Administrative Office of the Courts

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Competency diversion pilot program beginning in Bernalillo County

ALBUQUERQUE – The Bernalillo County Metropolitan Court is starting a program to guide newly arrested people with mental illness to treatment and divert them from the justice system.

Individuals charged with misdemeanor and nonviolent felony offenses, except DWI, may qualify for the competency diversion program. It is the fifth such program piloted in a New Mexico court.

"We improve public safety by connecting people with a history of severe mental illness to the treatment and community-based support services they need for potential recovery," said Justice Briana H. Zamora, the Supreme Court's liaison to the Commission on Mental Health and Competency.

"The launch of the competency diversion pilot program reflects our commitment to accountability and treatment, which strengthens our community as a whole," said Metropolitan Court Chief Judge Joshua J. Sánchez.

A community event to launch the competency diversion pilot program is scheduled for 10:30 a.m., Tuesday, Jan. 6, at the Metropolitan Court in Albuquerque.

How the program works

- **Collaborative Approach:** People are screened to determine their eligibility for the program when booked into a jail on a qualifying misdemeanor or nonviolent felony charges. Individuals who agree to participate must be approved by their defense attorney, prosecutors and the court.

- **Path to recovery:** Trained staff, called navigators, guide program participants to treatment and community services, including assistance with housing, food and employment. Participants voluntarily consent to behavioral health treatment. It is not court ordered treatment.

- **Diversion:** Participants will be referred to the program for three to six months if it involves a misdemeanor case, or six months to one year for a felony case. Courts dismiss charges when individuals successfully complete a navigation plan developed in

collaboration with them. Criminal cases proceed for participants who fail to remain engaged with available services.

Promoting community safety

The pilot program helps lower the potential of rearrests for people with a history of mental illness and legal incompetency. Individuals with untreated behavioral health disorders may be found legally incompetent to stand trial because their mental illness prevents them from understanding and participating in their criminal case proceedings as required by the U.S. Constitution. When this happens, the person's charges are typically dismissed. These individuals remain at risk of being arrested again and deemed incompetent to be tried on a new charge.

"Courts are working to provide new approaches to solving problems in our communities," said Chief Justice David K. Thomson. "With funding approved by the Legislature and governor, courts have implemented innovative programs that offer new civil and criminal justice options for connecting people to needed behavioral health services."

Chief Judge Sánchez said, "By connecting individuals and treatment support services early on, we aim to improve public safety and offer a true path to recovery and stability."

Since mid-2024, courts have implemented competency diversion pilot programs in Santa Fe, Los Alamos and Rio Arriba counties in the First Judicial District of Santa Fe; in Doña Ana County in the Third Judicial District, in San Miguel, Guadalupe and Mora counties in the Fourth Judicial District, and in Lincoln and Otero counties in the Twelfth Judicial District. Fifty-eight people have graduated from the programs through November.

The Judiciary also has started assisted outpatient treatment programs that can lead to court-ordered treatment through a civil legal process for individuals who repeatedly have failed to adhere to voluntary treatment.

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Supreme Court
Justice
Briana H. Zamora

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Chief Justice
David K. Thomson

Bernalillo County
Metropolitan Court
Chief Judge
Joshua J. Sánchez