IMPACT PROSECUTION
Transforming the Criminal Justice System
Biennial Report: January 2019
Imagine a safe and prosperous community. Imagine a community where parents let their kids play in the front yard, businesses flourish, and our young adults find abundant economic opportunities. I believe we can make this community a reality here in the heart of New Mexico, but bringing this vision to life means taking a new approach. We need to be bold, refuse to accept failure, and embrace innovative, data-informed decision-making to help us do the right thing at the right time.

Two years ago, we embarked on a transformation of the criminal justice system, reinvigorating the role of the District Attorney’s Office in public safety and the community. We recognized that public safety is essential for the wellbeing of our families and critical for economic vitality. Together, we restructured the District Attorney’s Office, focused on serving the victims of crime, improved processes, and began using data analysis to swiftly interrupt criminal activity. We built New Mexico’s first Crime Strategies Unit, hired special law enforcement agents, and began building state-of-the-art analytical tools.

We also forged partnerships with our public research institutions and universities, community groups, and local business leaders. As a result, beginning in August of 2017 we turned the corner on crime and as of today we have witnessed a sustained drop in crime over the past 16 months.

To appreciate this turnaround, we have to recall the precipitous crime spike Albuquerque experienced from 2014 through 2016, when approximately 10,000 cars were stolen per year. In the report that follows we highlight some of the work, in conjunction with our law enforcement partners, that has ushered in this welcomed downturn in crime.

We also acknowledge that we still have a long way to go as violent crime remains unacceptably high and portions of our community continue to face alarming concentrations of crime.

This is difficult work, but we are up to the challenge. With the momentum of the past two years, now is the time to redouble our efforts and relentlessly build the safe and prosperous community we know is possible.

Sincerely,

Raúl Torrez
Second Judicial District Attorney
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Impact Prosecution: An Overview

Impact prosecution is a data-informed and community-oriented approach to improve public safety. The objective of this report is to illustrate our processes, initial results, and continuing initiatives with respect to these two essential elements of impact prosecution.

Our office has shifted its philosophy toward a practice of data-informed decision-making. A review of our top defendants demonstrates the principal problem facing our community: a small percentage of serious repeat offenders commits the majority of crime. Using data analytics, we can identify these individuals' involvement in larger criminal networks, assess their risk of continued criminal activity, and prosecute appropriately. We are not outsourcing difficult decision-making to data and technology, nor are we replacing the human element in prosecution with automated processes. Rather, we are using data analysis to enhance our ability to be thoughtful, just, and effective.

Our office’s impact prosecution is also defined by an emphasis on the community and its experience with crime. This reaches beyond the bounds of traditional prosecution, improving our understanding of crime and our utilization of resources. Victim services and prevention initiatives are at the forefront of our efforts. We have been administering grant money and creating a variety of projects geared towards engaging community partners, addressing Adverse Childhood Experiences (ACEs), and taking a community approach to crime reduction.

We strive to increase safety by making better-informed prosecution decisions, focusing on the individuals most responsible for driving crime, and building mutual trust with our community. Our focus has been and will continue to be justice, fairness, and the efficient use of limited resources.
Early Results

“...The safety of the people shall be the highest law.
-Cicero
Results

The Problem

Albuquerque experienced a rise in crime starting in 2010 and spiking between 2013 and 2016, which is the longest and steepest crime increase in over twenty-five years. The number of auto thefts rose 258% and robberies rose 183% between 2013 and 2016 (numbers from APD data). Our efforts seek to address these systemic public safety issues in the community. In the report that follows, we present the steps we have already taken and our continued initiatives to drive down crime. These early results indicate that our reforms have placed us on the right track.

Promising Trends

Since the implementation of our data-informed impact prosecution strategies, we have seen a steady and significant decrease in crime over the last 16 months in Bernalillo County. The following graphs depict crime trends from 2013 through the end of 2018. The current downturn in crime began in August 2017.

