



# Supreme Court of New Mexico

FOR IMMEDIATE RELEASE

June 4, 2024

## **Pilot project to help arrested people obtain care for mental illness**

LAS CRUCES – A new court-based initiative will help guide people with severe mental illness to appropriate treatment and away from the criminal justice system when they are arrested for misdemeanor offenses in Doña Ana County.

Court and county leaders today announced the competency diversion pilot project in the Doña Ana County Magistrate Court that will focus on adults charged with misdemeanor offenses, such as trespassing and petty theft, who have a history of mental illness and previously have been found incompetent to stand trial on criminal charges.

“The goal is to empower people to lead safer and more productive lives by connecting them to behavioral health treatment and community services for food, housing and other needs,” said Supreme Court Justice Briana H. Zamora. “Doing this promotes public safety by reducing rearrests and will lessen the strain on emergency rooms, courts and law enforcement who otherwise may repeatedly interact with the same individuals struggling with mental illnesses.”

Justice Zamora serves as the Court’s liaison to the Commission on Mental Health and Competency, which envisioned the competency diversion pilot project. The Supreme Court established the commission in 2022 to improve how the justice system responds to people experiencing mental health related issues.

The competency diversion project represents a different approach by courts to helping people with severe mental illnesses, who are among the most vulnerable members of our state. Currently, criminal charges are dismissed against people found incompetent to stand trial. Those individuals return to the streets without community services that potentially can stabilize their lives and help prevent future arrests.

The pilot initiative provides:

- **Early diversion to treatment.** People will be screened when booked into a jail to determine their eligibility for the diversion project. Individuals will be referred to the voluntary program for three to six months if approved by prosecutors, the person’s defense attorney and the magistrate court. Anyone charged with misdemeanor DWI is ineligible.

- **Collaborative Care:** The court will have “forensic navigators” who work in the community to help participants obtain behavioral health treatment and other services. Participants voluntarily consent to treatment and other assistance, and successful completion will result in dismissal of their criminal charges. Cases proceed as normal for participants who fail to remain engaged with available services.

“Steering people with mental illness to the care they need and diverting them from the justice system can produce better outcomes,” said Doña Ana County Magistrate Court Judge Alexander Rossario. “It helps those individuals, their families, and the community by providing an opportunity for recovery and reduces the likelihood of future arrests.”

Jamie Michael, health and human services director for Doña Ana County, said, “We can improve public safety by connecting people to treatment and recovery supports, rather than just repeated interactions with the criminal justice system.”

Similar initiatives are planned across the state. Misdemeanor competency diversion pilot projects will be launched this summer in San Miguel County in the Fourth Judicial District and later this year in the Twelfth Judicial District of Lincoln and Otero counties. Funding comes from money the Legislature allocated to the Administrative Office of the Courts for pilot programs, including those related to behavioral health services. Future expansion to more locations is possible based on the experiences of the pilot sites.

###

Editor’s Note: A public event is scheduled Friday at the Doña Ana County Magistrate Court to launch the misdemeanor competency diversion pilot project. [Click here](#) for details.