

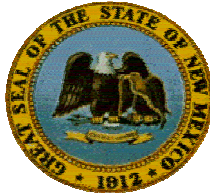
Governor Richardson's Task Force On Prison Reform

*Increasing Local Involvement in New Mexico Prison
Reform and Offender Reentry Initiatives: Key
Elements in Enhanced Public Safety and Recidivism
Reduction*

John Bigelow
Chairman

September 25, 2009

BILL RICHARDSON
GOVERNOR



JOHN BIGELOW
CHAIRMAN

GOVERNOR RICHARDSON'S PRISON REFORM TASK FORCE

September 25, 2009

Bill Richardson, Governor
State of New Mexico
State Capitol
Santa Fe, New Mexico 87501

Dear Governor Richardson:

By Executive Order 2009-012, on April 10, 2009, you reconstituted your Prison Reform Task Force. The EO requested a report no later than October 1, 2009. I am pleased to be able to comply with that request and hereby deliver the Task Force's report to you.

Your Executive Order, among other things, asked that the Task Force look at the issue of increasing the involvement of local New Mexico communities and agencies in prison reform and reentry. This was a subject that the Task Force touched on in 2008 and at that time recognized its importance, so the opportunity to examine it in more detail was a welcome one. That subject is the focus of this report and is reflected in its title, *Increasing Local Involvement in New Mexico Prison Reform and Offender Reentry Initiatives: Key Elements in Enhanced Public Safety and Recidivism Reduction*.

It is clear that prison reform and successful offender reentry into New Mexico communities can only be done effectively with the involvement of those communities and agencies, both public and private, within them. The Corrections Department will take the lead in creating the necessary alliances, partnerships and communication to make increased local involvement a reality.

This latest report details several steps, some of which are in process, and others that will be put into effect in the coming months. None of the Task Force's proposals should increase the state's budget burden and all of the proposals should result in increased public safety through the reduction of recidivism.

Thank you again for the opportunity to continue serving as Chair of the Task Force and I look forward to helping with the forward progress that is being made by Corrections and supporters of progressive reform and reentry initiatives.

Sincerely,

John Bigelow, Chairman
Governor Richardson's Task Force on Prison Reform

GOVERNOR RICHARDSON'S PRISON REFORM TASK FORCE MEMBERS

- *John Bigelow, Chairman of Prison Reform Task Force and NM Sentencing Commission*
- *Bob Cleavall, Chair of Sentencing Commission Juvenile Committee and Retired Deputy Division Director*
- *Sonya Carrasco-Trujillo, Deputy General Counsel, Department of Public Safety*
- *Mark Donatelli, Advocate*
- *Paul Guerin, PhD., Senior Research Scientist, University of New Mexico Institute for Social Research*
- *Bernard Lieving, III, Reentry and Prison Reform Czar, New Mexico Corrections Department*
- *Susanna Martinez, District Attorney, 3rd Judicial District*
- *Karen Meador, Senior Policy Director, HSD/New Mexico Behavioral Health Collaborative*
- *Tony Ortiz, Deputy Director, New Mexico Sentencing Commission*
- *Dave Schmidt, Chairman Juvenile Justice Advisory Committee*
- *Angie Vachio, Advocate*
- *Christine Vallejos, Deputy Warden, Central New Mexico Correctional Facility, New Mexico Corrections Department*
- *Joe R. Williams, Cabinet Secretary, New Mexico Corrections Department*

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EXECUTIVE SUMMARY

In March 2008, Governor Bill Richardson created by Executive Order a Prison Reform Task Force to examine various issues having to do with corrections reform and ex-offender reentry into the community. The Task Force met and presented the Governor with its report, entitled *Increasing Public Safety Before, During and After Incarceration: New Directions For Reform in New Mexico Corrections*, at the end of June 2008

In March 2009, the Governor again requested that the Task Force take action, specifically with regard to increasing the involvement of local communities and agencies in prison reform and reentry. The Task Force met in August 2009 to discuss these issues. This second report, entitled *Increasing Local Involvement in New Mexico Prison Reform and Offender Reentry Initiatives: Key Elements in Enhanced Public Safety and Recidivism Reduction*, is the end result of those discussions and of the Task Force's efforts to date. It is presented to the Governor by the date specified in the executive order, October 1, 2009.

The Task Force was mindful of, and guided by, two important factors in its discussions and in the creation of this report. The first was that no recommendation should result in a diminution of public safety and secondly, considering the fiscal difficulties New Mexico is experiencing during this budget cycle, no recommendation should result in an increased financial burden to the state.

