

A map of New Mexico showing its 17 counties. The counties are labeled: SAN JUAN, RIO ARRIBA, TAOS, COLFAX, UNION, LOS ALAMOS, SANDOVAL, SANTA FE, MORA, HARDING, McKINLEY, SAN MIGUEL, BERNALILLO, ALBUQUERQUE, CIBOLA, VALENCIA, GUADALUPE, QUAY, SIERRA, CHAVES, GRANT, OTERO, LUNA, DONA ANA, EDDY, LEA, and HIDALGO. A semi-transparent yellow banner is overlaid across the center of the map, containing the title text.

# New Mexico's Prosecutors - Innovative Programs -

## National Prosecutors' Consortium

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**September 2019**

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# The Evolving Role of the Prosecutor

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Over the last forty years, there has been a dramatic transformation and expansion of prosecutors' mission, to not only vigorously prosecute criminal cases, but also to engage in crime prevention, problem solving and community partnerships. Prosecutors' fundamental goal is to protect the community and ensure justice when enforcing the law. Traditionally, a prosecutor's role was a limited and relatively passive one - to evaluate and prosecute arrests made by the police.<sup>1</sup> That role has expanded and evolved significantly. The shift is driven by the need for more complex solutions that not only seek positive outcomes for victims, but also strive for long-term solutions for preventing crime and assisting those who are entangled in the criminal justice system.

Prosecutors are uniquely situated to be effective in carrying out these new initiatives. They play a pivotal role in the criminal justice system, making decisions and exercising discretion about whether to prosecute, whom to prosecute, and how to prosecute. Also, as leaders in law enforcement, prosecutors can work with the police and other partners to improve community relationships and to build trust in the criminal justice system.



1. Catherine M. Coles, *Evolving Strategies in 20<sup>th</sup>- Century American Prosecution*, in *THE CHANGING ROLE OF THE AMERICAN PROSECUTOR, 182-187* (John L. Worrall & M. Elaine Nugent-Borakov, eds., 2008).

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## The National Prosecutors' Consortium

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The National Prosecutors' Consortium (NPC) project is designed to collect information on innovative programs employed by prosecutor offices, to assist prosecutors in developing and deploy-

ing new programs, and to expand their research capabilities. The main areas of focus are the prevention of violent crime, community engagement, and encouraging victim/witness cooperation.

Many of the nation’s prosecutors relish the opportunities presented by their expanded roles in the criminal justice system and have adopted innovative programs. However, the nature of their new initiatives is impacted by the size and resources of the organization. A large office with plentiful resources can implement multiple forward-thinking initiatives that impact a large segment of their population. Conversely, a smaller jurisdiction may only have the capacity to develop a smaller, yet still meaningful initiative.

Innovative programs described in this paper are newly developed initiatives undertaken by an office in keeping with its unique resources and the needs of its community. Ideas for new programs are freely shared amongst prosecutors and can nevertheless be innovative when they are introduced, implemented, and customized to suit the needs of a particular office. For instance, a program that would be considered innovative in a smaller office, may be more common-place in a larger office. We seek to highlight those offices that are embracing their new role by working within their capacity to bring effective and proactive programs to their communities.

As part of the NPC project, a prosecutor survey was administered during 2019 at the county level across the United States on a state-by-state basis. The survey captures baseline information about prosecutor offices and collects information about the various evolving and non-traditional aspects of a prosecutor’s office, such as alternatives to incarceration, preventing violent crime, community outreach, victim/witness support, and treatment programs.



## Overview of New Mexico Prosecutor Programs

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New Mexico prosecutor offices range in size and in the types of communities that they serve. Some serve in large bustling cities like Albuquerque and others work in suburban districts or rural areas. The available resources and staff vary greatly between the offices, as does the needs of their communities.

To their great credit, all of New Mexico’s 14 counties participated in the NPC survey. The survey demonstrates that the responding New Mexico prosecutors participate in a wide variety of

programs and initiatives. These programs include Drug courts, Mental Health courts, Victim Assistance, Drug Treatment, Anger Management programs, Co-located Child Abuse programs, and Truancy initiatives.<sup>2</sup>

The survey found that all of New Mexico's prosecutors engage in problem solving courts or other programs that offer alternatives to incarceration. Almost every office (93%) offered Victim Assistance, and many had Restitution programs (71%), Witness Assistance programs (64%), and Community Affairs Units (50%). Community programs that prosecutors either run or participate in are also common. New Mexico prosecutors are involved with Violence Reduction programs (64%), Co-located Child Abuse programs (57%), and Truancy programs (57%). Some prosecutors also have Co-located Domestic Violence programs (43%) and Youth Education programs (29%).