These data from the Albuquerque Police Department (APD) represent Uniform Crime Report (UCR) incidents in the Part 1 category. Total crime incidents data reflect aggregate numbers of crime incidents. We provide seasonally-adjusted numbers — calculated comparing month to month across years — to account for cyclical fluctuations in crime patterns due to weather and time of year.
The graph above shows that total criminal incidents are at their lowest since March of 2015.

Seasonally- Adjusted Total Crime (APD, UCR Part 1):
Results

Seasonally-Adjusted Property Crime (APD, UCR Part 1):

Seasonally-Adjusted Motor Vehicle Theft (APD, UCR Part 1):
Seasonally-Adjusted Violent Crime (APD, UCR Part 1):

Seasonally-Adjusted Robbery (APD, UCR Part 1):
In God we trust. All others must bring data.
- W. Edwards Deming
Speed, certainty, and severity are the three principal components of Deterrence Theory. In fact, there is well-documented evidence that rather than the punishment itself it is the certainty of being caught that serves as the most powerful deterrent [Daniel S. Nagin. "Deterrence in the Twenty-First Century." *Crime and Justice* 42 no. 2 (2013); New Mexico Legislative Finance Committee Program Evaluation Unit. "Review of the Criminal Justice System in Bernalillo County." (July 2018)]. Consequently, our office seeks to initiate and prosecute cases with speed and certainty, while maintaining severity of punishment for key high-level offenders. Key objectives of the office are identifying individuals and networks driving crime and specifically deterring their criminal activity.

*Speed*
Time between offense and initiation of prosecution

*Certainty*
Offenders' knowledge they will be held accountable for their crime

*Severity*
Harshness of the punishment

Speed and certainty outweigh severity as a deterrent for the majority of offenders.
Evidence of Crime Drivers

Arrest data from 2010 through 2016 present a clear picture of how a small number repeat offenders is responsible for a disproportionately high percentage of criminal activity in our community. Twenty-six percent of those arrested had three or more arrests and accounted for 62.6% of all arrests made during this six year period.

Number of Arrests per Person (2010-2016)

- 10 arrests: 4.0%
- 3-9 arrests: 22.0%
- 2 arrests: 16.0%
- 1 arrest: 58.0%

Share of Total Arrests (2010-2016)

- 10+ arrests: 20.2%
- 3-9 arrests: 42.4%
- 2 arrests: 13.1%
- 1 arrest: 24.2%


Key Partnership: Chamber of Commerce

Recognizing the inherent connection between public safety and economic vitality, the Greater Albuquerque Chamber of Commerce has been a true partner in our institutional transformation since day one. In July 2017, the Chamber and the DA’s office co-hosted a delegation visit of local elected leaders, business leaders, community leaders, and legislators to study the San Francisco District Attorney’s Crime Strategies Unit (CSU). The research trip galvanized support for a CSU in New Mexico, helping to secure legislative funding. As a result, we established New Mexico’s first CSU in June 2018, complete with crime analysts, special agents, and coders, resulting in the advanced analytical capabilities highlighted in this report.
Serious Repeat Offenders

To initiate our effort to curb the crime spike Albuquerque was experiencing at the outset of this administration, we analyzed data to identify high impact, repeat offenders with unindicted cases. Our analysis found that a small number of individuals was responsible for a disproportionate volume of cases with each accounting for an average of 8 arrests. This again confirmed that our impact prosecution approach could deliver public safety improvements by interrupting the criminal activity of serious repeat offenders. Rather than prosecute blindly, we allocated resources to precisely prosecuting these drivers of crime in Bernalillo County.

A mere 114 of these high impact, repeat offenders were disproportionately responsible for 843 arrests and 526 cases. To date we have sentenced or are pending sentencing on 77% of these defendants, interrupting their escalation. On the next page, we highlight one of these individual’s path through the system and the escalation of crime in both volume and severity that resulted.
Breaking the Cycle: 32 Years of Criminal History

To better understand the problem of repeat offenders, we took an in-depth look at the criminal history of an individual serious repeat offender. This defendant racked up 33 criminal cases in a span of 32 years. His narrative is a common one, beginning with misdemeanor cases as a juvenile, he went on undeterred by inadequate and ineffective interventions, ultimately escalating to violent felonies. Using impact prosecution strategies, we stopped this defendant’s pattern. Our strategies are designed to intervene and take appropriate steps so this cycle does not repeat with others.

