

State of New Mexico 2023 DCRA Implementation Plan

Introduction

The 2024 Death in Custody Reporting Act (DCRA) Implementation Plan was created by the New Mexico Department of Public Safety (NMDPS) as the State Administering Agency for Byrne JAG funding. The NMDPS believes this plan gives an effective path to full compliance and reporting of DCRA data across all entities that are mandated to report. Within this plan, the NMDPS has addressed current and future DCRA data collection infrastructure, methods, and reporting requirements. The NMDPS has reviewed the DCRA reporting requirements and believes that this plan satisfies the Bureau of Justice Assistance (BJA) requirements on gathering DCRA data.

DCRA Data Collection Infrastructure

In 2006, New Mexico passed legislation requiring private correctional facilities to report on deaths in custody.¹ At this time, other entities mandated to report by DCRA, such as public correctional facilities and local law enforcement entities, jails, lockups and boot camps are not under any state statutory authority to report deaths in custody.

To meet data reporting requirements, each year since 2019 the NMDPS has collected aggregated DCRA data from the New Mexico State Police (NMSP), the New Mexico Department of Corrections (NMCD), the New Mexico Office of the Medical Investigator (OMI) and the New Mexico Department of Health (DOH). The NMDPS understands the need to identify all entities mandated to report DCRA data and to implement direct reporting that includes all the state's law enforcement agencies, public and private correctional facilities, lockup facilities, jails and boot camp facilities. The NMDPS has identified eight (8) state and

¹ 2006 New Mexico Statutes, §33-15-3

two (2) private correctional facilities, 33 county jails and 247 local law enforcement entities, which are listed at the end of this document. At this time, New Mexico has not identified any boot camps while compiling this data.

The NMDPS recognizes that the reporting universe must be complete. In an effort to compile this data, the NMDPS has reached out to the New Mexico Statistical Analysis Center (NMSAC) to confirm that all entities have been identified. At the time of this writing the NMDPS has not received confirmation that NMSAC can or will provide a list of local law enforcement entities.

The first phase of the 2023 Implementation Plan will be to continue to research and identify all entities mandated to report DCRA data by coordinating with the NMSAC and NMDPS; to identify reporting contacts within those entities; to reach out directly to those contacts and build relationships, and to formulate timelines and policies for entity reporting.

During phase one of the 2023 DCRA Implementation Plan, while defining the reporting universe, the NMDPS will identify any entities that are non-reporting and will remediate by laying the foundation for future reporting efforts. To engage with non-reporting entities, the NMDPS will reach out directly to the entity and work to establish a contact from whom the NMDPS can collect DCRA data ongoing. The NMDPS recognizes that relationship building with contacts will be critical to both data integrity and to achieve and maintain reporting compliance.

In phase two of the 2023 DCRA Implementation Plan, the NMDPS will establish lines of communication with all entities, including those entities who are currently reporting DCRA data to the NMDPS. The NMDPS will issue those entities a memorandum that will clarify

expectations, deadlines and methods for reporting DCRA data and that will include the NMDPS contact for DCRA reporting and technical assistance inquiries.

Since 2019, the NMDPS has worked in collaboration with reporting entities to continue to provide TTA as needed. This TTA has included training on DCRA data collection and reporting and on expectations and deadlines for reporting. The NMDPS understands the importance of providing training and technical assistance to individual law enforcement agencies, correctional institutions, and other entities required to report DCRA data, in particular for those entities that are new to reporting DCRA data. The NMDPS does not currently have one individual designated to run DCRA, however, several staffers are familiar with DCRA Performance Measures and are able to provide basic TTA on request using published DCRA resources and in partnership with our contacts at the JRSA.

The NMDPS Grant Program Coordinator met with JRSA for TTA in July 2023 to clarify expectations on delivery of the Implementation Plan. The NMDPS does not believe any further technical assistance is needed and is aware of the option to reach out to JRSA with any further questions. The state of New Mexico does not yet have a DCRA website and intends to investigate implementing one in the future.

Data Collection Methods

As a third phase in the Implementation Plan, the NMDPS will leverage Byrne JAG funds to evaluate its administrative capacity and determine the feasibility of hiring a dedicated DCRA staff member. The NMDPS recognizes that best practices include assigning one or more staff members to coordinate DCRA data and reporting. As of this writing, the JAG Management Analyst is currently the NMDPS DCRA data collection point of contact for the aggregated data

we receive from agency contacts at the NMCD, OMI, DOH and within the NMDPS. Until the DCRA position can be assigned, the JAG Management Analyst will continue to manage the data.

Data collection methods will be changing as this implementation plan moves from collecting aggregated data to collecting data from each individual entity. Accuracy of data will be reviewed and confirmed with each individual entity contact. Other particulars of how data collection will change will be defined during step one of the 2023 Implementation Plan.