2. Solomon, S. E., Uchida, C. D., Connor, C., Swatt, M. L., Revier, L., Quigley, A. M., Hock, S., & Barrera, V. (2019). National Prosecutors' Consortium Survey Highlights: New Mexico. Justice & Security Strategies, Inc.

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## Innovative Programs - Examples

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To demonstrate the variety of innovative programs initiated in New Mexico, three offices are highlighted: the 2<sup>nd</sup> District, the largest county of the group containing Albuquerque, the 5<sup>th</sup> District, a mid-sized county with almost 200,000 residents, and the 9<sup>th</sup> District, the smallest of the group with just 68,180 residents.

The 2<sup>nd</sup> Judicial District Attorney's Office implemented an overarching office strategy called Impact Prosecution that leverages new technology and community engagement in partnership with a unique group of community stakeholders to improve public safety. The 5<sup>th</sup> Judicial District Attorney's Office runs a Violence Prevention Program that is an effort to intervene early in the cycle of violence to improve outcomes for victims and perpetrators. The 9<sup>th</sup> Judicial District Attorney's Office has an Abolish Chronic Truancy program that is conducted in partnership with local high schools and businesses to incentivize and reward kids for staying in school.

# 2nd Judicial District Attorney's Office

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Population: 560,218

Number of Prosecutors: 104 full-time prosecutors

## Impact Prosecution

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In order to improve public safety, the 2nd Judicial District Attorney's Office has developed and implemented a program known as Impact Prosecution. It is an overarching office strategy that is both data-informed and community-oriented. It leverages many unique partnerships in its execution and is effecting positive change in Bernalillo County.

The first key element of Impact Prosecution is data-informed decision-making. Embracing this philosophy, the District Attorney's Office reviews its top defendants and has found that

a small percentage of serious, repeat offenders commit the most crime. The Office uses data analytics to identify these offenders' involvement in larger criminal networks, assess their risk of continued criminal activity, and prosecute them appropriately. One particularly innovative manifestation of data-informed decision making is the implementation of a risk-based triage model.

### Risk-Based Triage Model

Using a risk-based triage model, the District Attorney's Office now prioritizes cases based upon an empirical assessment of the risk presented by individual defendants. This allows prosecutorial resources to be directed more appropriately. The District Attorney's Office focuses its resources on Tiers 1 and 2, high and medium-risk individuals, while seeking effective diversion programs for Tier 3, low-risk individuals.



Tier 3 individuals are evaluated during the intake process for pre-prosecution diversion eligibility, early plea potential, and alternative court or other diversion program candidacy. Specialty court diversions include DWI Court, Drug Court, Judicial Supervision, Veterans Court, Healing to Wellness Court, and Substance Use and Treatment Options Program (STOP). The objective for Tier 3 defendants is to find creative solutions to interrupt and prevent escalation of criminal activity.

The District Attorney's Office strives to increase safety by making better-informed prosecution decisions, focusing on the individuals most responsible for driving crime, and building mutual trust with the community. The focus is always justice, fairness, and the efficient use of limited resources. Though the information provided through the risk-based triage model and other initiatives is undoubtedly insightful, the Office recognizes that data and technology alone are not an all-encompassing solution to crime problems. Rather, they are useful tools to enhance the prosecutor's ability to be thoughtful, just, and effective.

### **Community Engagement**

The second key element of Impact Prosecution is an emphasis on the community and its experience with crime. This approach, which goes beyond traditional prosecution, improves the Office's understanding of crime and utilization of resources. The Office places victim services and prevention initiatives at the forefront of their efforts. As such, they have been administering grant money and creating multiple projects aimed at engaging community partners, addressing Adverse Childhood Experiences (ACEs), and taking a community approach to crime reduction.



Victim Services Alliance volunteers attend a training.  
Photo courtesy of: Bernalillo County District Attorney's Office



## Key Partnerships

In order to best implement and adhere to the program's tenets— data-informed decision-making and community engagement— Impact Prosecution involves many different partners. These critical partners are the Greater Albuquerque Chamber of Commerce, New Mexico Tech Institute for Complex Additive Systems Analysis (ICASA), technical volunteers, and the CBCR Leadership Council.