1. 1986
   First interactions with the Juvenile Justice System for shoplifting and criminal damage to property

2. 1995
   First misdemeanor as an adult for Driving While Intoxicated

3. 2000
   First of many misdemeanors for Domestic Violence

4. 2002
   Misdemeanor for Assault on a Peace Officer

5. 2007
   First felony for Possession of a Firearm

6. 2008
   Second felony for Aggravated Robbery

7. 2012
   Third felony for Receiving and Transferring a Stolen Vehicle

8. 2018
   Consolidated felony plea for Drug Possession, Motor Vehicle Theft, and Aggravated Assault
Escalation of Crime

Analyzing our internal case data, we found that the problem our district faces is two-fold: escalation of crime and recidivism. The graphs below based on the research and analysis of the Albuquerque i-Team, an early reform partner, illustrate that as an individual continues to offend they graduate to increasing levels of violence. The i-Team found that an 8-time arrestee is significantly more likely to commit a violent crime than a first-time arrestee. These findings indicate the need for effective early intervention to interrupt the escalation of criminal activity and keep our community safe.

1-Time Arrestee 4-Time Arrestee 8-Time Arrestee

Source: Albuquerque i-Team Report 2017

Increase in Severity of Charges and Danger

Consistent with the i-Team’s findings, we analyzed the charges filed against our top defendants and found an intensification in severity of charges. The number one charge for our most prolific offenders escalated from possession of a controlled substance in 2015 to stolen vehicles in 2016. Alarming, unlawful possession of a firearm became increasingly common, jumping in one year from the 21st most common top charge to the 12th.
A New Model

Traditional Prosecution Model

Intake, Assignment, and Prosecution by Crime Type

The traditional model of prosecution is to intake, assign, and prosecute by crime type. The key deficiency of this approach is that cases exist in "silos," masking the complete picture of an individual defendant. Under this model the focus is the case not the person. For a serious offender with multiple open cases, it is common for different prosecutors to be prosecuting the same person without appreciating that person's relative risk to public safety.

Our Risk-Based Model

One of the most significant early reforms was the implementation of a risk-based approach to prosecution. Using data, we now prioritize cases based upon an empirical assessment of the risk presented by individual defendants, allowing us to direct prosecutorial resources accordingly. We focus these resources on Tiers 1 and 2, high and medium-risk individuals, while seeking effective diversion programs for Tier 3 low-risk individuals.

Tier 3 defendants 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, Substance Use and Treatment Options Program (STOP). With Tier 3 defendants the objective is to find creative solutions to interrupt and prevent escalation of criminal activity.
Speed is the Best Deterrent

For most medium and low-risk offenders, speed and certainty are the most important factors in deterring future criminal activity. Through continually improved processes to swiftly intervene by initiating cases quickly, we are seeing a sustained drop in crime.

The figure above illustrates the increase in average number of days from case opening to filing of charges in court. Between 2015 and 2016 the time to initiate ballooned to an average of 171 days. Since 2017, our office has made a concerted effort to reduce this number and combat rising crime trends. The time to initiate is now an average of 69 days. By increasing the speed with which we file cases, we contribute to the reduction of overall crime in the city.
One of the first indicators of tangible progress and a shift in the culture of our office came with the clearing out and reorganization of the building. Previously, boxes of files filled the hallways, employee workstations, and all usable space. In the first few months of 2017, boxes were inventoried and moved into warehouse storage. The accompanying backlog of cases needing to be closed became the next project, to improve the quality of our database and to better understand the status of crime and prosecution in our district. Members of our office worked countless hours to address the problems of organization and data entry. These images cannot capture the enormity of this task. By restoring offices and cubicles to professional work space and capturing the data in thousands of boxes we took the first steps toward reforming office culture and improving our prosecutorial capacity.
Crime Strategies Unit

This is an example of a criminal network discovered after an investigation of a series of motor vehicle theft incidents. CSU analysts connected discrete police reports, phone records, and social media accounts to identify this network of individuals and other group members for strategic prosecution.


