

New Mexico

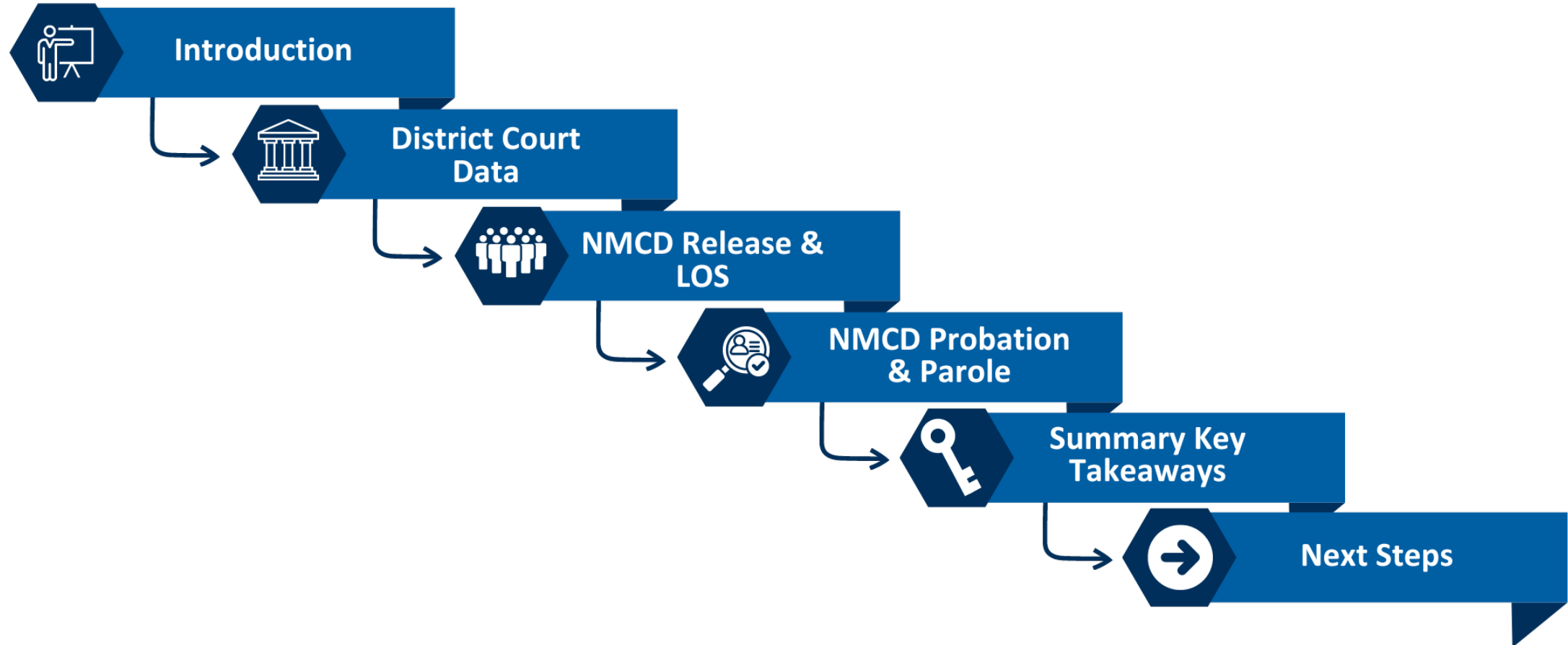
Justice Reinvestment Working Group

Data Drivers Presentation #2

July 10th, 2024

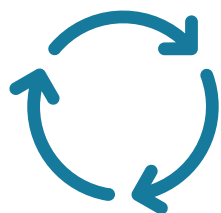


July 10th Meeting Overview



Introduction

Introduction



The Working Group

Objective, Role, Engagement Timeline

Working Group Objective

“We are committed to using data and evidence to identify ways to improve the quality and functioning of New Mexico’s Criminal Justice System.”

-Signed letter to BJA, August 2023

Working Group Role



Examine

Examine data findings presented by CJI at each Working Group meeting

Identify

Identify system pressure points, policies, and practices

Develop

Collaboratively develop recommendations for state level policy and practice

Review & Approve

Review and approve final report drafted by CJI containing all Working Group recommendations

CJI's Technical Assistance in New Mexico



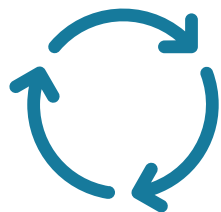
- Analyze state and local data & interview key stakeholders
- Facilitate working group process
- Provide research & best practice examples for policy development
- Draft final report with Working Group recommendations
- Work with key stakeholders and assist as needed in drafting and advancing legislation to be introduced in the 2025 legislative session

It is not CJ's role to make recommendations, but rather to provide data analysis and serve as a resource for research and best practices in other states and jurisdictions.

Working Group Engagement

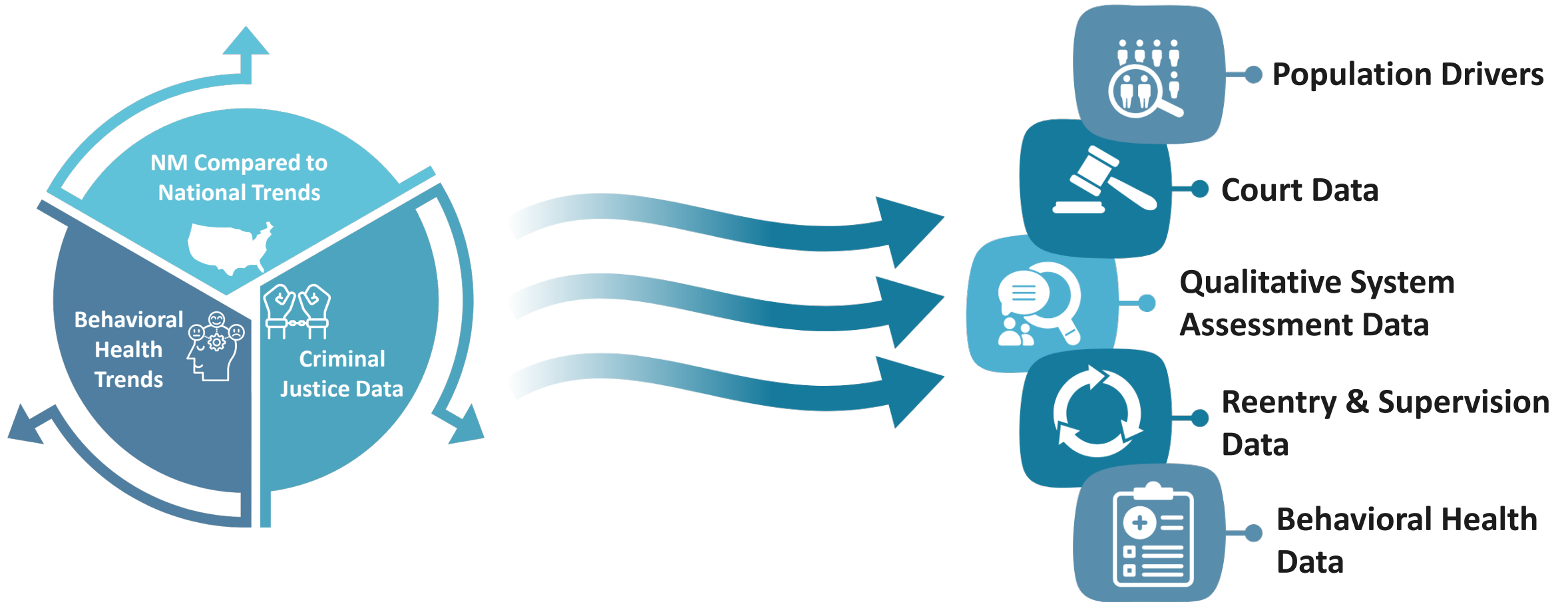


Introduction



Holistic View of the Justice System in NM

Holistic View of the Justice System



The Nexus Between Behavioral Health & the Criminal Justice System

Quick Facts

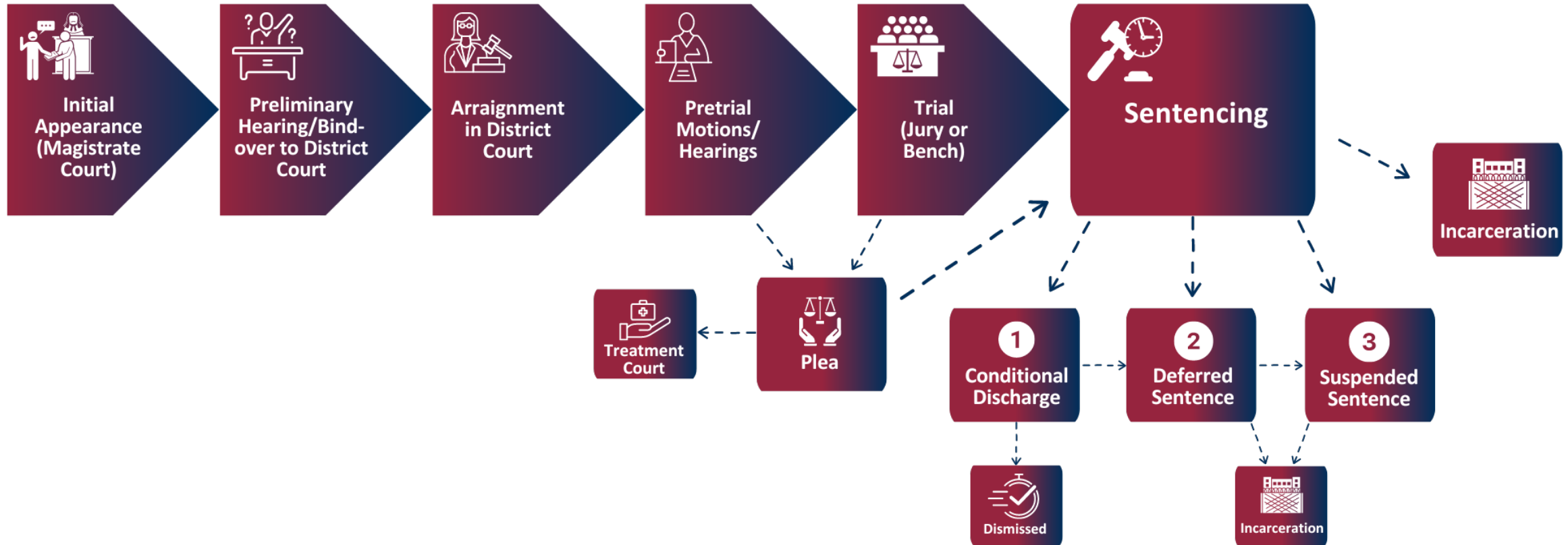
- The most recent national data on the needs of the justice-involved population is over a decade old
- On a national level, jail and prison data systems are outdated and generally do not collect information on behavioral health metrics.
 - Additionally, the justice system has competing interest for prioritizing data collection for institutional and public safety purposes
- Behavioral health information collected from individuals in the justice system is largely self-reported



District Criminal Court Data

Court Disposition & Sentencing Trends from District Court

Felony District Court Process



Court Data



Court Disposition Trends

- ✓ Disposition Breakdown
- ✓ Time to Disposition

Disposition Breakdown

Definitions

- **Disposition:** The adjudicated resolution of a case, including judgement and sentencing.
- **Conviction (Disposition):** A judgment of guilt rendered against a criminal defendant in a competent court. A 'conviction' refers to a finding of guilt and does not include the imposition of a sentence.
- **Acquittal:** A declaration that a person charged with a crime is not guilty of that crime. An acquittal is an adjudication that a defendant has been found not guilty of a particular crime.
- **Dismissal:** A determination by the judge of a trial court that a complaint or indictment, or a particular count of the complaint or indictment, is to be removed from the court without further hearing.
 - A dismissal may be with prejudice, in which case the dismissal acts as a final decision forever barring the claims made, or;
 - It may be without prejudice, in which case the claims can be refiled in a corrected form, as long as they would not be otherwise barred by a doctrine of limitations.
- **Nolle Prosequi:** A dismissal of criminal charges filed by the prosecutor, usually without prejudice.



Court Disposition Data Notes

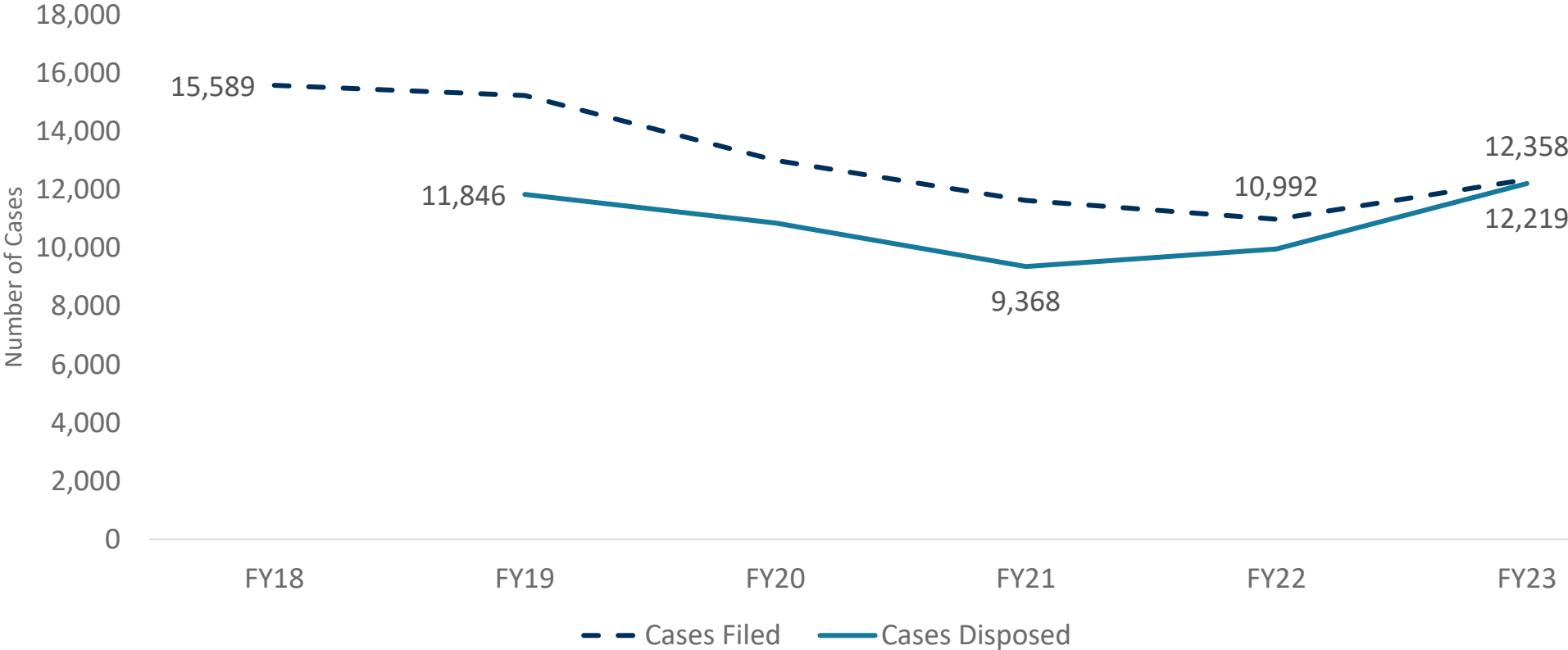


- Data was provided by the AOC and accessed through the NM DataXChange and are for adult criminal cases filed in **District Court only**.
- Analyses were limited to cases disposed of since FY19 and successfully merged with the cases filed dataset.
- Dispositions are presented at the case level and reflect the disposition associated with the most serious charge at filing.
 - If there were multiple dispositions per most serious charge, we retained the most recent/most serious disposition.
- Average time to disposition is reported using the median to account for outliers and corresponds to the initial disposition in a case.
- For consistency, crime categories reflect NMCD categorizations, which may differ from categories identified by the court.

Dispositions Increased by 3% Since 2019 and 30% Since 2021



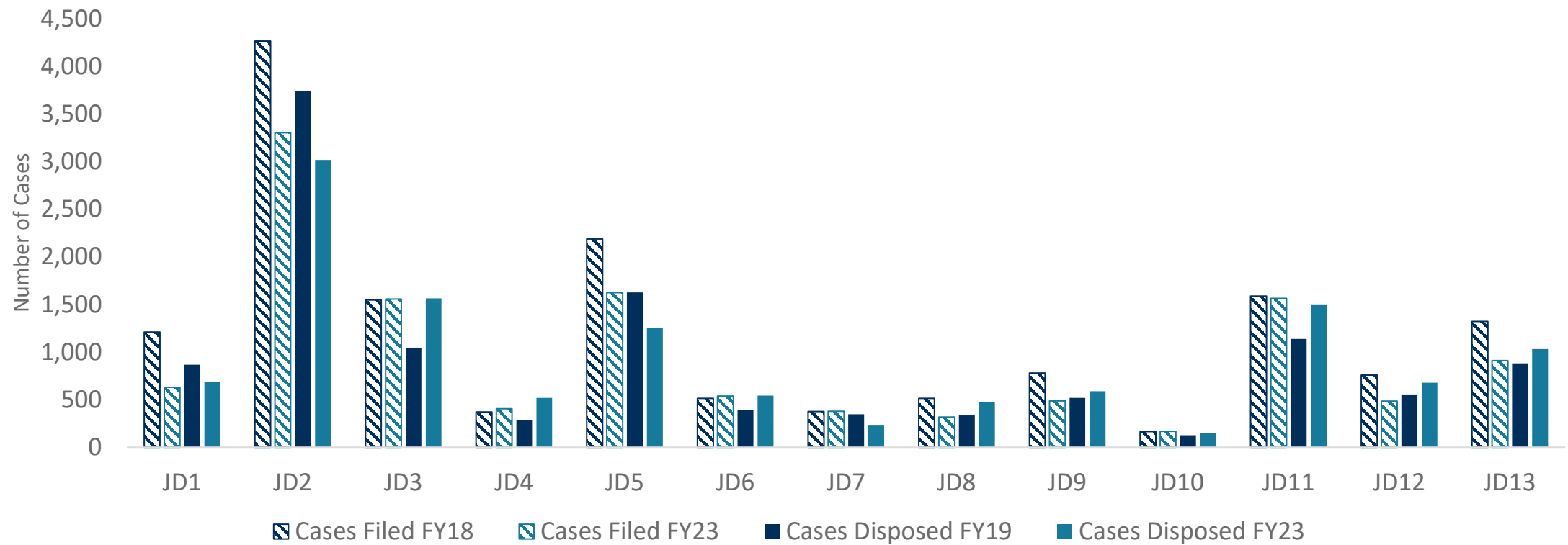
Number of District Criminal Cases Filed v. Disposed by Fiscal Year, FY18-FY23



Majority of Jurisdictions Disposed More Cases Than Filed



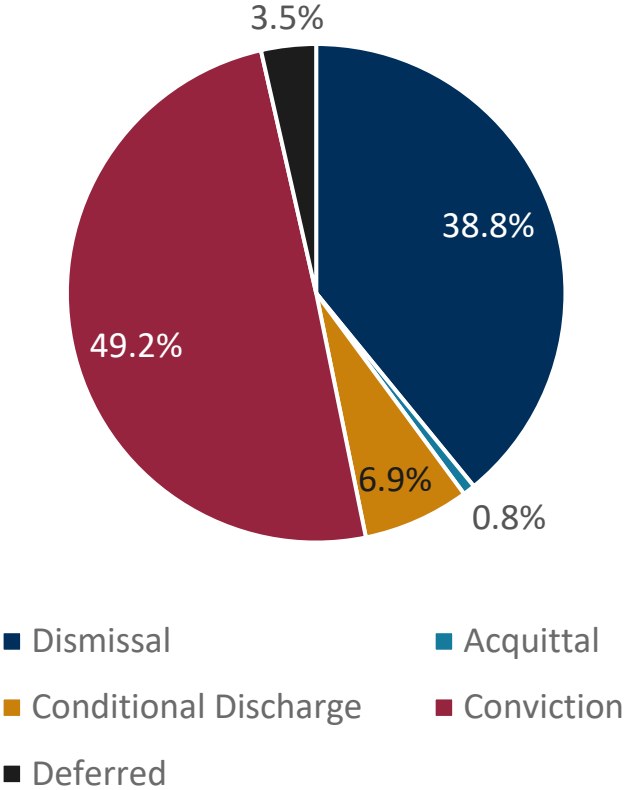
Number of District Criminal Cases Filed v. Disposed of by Judicial District, FY18/FY19 v. FY23



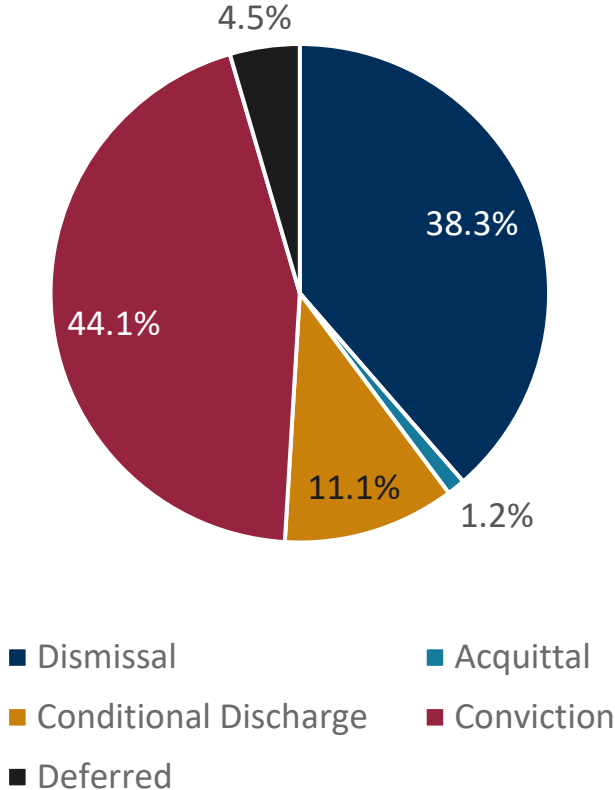
Convictions Consistently Most Common Disposition Type



Percentage of Most Serious District Criminal Case Disposition Types, FY19 (N = 11,846)



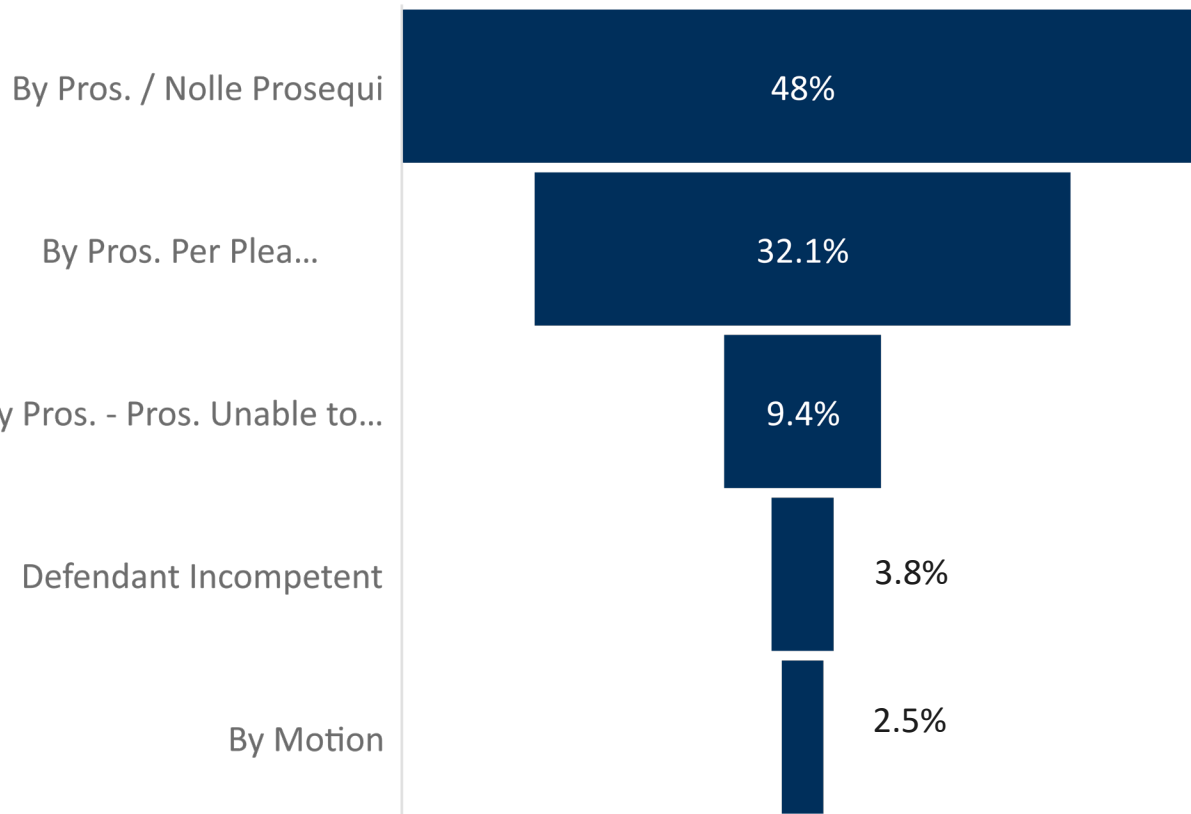
Percentage of Most Serious District Criminal Case Disposition Types, FY23 (N = 12,219)



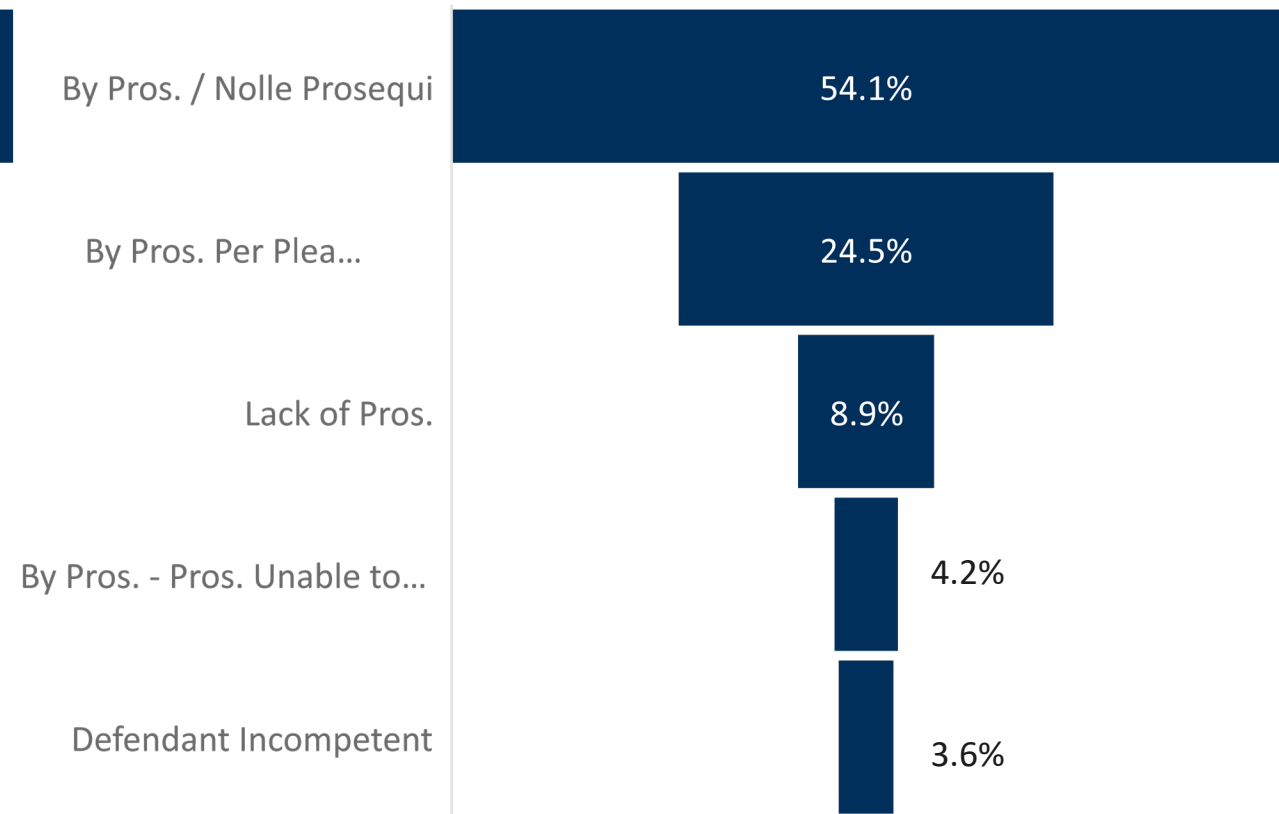
Dismissal by Prosecutors Most Common Dismissal Disposition Type



Top Five District Criminal Case Dismissal Disposition Types, FY19 (N = 4,591)