*Greater Albuquerque Chamber of Commerce:* The District Attorney's Office recognized the natural connection between public safety and economic vitality, and as such, engaged the Chamber of Commerce in its Impact Prosecution efforts.

In 2017, the Chamber of Commerce and the District Attorney's Office co-hosted a delegation visit of local business, community, and elected leaders and legislators to study the San Francisco District Attorney's Crime Strategies Unit (CSU). The productive and enlightening visit garnered support for a CSU in New Mexico, which played a key role in securing legislative funding. Subsequently, the District Attorney's Office established New Mexico's first CSU in June 2018. The CSU was complete with crime analysts, special agents, and coders, resulting in the advanced analytical capabilities that make Impact Prosecution so successful. The partnership continues in 2019 through a federally funded initiative to build a software platform to improve the District Attorney's Office's case acceptance and initiation process.

*New Mexico Tech Institute for Complex Additive Systems Analysis (ICASA):* Because analysis of complex crime data can unveil previously unknown insights, the District Attorney's Office involved ICASA in 2018, a renowned institution and leader in its field. A research institute housed at the New Mexico Institute of Mining and Technology (NMT), ICASA primarily studies and solves problems related to the security and structure of complex additive systems—systems related to large-scale critical infrastructures. Its researchers boast impressive backgrounds, having worked both domestically and internationally for agencies such as the US Department of Defense and NATO.

ICASA began by developing and implementing sophisticated tools to automate many of the processes within the District Attorney's Office and analyze important criminal justice information. One tool ICASA uses is called DAVE (Data Analysis and Visualization Environment), which reviews millions of data points in order to discover networks and connections related

to criminal activity in the district. In addition, the ICASA team continues to work with the District Attorney's Office to facilitate data sharing efforts across criminal justice agencies, including serving as the technical partner on the case acceptance project with the Greater Albuquerque Chamber of Commerce.

*Technical Volunteers:* As part of various data initiatives, the District Attorney's Office leverages the assistance of valuable local experts to reduce crime. The District Attorney's Office has over 20 technical volunteers, many of whom are also employed at Sandia National Labs. They have been regularly working with prosecutor staff on projects since July of 2017, focusing on information system data access, modernization of network and infrastructure improvements, workflow automation, and internal performance management metrics. Talented volunteers with expertise ranging from project management to data architecture and analysis, machine learning, and programming have already made significant progress on these projects and have informed the Office's thinking about the importance of data in decision-making throughout the criminal justice system.

*Community Based Crime Reduction (CBCR) Leadership Council:* The Leadership Council's goal is to increase community and resident engagement in shaping and sustaining crime prevention and revitalization strategies targeted to address violent and serious crime. The growing list of members of the Leadership Council includes:

- ◆ Bernalillo County District Attorney's Office
- ◆ University of New Mexico's Innovation Academy
- ◆ District 6 City Councilor
- ◆ NAACP
- ◆ Endorphin Power Company
- ◆ East Central Ministries
- ◆ Arts Hub
- ◆ SpreadLove ABQ
- ◆ Albuquerque Police Department (APD)
- ◆ District 6 Coalition of Neighborhood Associations
- ◆ City of Albuquerque Office of Neighborhood Coordination
- ◆ Office of African-American Affairs
- ◆ Good Samaritan - Manzano del Sol Village
- ◆ Bernalillo County Behavioral Health Services
- ◆ Presbyterian Community Health Services
- ◆ Together4Brothers
- ◆ La Mesa Presbyterian
- ◆ New Mexico Department of Health
- ◆ New Mexico Community Data Collaborative
- ◆ Asian Family Center
- ◆ International District Healthy Communities Coalition
- ◆ United Way Mission: Families