What makes our CSU different than others is the seamless fusion of the work of the analysts and our law enforcement special agents.

Working together, the special agents immediately operationalize the insights and leads from the intelligence gathered by the analysts.

CSU’s goal is to drive down crime by transforming our work from reactive to proactive, enhancing cases to be as complete as possible, and uncovering hidden networks harming our community.
CSU's goal is to drive down crime by transforming our work from reactive to proactive, enhancing cases, and uncovering hidden networks.

The visualization above represents potential crime sprees in Bernalillo County. This is a newly-developed tool that allows our crime analysts to discover connections and uncover patterns that are otherwise hidden across time and distance with the goal of finding and targeting high impact individuals and groups. The example output above only shows a subset of data points.
In order to gain a broader picture of when, where, and how crimes are committed in Albuquerque, we must focus on the who. In conjunction with work being done by researchers at New Mexico Tech, our office is using big data and analytics to identify key members of official and unofficial group networks committing crimes in the community.

Algorithms sort and categorize data in a variety of ways, finding any connections across wide sets of discrete offender, victim, automobile, firearm, and location data. The researchers have also been streamlining the tiering process, through which offenders are empirically assessed and classified based on risk and criminal history then processed through our office accordingly.

Timely, accurate, and appropriate data analysis has been and will continue to be essential to creating an independent understanding of crime issues, designing operational strategies, tracking those strategies’ implementation, assessing their impact, and reporting to public and partner agencies in the state. 

A visualization of networks based on defendants, victims, associations, and other case elements. Darker concentrations illustrate an individual with more criminal network connections.

**Key Partnership: NM Tech ICASA**

ICASA, the Institute for Complex Additive Systems Analysis, is a research institute housed at the New Mexico Institute of Mining and Technology (NMT), primarily studying and solving problems related to the security and structure of complex additive systems. Its researchers have worked both domestically and internationally for agencies such as the US Department of Defense and NATO. The institute has been recognized as one of the preeminent leaders in its field.

ICASA began collaborating with our office in 2018, developing and implementing sophisticated tools to automate many of the processes within the office and analyze important criminal justice information. One such tool is DAVE (Data Analysis and Visualization Environment), which ingests millions of data points in order discover networks and connections related to criminal activity in the district. In addition, the ICASA team is working with our office to facilitate data sharing efforts across criminal justice agencies.
We have developed a variety of advanced visualization tools to support our community-oriented prosecution strategy by helping us understand the lived experience of specific communities. These images are the output of one such tool, representing all criminal report narratives that include firearms from 5,485 incidents over a 17 month period between 2017 and 2018. Aggravated assault is the most common crime involving a firearm, followed closely by auto burglary and commercial robbery.

As part of our data initiatives, we are engaging the assistance of valuable local experts to drive down crime in Albuquerque. Our office hosts over 20 technical volunteers, many of whom are also employed at Sandia National Labs. They have been regularly working with our staff on projects since July of 2017, focusing on information system data access, network 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-Oriented

"It is easier to build strong children than to repair broken men."
-Frederick Douglass
Putting Victims First

We recognize that the judicial process can be an incredibly painful and re-traumatizing experience for victims, which is why we are committed to putting victims first.

Victim Resource Center

In May 2018, we inaugurated our Victim Resource Center in an effort to create a safe space within our office dedicated to victims. It serves as a place for victims and their families to have a moment of privacy while they await court hearings and jury verdicts at the courthouse next door, meet with a victim advocate, or fill out a temporary protection order.

The center is equipped with private computer rooms, a kitchen, a lounge, and private meeting rooms. There are also "essentials" bags for victims of domestic violence complete with toiletries, clothing, and school supplies, as well as a host of resources to help victims find temporary housing and support. Woodstock, our courtroom service dog, is based in the Victim Resource Center helping soothe victims.

