety of educational and vocational services
- Prevention programs can be located in communities with referrals open broadly through health care providers, schools, churches, community centers, and other resources.
- Prevention programs can be used by Justice system actors for referral as an alternative to arrest, or charging by prosecutors.

- Prevention programs can be integrated into juvenile case management services, detention settings, and juvenile probation and incarceration.
 - Prevention programs can be integrated into adult corrections settings.
 - Diversion programs offer offenders alternatives to arrest records, prosecution and incarceration. Justice system actors need the requisite authority to offer diversion programs. Generally failure to take advantage of a diversion program returns the offender to arrest, prosecution or incarceration.
 - Community service requirements can be incorporated into diversion strategies as an alternative to arrest, charging, conviction for misdemeanors and low level felonies.
 - Both Prevention and Diversion programs reduce the throughput of the Justice System, leveraging justice system professionals.
- **Establish a state office for Justice System prevention and diversion programs. Can be placed in the NM Department of Justice or the Administrative Office of the Courts. Its function would be to research and identify potential programs and resources (including grant funding) to make available to the judicial districts, and to track program implementation across the state. 2029-2031**
- **Require each Judicial District to have a full time Prevention/Diversion program director to work with law enforcement, prosecutors, and courts within the district on priorities for these programs, and to identify program models, and consultant resources that can help, linking to the state office of Justice system prevention and diversion programs if established. This person would also link to the Supreme Court's Commission on Competency and Behavioral Health planning process within each judicial district 2027-2029.**
- **Establish a proposal function for Judicial Districts to seek funding from the state, potentially matched by county or other sources of funds, to**

support prevention and diversion programs, allowing for pilot programs, with evaluation for replication and mechanisms to stabilize funding for successful programs 2027-2031.

- **Require that each judicial district establish one or more community service banks that identify opportunities for diversion to improve the community through paid and/or volunteer service, may include “second chance” employment programs.**

Primary Choke Point: Very little, if any, community corrections.

Sub-issues:

- The New Mexico corrections system suffers from high rates of recidivism, some of which is attributed to technical violations of probation and parole.
 - Few community-based programs exist for probation that provide the transitional skills and services needed for successful rehabilitation after conviction, particularly for non-violent crimes.
 - Few community-based programs exist for parole once released from a correctional facility.
 - Time reductions for good behavior represent one of the few incentives to increase safety and engage inmates in community transition and rehabilitation while incarcerated. Additional privileges and nuanced conditions on time reductions might be considered.
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- **Establish a planning group to research community correction programs nationally to make recommendations to the oversight/planning body and legislature 2031-2035.**
- Look at half-way house models nationally.
 - Look at Delancy Street and other vocational second chance programs nationally

- Look at long term drug addiction support programs nationally.
- Create scholarships for education and vocational training programs that can be “earned” during incarceration.
- Explore options for college and vocational training within correctional institutions, as well as supervised release to participate in such programs, while incarcerated.
- Explore community mentors for incarcerated persons.
- Require correctional facilities to teach conflict resolution and peer mediation skills, and tie to good time reductions.

Primary Choke Point: Inadequacy of facilities and supervised settings for juveniles.

Sub-issues:

- Counties have closed juvenile detention facilities reducing capacity and accessibility below what is needed.
 - Juvenile detention facilities are among the most expensive justice system capacities, and require a specially trained workforce that is not available outside the major cities.
 - Counties are responsible for juveniles before adjudication and CYFD following conviction, with transition at age 21.
 - Clinical behavioral health and developmental professions argue that a more appropriate age for transition from juvenile to adult facilities for very serious crimes should be 24-25.
 - Given the dangerousness of many incarcerated juveniles, home based, or other supervised (e.g., group home) settings may not be safe, and small facilities may not be financially viable.
- **Establish a work group/task force to explore a mechanism to adapt the Bernalillo model for services, as well as an overview of other national models, to a regional juvenile detention strategy. Create an**

oversight function, that counties fund, to ensure that services meet national standards and best practices. 2026-2029

- Counties do not have resources or expertise to oversee detention of dangerous juveniles. Such services need to be expertise driven and may need to be state funded with matching or reimbursement support from counties. The state will have better luck attracting professional leadership and expertise if a centralized system is linked to a research institution and is linked to state college/university training resources.