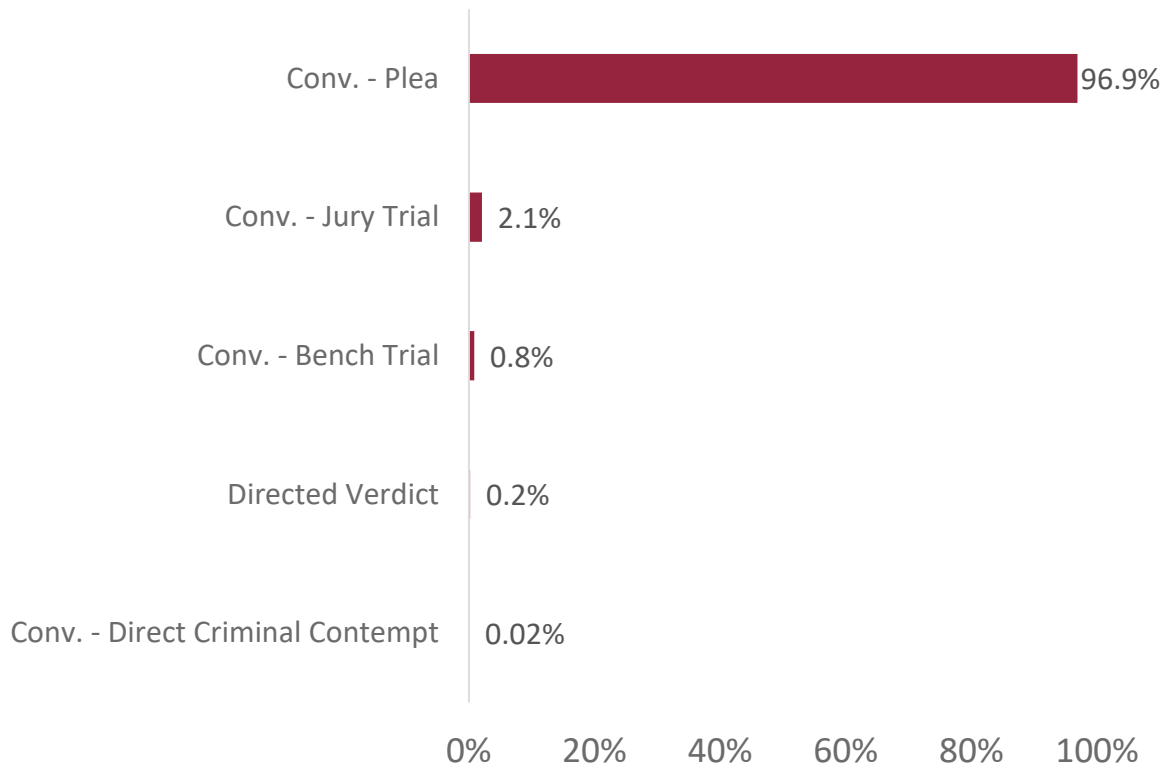
Top Five District Criminal Dismissal Disposition Types, FY23 (N = 4,679)



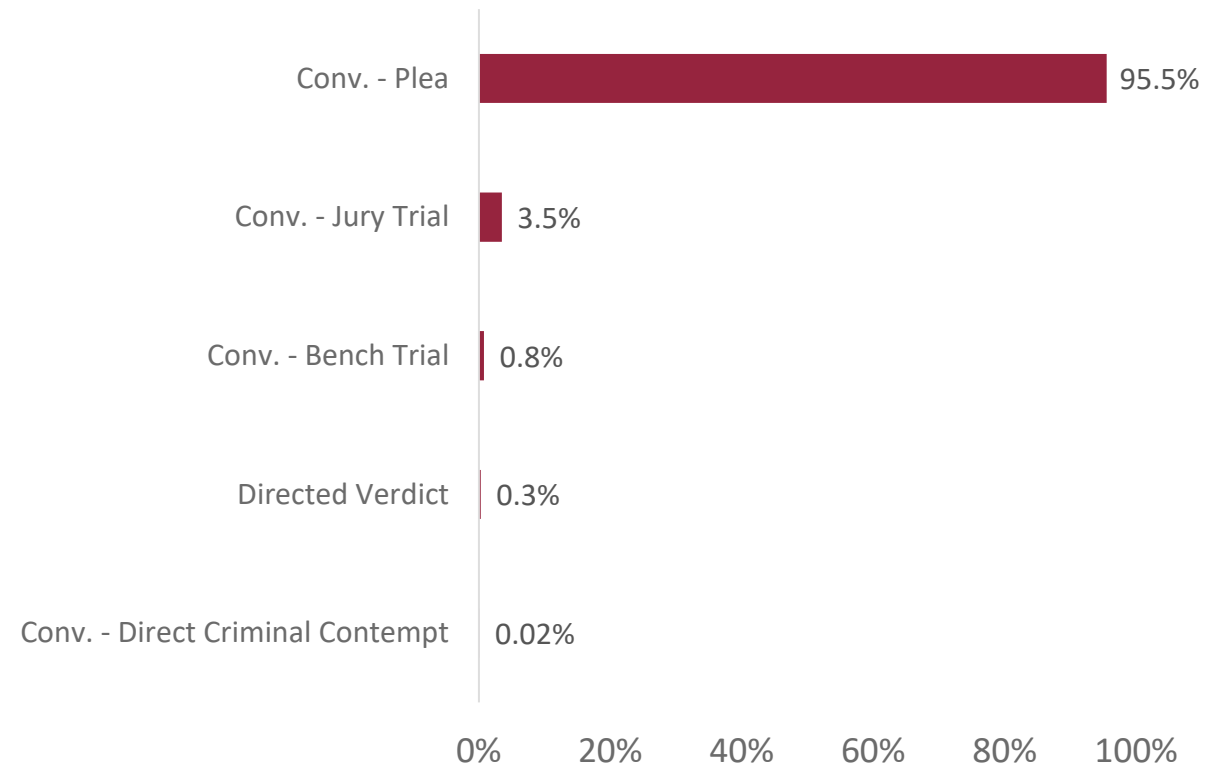
Conviction – Plea Most Common Conviction Disposition Type



Top Five District Criminal Case Conviction Disposition Types, FY19 (N = 5,830)



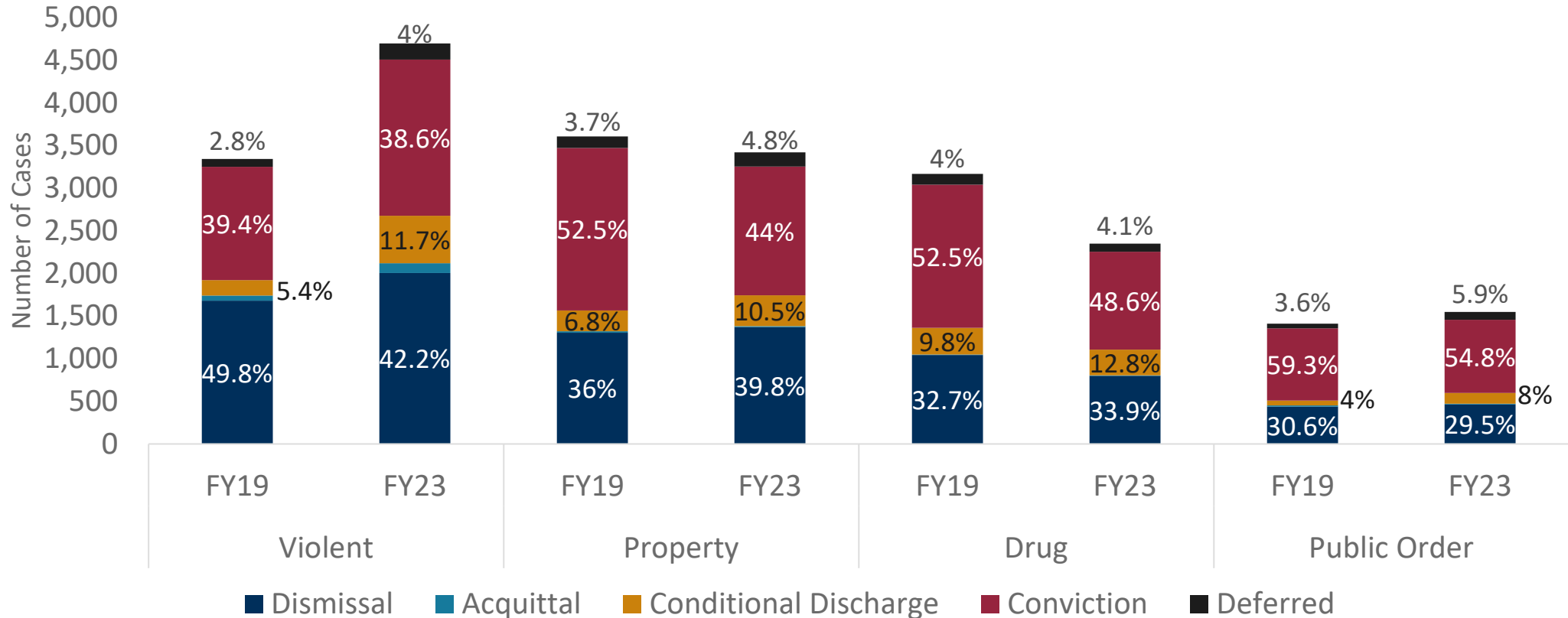
Top Five District Criminal Case Conviction Disposition Types, FY23 (N = 5,392)



Public Order and Drug Cases Most Likely to Receive a Conviction Disposition in FY23



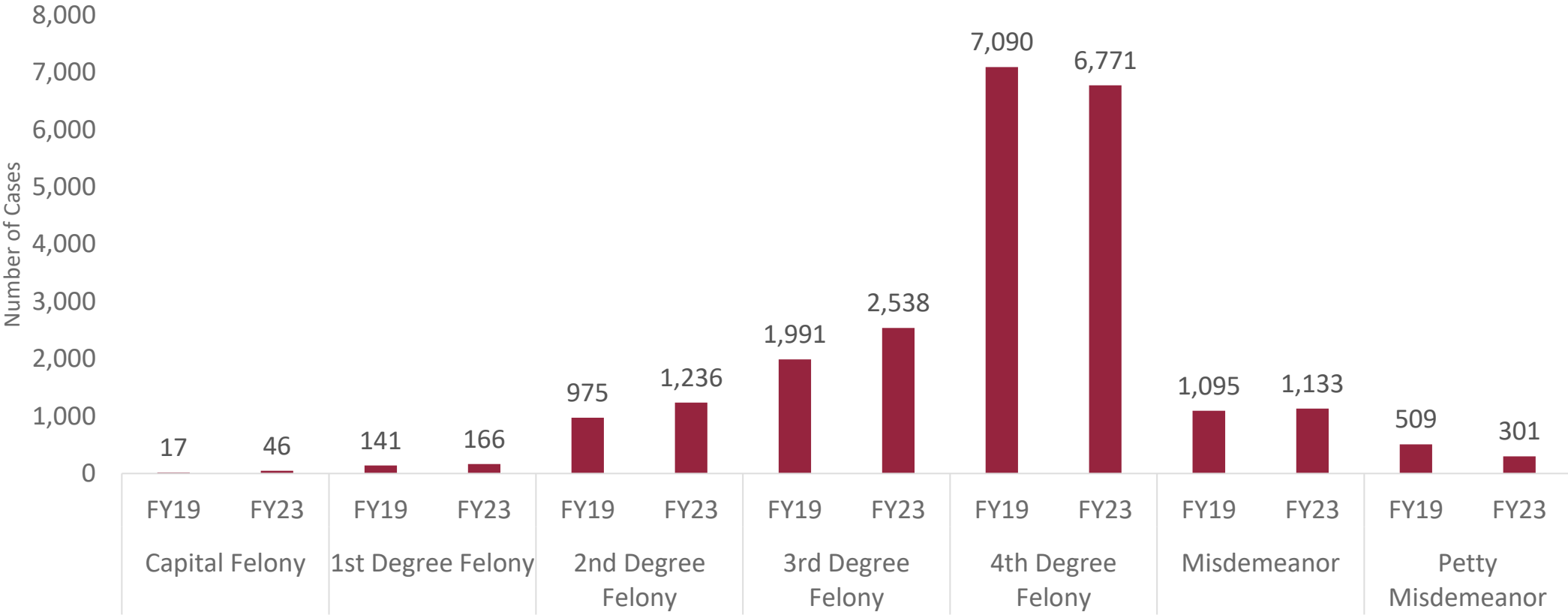
Most Serious District Criminal Case Disposition Type by MSO Crime Category, FY19 v. FY23



Fourth Degree Felonies Make Up Largest Number of Dispositions in 2023



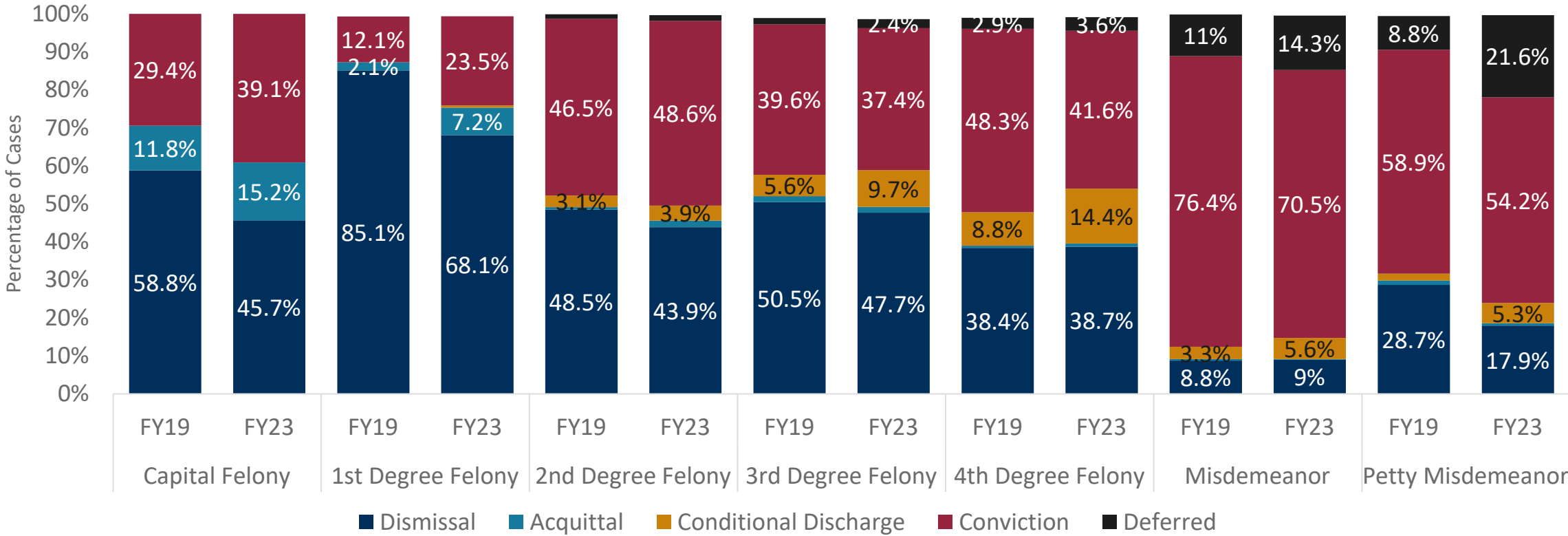
Number of District Criminal Case Dispositions by MSO Crime Class, FY19 v. FY23



Misdemeanor Offenses Most Likely to Receive a Conviction Disposition



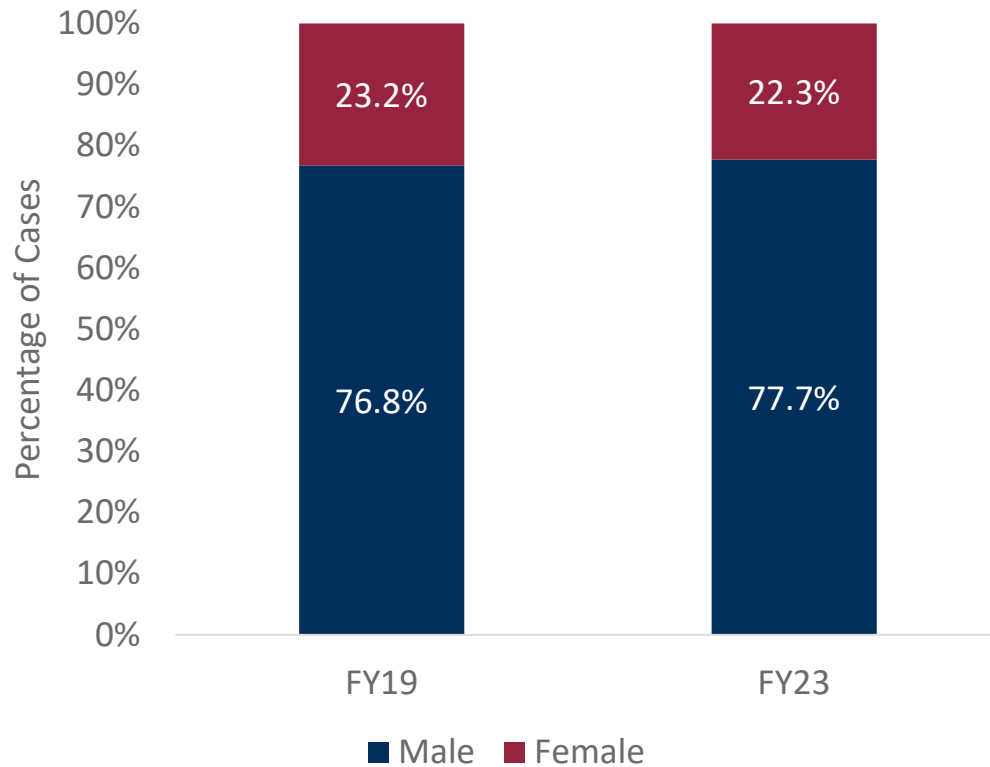
Percentage of Most Serious District Criminal Case Disposition Type by MSO Crime Class, FY19 v. FY23



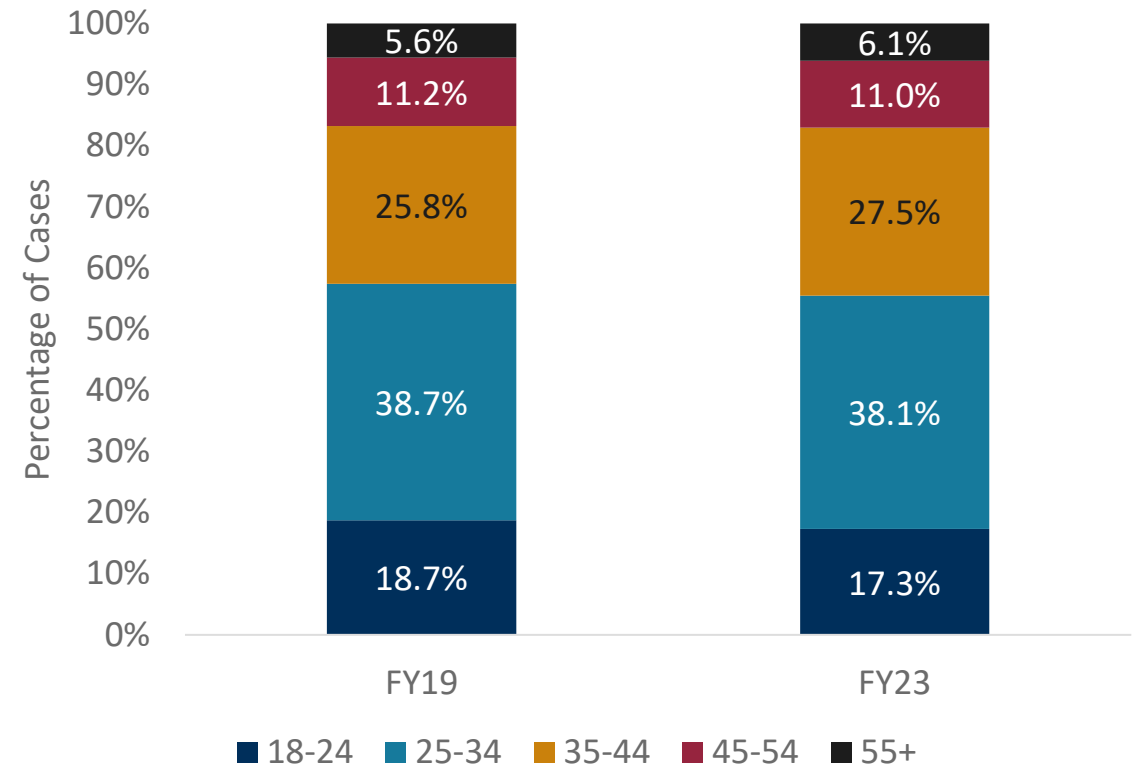
Disposition Mostly Correspond to Male Defendants; Over 1/3 Are 25-34 Years Old



Percentage of District Criminal Cases Disposed by Defendant Sex, FY19 v. FY23



Percentage of District Criminal Cases Disposed by Defendant Age, FY19 v. FY23



Time to Disposition

Definitions

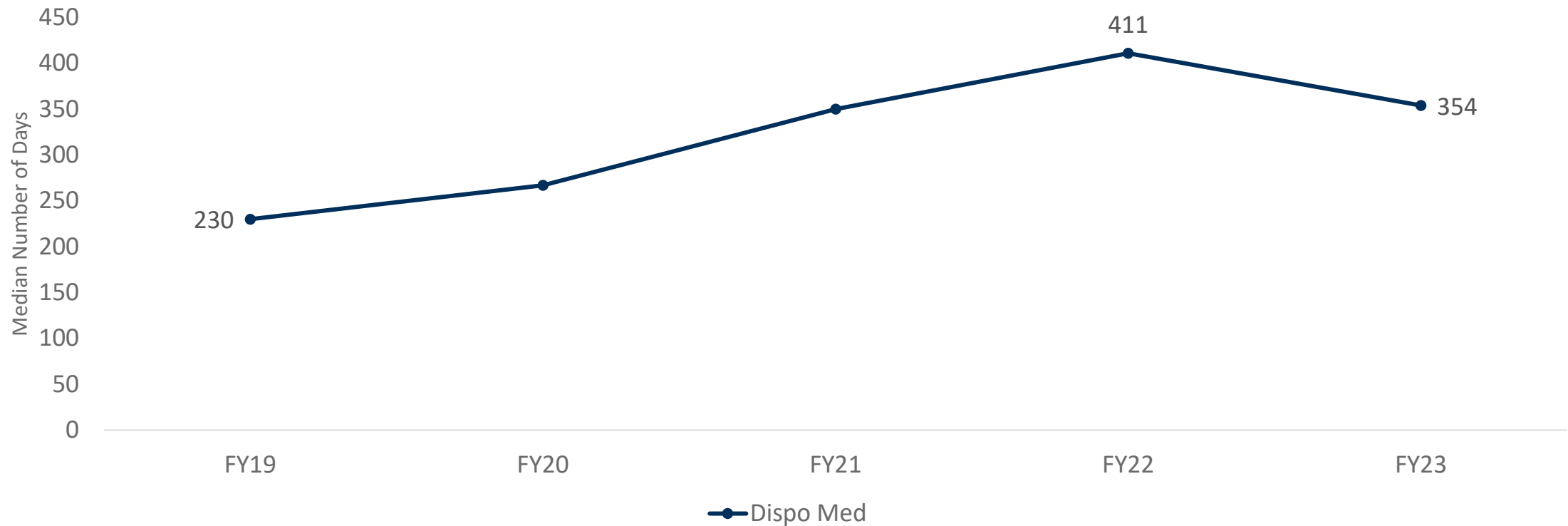
- **Time to Disposition:** The time between when a case was initially filed in district court to the first disposition date represented in the court data
 - If the case was bound over from a lower court, the initial lower court filing date was used.



The Median Time to First Disposition Decision Increased by 54%



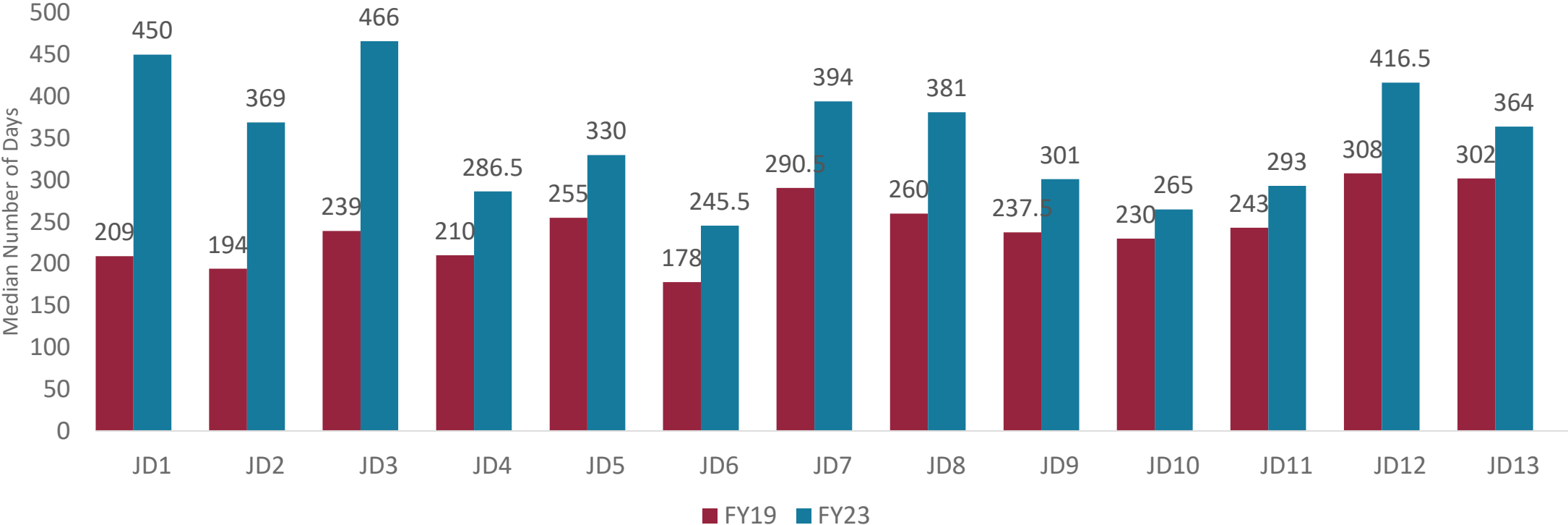
Median Days to Initial Disposition in District Criminal Court per Fiscal Year, FY19-FY23 (N = 54,265)



Median Time to Disposition Increased for All Judicial Districts



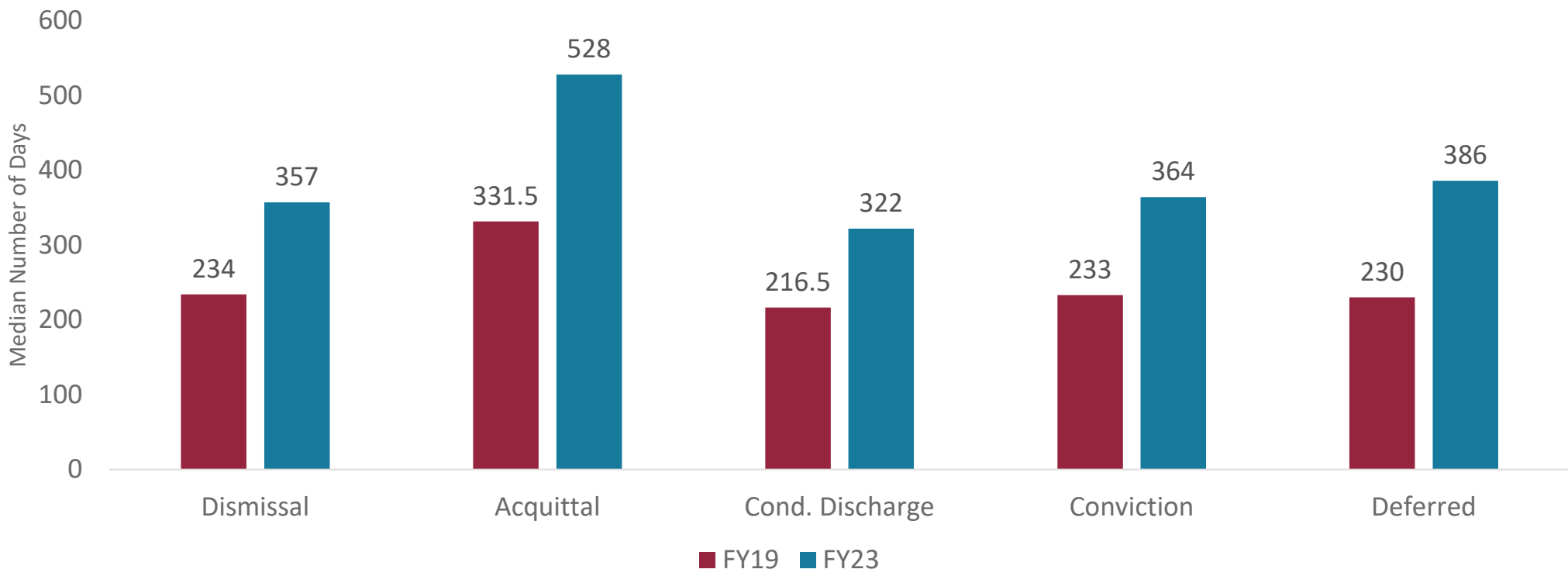
Median Days to Initial Disposition in District Criminal Court by Judicial District, FY19-FY23