As requested in the Executive Order, the Task Force focused on one overriding subject area: how to increase the involvement of local communities and agencies in prison reform and reentry initiatives. Given our current difficult economic times, perhaps no other factor can make as large a difference in the effectiveness of prison reform and reentry efforts. After all, as noted in the 2008 report, almost all (90-95%) offenders incarcerated in New Mexico will eventually return to their home communities. As such, those communities have a crucial role to play in insuring that reentry efforts are as successful as possible.

The Task Force also noted the progress that the Corrections Department continues to make in all areas, and particularly credited the Department with initiating several of the recommendations from the 2008 Task Force report. This includes devoting personnel specifically to the two goals of more effective prison reform and community reentry. In fact, as of the writing of this document, the Secretary of Corrections has named Bernie Lieving the first New Mexico Corrections Prison Reform and Reentry Czar. Other noteworthy efforts by the Department include, implementation of a dynamic risk and needs assessment tool, the creation of an Executive Reentry Council, and the implementation of the Family Justice *Reentry is Relational* pilot project at the Central New Mexico Correctional Facility in Los Lunas.

With the above in mind, the Task Force sifted through and discussed a variety of specific approaches to increasing local involvement. Perhaps the most important recommendation is that local reentry councils should be created in key communities in the state, the councils to be comprised of government and non-government persons representing agencies and organizations with a particular expertise or interest in offender reentry and reform. The Corrections Department, aided to the extent possible by the Task Force, will

work to create these councils, with a target of late this fiscal year for establishment of the first in a community yet to be determined.

The councils will act to augment the role of the Corrections Department in all the crucial areas of reducing recidivism, including helping to provide information, resources and coordination in the areas of alcohol and substance abuse, education, employment, family services, gender-specific programming and others. The Task Force noted and gave great credit to the many hundreds of volunteers from faith-based and other organizations throughout the state involved with helping offenders find their way successfully back into their communities. Those organizations and their members will continue to play a role in the councils.

All the Task Force recommendations, formed by consensus of the Task Force itself, are as follows:

1. Create and support local Reentry Councils in collaboration with community stakeholders throughout the state – Implement reentry council pilot project in community to be determined by the end of fiscal year 10.
2. Commence reentry and prison reform public education campaigns.
3. Enhance the role of faith-based services for formerly incarcerated persons, including statewide Adopt-a-Citizen program (“One Church – One Citizen”).
4. Increase availability of transitional and supportive living programs for formerly incarcerated persons.
5. Expand the use of drug courts as a means of decreasing prison census and encourage administrators to allow participants to access medication assisted treatment while under the jurisdiction of the court.
6. Increase the number of community mentoring programs for formerly incarcerated persons.
7. Direct programs and services to prisoners identified as high risk and high need by the COMPAS risk and needs assessment.
8. Discuss with the judiciary, the use of COMPAS risk and needs assessment in pre-sentencing decision-making.
9. Examine, within the parameters of public safety, re-establishing work release programs for low custody prisoners.
10. Examine, within the parameters of public safety, implementing an early controlled release pilot project for non-violent women prisoners, and examine the use of earned meritorious deductions for parolees as allowed by existing statute.
11. Develop the Family Justice Project’s *Reentry is Relational* project to increase the number of sites and ensure project sustainability.

In conclusion, the Task Force notes the continuing forward progress the Department is making. It also sees the opportunity, despite current economic difficulties, to move forward in the areas noted above, with the expectation that these efforts will not add to the state's financial burden. New Mexico is not responding to a crisis, but rather is working proactively to guard against one. Our state also continues to have, unlike many other states, the chance to raise the level of its correctional practices, and its prison reform and reentry efforts.

Prison Reform Task Force (Executive Order – 2009-012) Report to Governor Richardson

Introduction

In the spring of 2008, by executive order, Governor Bill Richardson convened a prison reform task force that examined, and then reported on, the plethora of issues associated with incarceration in New Mexico's prisons. The report is entitled *Increasing Public Safety in New Mexico, Before, During, and After Incarceration: New Directions for Reform in New Mexico Corrections*. Within a public safety framework, the report focused on enhancing programs and services in prison and the community, coupled with the facilitation of successful reentry and reintegration for offenders returning home. It also examined the factors contributing to imprisonment and the impact incarceration has on individuals, families, and communities. The Task Force's report and the subsequent creation of an Office of Reentry and Prison Reform by Governor Richardson and the New Mexico Corrections Department have set the stage for implementing successful reentry initiatives with governmental and community-based partners.