Processes for validating data will also be defined during this stage.

The current method used by NMDPS to collect DCRA data is consistent across each type of reporting entity. The procedure is to request designated agency contacts to enter their aggregated data into a spreadsheet on a quarterly basis. The NMDPS understands that quarterly DCRA reporting is due the last day of the month following the close of the quarter. The NMDPS understands that as the 2023 Implementation Plan unfolds, data collection methods will be reviewed to determine if there is a need to modify reporting by type of entity. Additionally, the NMDPS will be working to stop using the model of collecting aggregated data from agency contacts and we will be moving toward collecting data from each individual entity directly.

Implementation of data collection has led to some challenges. The NMDPS has been reporting on DCRA data for the past two years. During the first reporting year, the NMDPS struggled with obtaining DCRA data from agencies. During the second reporting year, the NMDPS implemented processes and procedures to facilitate reporting by agencies. These new procedures successfully overcame the challenges the NMDPS had faced in collecting data from agencies. The procedure used was to establish a reliably available internal agency contact through relationship building. The NMDPS recognizes that by reaching out to an estimated 301

entities directly instead of collecting aggregated data from agency representatives, there are likely to be many more similar challenges.

The NMDPS collects DCRA data quarterly using a spreadsheet sent via email to agency contacts. Agency contacts complete the spreadsheet using their aggregated data from the entities they oversee and return the spreadsheet to NMDPS. The spreadsheet is modeled on the Bureau of Justice Assistance DCRA Performance Measures Questionnaire and includes all the questions on that document.

When collecting data on manner of death, the spreadsheet requests that the respondent indicate the manner of death and breaks out manner of death by execution, accident, use of force, homicide, natural causes, suicide, or unavailable pending investigation. This question is the means by which the NMDPS has defined procedures for entities to report by types of deaths. The NMDPS believes that this procedure satisfies the second of two mandatory DCRA implementation plan elements given during TTA with JRSA, which was to define reporting procedures for entities by three types of deaths; however, we have included more than three types. The NMDPS is receptive to further TTA on this component if necessary.

Data Reporting Methods

The NMDPS reports DCRA data to BJA using the data import feature of the Performance Measurement tool (PMT). Any data that appears inconsistent or that is kicked back by the PMT is cleaned and corrected by staff. The NMDPS JAG Management Analyst is currently tasked with review of the data and manually edits any inconsistencies or errors, while reaching out for clarification as needed to our contacts who have aggregated DCRA data.

Currently, there are no other data validation protocols that the JAG Management Analyst uses. The NMDPS recognizes that additional data validation protocols will need to be defined

and implemented in tandem with implementation of universal reporting by local entities, and as part of the 2023 Implementation Plan, will work to formulate these new data validation protocols with DCRA performance measures in mind. The completeness of the data will be ensured by building strong relationships with reporting contacts at local entities and having discussions about the reporting process at the entity level.

The fourth and final step in the Implementation Plan will be to improve our data collection procedures to ensure open records are updated; to create and implement procedures that ensure all DCRA-mandated entities can be verified to have reported; and to ensure that DCRA data collected satisfies BJA performance measures. Using our DCRA reporting spreadsheet, the NMDPS has always tracked records that are open pending investigation. However, there does not appear to be a process in place to update and close the open records, and a review process for open records will need to be created and implemented.

Summary

To summarize the NM FY 2023 DCRA Implementation Plan, the NMDPS intends to:

- Reach out to their internal and external reporters and to the NMSAC to identify all entities required to report and to establish reporting procedures directly with contacts at these entities.
- Identify any non-reporting entities.
- Send a procedural and technical assistance memorandum to all entities, reporting and non-reporting.
- Evaluate internal administrative capacity to determine if the bureau is able to assign all DCRA work to a dedicated staffer as recommended under BJA best practices.

- Edit our data collection spreadsheet to ensure follow up on open investigations and to make any other data collection revisions deemed necessary.
- Implement data verification procedures.

The NMDPS understands the importance of reporting timely DCRA data that is in conformance with DCRA Performance Measures. Future fiscal year implementation plans will look at purchase of a database so that entities may directly enter their DCRA data and will also address any other areas of concern arising during the 2023 implementation phase.