Time to Disposition Longest for Acquittals and Deferred Sentences in 2023



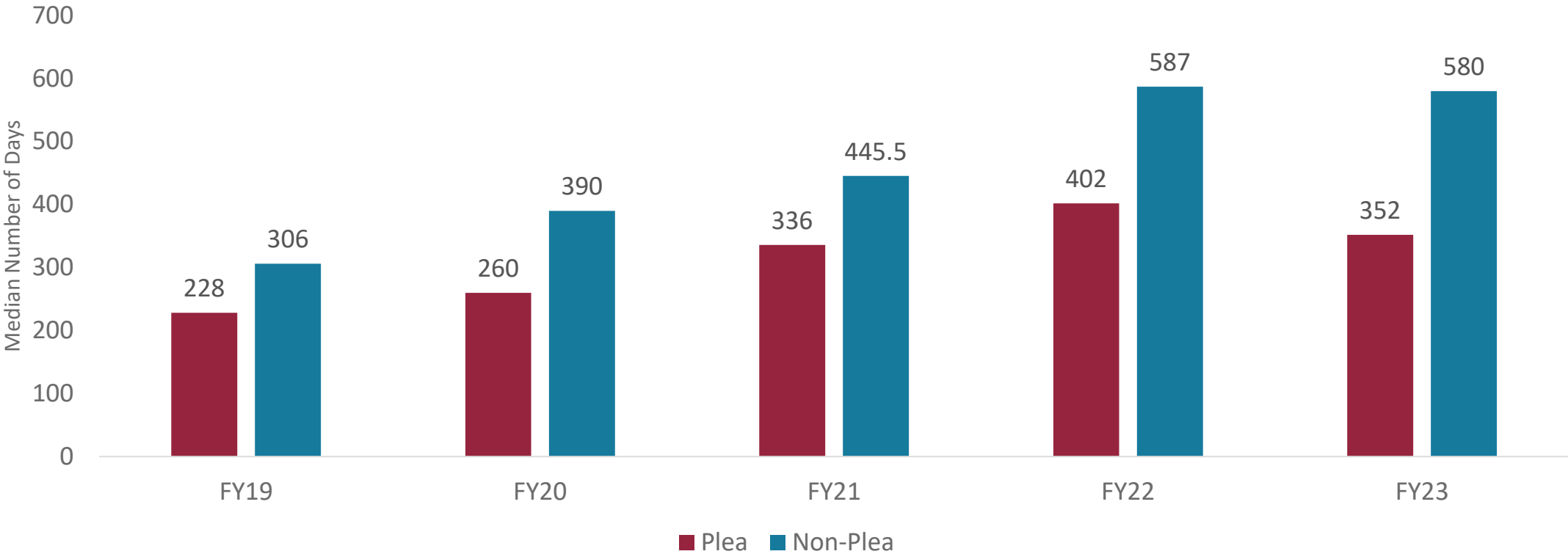
Median Days to Initial Disposition for Cases with One Disposition Decision by Disposition Type, FY19 v. FY23



Time to Disposition Faster for Pleas; Median Days to Disposition Still Around 1 Year



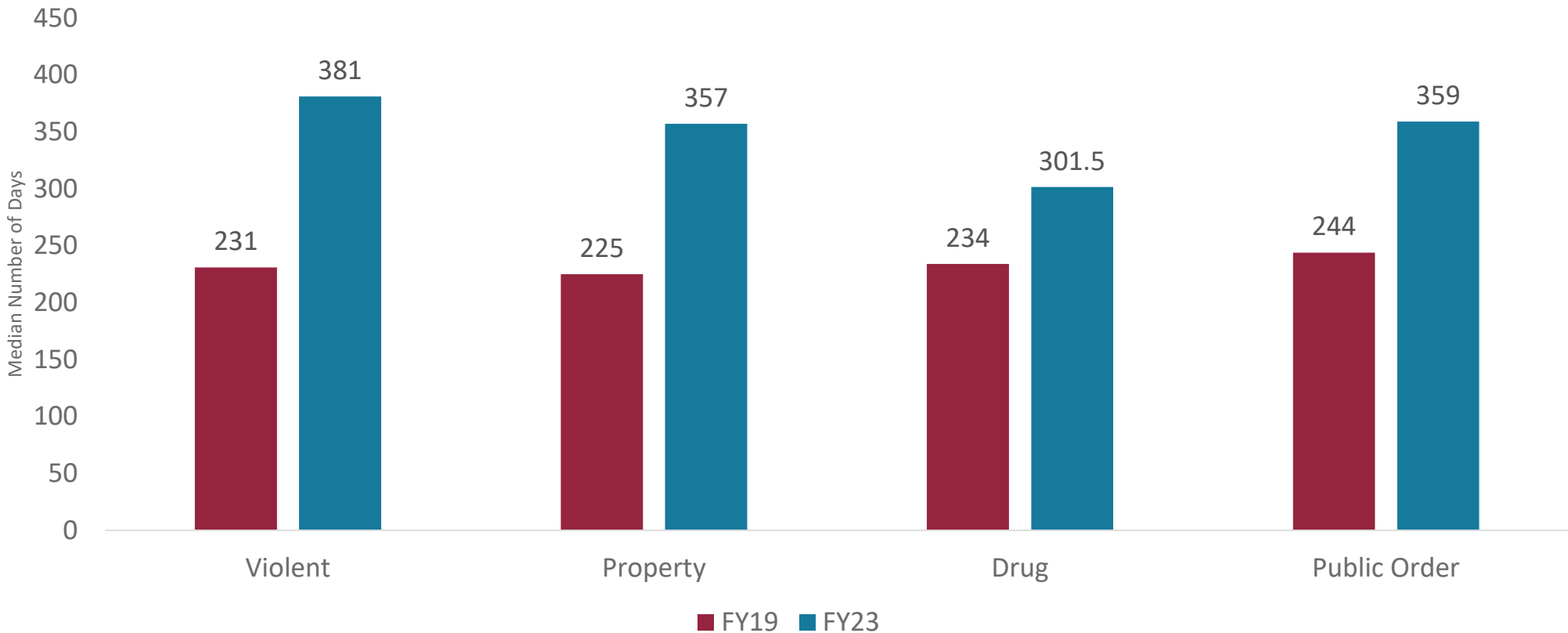
Median Days to Initial Disposition in District Criminal Court by Plea Status for Convictions, FY19-FY23



Median Time to Disposition Increased for All Offense Categories; Highest for Violent Offenses



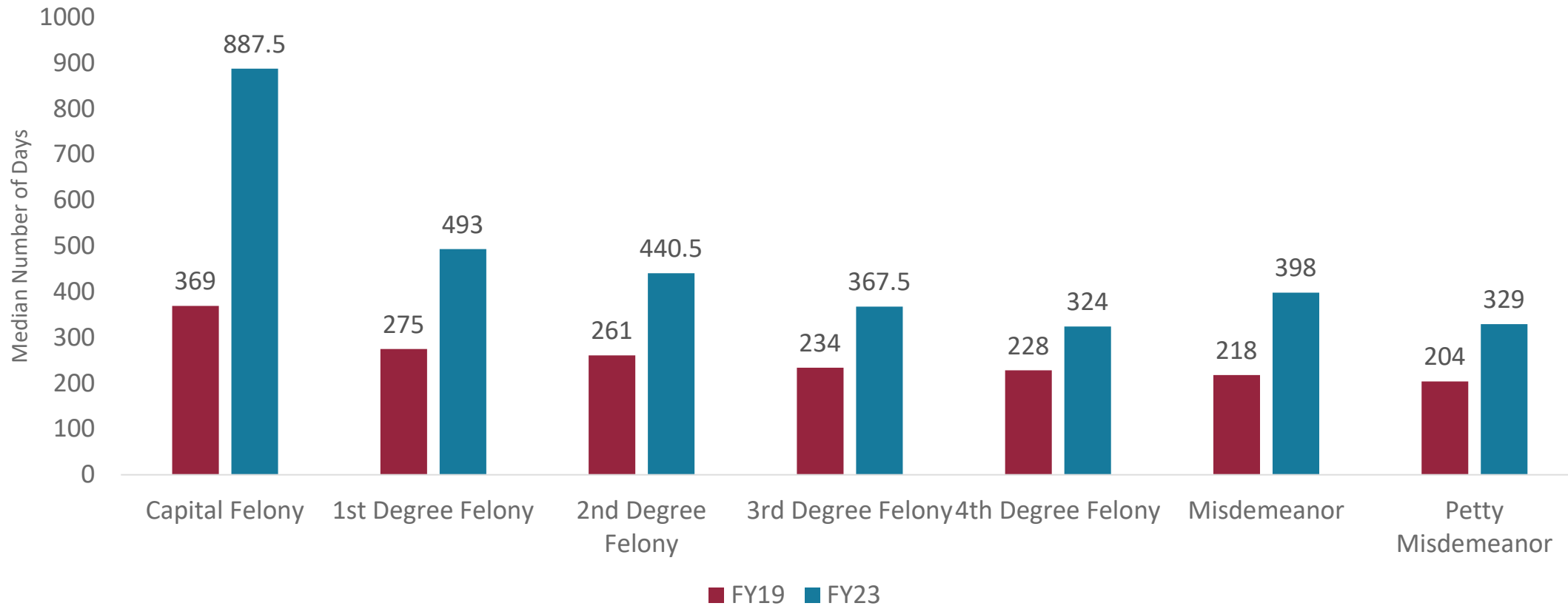
Median Days to Initial Disposition by Crime Category, FY19 & FY23



Median Time to Disposition Increased for All Charge Classes; 83% for Misdemeanors



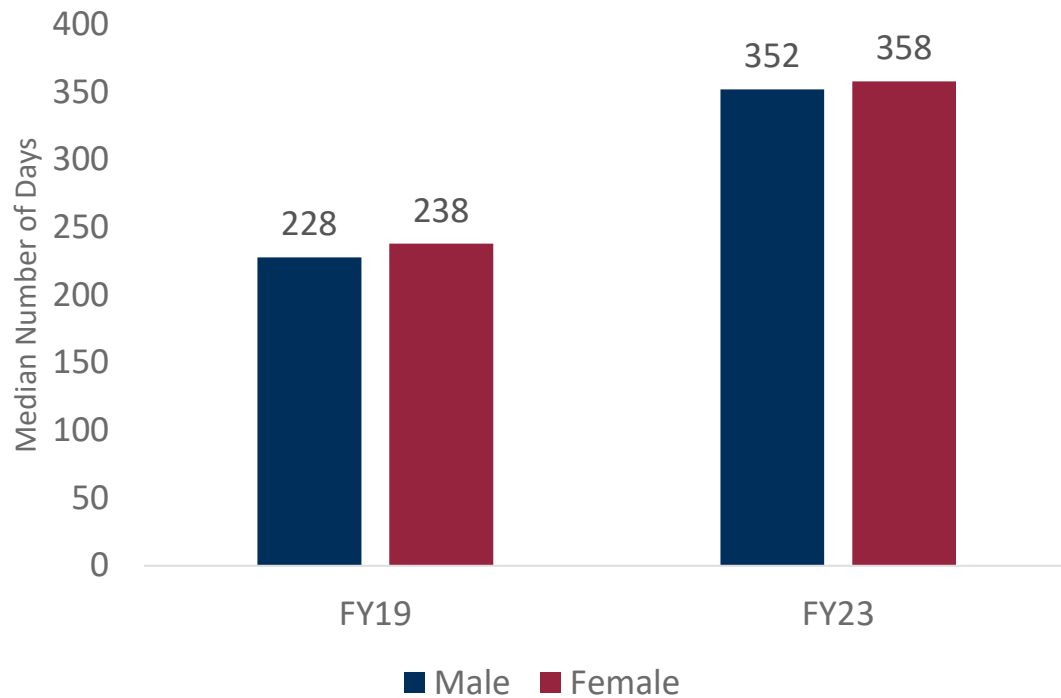
Median Days to Initial Disposition in District Criminal Court by Offense Class, FY19 & FY23



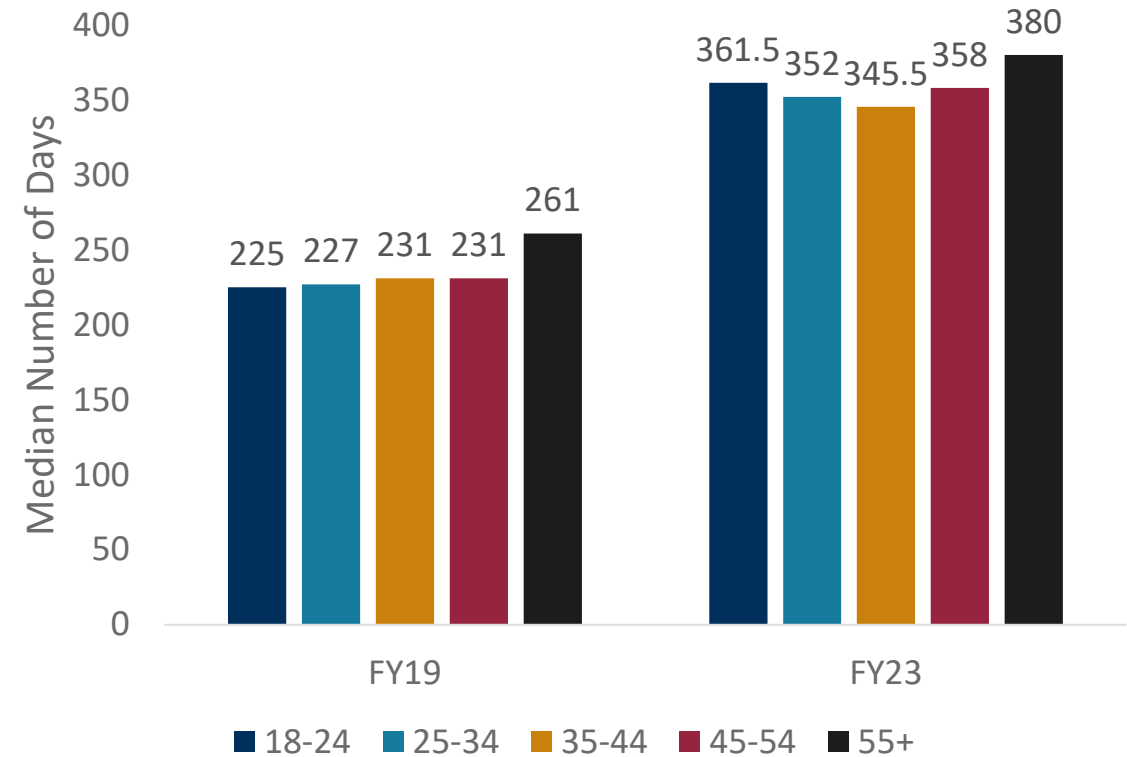
Median Time to Disposition Highest for Females and Individuals 55+



Median Days to Initial Disposition in District Criminal Court by Sex per Fiscal Year, FY19-FY23



Median Days to Initial Disposition in District Criminal Court by Age per Year, FY19 & FY23



Court Disposition Key Takeaways



- The total number of disposed cases has increased 3% from FY19 and 30% from FY21 to FY23.
- Convictions make up just under half of the most serious dispositions in FY19 and just under 45% dispositions in FY23.
- The median time to initial disposition has increased 54% since FY19.
 - Median time to disposition increased across all offense classes, offense types, and judicial districts.
- Drug offenses have the lowest median time to disposition by FY23.
- Time to disposition longer for misdemeanors than 3rd and 4th degree felonies by FY23. Petty misdemeanors take longer than 4th degree felonies by FY23.

Court Disposition System Assessment Findings



Court data collection is not standardized across all districts

With the determinate sentencing structure, complex combinations of sentence types are often used to incentivize individuals to take pleas



Staffing in both Public Defender and District Attorney's Offices is still a challenge and has led to delayed case processing in some districts

The prevalence of multiple dispositions for the same case lengthens case processing time



Lack of consistent case disposal practices across the state has led to a high prevalence of multiple disposition hearings and types

Rural JD's moved to remote hearings for certain appearances, leaving court actors with minimal opportunities to engage with individuals while on pretrial release



Court Data



Court Sentencing Trends

- ✓ Pleas
- ✓ Alternatives to Incarceration in Sentencing
- ✓ Sentences Imposed: Suspended & Prison Sentences
- ✓ Combination Sentences
- ✓ Enhancements

Sentencing Data Notes

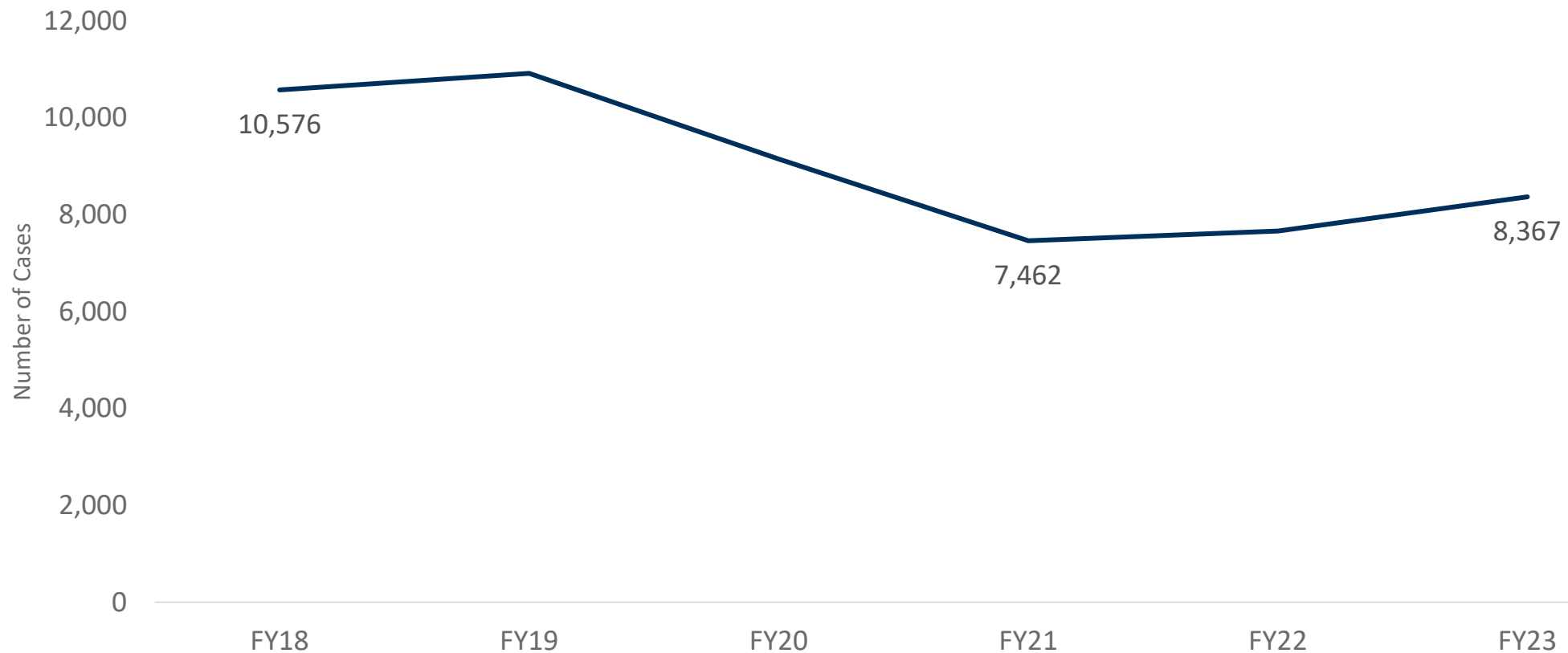


- Data was provided by the AOC and accessed through the NM DataXChange and are for cases filed in **District Court only**.
- Analyses were limited to FY18-23 to be consistent with other court datasets.
 - All dates are reported as fiscal years and correspond to the first time that a case appears in the sentencing data between FY18-23.
- Analyses were limited to district criminal cases where the party listed was an 18+ defendant and a “probation violation” was not the first sentence during the timeframe of the data.
- Data on crime category and class reflect the most serious offense associated with the initial sentence.
 - For consistency, crime categories reflect NMCD categorizations, which may differ from categories identified by the court.

Number of Sentenced Cases Dropped by 21%



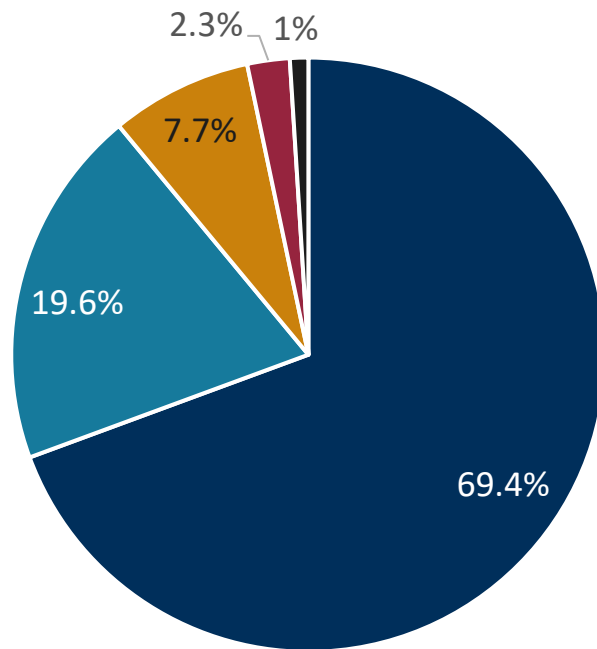
Number of District Criminal Cases Sentenced by Fiscal Year, FY18-FY23



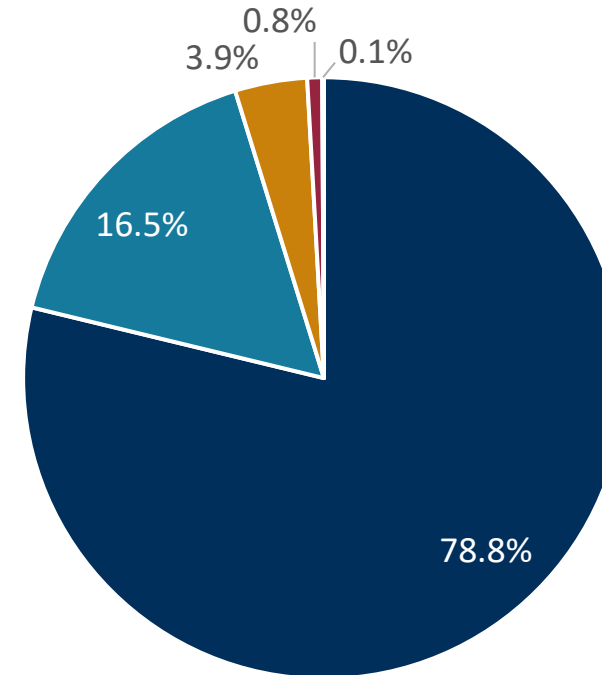
Most Cases Experience One Sentencing Hearing During the Timeframe of the Data



Number of District Criminal Case Sentencing Dates, FY18 (N = 10,576)



Number of District Criminal Case Sentencing Dates, FY23 (N = 8,367)



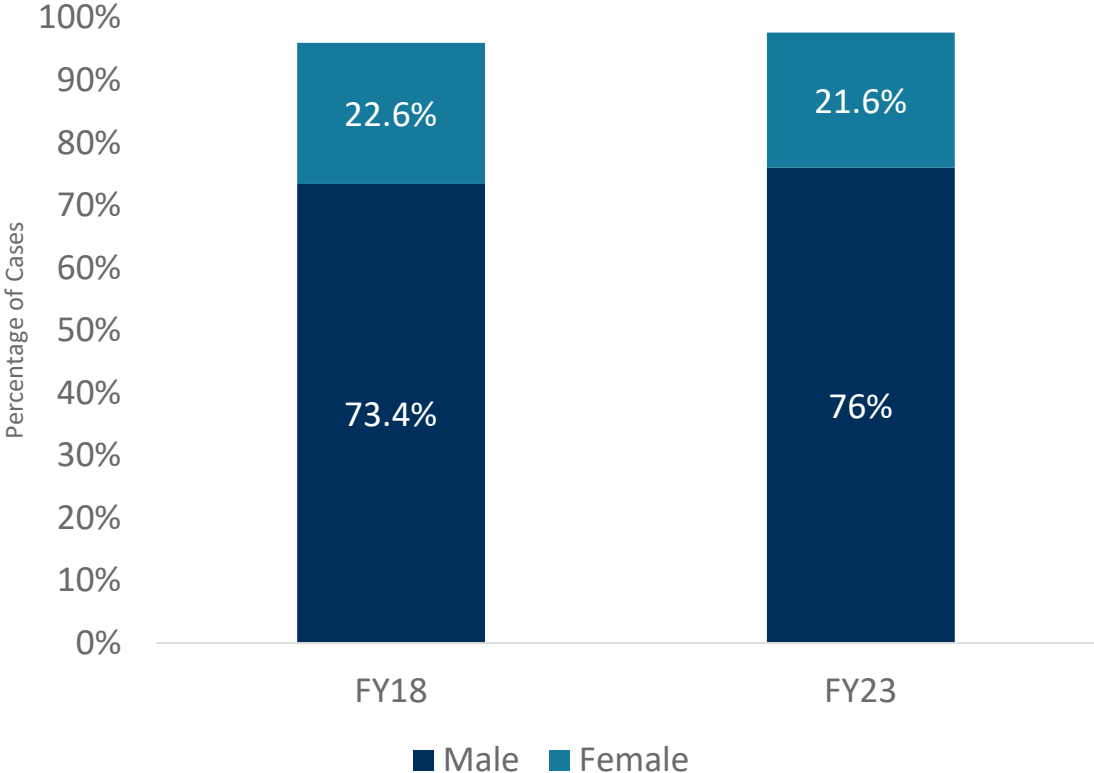
■ 1 Hearing ■ 2 Hearings ■ 3 hearings ■ 4 Hearings ■ 5+ Hearings

■ 1 Hearing ■ 2 Hearings ■ 3 hearings ■ 4 Hearings ■ 5+ Hearings

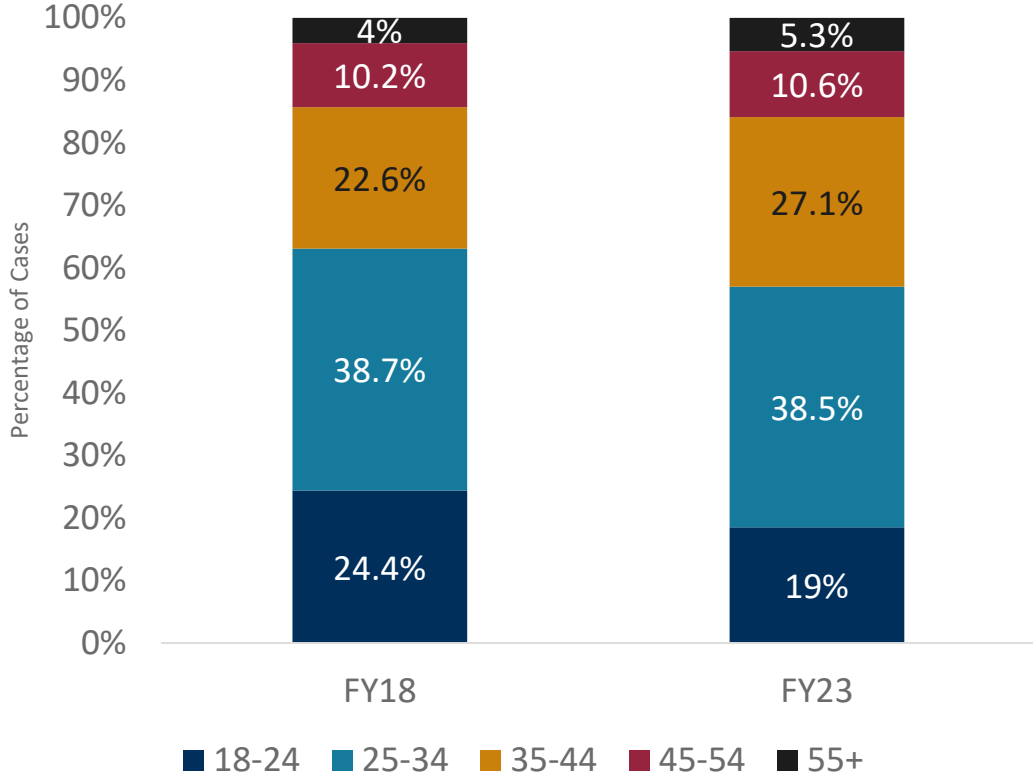
Majority of Sentenced Cases have Male Defendants and Nearly 40% are Between the Ages of 25-34



Sentenced Cases by Defendant Sex by Fiscal Year, FY18 v. FY23



Sentenced Cases by Defendant Age by Fiscal Year, FY18 v. FY23



Pleas

Definitions

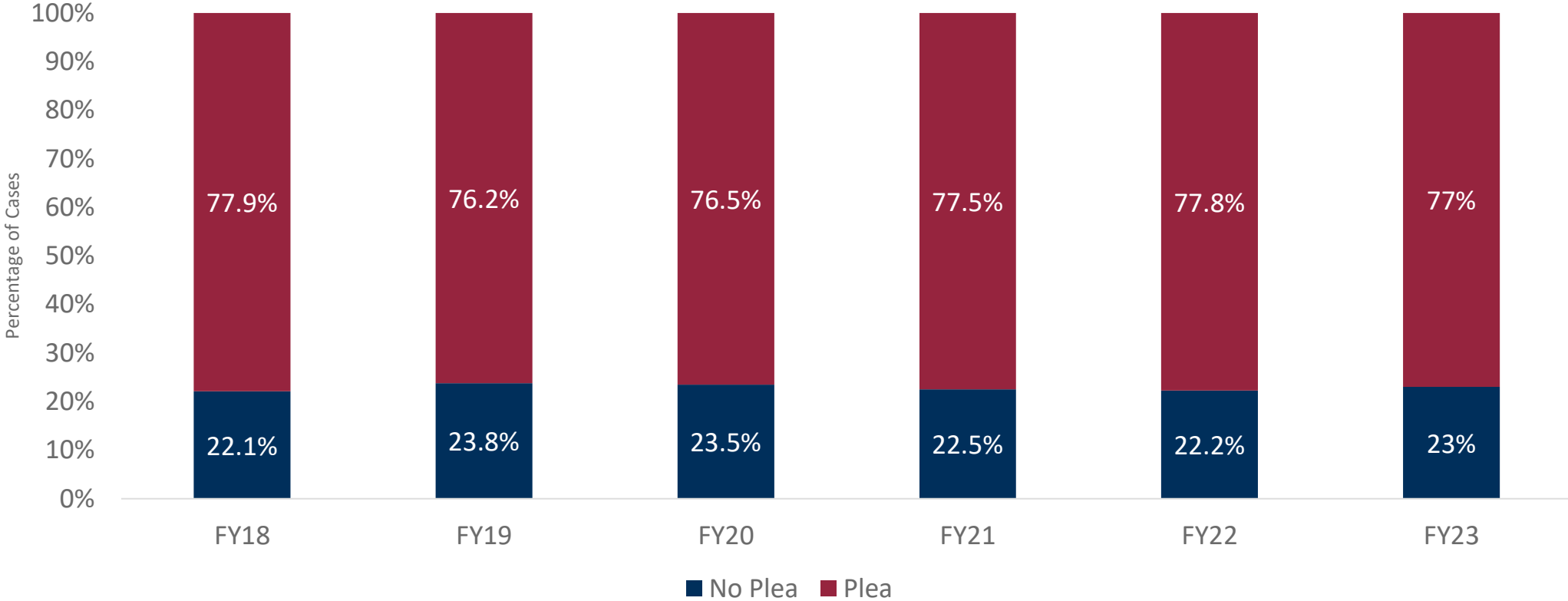
- **Plea:** A knowing, voluntary election by a defendant to waive the right to a trial, either by admitting guilt, or not contesting the facts of the case, subject to the approval of the court.