In March 2009, again by executive order, Governor Richardson reconvened the Prison Reform Task Force. This new executive order charged the Task Force with examining the need for increasing the involvement of local communities in the reentry process, and to make recommendations accordingly. The Governor reappointed John Bigelow, Chair of the New Mexico Sentencing Commission, as Chairman of the Task Force. Among others, the Governor also appointed Bernie Lieving, New Mexico Corrections Department Reentry and Prison Reform Czar, as a new member of the Task Force. At the call of Chairman Bigelow, the Task Force met on August 26, 2009 to discuss the broad array of recommendations set forth in this report.

As the New Mexico Corrections Department moves forward with its reentry and prison reform initiatives, guided by the principle that reentry begins on the first day of incarceration, the Department is using a multi-faceted approach to initiate comprehensive institutional change. This includes a renewed commitment to community partnerships, expanded research and outcome measures, continued adherence to correctional best practices, and evidence-based programming and services. The Department is focusing on enhancing professional staff training, case planning and case management, and concentrating existing resources on prisoners identified as high risk and high need by a battery of assessments and the *Correctional Offender Management Profile for Alternative Sanctions* (COMPAS). These tools are beginning to inform services and programming decisions with the goal of maximizing the positive impact on public safety and recidivism reduction.

Reentry and Prison Reform Efforts Since June 2008

Since the submission of the Prison Reform Task Force report to the Governor in June 2008, the Department has embarked on many new initiatives, and is in the process of implementing a number of recommendations from the report, including,

1. Implemented COMPAS Risk and Needs Assessment Pilot Project at Reception and Diagnostic Centers for men and women – January 2009.
2. Authored a \$1.2 million Substance Abuse and Mental Health Services Administration Offender Reentry Grant – Awaiting award announcement.
3. Authored \$1 million Congressional Earmark Request to hire Community and Family Reentry Specialists – Request was approved in the House of Representatives, awaiting Senate approval.
4. Completed first hepatitis C peer education training project at Central New Mexico Correctional Facility (Level II) in collaboration with University of New Mexico Project ECHO – 10 prisoners trained in July 2009.
5. Created Reentry Council Executive Committee and two Reentry Steering Committees that focus on employment and addictions issues.
6. Created case planning and case management training curriculum for Classification Bureau.
7. Participated in House Memorial 9 Medication Assisted Treatment Task Force.
8. Participated in New Mexico Department of Health Strategic Planning Conference.
9. Chair the New Mexico Hepatitis C Reentry Collaborative, a NMCD partnership with Project ECHO, Department of Health, and Correctional Medical Services.
10. Provide direct services to Level VI prisoners nearing release or parole hearings, and to other custody level prisoners throughout the state as appropriate and necessary.
11. Commenced the Family Justice Project's *Reentry is Relational* pilot project that emphasizes the role of the family during and after incarceration.
12. Ongoing review of Departmental policies and procedures impacting reentry and prison reform.
13. Ongoing membership in New Mexico Sentencing Commission's *Collateral Consequences of Incarceration Task Force*.

14. Collaborating with the University of New Mexico *Institute for Social Research* to conduct a gaps analysis, funded by an Edward Byrne Grant, to use the *Transition from Prison to Community* (TPC) model to identify areas for improving reentry and prison reform efforts Department-wide.

Research, Planning, and Outcome Measures

The Department recognizes the necessity of creating an internal research and planning entity to evaluate the efficacy of services and programs in reducing recidivism and to guide interdepartmental policies and procedures. Within the current structure of the Department's Education Bureau there is an Accountability, Research, and Planning Coordinator who acts as a liaison between the Department and the University of New Mexico Institute for Social Research. This position is also responsible for ensuring evidence-based programming and working with the Department's Information Technology Division to track trends and statistics. The short-term plan for enhancing the Department's research and evaluation capacity is to create a stand-alone Research and Planning Bureau, which will serve to monitor the outcomes of all Departmental reentry and prison reform projects. Creation of an internal research body will save the Department much-needed funds and allow for increased research-based partnerships with the University of New Mexico Institute for Social Research, and other organizations such as the National Institute of Corrections. Where research is needed on substance use or mental health concerns, the Department will work with the Consortium for Behavioral Health Training and Research (CBHTR) at UNM.

Evidence-based Practices, Professional Development and Community Collaboration

The New Mexico Corrections Department is adopting the *Integrated Model* recommended by the National Institute of Corrections (NIC) to ensure ongoing "evidence-based practices, organizational development, and collaboration." The *Integrated Model* will serve as a guide to enhance evidence-based practices, stimulate organizational development and institutional culture change, and build sustainable and effective community partnerships. Department initiatives are also being guided the *Principles of Effective Interventions* (National Institute of Corrections, 2007). These principles include, 1) targeting high-risk offenders for programming and services, 2) addressing offender needs to reduce recidivist behavior, 3) being responsive to individual offender needs, and, 4) ensuring program and service fidelity by monitoring "dose and duration," and staff qualifications to deliver the intervention (National Institute of Corrections, 2007, & Taxman & Bouffard, 2000).