APPENDIX 1: NEW MEXICO ENTITIES IDENTIFIED TO REPORT DCRA

Organization Name
Acoma Police Department
Administrative Office of the District Attorney
Alamogordo Police Department
Albuquerque Aviation Communications
Albuquerque Police Academy
Albuquerque Police Department
Albuquerque Police Department Communications Division
Albuquerque Public Schools Police Department
Anthony Police Department
Artesia Police Department
Aztec Police Department
Bayard Police Department
Belen Police Department
Bernalillo County Communications
Bernalillo County Sheriff's Office
Bernalillo County Sheriff's Office Regional Training Academy
Bernalillo Metropolitan Detention Center
Bernalillo Police Department
BIA Northern Pueblos Agency
BIA Southern Pueblos Agency
BIA-OLEA Mescalero Agency
BIA-OLES District IV Command Staff
Bloomfield Police Department
BNSF Railroad - Belen
BNSF Railroad - El Paso, TX
BNSF Railroad Police Department
Bosque Farms Police Department
Capitan Police Department
Carlsbad Police Department
Carrizozo Police Department
Catron County Sheriff's Office
Central New Mexico Correctional Facility
Central New Mexico Community College
Chama Police Department
Chaves County Detention Center
Chaves County Sheriff's Office
Cibola County Detention Center

Cibola County Sheriff's Office
Cibola Regional Communications Center
Cimarron Police Department
City Of Albuquerque Open Space Division
Clayton Police Department
Cloudcroft Police Department
Clovis Police Department
Colfax County Detention Center
Colfax County Sheriff's Office
Columbus Police Department
Corrales Police Department
Cuba Police Department
Curry County Adult Detention Center
Curry County Sheriff's Office
De Baca County Detention Center
De Baca County Regional Emergency Communication Center
De Baca County Sheriff's Office
Defense Threat Reduction Agency - Defense Nuclear Weapons School
Deming Police Department
Department of Information and Technology
Department of Public Safety
Dexter Department of Public Safety
District Attorney's Office, (11th) Division I
District Attorney's Office, (11th) Division II
District Attorney's Office, 10th District
District Attorney's Office, 12th District
District Attorney's Office, 13th District
District Attorney's Office, 1st District
District Attorney's Office, 2nd District
District Attorney's Office, 3rd District
District Attorney's Office, 4th District
District Attorney's Office, 5th District
District Attorney's Office, 6th District
District Attorney's Office, 7th District
District Attorney's Office, 8th District
District Attorney's Office, 9th District
Dona Ana County Department of Corrections
Dona Ana County Sheriff's Office
Dona Ana County Sheriff's Office Academy
Eastern NM University Department of Public Safety
Eddy County Detention Center
Eddy County Sheriff's Office
Edgewood Police Department

Elida Police Department
Espanola / Rio Arriba 911 Dispatch
Espanola Fire Department
Espanola Police Department
Estancia Police Department
Eunice Police Department
Farmington Police Department
Fort Sumner Police Department
Gallup Police Department
Grant County Detention Center
Grant County Regional Dispatch
Grant County Sheriff's Office
Grants Police Department
Guadalupe County Correctional Facility
Guadalupe County Jail
Guadalupe County Sheriff's Office
Hagerman Department of Public Safety
Hardin County Detention Center
Hardin County Sheriff's Office
Hatch Police Department
Hidalgo County Adult Detention Center
Hidalgo County Central Dispatch
Hidalgo County Sheriff's Office
Hobbs Police Department
Hope Police Department
Hurley Police Department
Insurance Fraud Bureau
Isleta Open Space Police Department
Isleta Tribal Police Department
Jal Police Department
Jemez Pueblo Police Department
Jemez Springs Police Department
Jicarilla Apache Tribal Police Dept.
Jicarilla Natural Resources
Lake Arthur Police Department
Las Cruces Police Department
Las Cruces Police Department Training Academy
Las Vegas Police Department
Lea County Airport Security PD
Lea County Communications Authority
Lea County Correctional Facility
Lea County Detention Center
Lea County Sheriff's Office

Lincoln County Detention Center
Lincoln County Sheriff's Office
Logan Police Department
Lordsburg Police Department
Los Alamos County Detention Center
Los Alamos County Police Department
Los Alamos County Sheriff's Office
Los Lunas Police Department
Los Lunas School Resource Department
Los Ranchos Department of Public Safety
Loving Police Department
Lovington Police Department
Luna County Central Dispatch
Luna County Department of Corrections
Luna County Detention Center
Luna County Sheriff's Office
Magdalena Marshal's Office
McKinley County Adult Detention Center
McKinley County Metro Dispatch Authority
McKinley County Sheriff's Office
Melrose Police Department
Mescalero Law Enforcement Agency
Mesilla Marshal's Office
Mesilla Valley Regional Dispatch Authority
Milan Police Department
Mora County Sheriff's Office
Moriarty Police Department
Mora County Jail
Mosquero Police Department
Mountainair Police Department
National District Attorneys Association
Natural Resource Enforcement Agency
Navajo Department of Fish & Wildlife LE
Navajo Department of Public Safety
Navajo DPS - Shiprock
New Mexico Asssocation of Chiefs of Police
New Mexico Attorney General's Office
New Mexico Department of Game & Fish
New Mexico Department of Homeland Security and Emergency Management
New Mexico EMNRD - Energy Conservation
New Mexico EMNRD - Mining & Minerals
New Mexico EMNRD - Oil & Gas
New Mexico EMNRD - State Forestry