Majority of Initial Sentences Involved a Plea



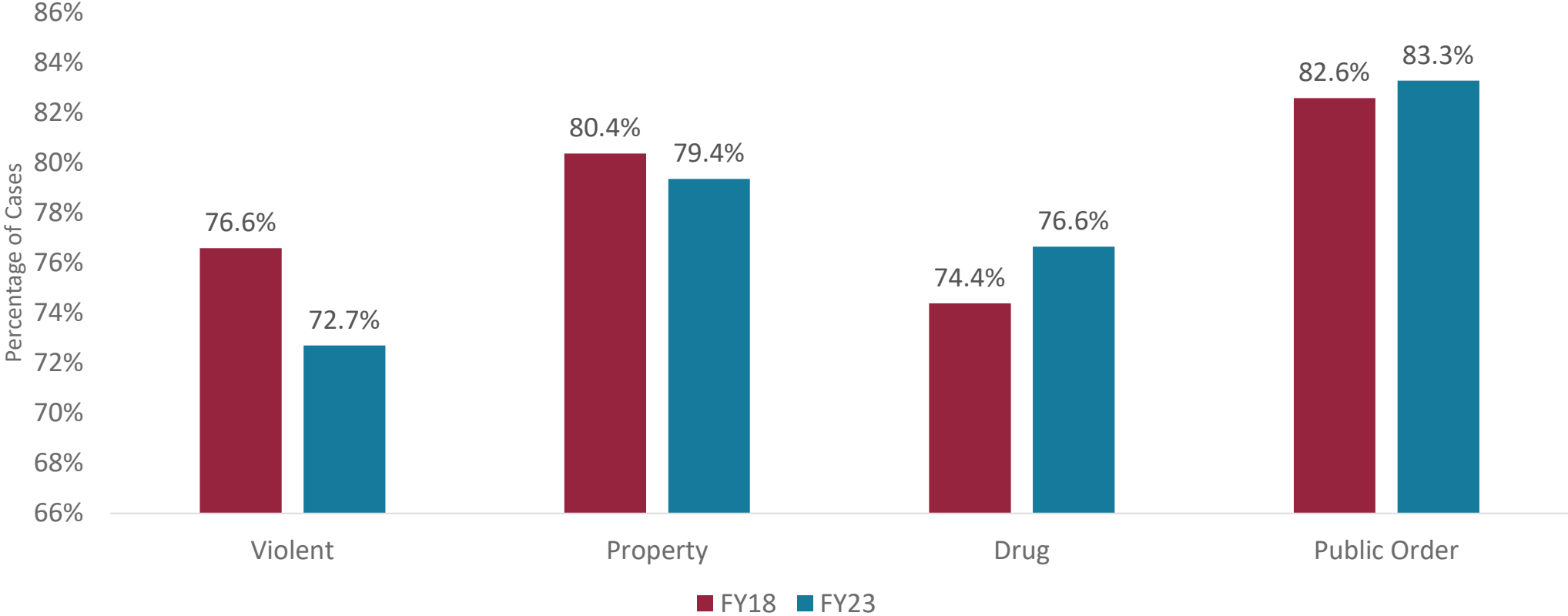
Percentage of Cases with Pleas at Initial Sentence by Fiscal Year, FY18-FY23



Pleas Most Likely for Public Order and Property Offenses



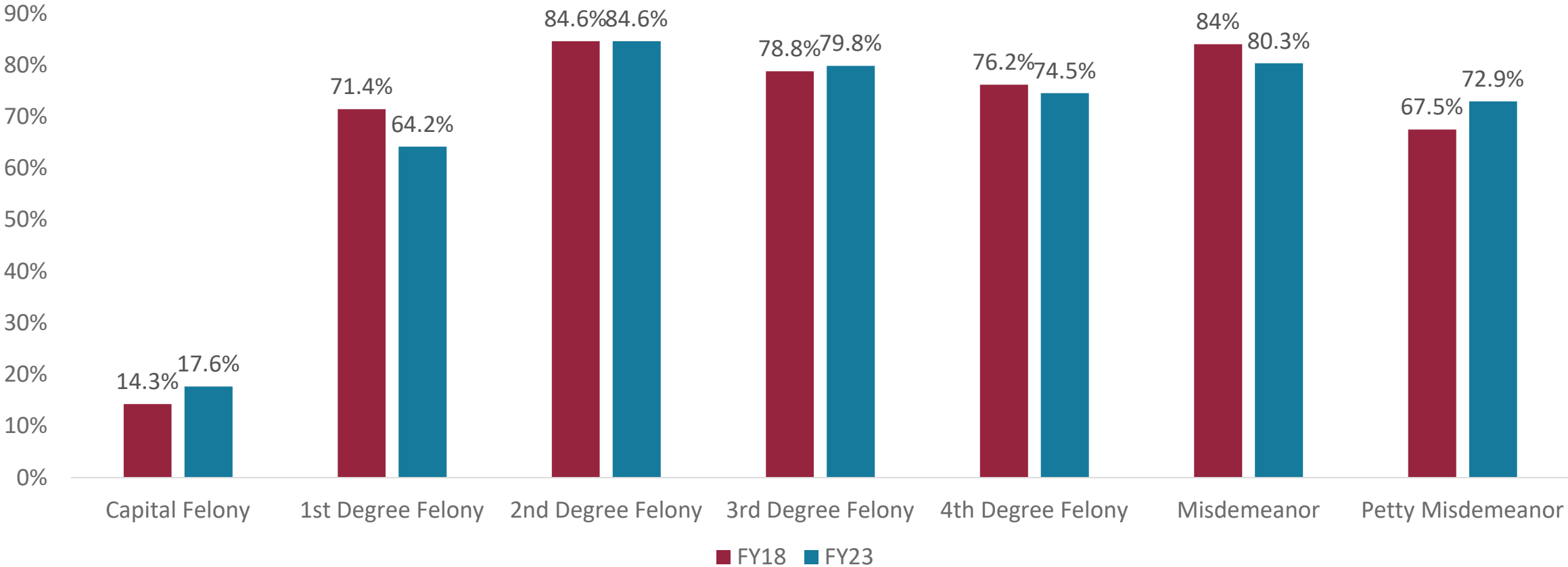
Percentage of Cases with Plea at Initial Sentence by MSO Category, FY18 v. FY23



Pleas Consistently Used Across All Offense Classes



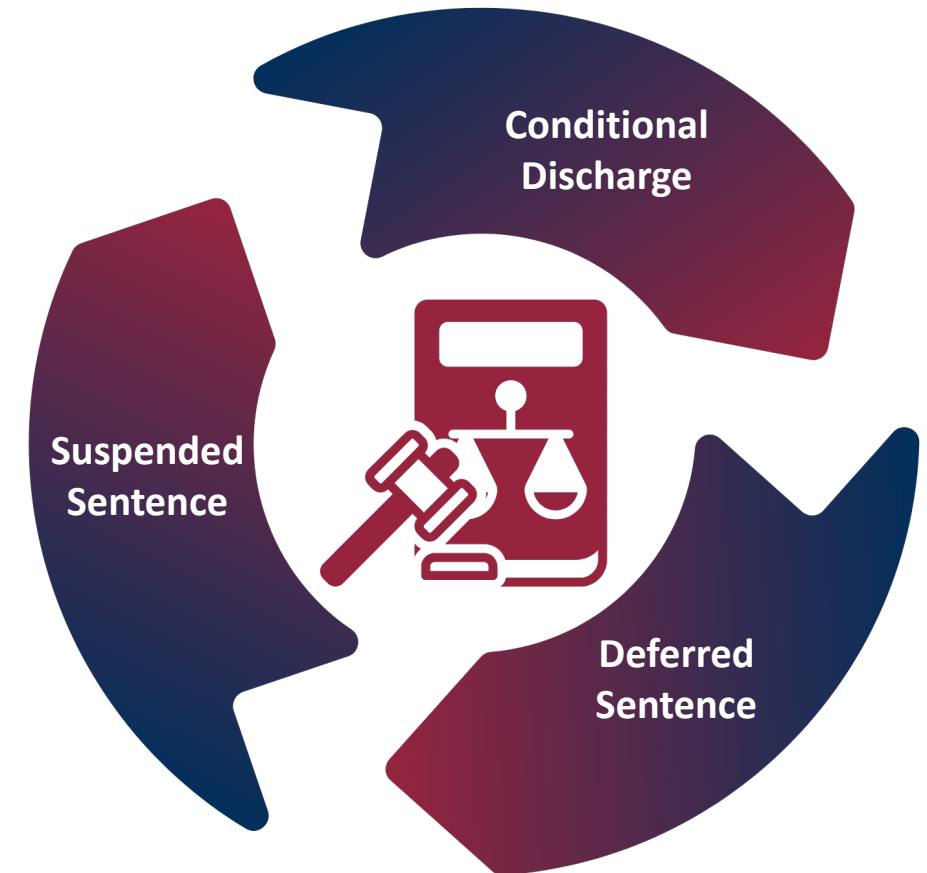
Percentage of Cases with Plea at Initial Sentence by MSO Class, FY18 v. FY23



Alternatives to Incarceration in Sentencing

Definitions

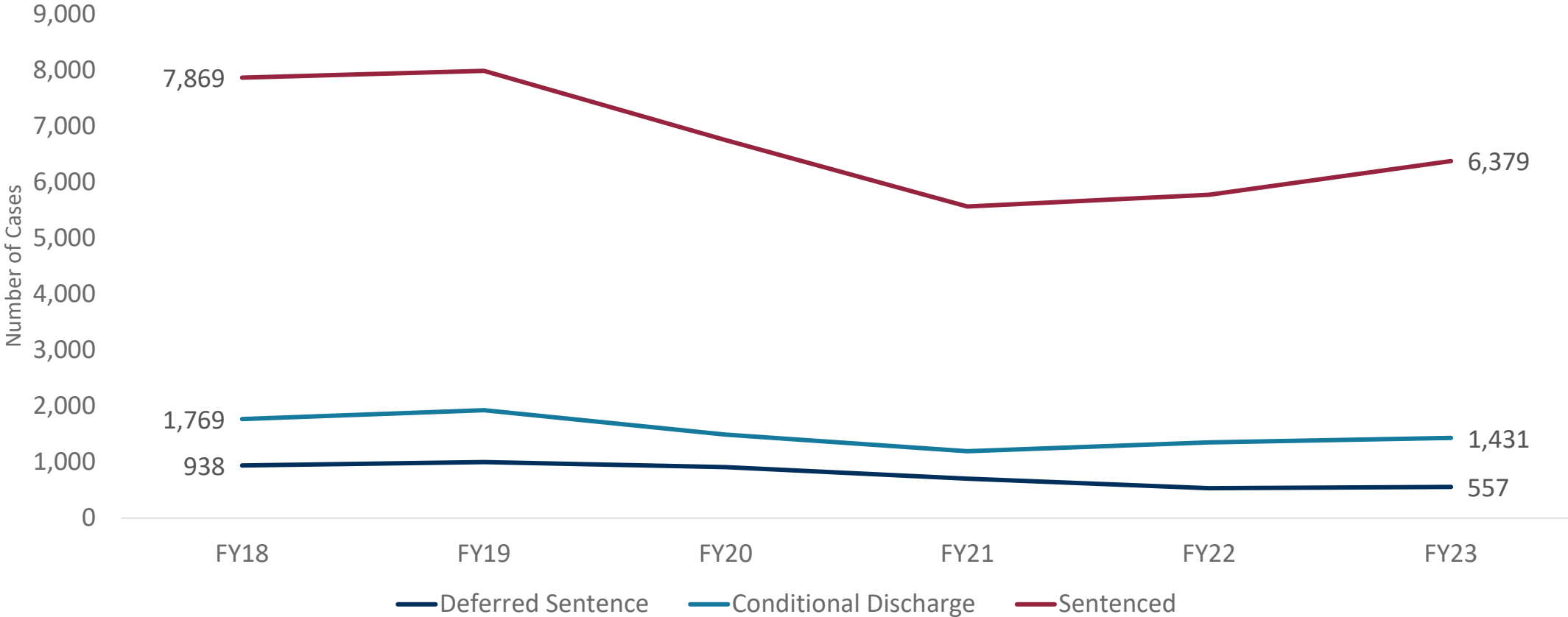
- **Conditional Discharge:** When a person who has not been previously convicted of a felony offense is found guilty of a crime for which a deferred or suspended sentence is authorized, the court may, without entering an adjudication of guilt, enter a conditional discharge order and place the person on probation on terms and conditions. This order may only be made available once with respect to any person. If the person violates, the court may enter an adjudication of guilt and proceed as otherwise provided by law.
- **Deferred Sentence:** The judge does not initially impose a sentence, but rather delays it for a certain period of time with specific requirements, such as supervision. The judge *does* reserve the right to impose a sentence if a person violates a condition of their deferred sentence. If the person is successful, there is no conviction.
- **Suspended Sentence:** The judge will impose a sentence, but the execution of the sentence will be suspended in whole or in part for a certain period of time. If a suspended sentence is successfully completed, all obligations to the court and state are discharged but the conviction stays.



Use of Deferred Sentences and Conditional Discharges Decreased Since 2018



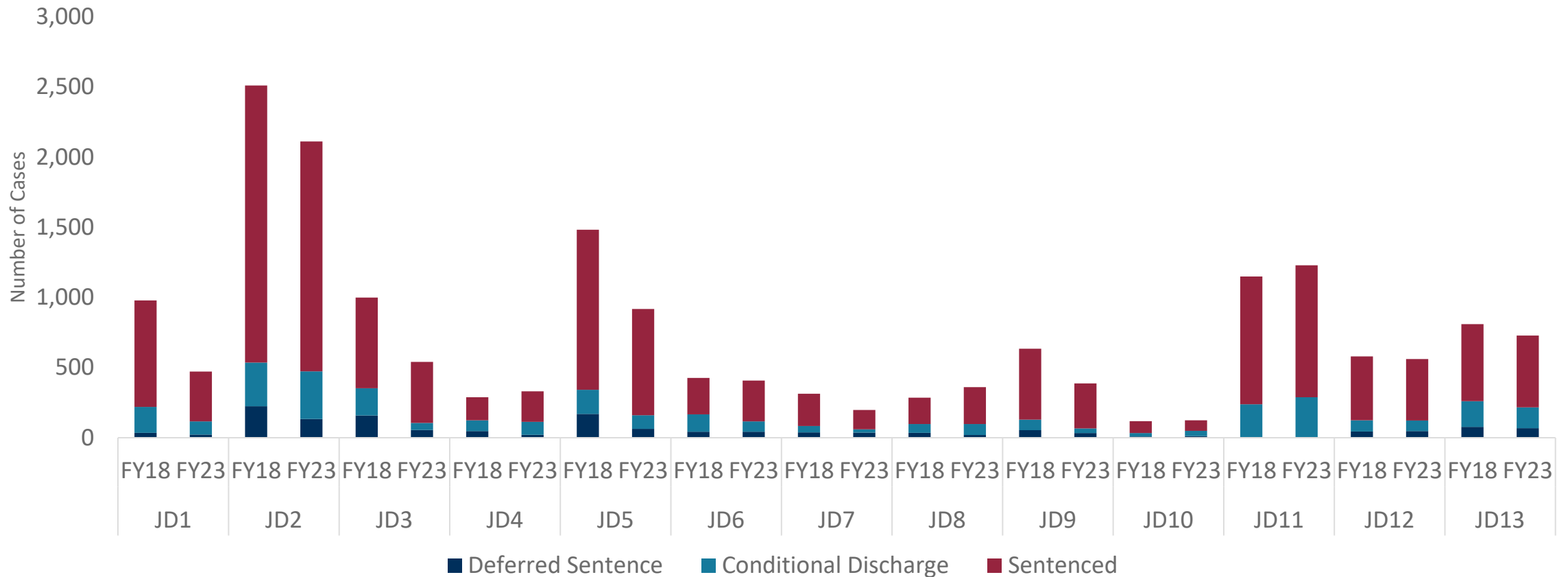
Number of Cases by Initial Sentence Type and Fiscal Year, FY18 – FY23



The Use of Conditional Discharge and Deferred Sentences Vary Across Judicial Districts



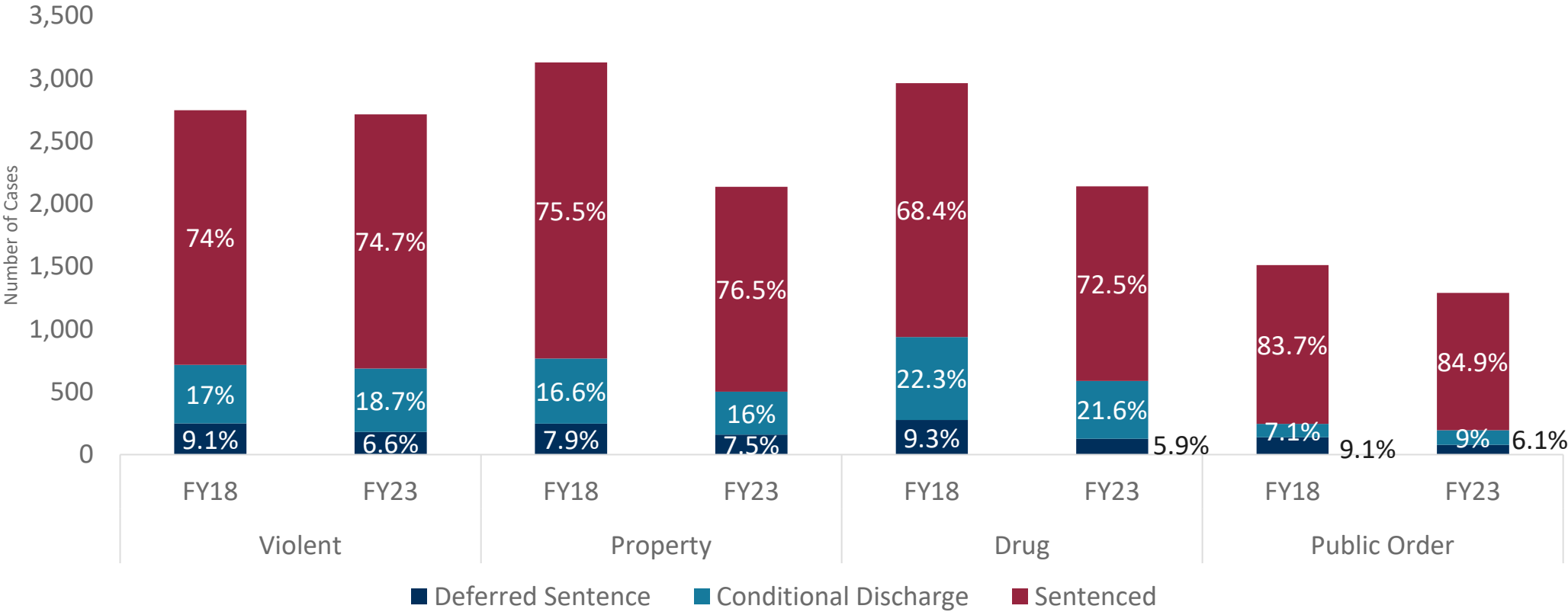
Number of Cases by Initial Sentence Type by Judicial District, FY18 v. FY23



Drug Offenses More Likely to Receive a Conditional Discharge in 2023



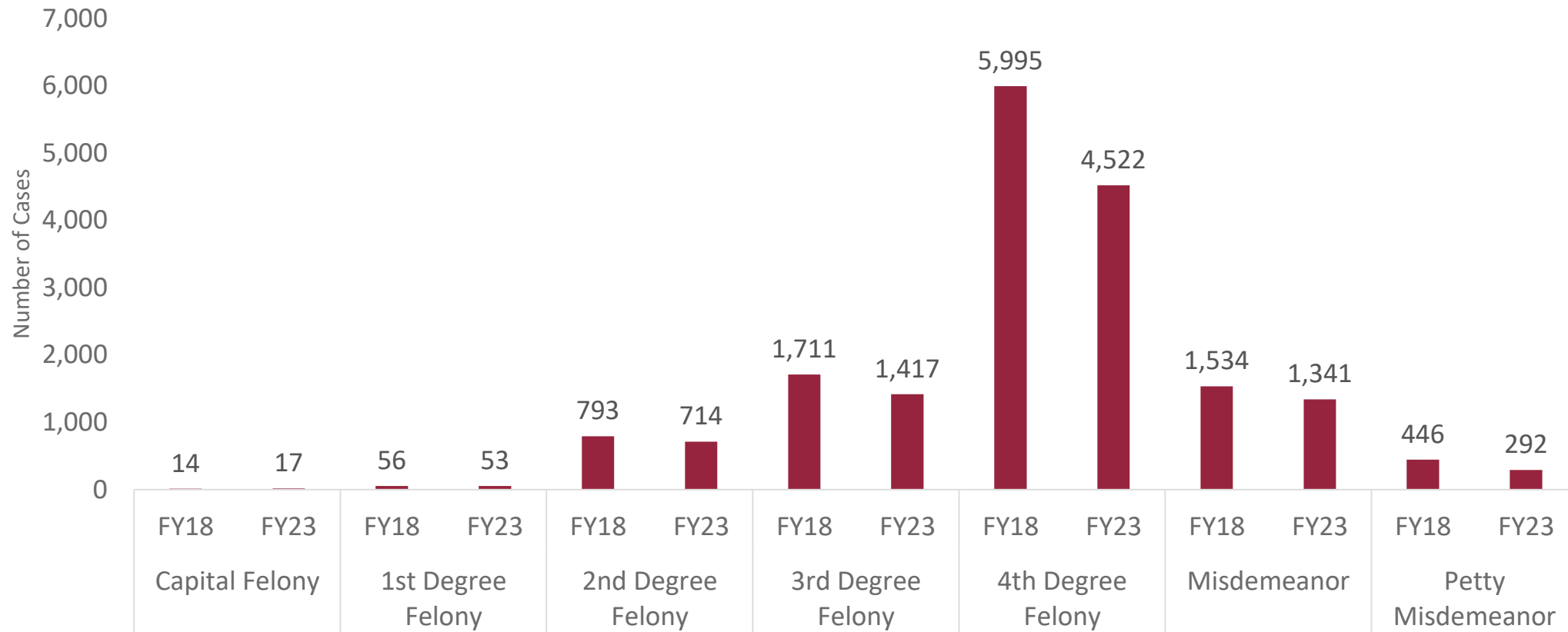
Initial Sentence Type Breakdown by MSO Category, FY18 v. FY23



4th Degree Felonies Make Up Largest Number of Sentenced MSOs



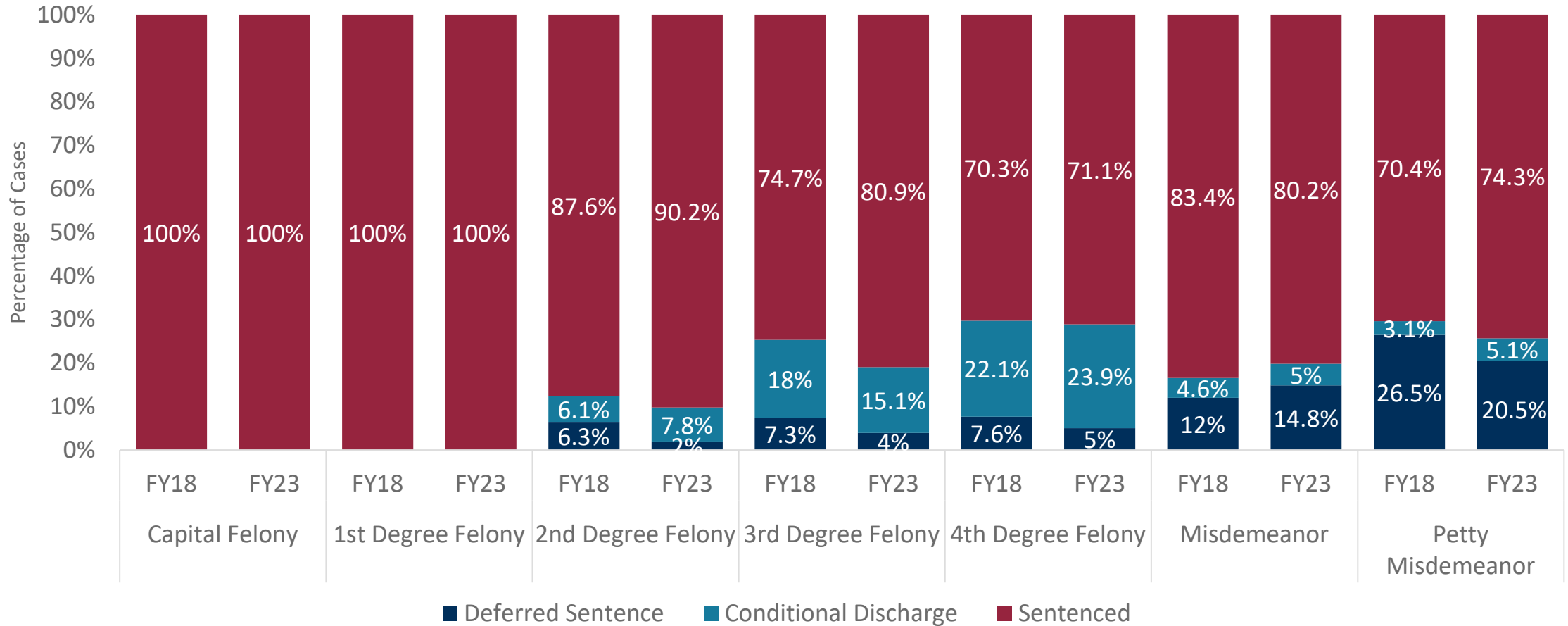
Number of Sentenced Cases by MSO Class, FY18 v. FY23



4th Degree Felonies More Likely to Receive a Deferral or Conditional Discharge in FY23



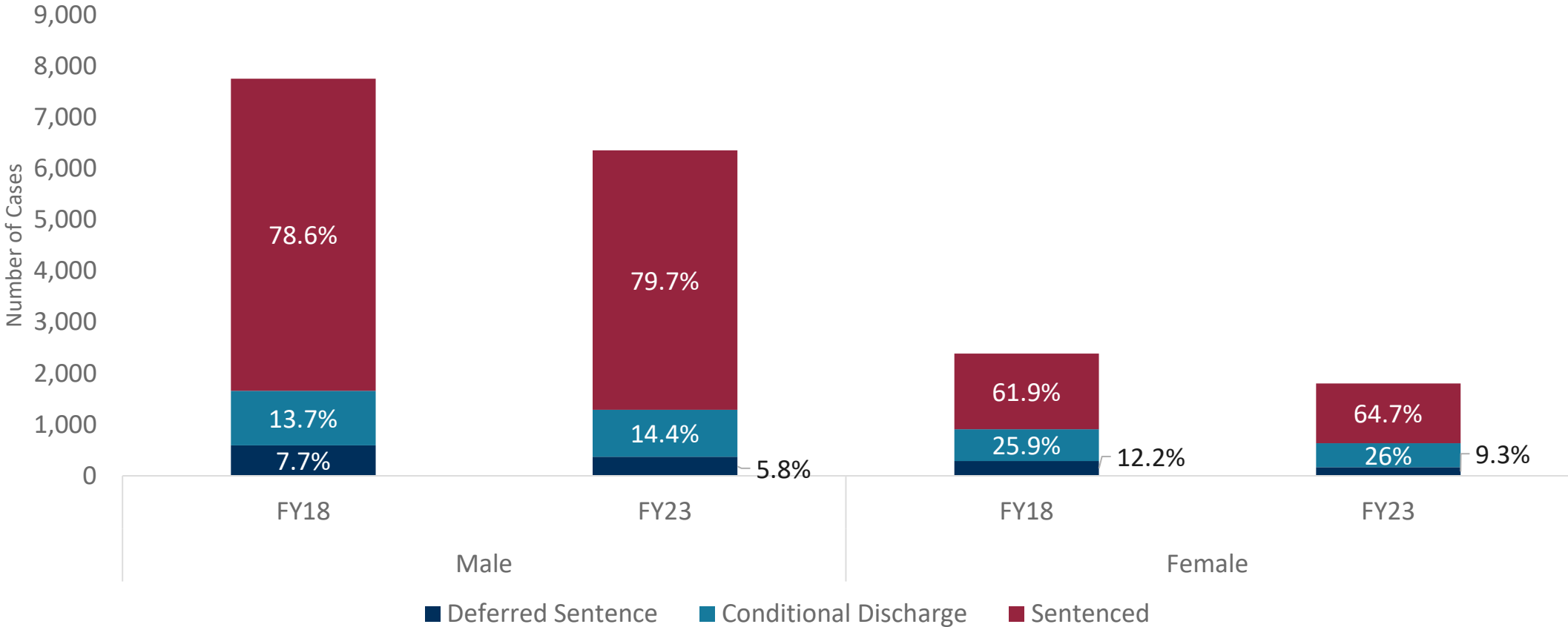
Percentage of Initial Sentence Type by MSO Class, FY18 v. FY23



Females More Likely to Receive Conditional Discharges and Deferred Sentences than Males