The New Mexico Corrections Department is wholly committed to coupling its reentry initiatives with staff training and professional development. Over the next five years, using the *Integrated Model* as a guide, the Department will enhance evidence-based practices, stimulate organizational development and culture change, and build community partnerships in the following areas:

Evidence-based Practices

1. Provide appropriately targeted and sequenced evidence-based services and programming for all prisoners in all custody levels including those in special management.
2. Provide intensive case planning and case management in every prison and every Probation and Parole office in New Mexico.
3. Utilize community mapping to identify geographic areas with large numbers of parolees, and in partnership with public and private community partners, create reentry centers in identified communities.
4. Implement the Transitional Accountability Plan system-wide to guide case planning and case management for all prisoners in all custody levels.
5. Assess the risks and needs of all prisoners using a validated risk and needs assessment tool, and respond to risk and need with appropriate programs and services.
6. Revise all relevant policies and procedures to reflect the philosophy that “reentry begins the first day of incarceration.”
7. Commence evidence-based programming for prisoners doing long term sentences utilizing a model similar to *Lifeline*, a program developed by the Correctional Services of Canada.
8. Increase family involvement in the lives of prisoners during incarceration using the Relational Inquiry Tool and Family Justice’s La Bodega model.
9. Implement Critical Time Intervention pilot projects for men and women parolees in targeted communities with high rates of parolees living with co-occurring disorders.
10. Utilize the Department of Justice and National Institute of Corrections Transition from Prison to Community (TPC) model to guide reentry and prison reform initiatives across disciplines.

Professional Development

11. Train identified Probation and Parole officers to provide Reentry COMPAS informed comprehensive case planning and case management.
12. Develop a continuing education program for all Department staff in order to evolve best-practice standards and a theoretical understanding of crime, criminogenic needs, recidivism, and the principles guiding Department reentry initiatives.
13. Train all Department staff in motivational interviewing and build Department capacity to use in-house trainers.
14. Provide COMPAS training for all staff providing direct services to prisoners, and build Department capacity to provide COMPAS training to new hires.
15. Train identified Classification Bureau officers to provide COMPAS informed comprehensive case planning and case management in the prisons.
16. Include in the New Mexico Corrections Department Training Academy curriculum for all newly hired correctional and probation and parole officers, motivational interviewing, the theory and evidence-based practice of reentry and prison reform, and the biopsychosocial aspects of addiction.

Community Collaboration and Maximization of Resources

17. Expand the role of multidisciplinary New Mexico Reentry Council to facilitate integrated, community-specific, reentry initiatives statewide.
18. Create a multi-tiered social safety net in collaboration with public and private community-based partners that provides numerous opportunities to proactively intervene with a parolee before a recidivist behavior occurs.
19. Increase access to medication-assisted therapy for opiate addicted parolees through partnerships with the New Mexico Department of Health, Human Services Department, and the University of New Mexico Project ECHO and Albuquerque Health Care for the Homeless.
20. Implement a University of New Mexico Project ECHO hepatitis C peer education training program in multiple prisons statewide.
21. Initiate a statewide public education and information campaign that ties successful reentry for ex-prisoners with public safety and community wellbeing.

22. Increase the number of community mentors working with prisoners and parolees through the Santa Fe Archdiocese and Upaya Zen Center Prison Project *Thresholds* mentoring program.
23. Reassign existing staff as necessary and appropriate to maximize intellectual and experiential resources and to ensure the success of reentry initiatives.
24. Establish a Research and Planning Bureau utilizing existing resources, in the Office of Reentry and Prison Reform to enhance research capacity, monitor performance outcomes, and guide Department reentry and prison reform initiatives.
25. Create effective partnerships with key business stakeholders capable of acting as community ambassadors for the hiring of formerly incarcerated persons.
26. Expand community restorative justice panels in the prisons and in local communities, and increase opportunities for victim/offender dialogue.
27. Create “one stop” day reporting centers in Probation and Parole offices in population centers around the state that will offer comprehensive programs and services provided by governmental and non-governmental agencies.

