

July 17, 2008

Governor Bill Richardson
Office of the Governor
490 Old Santa Fe Trail
Room 400
Santa Fe, NM 87501

Dear Governor Richardson:

We would like to thank you for convening the Prison Reform Taskforce to address important issues facing our criminal justice system today. We strongly support and endorse many of the recommendations outlined by the Prison Reform Taskforce in their final report. As community advocates and members of local organizations working on a range of substance abuse and criminal justice reform issues, we also believe that New Mexico can implement greater systemic reform to reduce recidivism and make our communities safer. A full letter outlining our additional recommendations is included in "Appendix B: Public Comments" section of the Final Report. We encourage you to consider the following recommendations in addition to the report provided by the Taskforce.

1) Set a goal for the reduction of recidivism.

We respectfully request that you, Governor Richardson, set a target for reducing recidivism and specify a timeframe to meet the target. The New Mexico Corrections Department reports that nearly forty-seven percent of people released from prison will return within three years. We can do better. For example, in 2007 Kansas Governor Kathleen Sebelius signed legislation that funded probation/parole services with a goal of reducing recidivism by twenty percent in FY08. This legislation has led to systematic reform and focused Kansas' resources on the successful reentry of people who are incarcerated, while ensuring public safety. We recommend that this concept be tailored to the structure and population profile of New Mexico prisons. For example, corrections contractors, policies, and staff can be evaluated annually on their contributions to the target reduction in recidivism.

2) Statutory change creating jail diversion for people with drug addictions.

House Bill 488 introduced by Representative Maestas in the 2008 legislative session would have enabled judges to offer appropriate community-based treatment, instead of incarceration, to people charged with simple drug possession offenses or drug-related probation and parole violations. We strongly encourage you to support a statutory change allowing for treatment instead of incarceration for drug-related offenses, in legislation similar to HB 488, in the 2009 legislative session.

3) Amend "The Pre-Prosecution Diversion Act" (*31-16A-1 to 31-16A-8 NMSA 1978*), enacted in 1981.

This program is a valuable tool for prosecutors. However, two eligibility criteria for the program outlined in the Act limit prosecutorial discretion and eliminate many offenders from consideration for the program. We recommend amending the Act to allow people to be considered for the program who have previous convictions, or were arrested on drug possession charges.

- 4) Suspend rather than terminate social and/or health benefits (i.e. Social Security, Medicaid) for individuals when they are incarcerated.

We encourage you to support a system that ensures individuals who are eligible for public benefits have access to those benefits immediately upon released from correctional facilities. This policy would guarantee that people released from prison have immediate access to medical and behavioral health treatment services to help prevent recidivism.

- 5) Improve employment opportunities for individuals released from prison.

"Banning the box" refers to removing the question on city, county or state job applications asking if the person has ever been convicted of a felony. Applicants with criminal convictions would then be on equal footing with other job applicants. Only during the finalist interview process would a criminal background check be completed if relevant or required for the position.

We should also ban discrimination based on a person's criminal conviction status in employment and housing throughout the state.

A third option for reducing barriers to employment for people released from prison is implementing statewide tax-incentives for employers and businesses that hire people with criminal convictions.

- 6) Fully utilize and support Reentry Drug Courts.

Reentry drug courts are already authorized in New Mexico statute. (31-21-27 NMSA 1978). Fully utilizing reentry drug courts is a practical resource that can be used to ensure that people struggling with drug addiction *within* correctional facilities receive the substance abuse treatment they need to rebuild their lives upon release. The use of reentry drug courts can reduce recidivism, improve public safety, and help individuals with drug addiction access the treatment they need to prevent drug-related relapse.

The above recommendations can have widespread positive impact for New Mexico by improving the chance of success for individual prisoners, as well as increasing public safety for our communities. We request your support for these six recommendations described above.

In addition to outlining our own recommendations, we would also like to highlight and endorse a number of recommendations included in the Taskforce's final report.

- 1) The creation of a new "Reentry Division" within the NM Department of Corrections

A comprehensive reentry reform package is needed in New Mexico. A specific Division within the Corrections Department dedicated to implementing and expanding community-based reentry services is an important step to ensure the success of individuals recently released from prison.

- 2) The creation of Reentry Centers

The Taskforce recommends the creation of reentry centers *within* existing facilities, but many states embrace secure off-site facilities to better integrate people into the communities where they will soon be released. These "off-site" reentry centers are often run as minimum security residential centers with close supervision combined with services such as mental and substance abuse treatment, assistance to find housing, education, life skills and parenting classes, job support and/or work release. Reentry centers must focus on interagency relationships incorporating individuals and agencies at the local, county, and state levels.

- 3) Expand the capacity and the range of existing evidence-based behavioral health and social services programs

With over 85% of New Mexico prisoners being assessed as needing substance abuse and/or behavioral health treatment, we must do more in the community to help people access services to defeat their addiction. The average cost of incarcerating someone for one year is \$31,000, compared to approximately \$5,000 a year for substance abuse treatment services.

- 4) Implement a medication assisted treatment pilot at the New Mexico Women's Correctional Facility

Currently 75% of women who go to prison for the first time and have a history of heroin use will return to prison within 2.5 years. With this treatment pilot, women with a history of heroin addiction can volunteer to be started before their release on buprenorphine, a state-of-the-art medication assisted therapy for treating opioid addiction. The treatment pilot will then help transition the women into the community with a case manager and physician.

We hope you will carefully consider the above recommendations in addition to the final report provided by the Prison Reform Taskforce. We commend the Prison Reform Taskforce for beginning the work needed to improve public safety and reduce recidivism. We thank you for your leadership on this important issue facing our state and our nation. Please feel free to contact us if you have any questions or would like more information. Thank you for your consideration of these proposals to help improve New Mexico's criminal justice system.

Sincerely,

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cc: James Jimenez, Lt. Governor Diane Denish