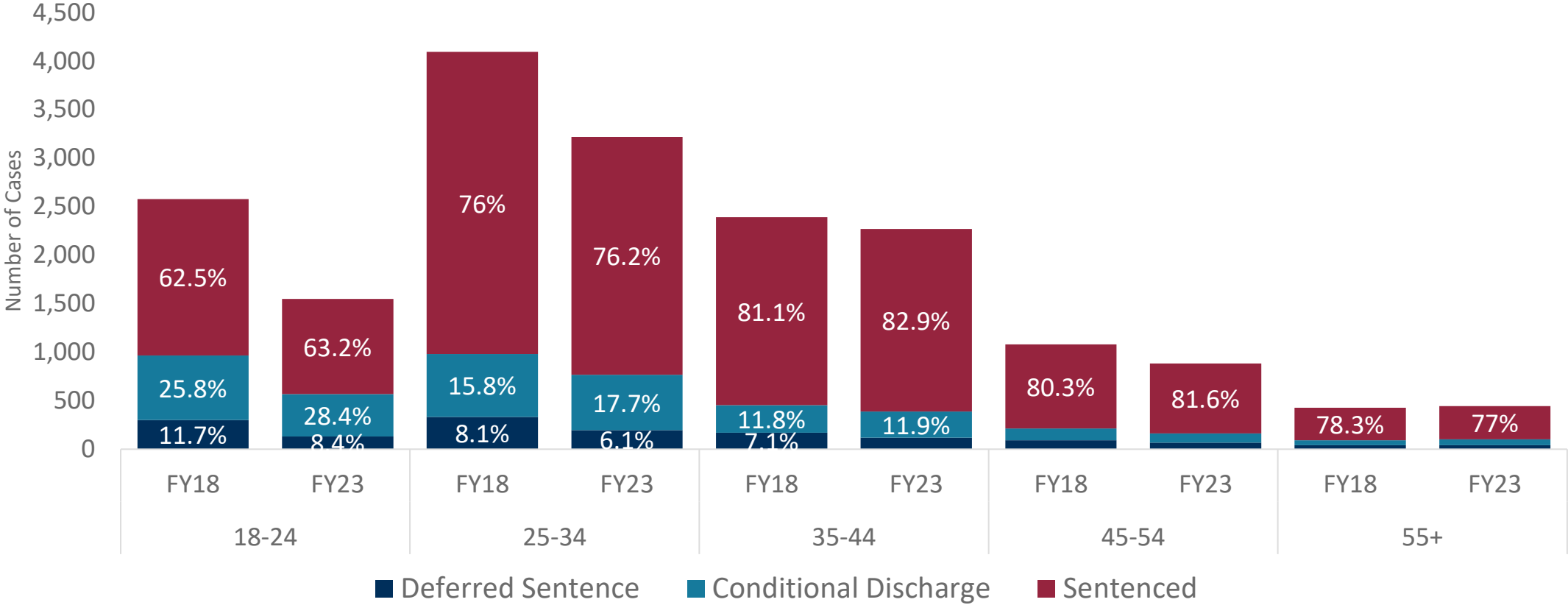
Initial Sentence Type Breakdown by Sex, FY18 v. FY23



Younger Individuals More Likely to Receive a Deferred or Conditional Discharge Sentence



Initial Sentence Type Breakdown by Age, FY18 v. FY23



Sentence Imposed: Suspended & Prison Sentences

Definitions

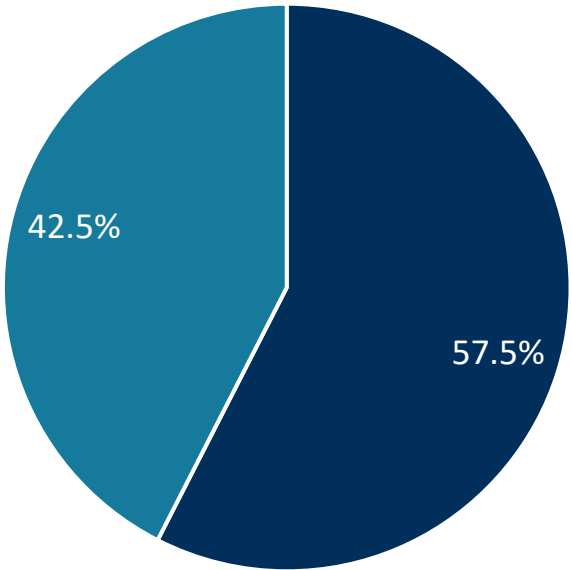
- **Suspended Sentence Imposed:** The imposition by a competent court of a term of imprisonment after a conviction, the execution of which is delayed for a definite period of parole commensurate with the crime for which the sentence is imposed. Whenever the period of suspension expires without revocation of the order, the defendant is relieved of any obligations imposed on him by the order of the court and has satisfied his criminal liability for the crime.
- **Conviction (Prison Sentence):** A finding of guilt (i.e., a jury verdict or finding of fact by the judge) and imposition of sentence.
- **Determinate Sentencing:** A carceral sentence is one for which an offender's date of release can be predicted with fair accuracy from the court's judgment.



Most Sentences Received a Suspended Sentence at Initial Hearing in FY23

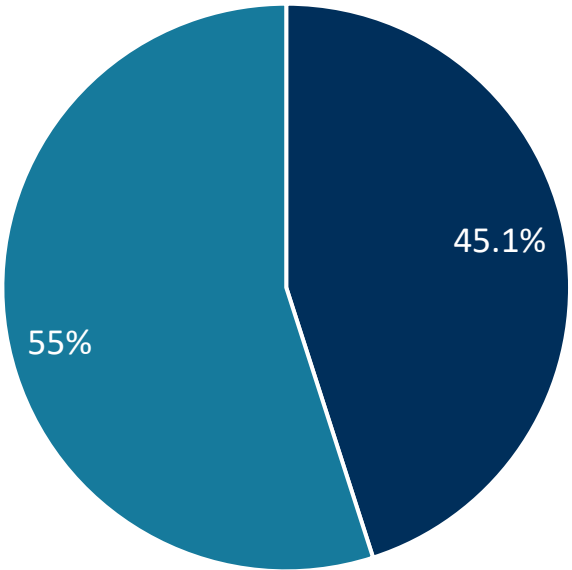


Percentage of Cases with Suspended Initial Sentence, FY18



■ No Suspended Term ■ Suspended Term

Percentage of Cases with Suspended Initial Sentence, FY23

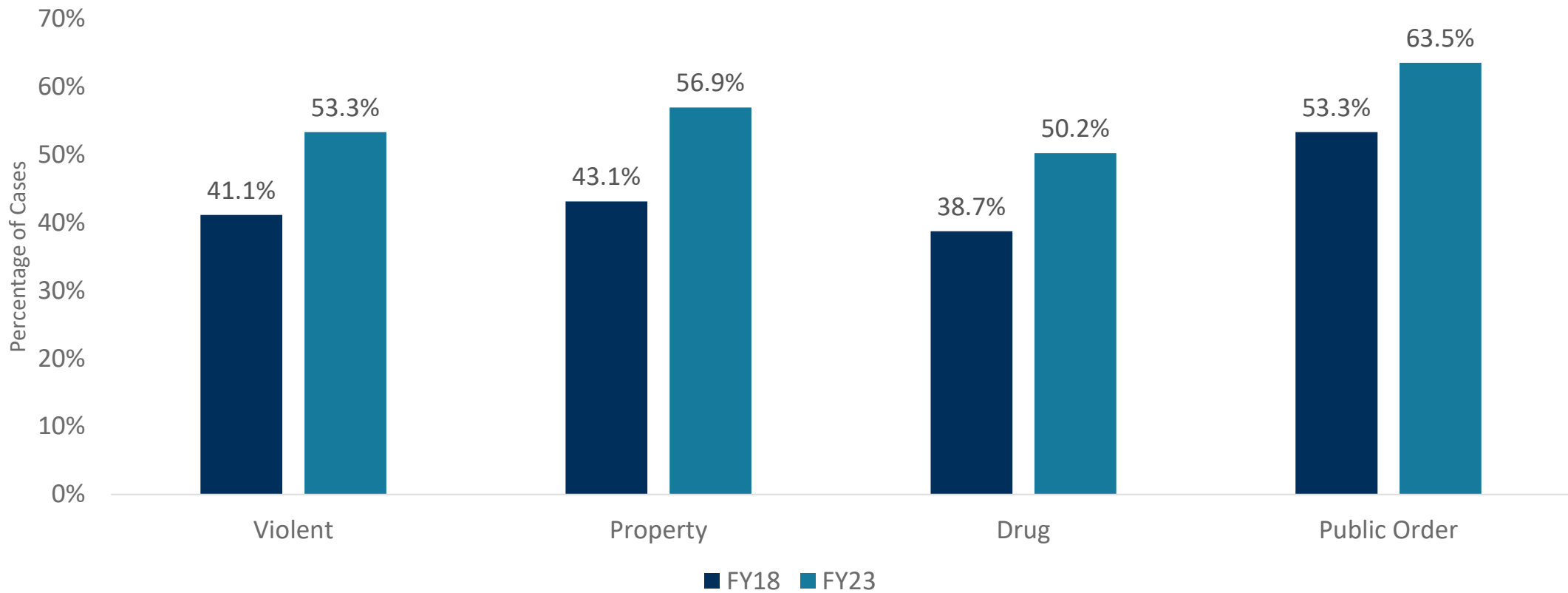


■ No Suspended Term ■ Suspended Term

Suspended Sentences Most Common for Public Order Offenses



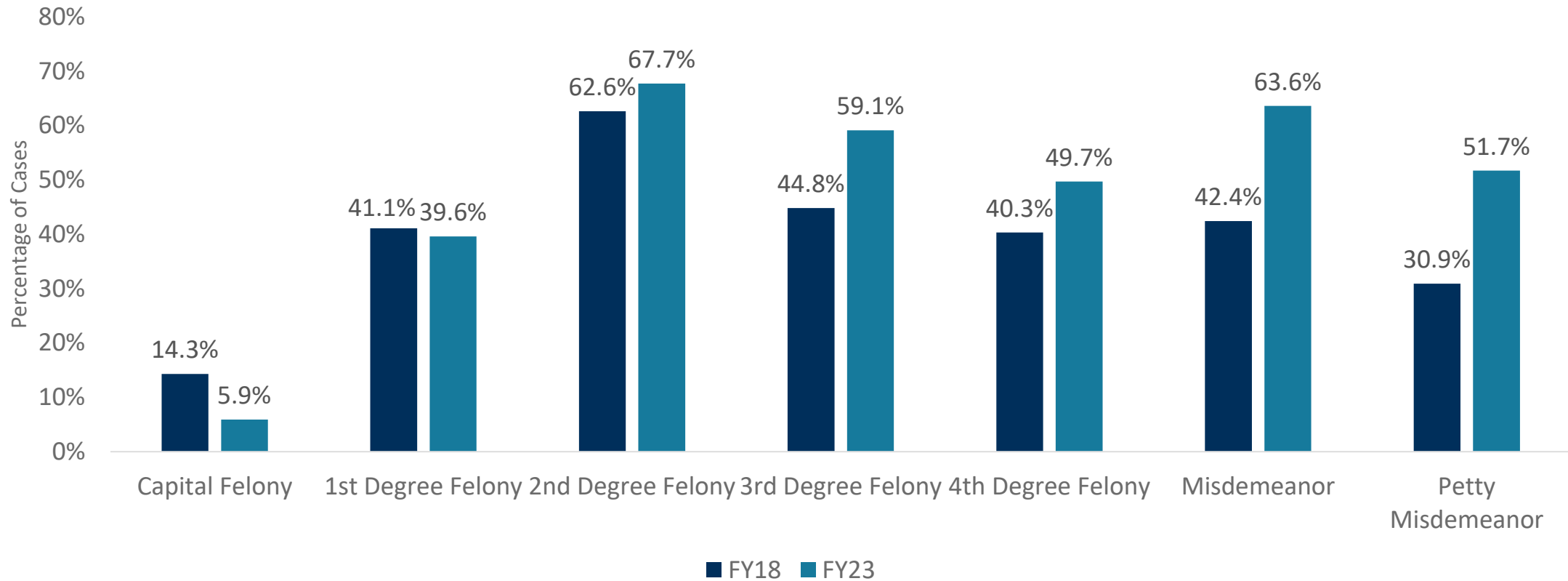
Percentage of Cases with Suspended Initial Sentence by MSO Category, FY18 v. FY23



Suspended Sentences Increased Across Majority of Offense Classes



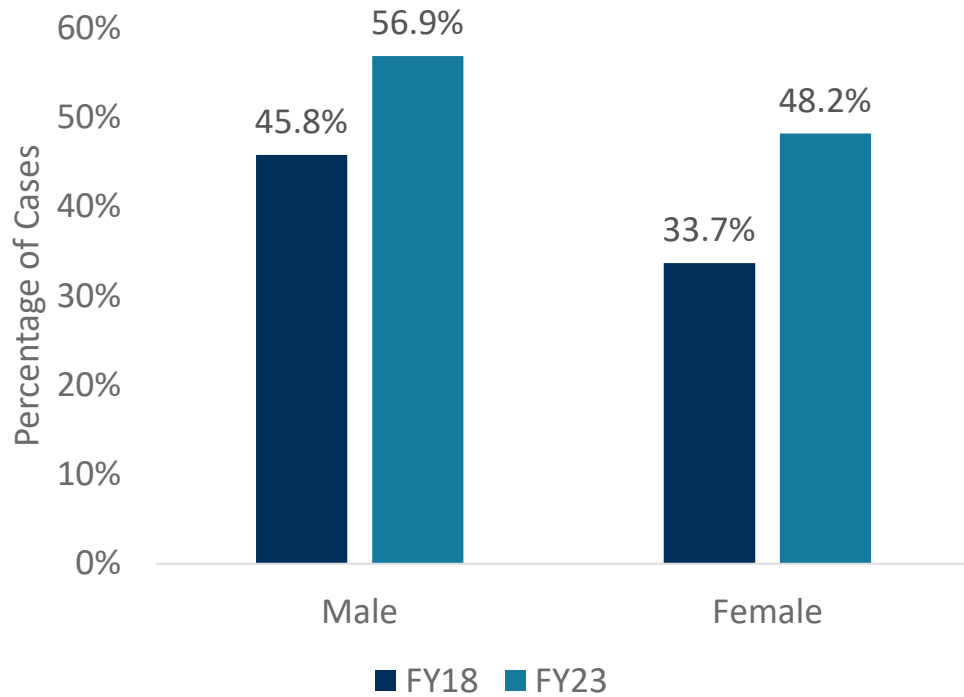
Percentage of Cases with Suspended Initial Sentence by MSO Class, FY18 v. FY23



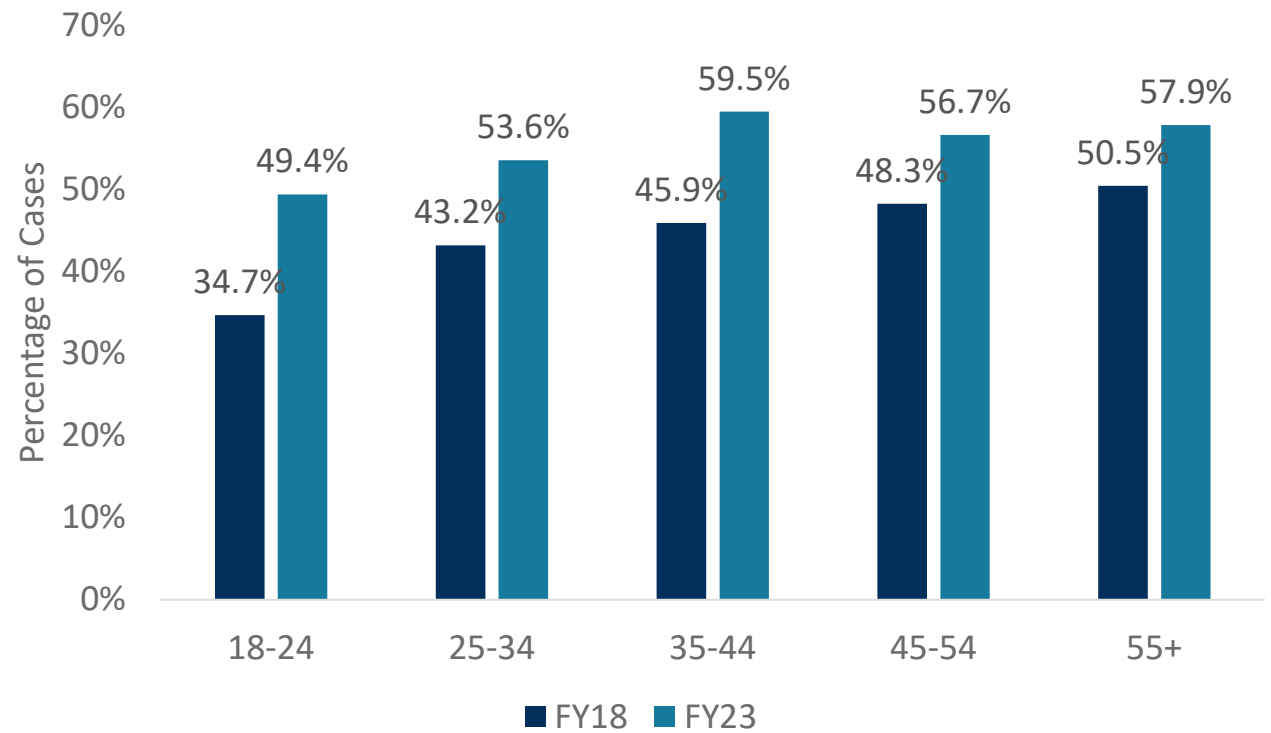
Males and Older Individuals More Likely to Get a Suspended Sentence



Percentage of Cases with Suspended Initial Sentence by Defendant Sex, FY18 v. FY23



Percentage of Cases with Suspended Initial Sentence by Defendant Age, FY18 v. FY23



Combination Sentences

Definitions

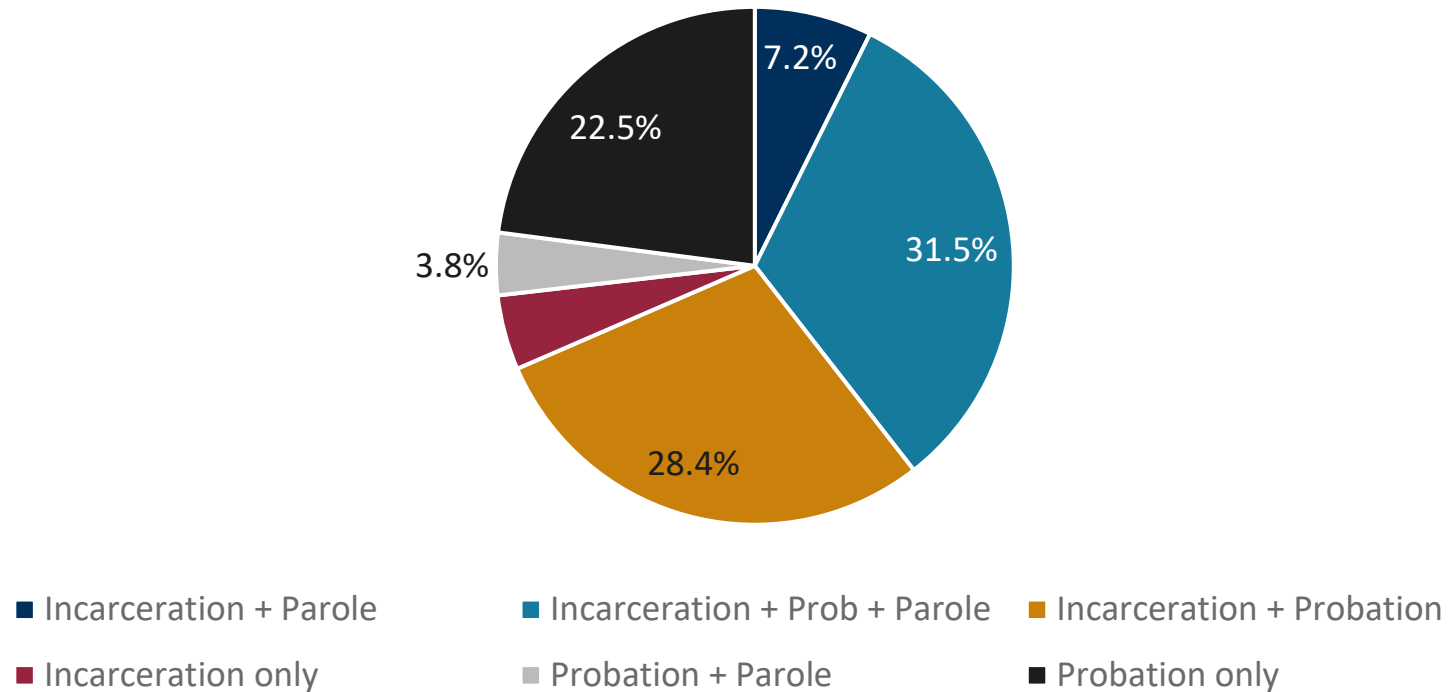
- **Incarceration:** The period of confinement of convicted and sentenced individuals.
- **Probation:** The procedure under which an adult defendant, found guilty of a crime upon verdict or plea, is released by the court without imprisonment under a suspended or deferred sentence and subject to conditions.
- **Parole:** The release to the community of an incarcerated individual by decision of the Parole Board or by operation of law, subject to conditions imposed by the board and to its supervision.
- **Mandatory Parole:** A period of statutorily-required parole for individuals with felony convictions. First, second- and third-degree felonies require a 2-year post incarceration parole period. Fourth degree felonies require a 1-year post-incarceration parole period.



Nearly One-Third of Initial Sentences Included a Prison Sentence Followed by Probation and Parole



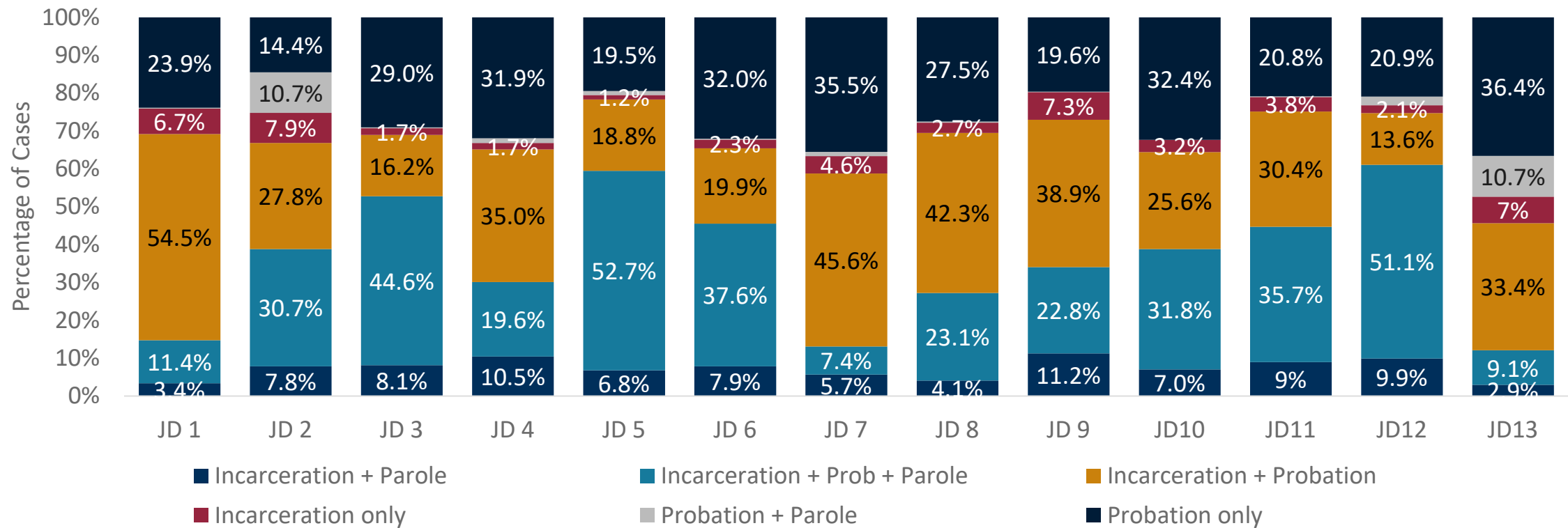
Percentage of District Criminal Case Sentence Term Combinations for Initial Sentence, FY18-FY23



Use of Combination Sentences Varied by Judicial District



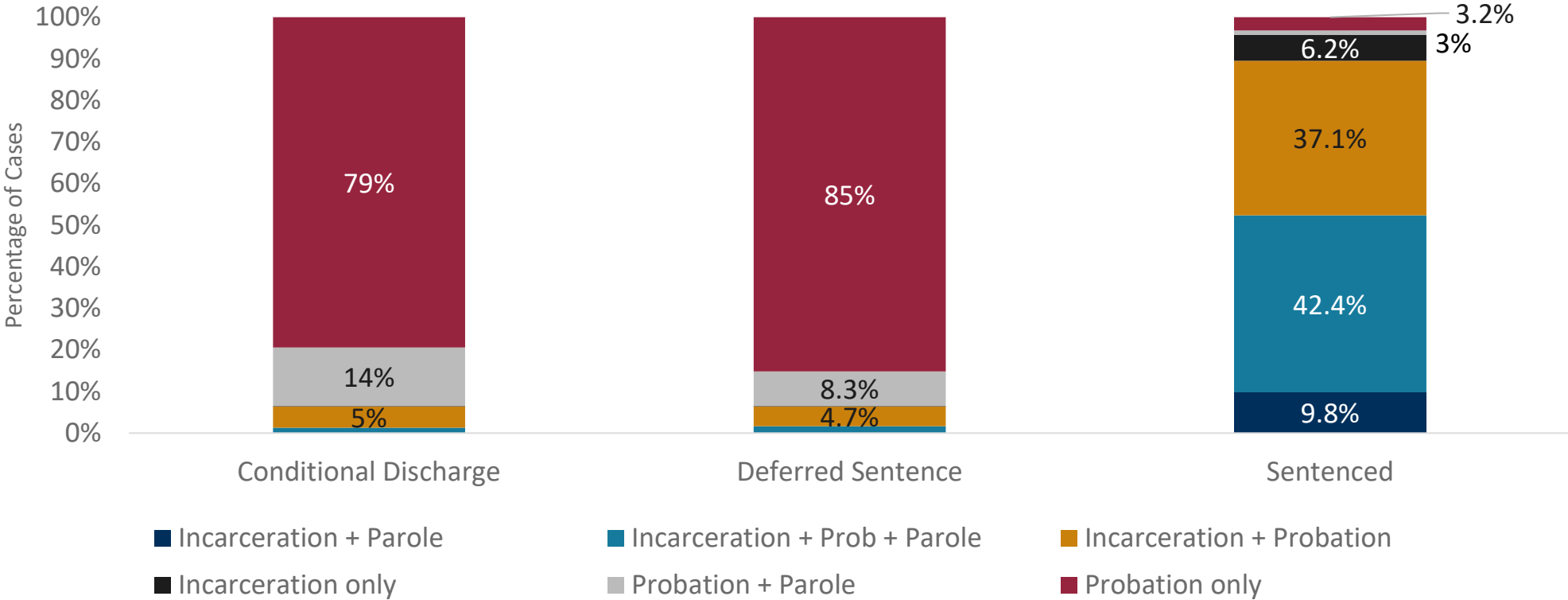
Percentage of District Criminal Case Sentence Term Combinations for Initial Sentence by Judicial District, FY18-FY23



Combination Sentences Used Across All Sentencing Types



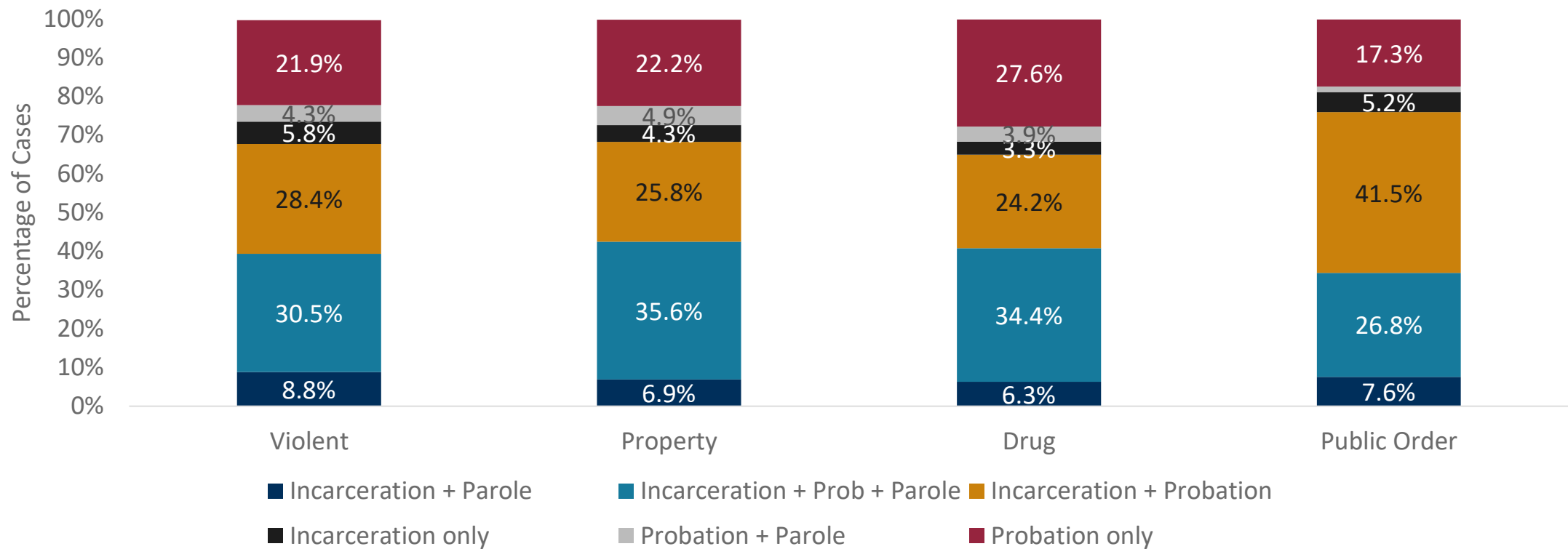
Percentage of District Criminal Case Sentence Term Combinations for Initial Sentence by Sentence Type, FY18-FY23