Victim Services Alliance

Upon assuming office, DA Torrez recognized the existing number of victim advocates within the office were unable to adequately serve all victims of crime in Bernalillo County, with an average case load of 500-600 cases each. In response, he coordinated the creation of a Victim Services Alliance (VSA) to help support and enhance the work of victim advocates. The program, based on the groundbreaking work of the Pima County Arizona DA, consists of community members who volunteer their time to assist victims in court. VSA also includes partnerships with Mothers Against Drunk Drivers (MADD), the NM Coalition of Sexual Assault Programs, Crime Victims Reparation Commission (CVRC), Rape Crisis Center, and the Resource Center for Victims of Violent Death who work within the office to provide more comprehensive services for victims.
Early victim contact is especially important in the context of domestic violence. These victims often face difficult decisions balancing their safety against economic uncertainty. The Crime Strategies Unit has built upon a domestic violence program that evaluates victim and offender histories as well as children present in the home to offer specific services and to address their questions about how a case can proceed. We strive to meet victims within 48 hours of an incident to offer this support. Historically, a significant number of domestic violence cases have been dismissed due to a lack of victim cooperation. Through efforts like this we hope to secure increased cooperation from victims early on and make victims safer through successful domestic violence prosecution.

Woodstock wins third place in service dog competition.

DA Torrez announces the creation of the Victim Service Alliance in September 2017. View full video at https://vimeo.com/232497070
Our office was awarded the U.S. Department of Justice: Innovations in Community Based Crime Reduction (CBCR) Grant in an effort to improve safety and reduce crime in Albuquerque’s International District over the next three years. The investment will facilitate group violence intervention and community-oriented strategy development and implementation.

Why Community-Based Strategies?

Attention to local crime problems
By developing an ongoing relationship with local leaders, agencies, and residents, community-based prosecutors will be better attuned to the needs of their neighborhoods.

Cooperation from the community
A community that sees the prosecutor’s office as responsive to its needs will be more likely to report crimes and work toward proactive, community-wide solutions. A stronger partnership with local residents ensures witness cooperation.

Efficient prosecution
Stronger cases, fortified by relationships with local police officers and familiarity with witnesses, will be disposed of more effectively and efficiently.

Key Partnership:
CBCR Leadership Council

The creation of a Leadership Council will foster a sustainable model to achieve crime reduction through a broad cross-sector partnership approach, linked with local revitalization efforts. The 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.

We are currently partnered with: University of New Mexico, City Council District 6, Endorphin Power Company, Albuquerque Ambulance Services, Fair West Neighborhood Association, East Central Ministries, Arts Hub, SpeadLove ABQ, City of Albuquerque Office of Neighborhood Coordination, and United Way Mission: Families.
Group Violence Intervention

Group Violence Intervention (GVI) is a strategy developed by the John Jay College National Network for Safe Communities initiative. Its principal goal is the reduction of street group-involved gun violence and homicide. GVI prioritizes community engagement over traditional enforcement methods, involving multiple actors in its targeted neighborhoods. Network analysis is used to identify groups and their key members.

At “call-ins,” face-to-face meetings with these individuals, law enforcement and prosecutors present the legal consequences of future violence. This is combined with a discussion led by community members in an effort to create collective accountability, internal social pressures, and community standards. GVI’s final component is to provide an alternative to violent behavior, including protection, transportation, emergency housing, and access to job training, education, and substance abuse support.

The GVI project in Albuquerque is still under development, but will be implemented as a component of the CBCR grant.

Components of Group Violence Intervention

**Community Members**
Act as a moral voice to encourage young offenders to change their path

**Law Enforcement**
Explain to group members what will happen if their criminal behavior continues

**Support & Outreach**
Offer an alternative path to violence

Adverse childhood experiences (ACEs) are stressful or traumatic events that have a broad and profound impact on an individual's development and subsequent emotional, cognitive, social, and biological functioning. UNM Medical & Law Schools and New Mexico's Children, Youth and Family Department conducted a study in 2016 focused on the juvenile justice system and found a dire need for prevention and rehabilitation [Cannon, Yael, George Davis, Andrew Hsi, and Alexandra Bochte. "Adverse Childhood Experiences in the New Mexico Juvenile Justice Population." New Mexico Sentencing Commission. (February 2016)].