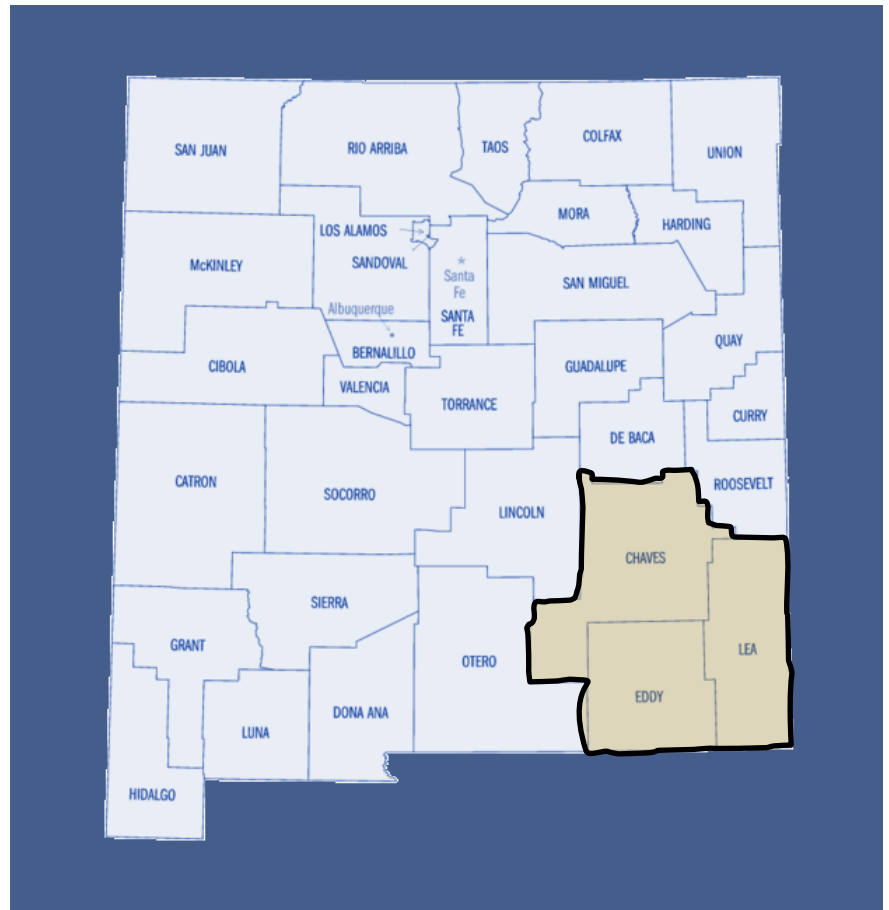
# 5th Judicial District Attorney's Office

Population: 192,470

Number of Prosecutors: 25 full-time prosecutors

## Violence Prevention Program (VPP)

The 5th Judicial District Attorney's Office takes domestic violence seriously, and considers the prosecution of domestic violence offenders as a method of homicide prevention. Victims of domestic violence usually remain in a relationship with their offender, thus continuing their exposure to potential harm. In an effort to intervene early in the vicious cycle of violence, offenders charged with Battery on a Household Member may be eligible to participate in the Violence Prevention Program (VPP).



The VPP for domestic violence misdemeanor cases currently has 13 participants and was modeled after the state pre-prosecution diversion program. Under this program, persons accused of certain crimes are moved into rehabilitative and restitution activities while criminal prosecution is withheld. These programs are considered a significant development in the criminal justice system, putting victim safety at the forefront and also addressing the root causes of an offender's behavior.

A defendant must secure or be appointed defense counsel prior to applying for acceptance into the VPP, pursuant to Section 31-16A-6(A), N.M.S.A. 1978 Compilation. In addition to the minimum eligibility requirements, an accused person is eligible if they have no prior convictions of



Battery on a Household Member; no prior felony conviction(s) for the previous ten (10) years; are not on probation and have never been unsuccessfully discharged from any probation; and have never participated in an adult first-offender or pre-prosecution diversion program for a previous criminal charge or conviction.

Once they are accepted into the VPP, participants complete a one-year program. The program entails completing the statutory requirements in New Mexico for a conviction of Battery on a Household Member, which includes 52 weeks of counseling, alcohol and drug screening, and treatment. Throughout the program, participants are supervised in Chaves and Lea County by the Misdemeanor Compliance programs. In Eddy County, they are supervised by the Program Specialist in the 5<sup>th</sup> Judicial District.

The offender who successfully completes the VPP avoids the stigma of formal criminal prosecution and conviction. They do not lose their right to bear arms, and most importantly, successful completion of the program promotes healthy relationships, allows victims to receive restitution, and possibly prevents repeat offenses as a result of early intervention. Between June 1, 2018 and July 1, 2019, 25 participants successfully completed the VPP program.