Incarceration and Probation Combination Most Common for Public Order Offenses



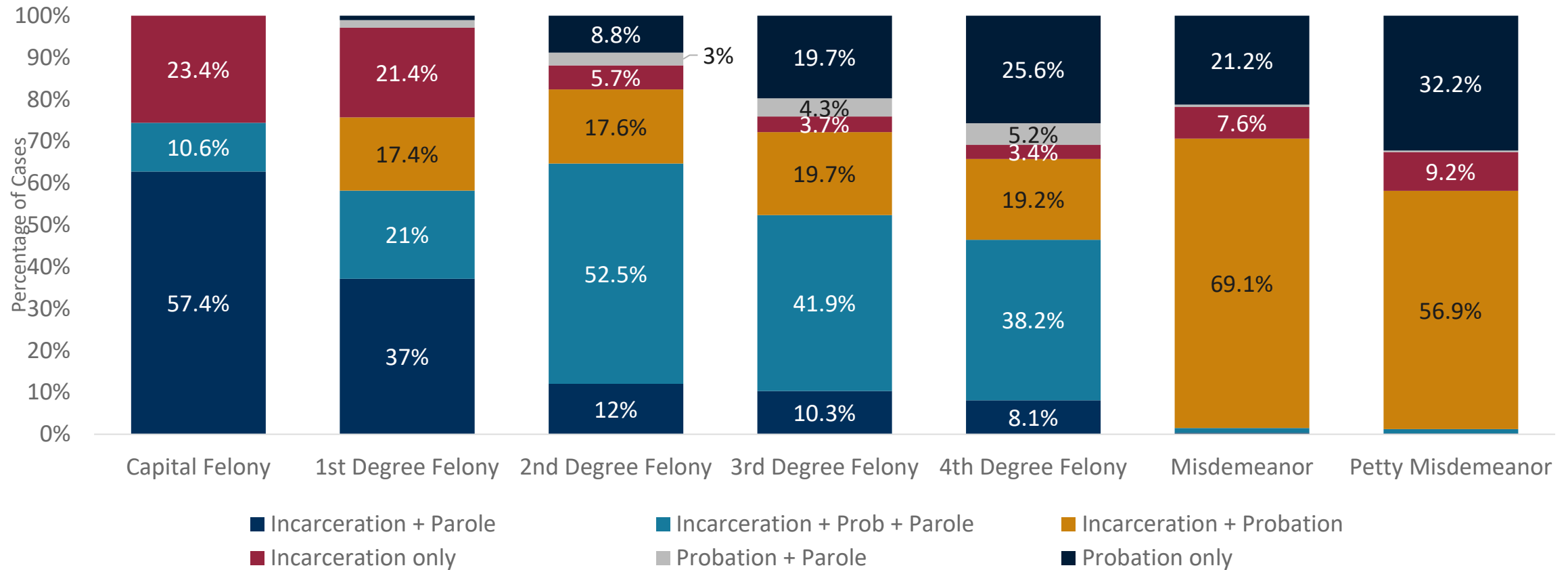
Percentage of District Criminal Case Sentence Term Combinations for Initial Sentence by MSO Category, FY18-FY23



Combination Sentences Vary Across Offense Classes; Incarceration and Probation Most Common



Percentage of District Criminal Case Sentence Term Combinations for Initial Sentence by MSO Class, FY18-FY23, (%)



Enhancements

Definitions

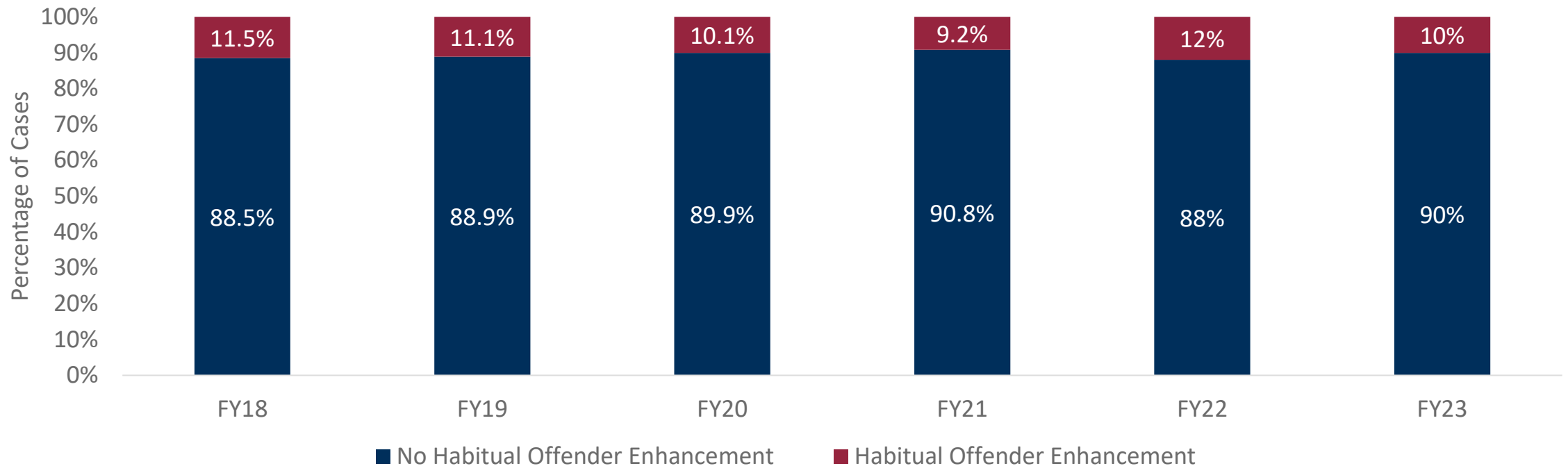
- **Sentencing Enhancement:** A factor or precondition which, if established to the requisite burden of proof, increases the severity of a carceral penalty.
- **Habitual Offender:** A person convicted of a noncapital felony in New Mexico, who has incurred at least one prior felony conviction during a separate transaction or occurrence, if the sentence or probationary period for the previous conviction was completed less than 10 years before the instant offense.



About 10% of Sentenced Cases Receive a Habitual Offender Enhancement



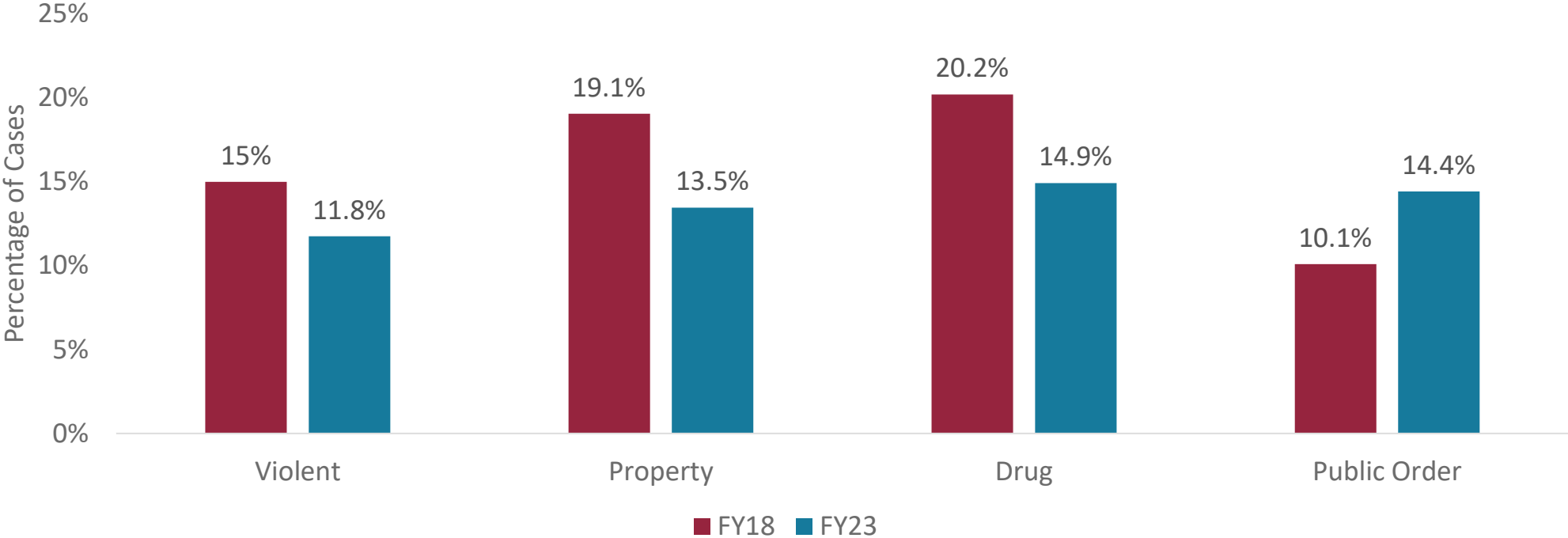
Percentage of Sentenced District Criminal Cases with Habitual Offender Enhancements at Initial Sentence by Fiscal Year, FY18-FY23



Use of Habitual Offender Enhancement Decreased; Most Common for Drug Offenses



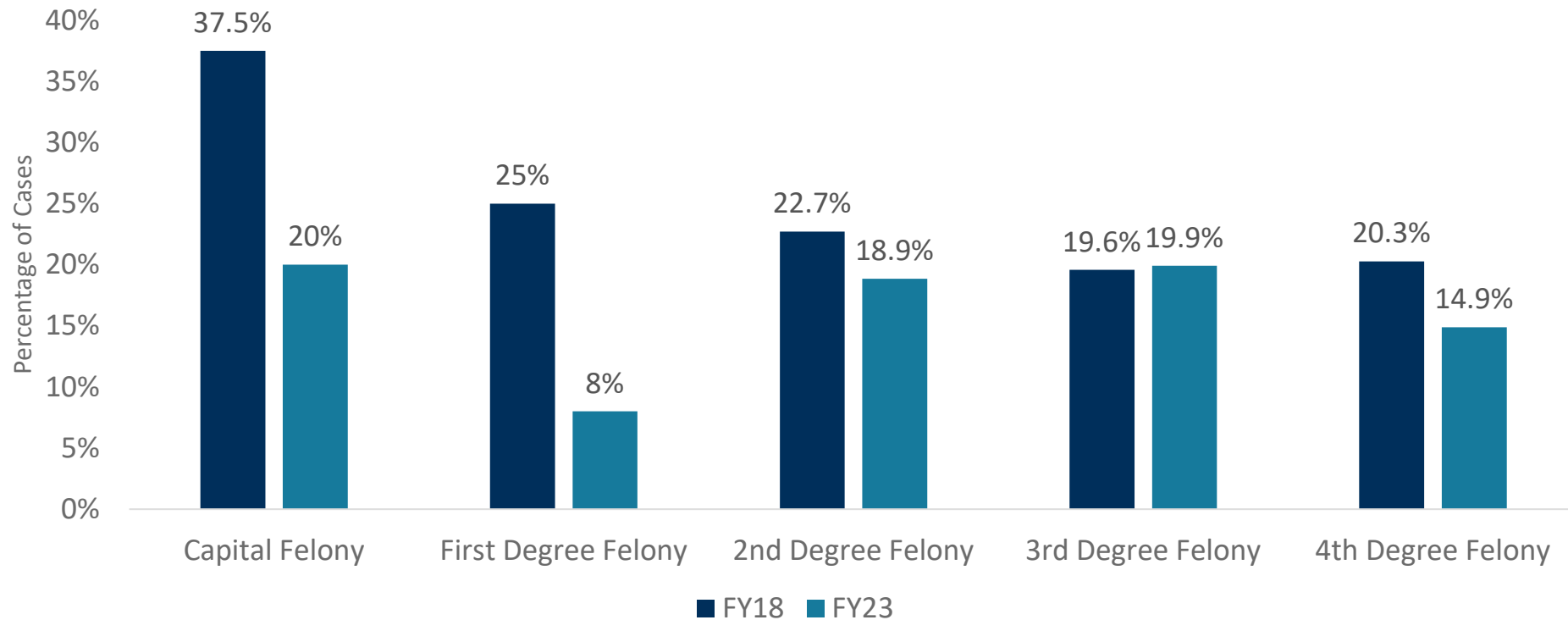
Percentage of Sentenced District Criminal Cases with Habitual Offender Enhancements at Initial Sentence by MSO Crime Category, FY18 v. FY23



3rd Degree Felonies Most Likely to Have a Habitual Offender Enhancement after Capital



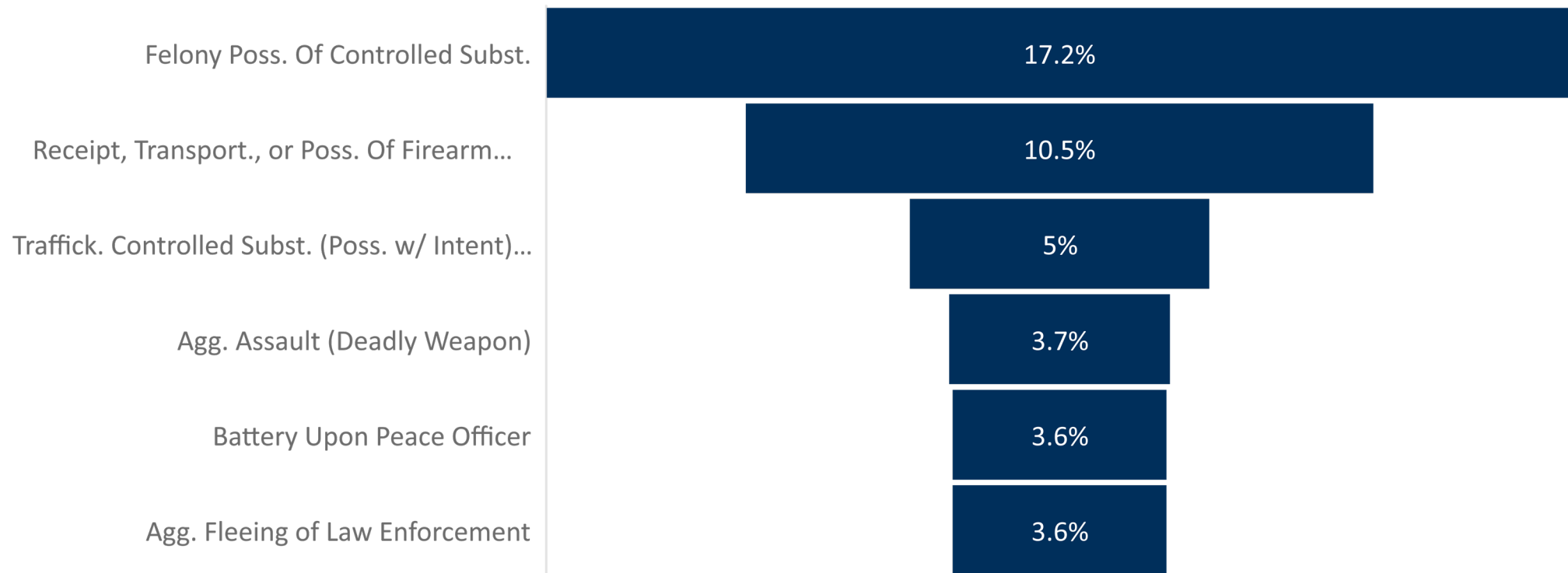
Percentage of Sentenced District Criminal Cases with Habitual Offender Enhancements at Initial Sentence by MSO Crime Class, FY18 v. FY23



Possession of a Controlled Substance Most Common Offense with a Habitual Enhancement



Most Common MSO Per Sentenced District Court Cases with Habitual Offender Enhancements (N = 832), FY23



Sentencing Key Takeaways



- Number of sentenced cases has decreased by 21% since FY18
- More than two-thirds of sentenced cases had one sentencing hearing date between FY18 and FY23.
- Over three-quarters of initial sentences involve a plea.
- More than half of all cases sentenced between FY18 and FY23 received a suspended sentence at the initial sentence hearing.
- Almost one-third of initial sentences were to a term of incarceration followed by probation and parole.
- About 10% of cases receive a habitual offender enhancement.

Sentencing System Assessment Findings

Individuals are often sentenced with a probation tail in addition to the term of mandatory parole



Sentencing judge maintains little or no oversight in probation violation process in 2nd JD



Sentencing practices vary across the state, with the use of combination and stacked sentences leaving little certainty in sentencing decisions



Habitual offender enhancements are often stacked to incentivize pleas



Conditional Discharge is often the first sentence a person receives with the opportunity for dismissal, but these cases are often escalated to deferred or suspended sentences if the individual violates conditions



The frequent use of combination sentences and escalation of sentencing types leads to little certainty in sentencing decisions

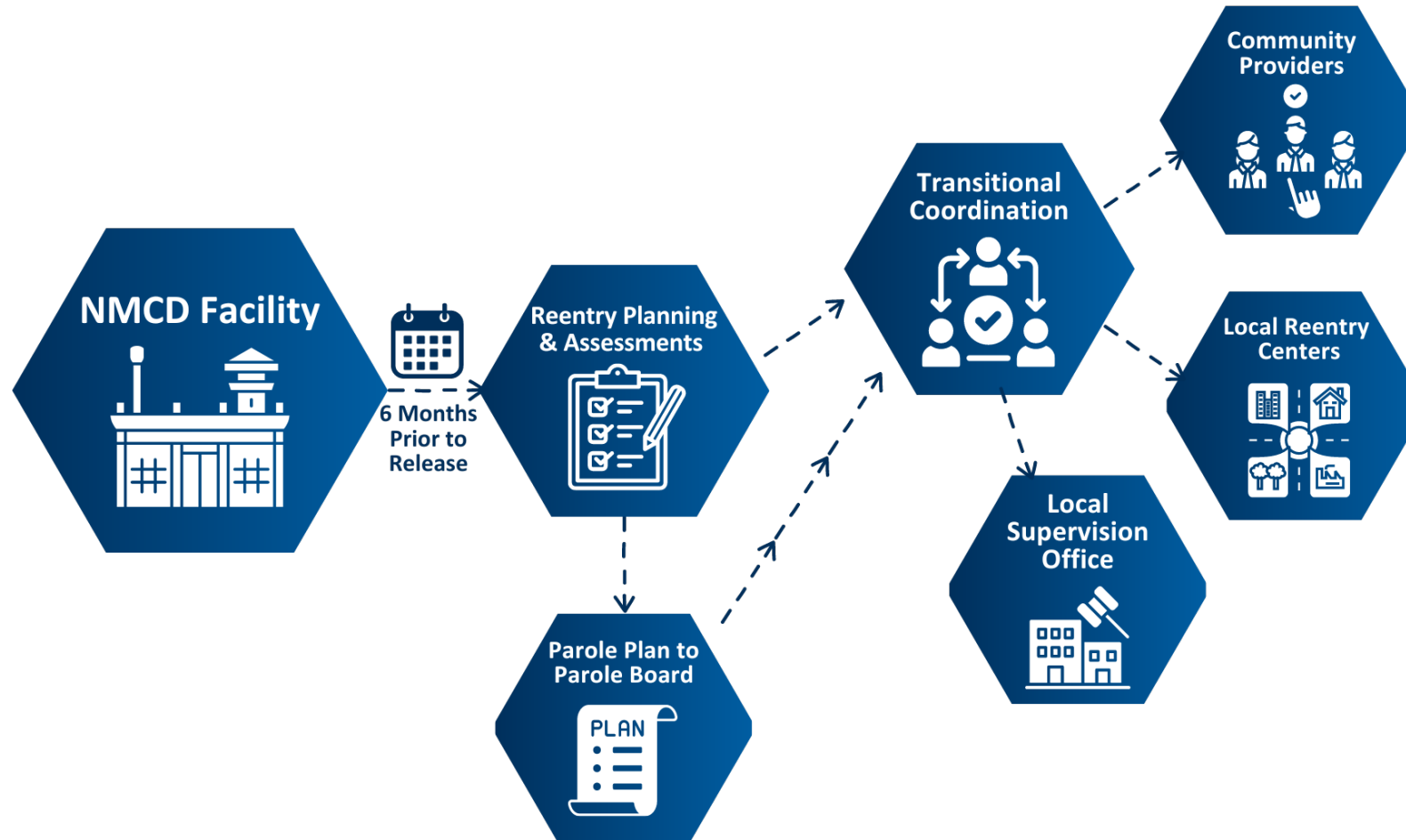


~10 Minute Break~

NMCD Prison Population Trends

Release & Length of Stay

Release Process to Supervision



Release Process

Release Type Definitions

- **Parole Release:** Someone who has been released after serving a period of confinement to either standard or special management supervision parole.
- **Probation Release:** Someone who has been released after serving a period of confinement to either standard or special management supervision probation.
- **Dual Supervision:** An offender who is being supervised on probation and parole concurrently
- **Discharged:** Somone who is released from a term of incarceration with no following period of supervision by NMCD.
- **In-House Parole:** If a person refuses to comply with conditions or does not have a safe and reliable place to be released to, they will not be released and will remain in custody for the remainder of the parole term. Once that term expires, they will be discharged.



NMCD Prison Population Trends



NMCD Release Trends

Release Data Notes

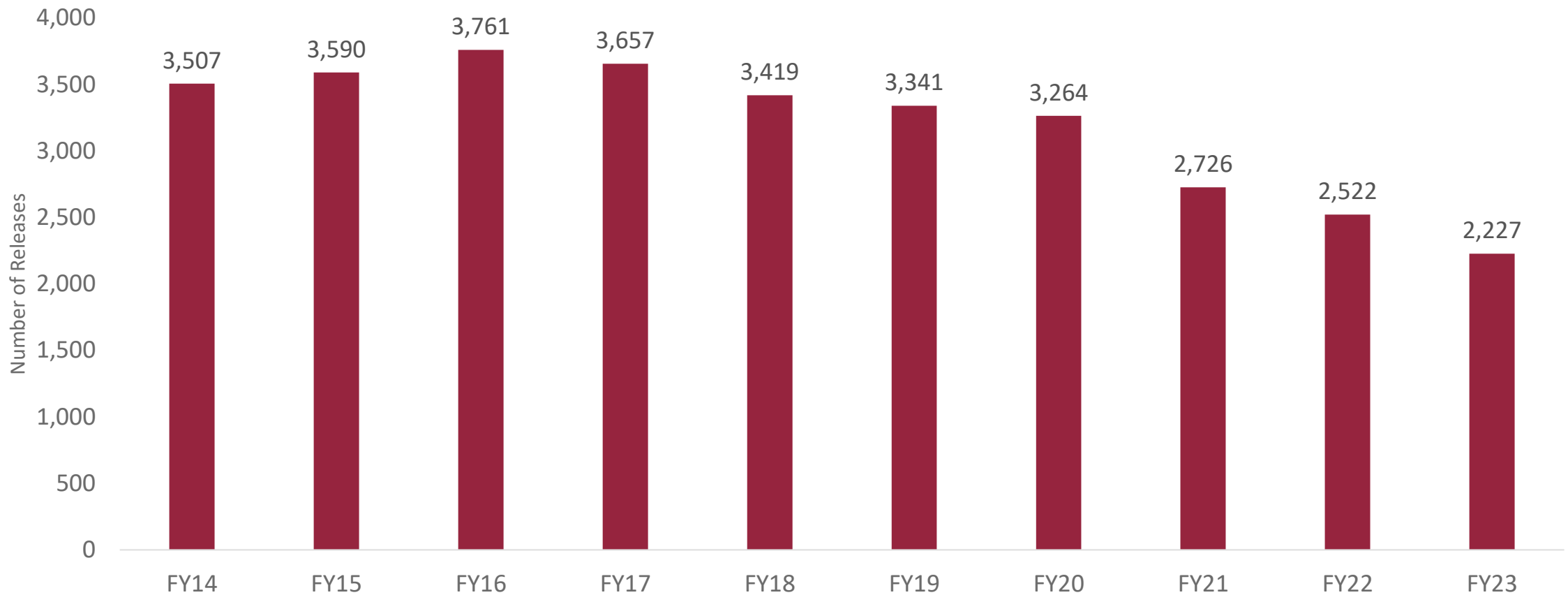


- Prison release analyses were limited to adults released from NMCD facilities between FY14 and FY23
 - All dates are reported as fiscal years
- Diagnostic admissions were excluded.
 - [NM Stat § 31-20-3 (2021)]
- New and parole violation admissions are included.
- Releases are represented by the most serious offense at admission.
 - Data on crime category and degree reflect the most serious offense associated with an admission.
- LOS is reported using the median to account for outliers and is separated for new and parole violation admissions.

Prison Releases Declined 36% Since FY14



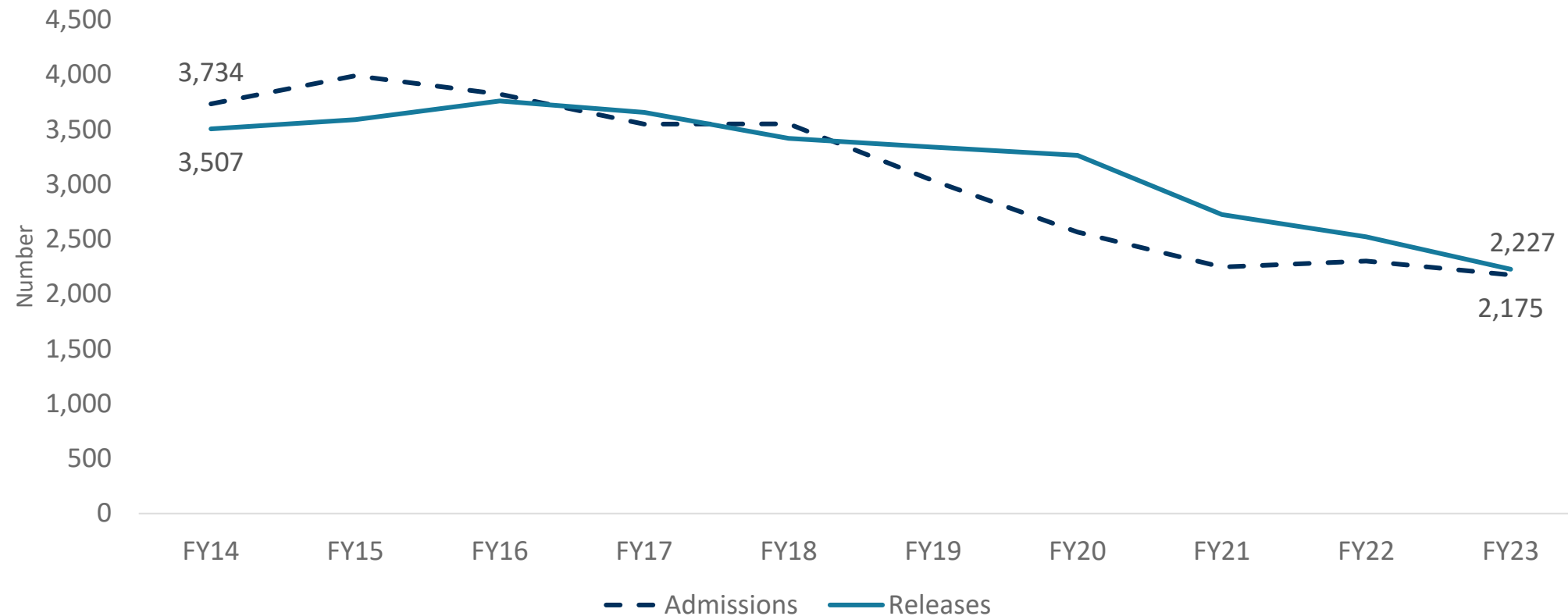
Number of Releases per Fiscal Year, FY14-FY23



Releases have Outpaced Admissions Since 2019, but have Started to Even Out



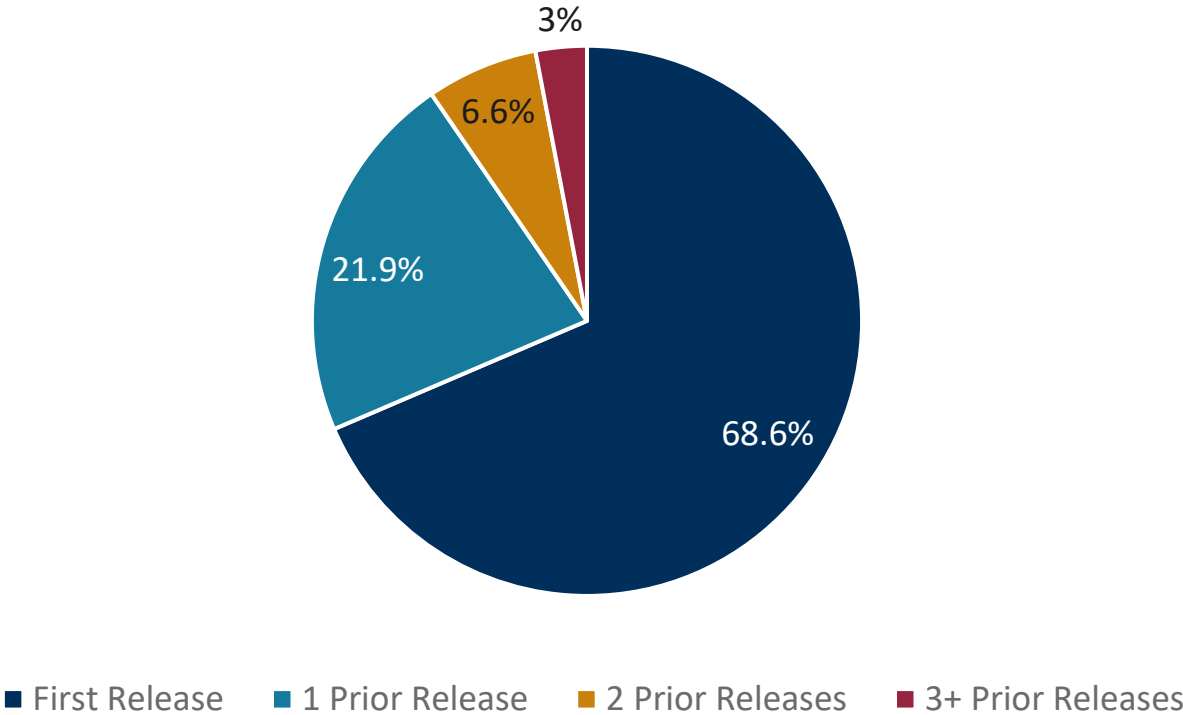
NMCD Total Admissions and Releases by Fiscal Year, FY14-FY23