Reentry and Prison Reform Sustainability Plan

Given the current state of the national economy and its impact on states, the New Mexico Corrections Department three-year plan for sustaining reentry initiatives will necessarily focus on the use of existing resources and targeted Department restructuring. As the Department moves forward with its reentry initiatives and corresponding staff development, a natural shift in staffing needs will occur. The Department will identify key staff and move them to critical positions needed for the success and sustainability of reentry initiatives. This restructuring will be coupled with macro-level organizational change and micro-level professional development. Departmental actions taken to guarantee sustainability will also involve an ongoing evaluative process to ensure that policy decisions are garnering desired results.

Sustainability Plan - Year 1

- 1) Monitor staff workload with special attention to areas where work burden is comparatively disproportionate.
- 2) Implement a twelve-month needs assessment to determine staffing requirements critical to the success of long-term reentry initiatives.
- 3) Expand pre-existing social work and criminal justice student intern programs with New Mexico State and New Mexico Highlands universities to provide training and employment opportunities for students and the Department.

Sustainability Plan - Year 2

- 1) Analyze and report results of needs assessment.
- 2) Continue monitoring staff workload and work burden.
- 3) Review of state personnel and union policies regarding qualifications and job descriptions relevant to Department restructuring.
- 4) Host a series of quarterly meetings with key Department staff to discuss and review staff reassignment and Department restructuring.

Sustainability Plan - Year 3

- 1) Revise Department policies and procedures as necessary and appropriate to begin Departmental restructuring.
- 2) Create restructuring plan to be disseminated to all Department staff.
- 3) Re-assign identified staff to sustain and streamline reentry and prison reform efforts.

Current Challenges

The major challenge to the full implementation of reentry and prison reform initiatives is the ongoing economic crisis. As is the case in corrections departments around the country, this Department has experienced large funding cuts, is in the midst of a hiring freeze, and budget expansion requests for reentry and prison reform staffing are unlikely to be forthcoming in the near future. Nevertheless, the Department and the State of New Mexico are moving forward with a myriad of reentry and prison reform projects, and the Task Force makes the following recommendations mindful of the current fiscal climate.

Prison Reform Task Force Recommendations – October 1, 2009

The Task Force is making these recommendations with the expectation that they may be implemented without additional costs to the state, and with the assumption that increased community involvement in the form of public and private partnerships, will make implementation possible. The Task Force makes no legislative recommendations nor does it recommend any new budget proposals.

1. Create and support local Reentry Councils in collaboration with community stakeholders throughout the state – Implement reentry council pilot project in community to be determined by the end of fiscal year 10.
2. Commence reentry and prison reform public education campaign.
3. Enhance the role of faith-based services for formerly incarcerated persons, including statewide Adopt-a-Citizen program (“One Church – One Citizen”).
4. Increase availability of transitional and supportive living programs for formerly incarcerated persons.

5. Expand the use of drug courts as a means of decreasing prison census and encourage administrators to allow participants to access medication assisted treatment while under the jurisdiction of the court.
6. Increase the number of community mentoring programs for formerly incarcerated persons.
7. Direct programs and services to prisoners identified as high risk and high need by the COMPAS risk and needs assessment.
8. Discuss the use of COMPAS risk and needs assessment in pre-sentencing decision-making with the judiciary.
9. Examine, within the parameters of public safety, re-establishing work release programs for low custody prisoners.
10. Examine, within the parameters of public safety, implementing an early controlled release pilot project for low-security level, non-violent, women prisoners, based upon the analysis set forth in the New Mexico Sentencing Commission's report entitled, *Estimated Number of Offenders in New Mexico Corrections Department Facilities in July 2009 Eligible for Controlled Release*.
11. Examine within the parameters of public safety, the use of earned meritorious deductions for parolees as allowed by existing statute (See Subsection M of Section 33-2-34 NMSA 1978).
12. Develop the Family Justice Project's *Reentry is Relational* project to increase the number of sites and ensure project sustainability.

Conclusion

As the Prison Reform Task Force noted in its first report in June 2008, the New Mexico Corrections Department has made progress over the years since the devastating riot in 1980. Unlike many other state systems, New Mexico prisons are not currently overcrowded or under court orders. Since the first report was submitted to the Governor, that progress has continued, even in the face of financial difficulties. There is every reason to believe that New Mexico's progress in the areas of reentry and prison reform will grow and transcend the current fiscal crisis through the development of increased relationships with local communities, agencies, and private organizations. The leadership of the Department is committed to the goals set forth in the first report, and it equally supports the recommendations of this report. New Mexico Corrections is in an enviable position relative to other states. It should continue to take advantage of that position by implementing the programs and initiatives set forth in the two Task Force reports and those projects currently under way.