![Prevalence of ACE Description Indicators by Gender](image)

75% of boys and 87% of the girls in juvenile detention in Bernalillo County reported exposure to 5 or more ACEs

**Percentage of children in New Mexico who have experienced 4+ ACEs**

15%

**Percentage of incarcerated New Mexico juveniles who have experienced 4+ ACEs**

86%
Early Intervention

Investing in our children through early interventions that prevent contact with the criminal justice system is the surest path to our community’s health, prosperity, and safety.

Rate of Children Receiving Preventative Services

Approximately 5 children per 1,000 received preventative services from the New Mexico child welfare agency in 2012 compared to a national average of 43 children per 1,000.

Mission: Families

As part of our early intervention efforts, District Attorney Raúl Torrez serves as the co-chair of United Way of Central New Mexico’s Mission: Families Vision Council, whose goal is to minimize ACEs in New Mexico by 50% by 2030. The organization’s number one priority is to stabilize and support New Mexican families by helping them secure housing and increase educational opportunity. Together with community partners and volunteers, Mission: Families is analyzing needed systemic change, supporting advocacy efforts, and developing collaborative projects to improve the well-being and safety of children in Bernalillo County.

Every $1 invested in evidence-based programs for reducing child maltreatment could generate returns as high as $15.64.

The Pew-MacArthur Results First Initiative in New Mexico (April 2018)
Resourceful

Alone we can do so little, together we can do so much.
-Helen Keller

We have been working with the New Mexico Department of Public Safety Law Enforcement Records Bureau to improve the use of data in criminal justice system decision-making. Our office recently received a $500,000 grant from the Bureau of Justice Assistance (BJA) Technology Innovation for Public Safety (TIPS) Addressing Precipitous Increases in Crime program. The funding will support the development of a tool — an automated consolidated query of multiple datasets — that will generate a comprehensive criminal history report for each offender. This project will be executed by researchers at New Mexico Tech’s ICASA (see page 20).

Our office will be administering a $1,000,000 Community-Based Crime Reduction (CBCR) grant over the next three years. The goal is to reduce crime and increase community trust in Albuquerque’s International District through Group Violence Intervention, community-based prosecution, and economic interventions. For more information on the grant, see page 26.
Staffing Successes

Many of our accomplishments can be attributed to our highly dedicated personnel. By securing legislative appropriations we were able to hire more attorneys to more effectively and carefully deal with our high caseload. We provided an average salary increase of 6.5% for DA employees—the first raise in 8 years. This salary increase has helped attract and retain talented attorneys and professionals.

Data-Informed Innovation

We implemented a pilot program for data-driven prosecution. For the creation of our Crime Strategies Unit (CSU) we hired highly trained and uniquely skilled individuals. They have already worked to improve our investigative processes and prosecution techniques. Another instrumental hire was the Special Agent in charge of CSU with a robust background in advanced investigative methods. In addition, our staff now includes two computer coders who better our understanding of data analytics and technology and how these tools can reform the criminal justice system.

Beating the Backlog

Working with one of our senior attorneys, a team of contract special prosecutors has been evaluating, initiating, and resolving felonies from the inherited backlog of more than 8,000 cases. Additionally, we created a special projects team to address a different backlog of more than 4,400 unclosed cases in the database. These teams are keeping the public safe and ensuring the data is accurate, an important first step in facilitating our data initiatives.

Prioritizing Security

We have installed new security cameras, equipment, and upgraded technology in the office to create a safer environment for our staff.
Acknowledgments

The work featured in this report is the product of hundreds of dedicated employees, institutional partners, and volunteers. None of these accomplishments would have been possible without them. We want to especially thank:

The volunteer Victim Service Alliance groups who are committed to serving victims with compassion through the difficult process of a criminal justice case;

Technical volunteers who dedicate many of their Saturdays to helping us work with and understand data and develop our technological capabilities;

Data scientists from New Mexico Tech who help us build applications to fight crime; and

Our office’s prosecutors and staff who continue to fight for justice for our community regardless of the strain that comes from the sheer volume of cases and difficult subject matter.