Nearly 70% of Releases in FY23 Released for First Time



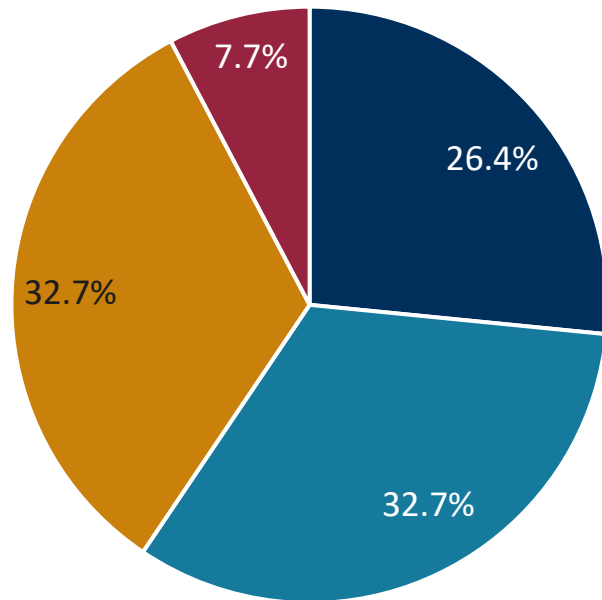
Percentage of Releases By Number of Prior Releases, FY23 (N = 2,227)



Dual Supervision and Parole Top Release Types

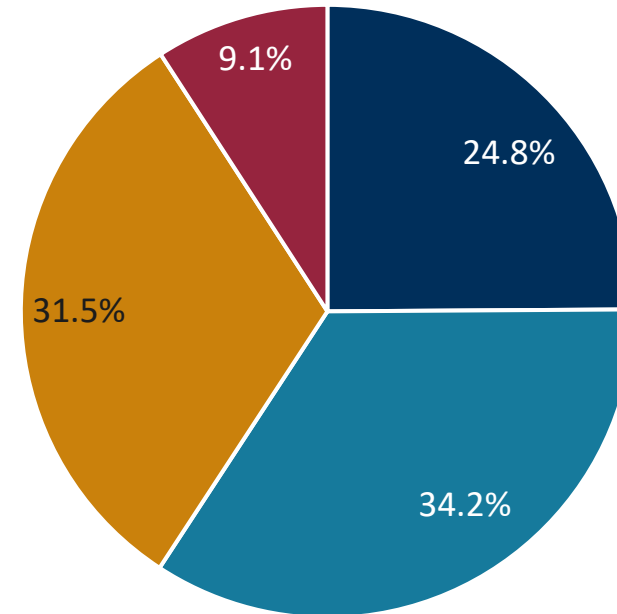


Percentage of Releases by Release Type, FY14
(N = 3,507)



■ Discharged ■ Dual Supervision ■ Parole ■ Probation

Percentage of Releases by Release Type, FY23
(N = 2,227)

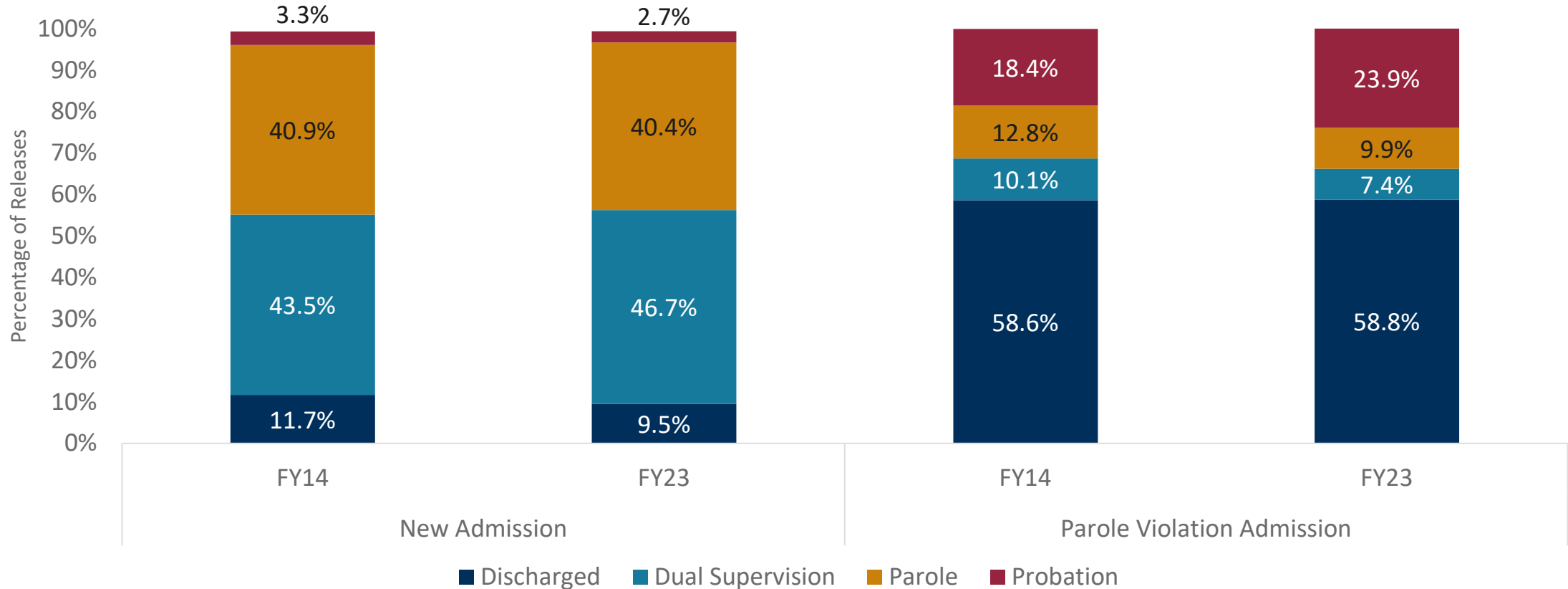


■ Discharged ■ Dual Supervision ■ Parole ■ Probation

Majority of New Admissions Released with Supervision; 24% of Parolees Released with Probation Supervision



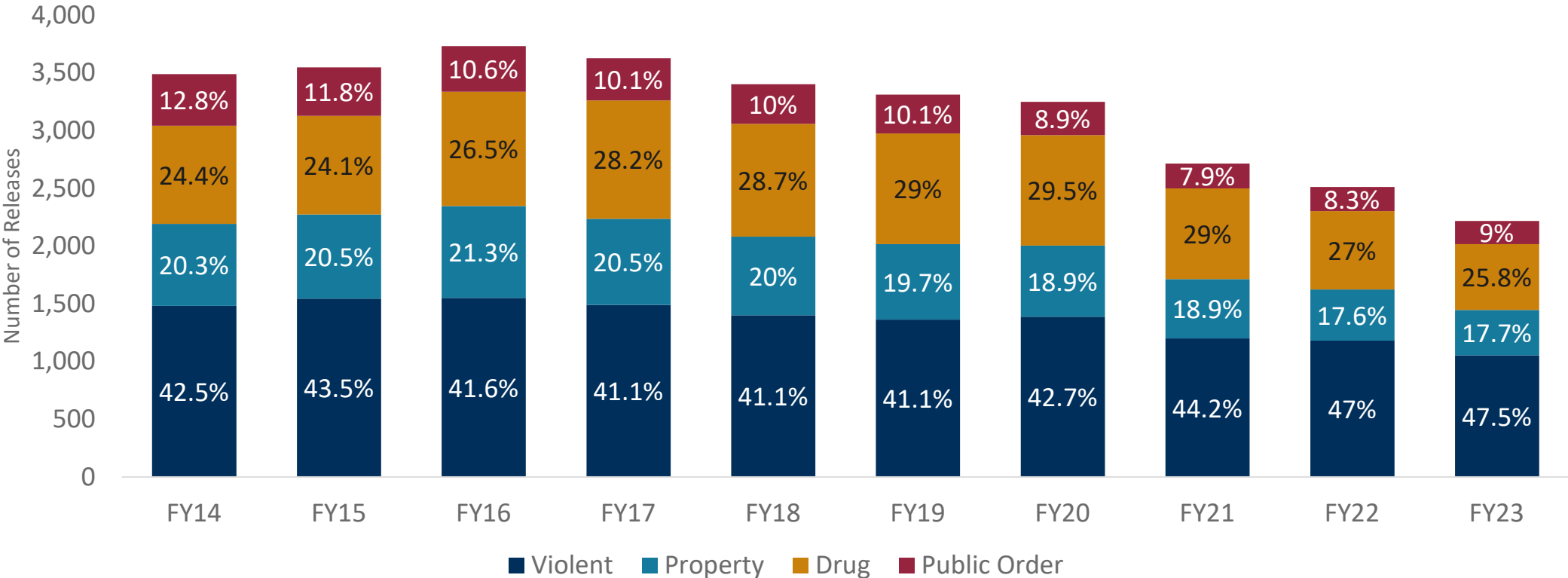
Release Type by Intake Reason, FY14 v. FY23



Percentage of Releases for Property and Public Order Offenses Decreased



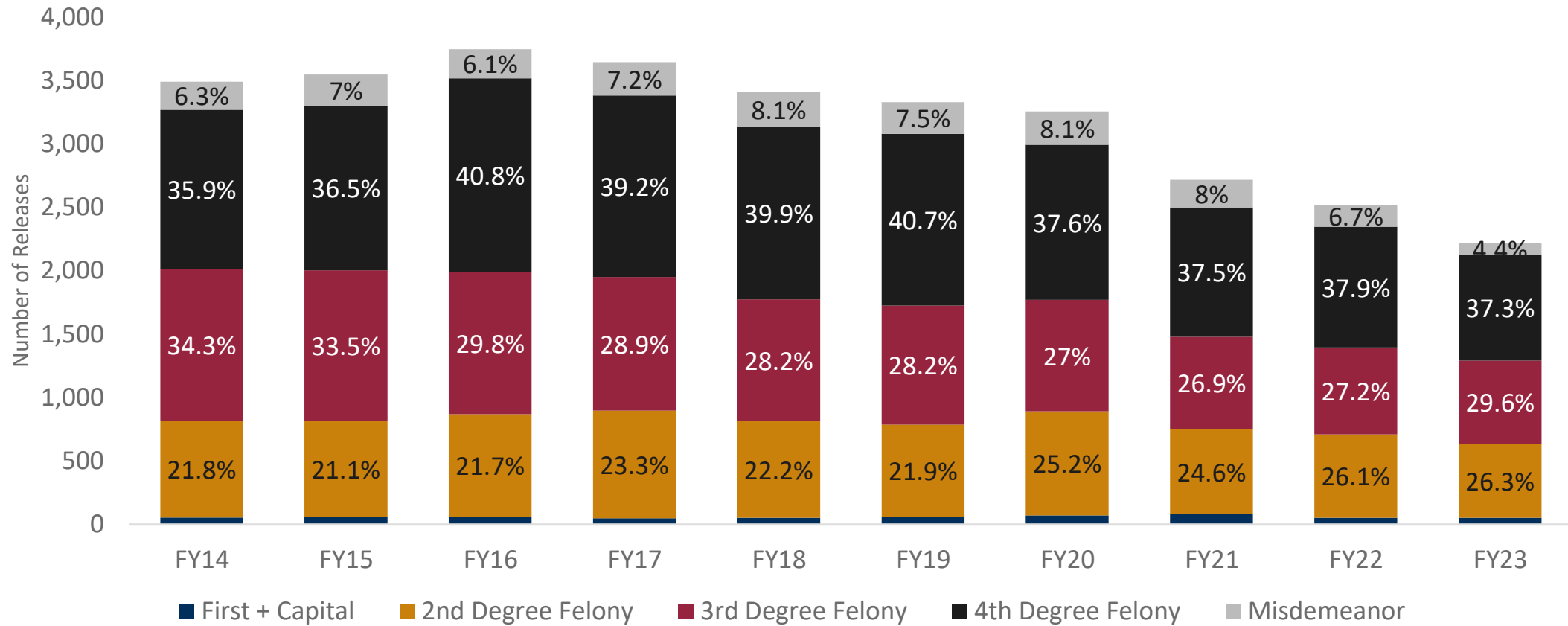
Releases by MSO Category by Fiscal Year, FY14-FY23



3rd and 4th Degree Felonies Make Up Largest Proportion of Releases



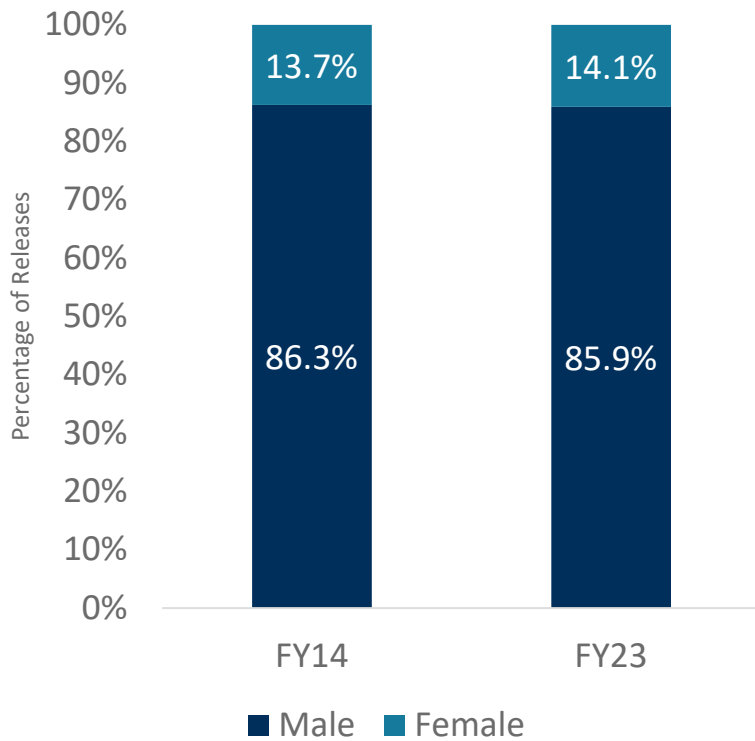
Releases by MSO Class by Fiscal Year, FY14-FY23



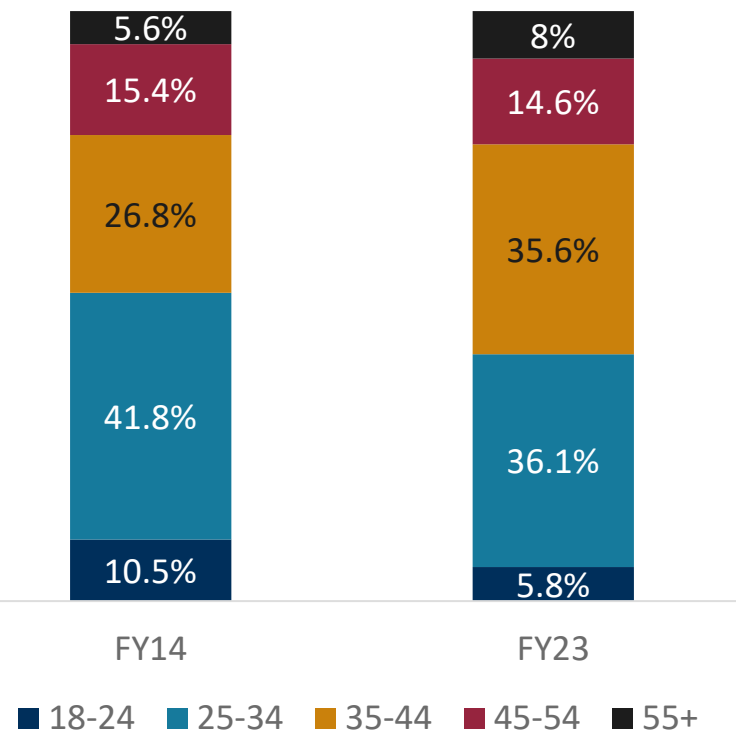
Release Demographics Largely Follow Admissions Trends



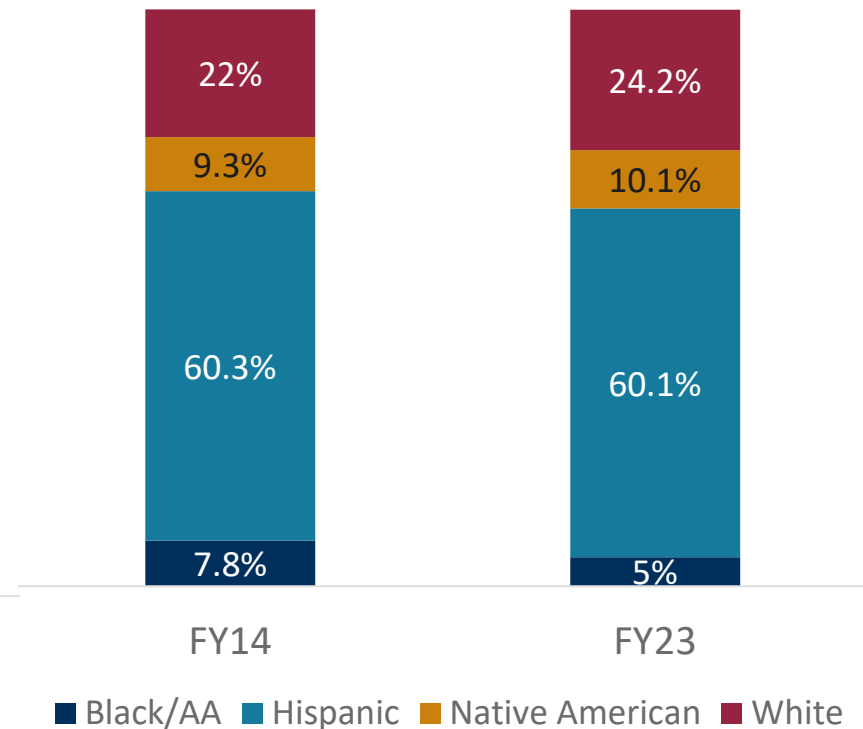
Releases by Sex per Fiscal Year, FY14 v. FY23



Releases by Age per Fiscal Year, FY14 v. FY23



Releases by Race/Ethnicity per Fiscal Year, FY14 v. FY23



NMCD Prison Population Trends

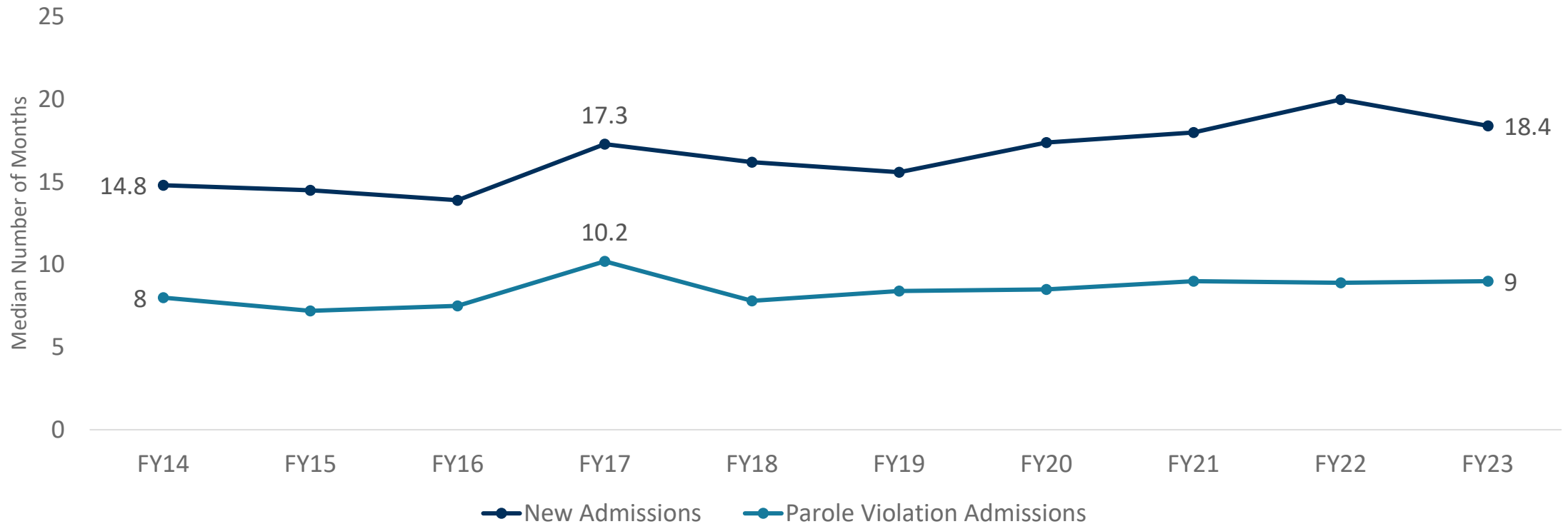


NMCD Length of Stay

Median Length of Stay Increased 25% Since 2014



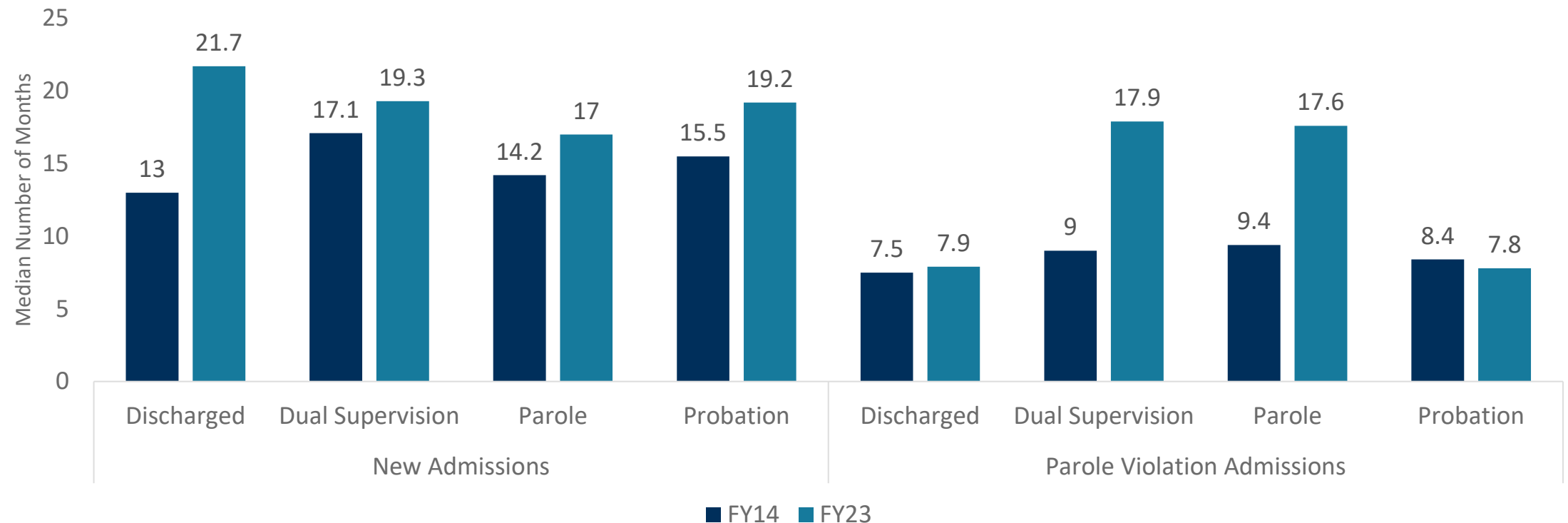
Median LOS by Intake Type & Fiscal Year, FY14-FY23



Median LOS Increased for Most Release Types



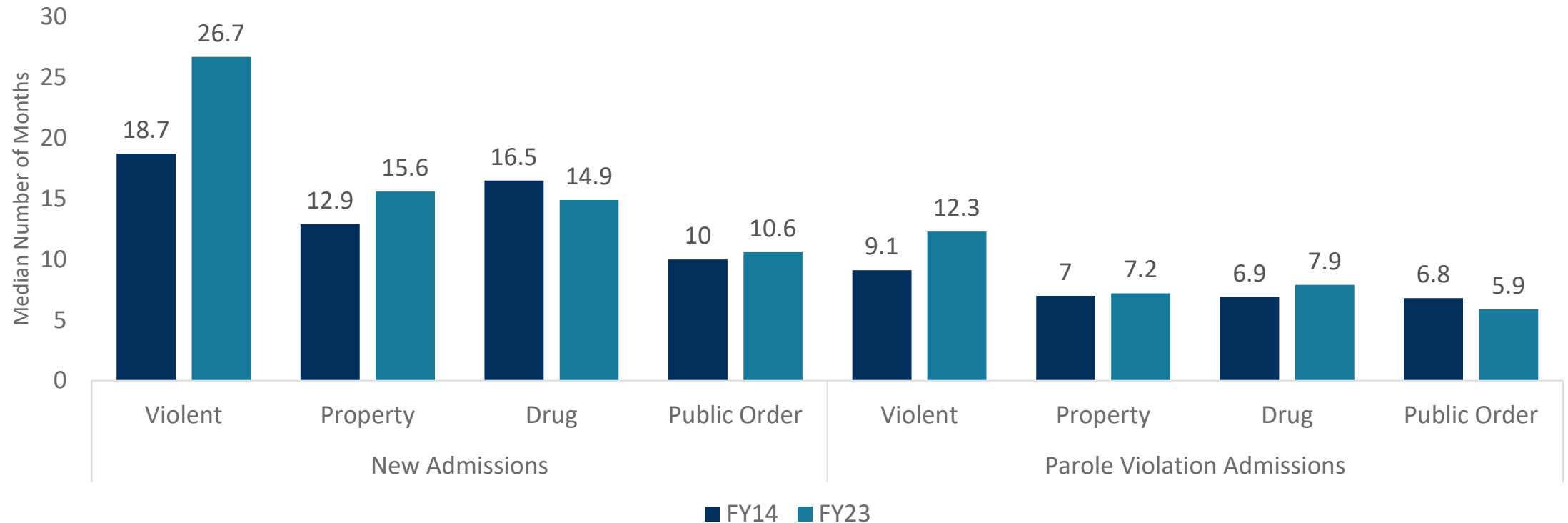
Median LOS by Intake & Release Type, FY14 v. FY23



Median LOS Highest for Violent Offenses; Increased Across All New Admission Categories Except Drug



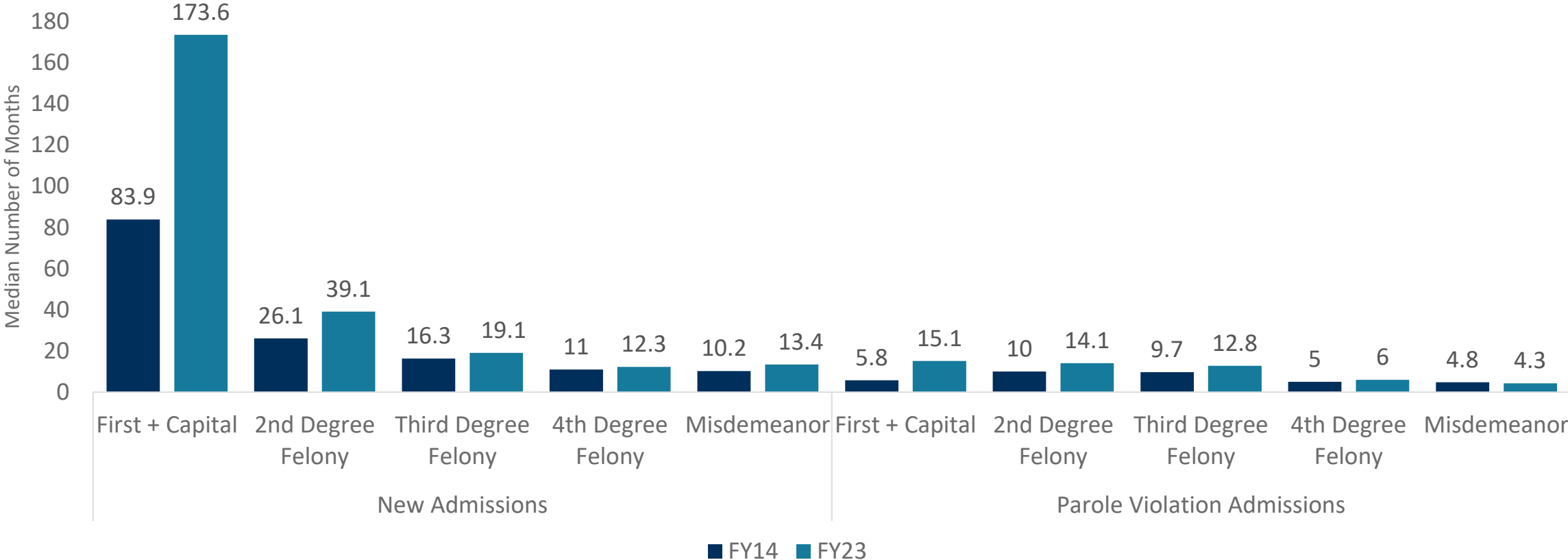
Median LOS by Intake Type & MSO Category, FY14 v. FY23