# 9th Judicial District Attorney's Office

Population: 68,180

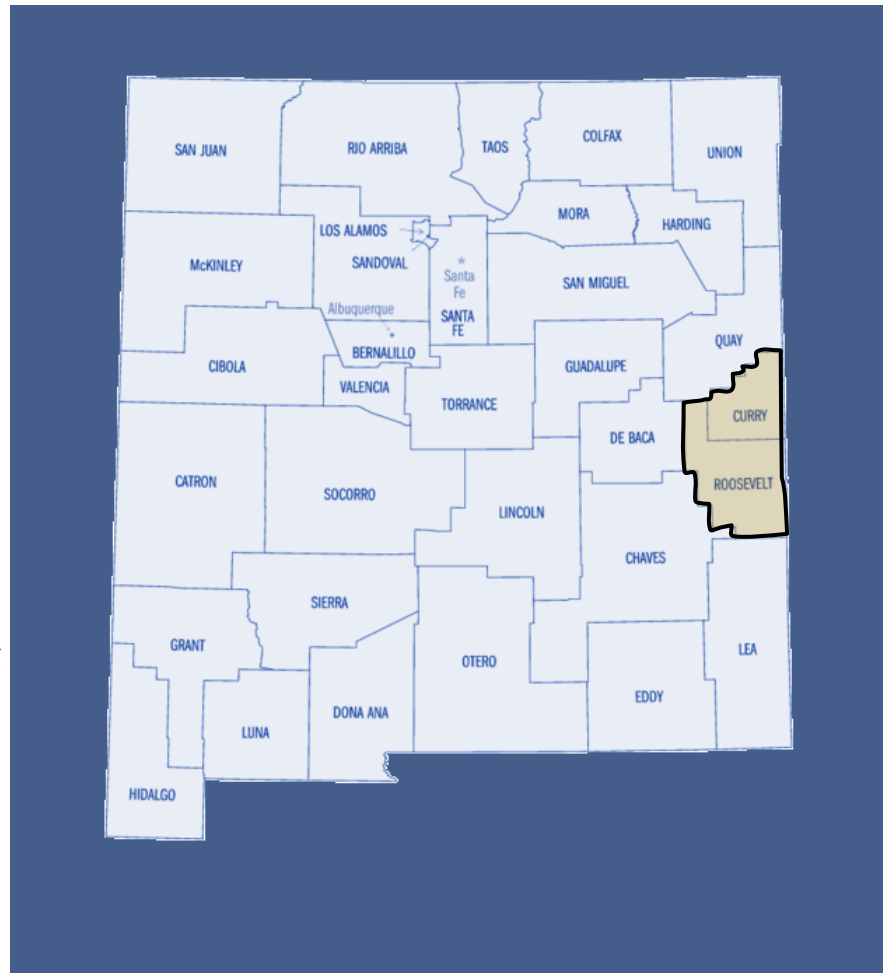
Number of Prosecutors: 14 full-time prosecutors

## Abolish Chronic Truancy (ACT)

Statistics show that if a child graduates from high school, they are significantly less likely to be involved in the criminal justice system. In the Ninth District, those recently charged with murder, with the exception of one individual, never completed high school. With this in mind and wanting a better future for youth in her district, District Attorney Andrea Reeb created and leads the Abolish Chronic Truancy program.

The program, conducted in partnership with Clovis and Portales Schools and local businesses, is a proactive approach to keeping kids in school and achieving academic success. Students are incentivized to maintain excellent attendance records with various prizes donated by community supporters and local businesses, including John and Robyn Snowberger (local McDonalds owners), La Quinta, Mix 107.5, and Taco Box.

If a student has perfect attendance, they are put into a drawing for a prize specific to their school. Prizes include bikes for elementary schools, Kindles for junior high schools, and Mac Pros for high schools. The winners from each school are then put into a grand prize drawing for a trip for





ACT program mascot Sasquatch sits on a bench at Clovis High School.

four to Dallas, Texas. The trip to Dallas includes Hurricane Harbor and Texas Ranger tickets, as well as a complimentary flight, hotel, and \$500 cash stipend. Alternatively, schools will refer kids struggling to stay in school to Children Youth and Family. Juvenile Probation then meets with the student and works with the family on specific issues that may be a reason for poor attendance.

Sasquatch, the program's mascot, and members of the District Attorney's Office go to each school in Curry and Roosevelt counties two times per year to show videos and encourage kids to stay in school. As a result of the program, there has been a demonstrable decline in crime.

With the combined efforts of multiple agencies, the District Attorney's Office and their program partners are determined to reduce the number of truant students in their district. When students are successful in school, they have a higher self-esteem and an increased motivation to succeed. It has been proven that students who graduate high school will have increased employment opportunities, higher salaries, and be independent of social services. To this end, ACT program partners continue working diligently to reduce truancy for local kids and help them achieve successful outcomes.