New Mexico EMNRD - State Parks
New Mexico Energy, Minerals and Natural Resources Department
New Mexico Gaming Control Board/ISD
New Mexico Highlands University PD
New Mexico Institute of Mining & Technology Police Department
New Mexico Law Enforcement Academy
New Mexico Livestock Board Inspec. Div
New Mexico Lottery Authority
New Mexico Military Institute Police Dep
New Mexico Mounted Patrol
New Mexico Racing Commission
New Mexico Regulation and Licensing - Securities Division
New Mexico State Fire Marshal's Office
New Mexico State Police
New Mexico State University Police Department
New Mexico Tax Fraud Investigations Division
Northeast New Mexico Correctional Facility
Ohkay Owingeh Tribal Police Department
Otero County Department of Corrections
Otero County Prison Facility
Otero County Sheriff's Office
Pecos Marshal's Office
Pecos Valley Regional Communication Center
Penitentiary of New Mexico
Pharmacy Board
Picuris Pueblo Police Department
Pojoaque Tribal Police Department
Portales Police Department
Public Agency Training Council
Pueblo Of Laguna Conservation Department
Pueblo of Laguna Police Department
Pueblo of Tesuque Park & Wildlife
Pueblo of Zuni Game & Fish Department
Quay County Detention Center
Quay County Sheriff's Office
Questa Police Department
Ramah-Navajo Police Department
Raton Police Department
Red River Marshal's Office
Regional Emergency Dispatch Authority
Rio Arriba County Adult Detention Facility
Rio Arriba County Sheriff's Office
Rio Rancho Police Department

Roosevelt County Detention Center
Roosevelt County Sheriff's Office
Roswell Correctional Center
Roswell Police Department
Roy Police Department
Ruidoso Downs Police Department
Ruidoso Police Department
Sandoval County Detention Center
San Ildefonso Pueblo Police Department
San Juan County Adult Detention Center
San Juan County Communications Authority
San Juan County Criminal Justice Training Authority
San Juan County Sheriff's Office
San Miguel County Department of Corrections
San Miguel County Sheriff's Office
San Ysidro Marshal's Office
Sandia Pueblo Tribal Police Department
Sandoval County Communications
Sandoval County Regional Emergency Communications Center
Sandoval County Sheriff's Office
Santa Ana Dept. of Conservation Enforcement
Santa Ana Tribal Police Department
Santa Clara Police Department
Santa Clara Tribal Police Department
Santa Fe County Adult Correctional Facility
Santa Fe County Sheriff's Office
Santa Fe Police Department
Santa Fe Radio Communications
Santa Fe Regional Emergency Communication Center
Santa Rosa Police Department
Sierra County Detention Facility
Sierra County Regional Dispatch Authority
Sierra County Sheriff's Office
Silver City Police Department
Socorro County Detention Center
Socorro County Sheriff's Office
Socorro Police Department
Southeastern New Mexico Regional Law Enforcement Training Academy
Southern New Mexico Correctional Facility
Southern Ute Indian Tribal Police
Springer Correctional Center
Springer Police Department
Sunland Park Police Department

Taos Adult Detention Center
Taos Central Communications Authority
Taos County Sheriff's Office
Taos Police Department
Taos Pueblo Dept. of Natural Resources
Taos Pueblo Police Department
Taos Ski Valley Department of Public Safety
Tatum Police Department
Taxation & Revenue - Inspector General
Tesuque Tribal Police Department
Texico Police Department
Torrance County 911 Dispatch Center
Torrance County Detention Center
Torrance County Sheriff's Office
Truth or Consequences Police Department
Tucumcari Police Department
Tucumcari Quay Regional Emergency Communications Center
Tularosa Police Department
Union County Detention Center
Union County Sheriff's Office
Union Pacific Railway PD
University of New Mexico Police Department
UNM - Valencia Campus Police Department
Valencia County Adult Detention Center
Valencia County Sheriff's Office
Valencia Regional Emergency Communications Center
Vaughn Police Department
Village Of Angel Fire Police Department
Village of Maxwell Police Department
Wagon Mound Marshal's Office
Western New Mexico Correctional Facility
Western New Mexico University PD
Western New Mexico University Police Academy
White Mountain Apache Police
White Sands Missile Range Police Dept.
Williamsburg Police Department
Zuni Police Department