Median LOS Longest for Higher Crime Classes; Increased Across All Classes



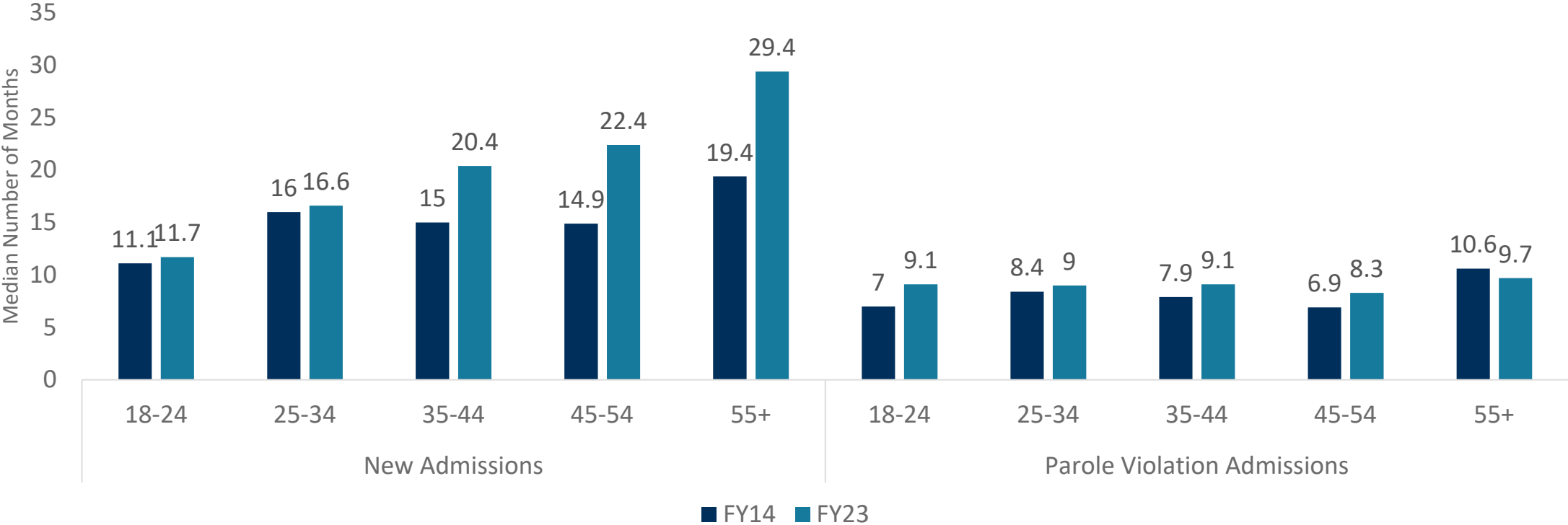
Median LOS by Intake Type & MSO Class, FY14 v. FY23



Median LOS Increased Across All Age Groups for New Admissions & Most for Parole Violation Admissions

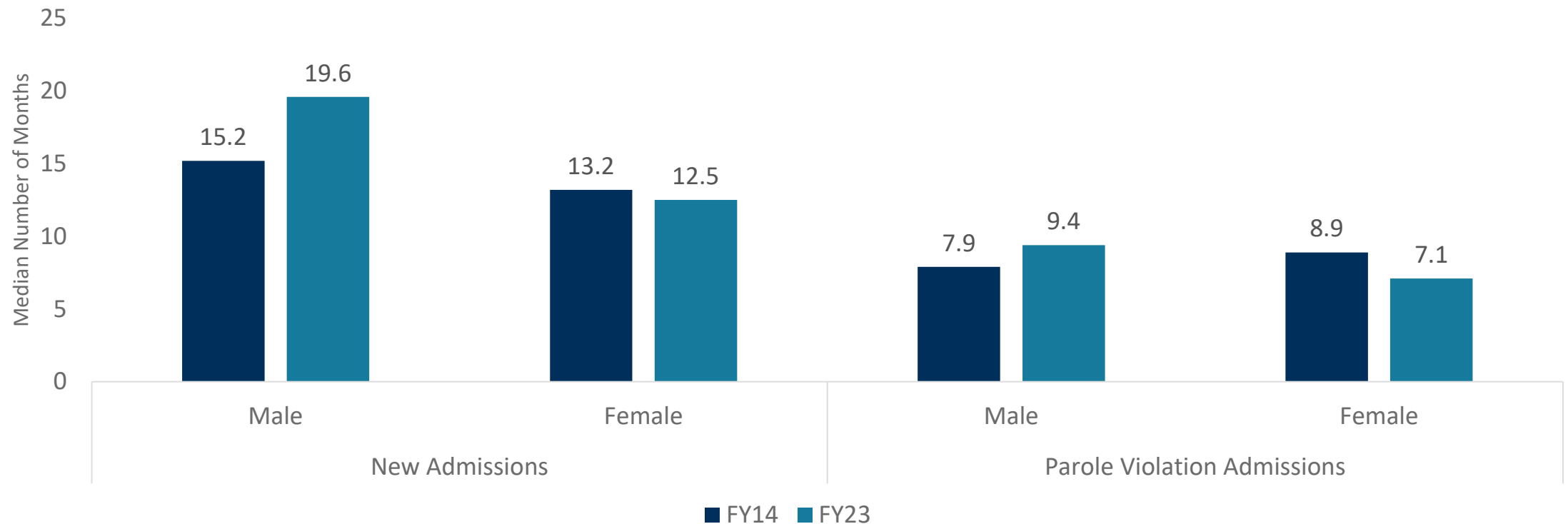


Median LOS by Intake Type & Age, FY14 v. FY23



Median LOS Increased for Males

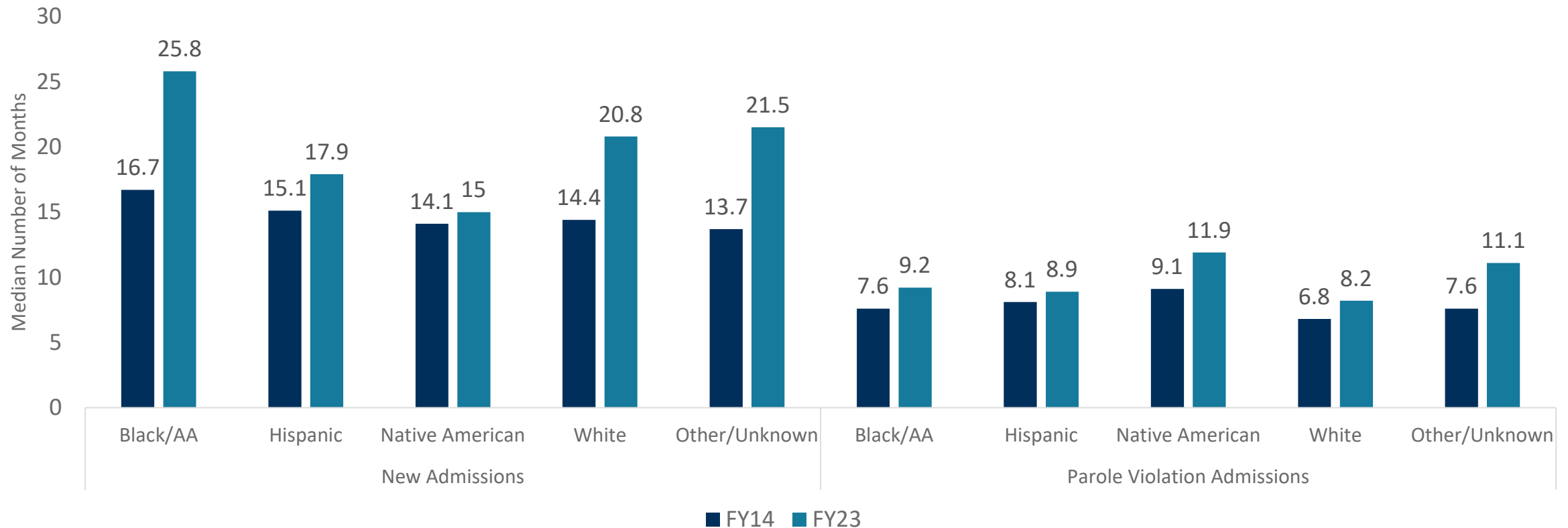
Median LOS by Intake Type & Sex, FY14 v. FY23



Median LOS Increased for All Racial Groups



Median LOS by Intake Type & Race, FY14 v. FY23



Release & LOS Key Takeaways



Release & LOS System Assessment Findings



Remote access and connectivity have been a consistent challenge at NMCD facilities, especially those in rural areas, making two-way communication challenging



All individuals releasing from NMCD facilities are entitled to reentry planning per policies. A progress report/reentry plan is required for every individual releasing to supervision



Individuals releasing with no supervision to follow will have their case reviewed 60 days prior to release and attempts to secure aftercare are made to the best extent possible



Earned Meritorious Deductions lack incentive or sanction-based earning components; For violent offenses, earning is minimal, and programs may be limited based on classification level

NMCD Probation & Parole Supervision Trends

Probation & Parole

Definitions

- **Probation “Tail”:** A sentence following conviction by a competent court to probation as a result of a deferred or suspended term of incarceration pursuant to N.M. Stat. Ann. § 31-20-5



Probation & Parole Data Notes



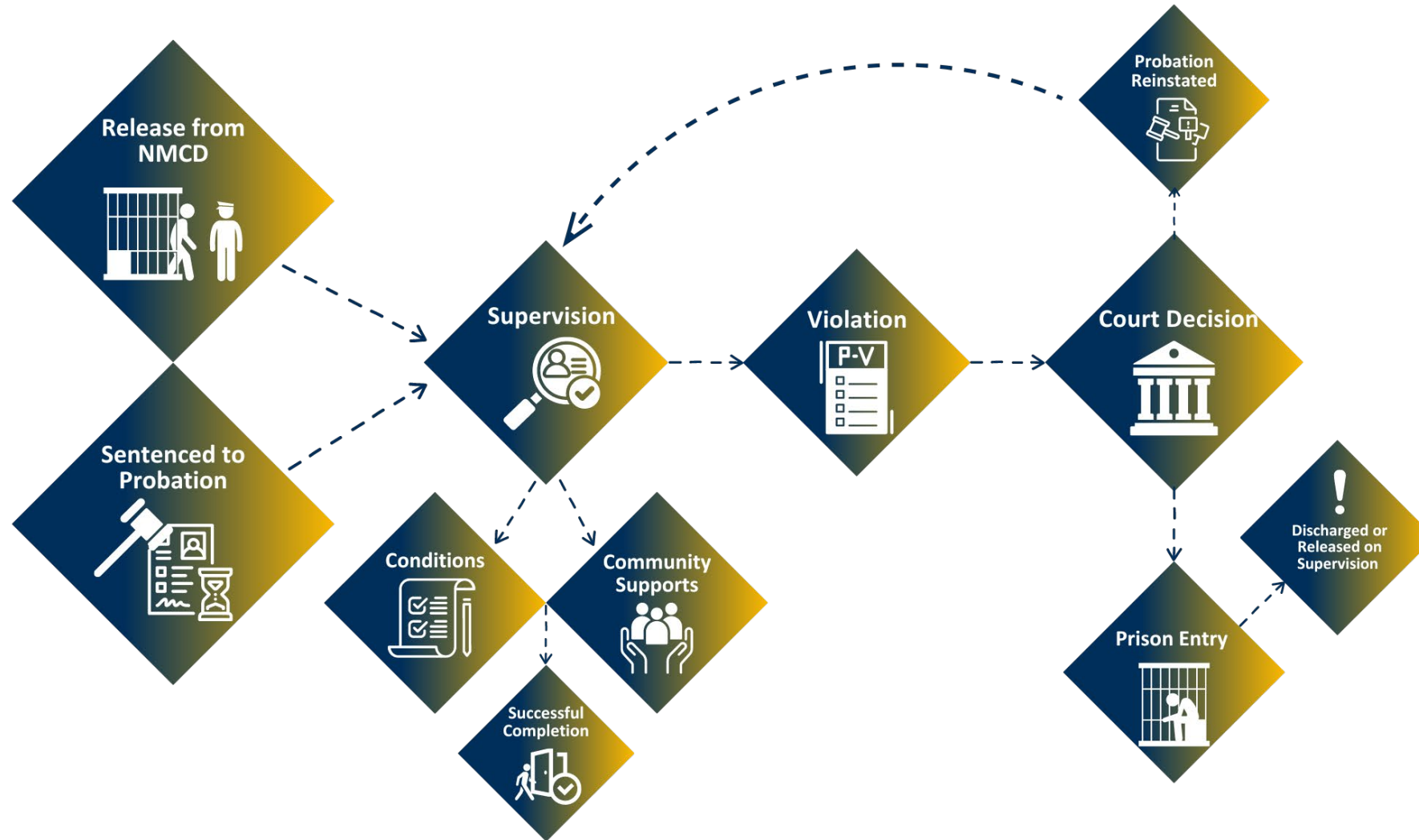
- Probation data include individuals with sentence begin and end dates between FY13 and FY22
 - Analyses pertaining to time on supervision represent sentence lengths
- Parole data include individuals sentenced to and released from parole between FY14 and FY23
 - Analyses pertaining to time on supervision represent time served
- Some analyses may vary in their start or end years based on data availability
- Updated data reflect parole revocation types including absconding, new charges, and technical violations among individuals returned to prison between FY18 and FY24

NMCD Supervision Trends



Probation

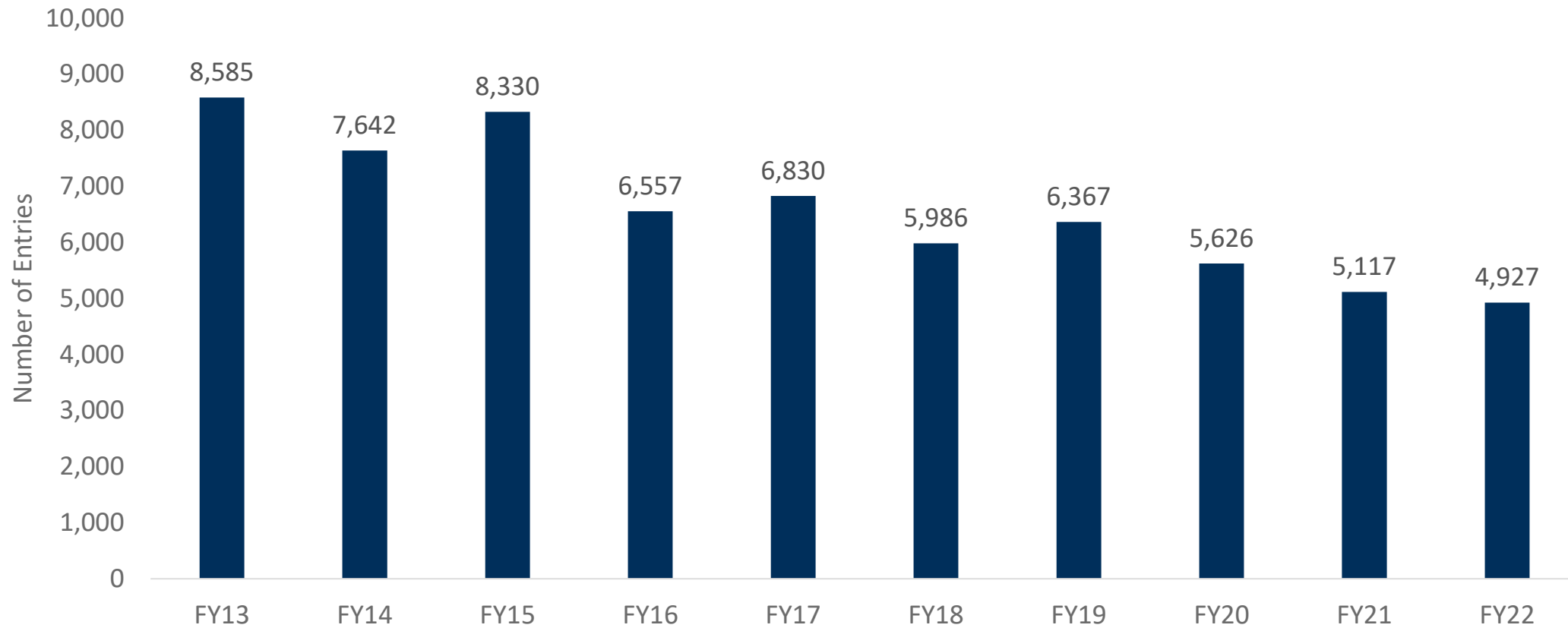
Probation Supervision Process



Probation Entries Declined 43% Since 2013



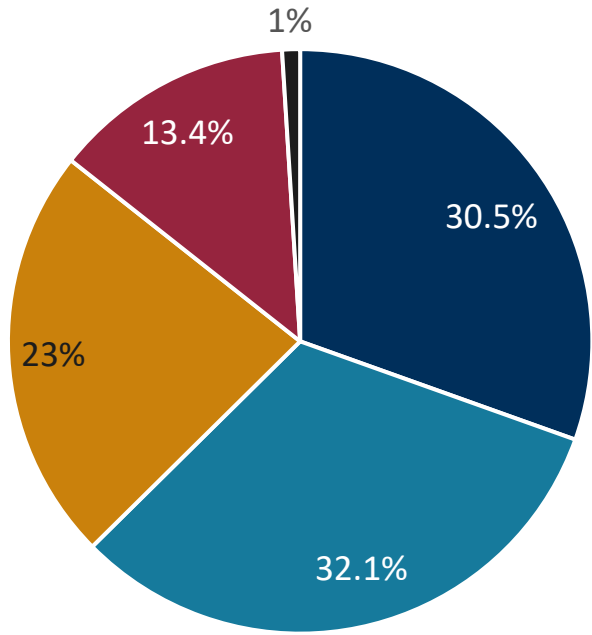
Probation Entries by Fiscal Year, FY13-FY22



In 2022, 65% of Probation Entries Were For Non-Violent Offenses

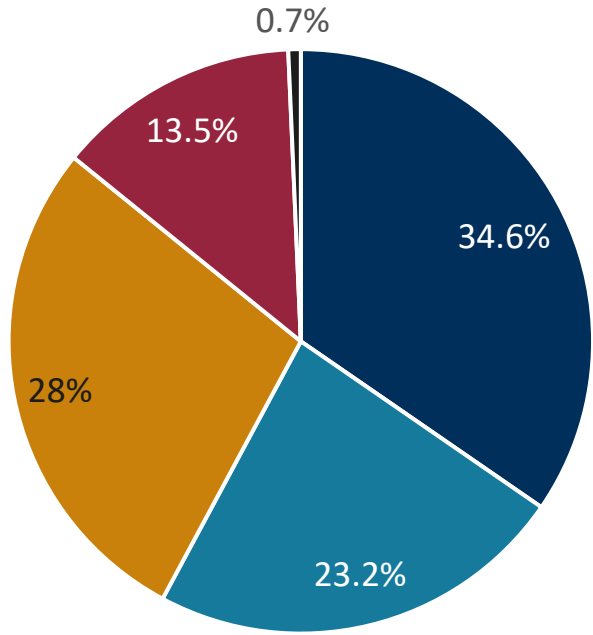


Percentage of Probation Entries by MSO Category, FY13



■ Violent ■ Property ■ Drug ■ Public Order ■ Other

Percentage of Probation Entries by MSO Category, FY22

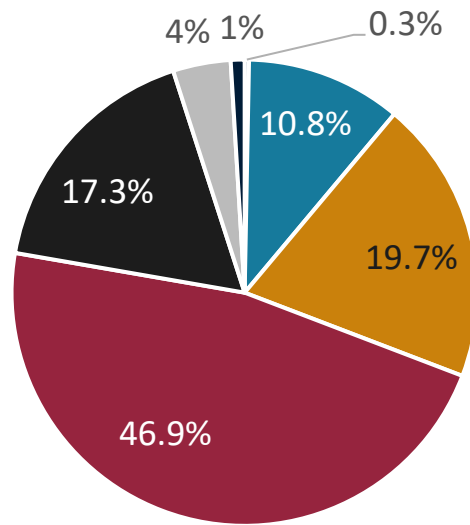


■ Violent ■ Property ■ Drug ■ Public Order ■ Other

On Average, 4th Degree Felonies Represent 50% of Probation Entries

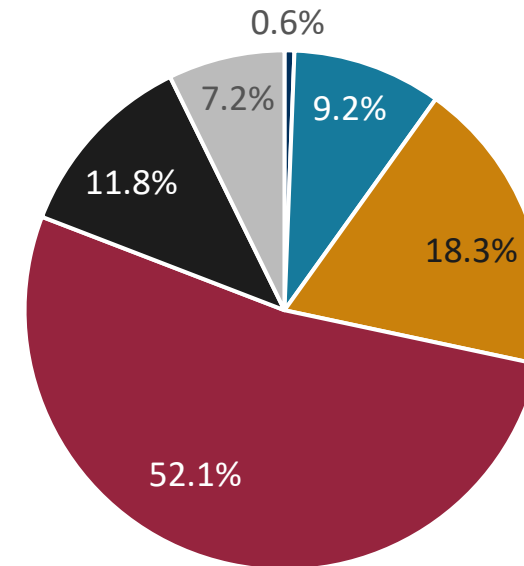


Percentage of Probation Entries by MSO Class, FY13



- First + Capital
- 2nd Degree Felony
- 3rd Degree Felony
- 4th Degree Felony
- Misdemeanor
- Other
- Missing

Percentage of Probation Entries by MSO Class, FY22

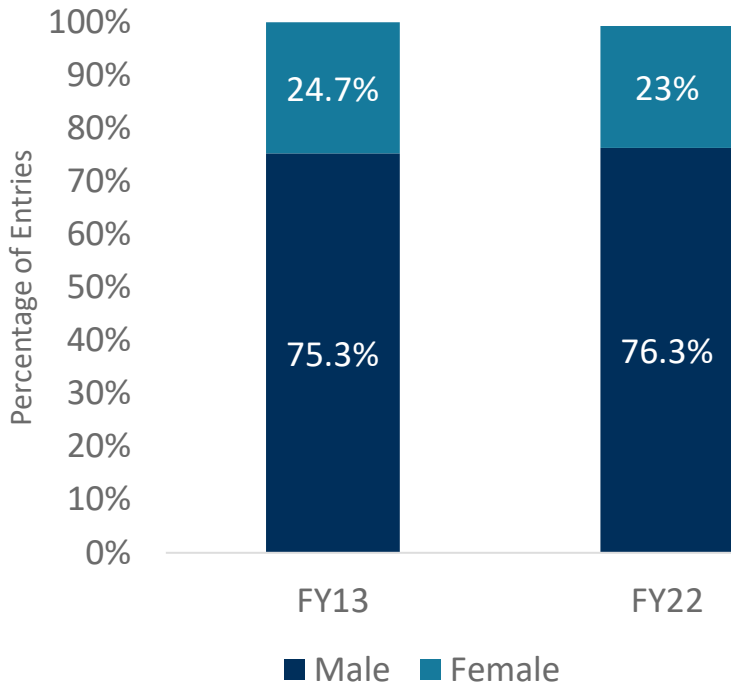


- First + Capital
- 2nd Degree Felony
- 3rd Degree Felony
- 4th Degree Felony
- Misdemeanor
- Other

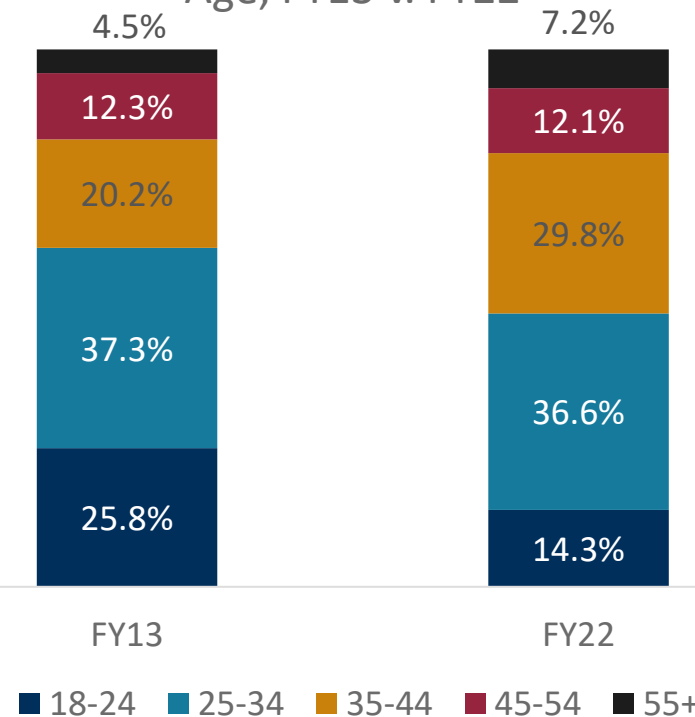
Probation Entries by Demographics, FY22



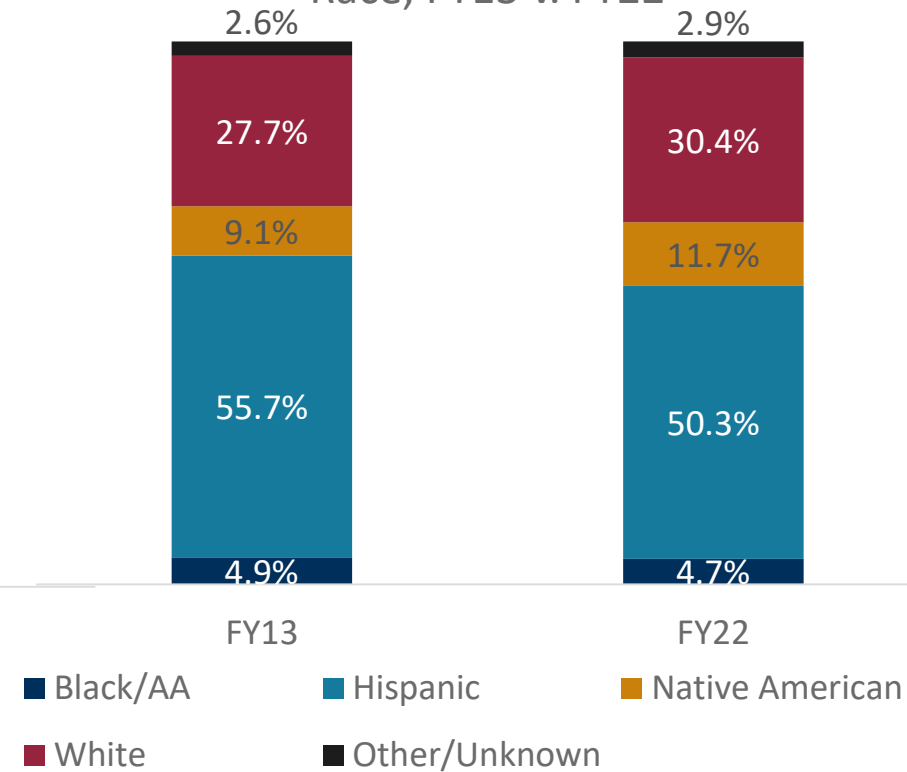
Percentage of Probation Entries by Sex, FY13 v. FY22



Percentage of Probation Entries by Age, FY13 v. FY22



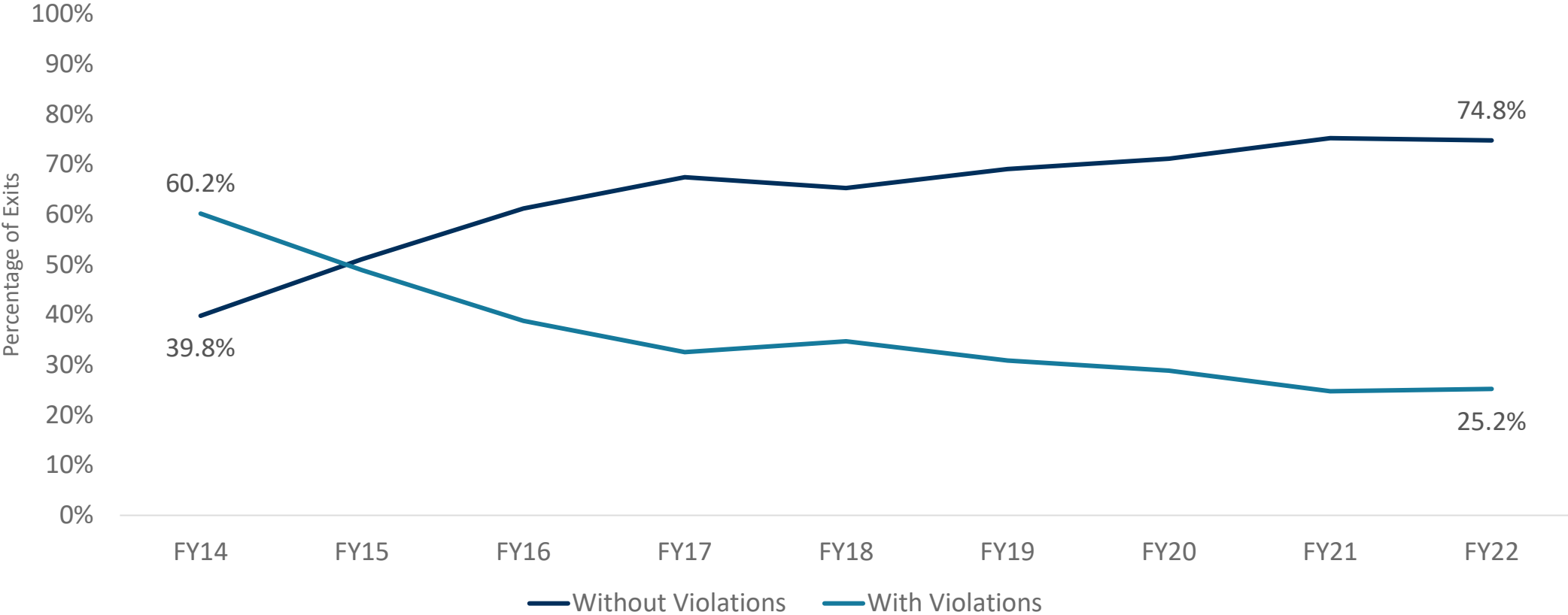
Percentage of Probation Entries by Race, FY13 v. FY22



Percent of Probation Exits Without Violations Increased 88%



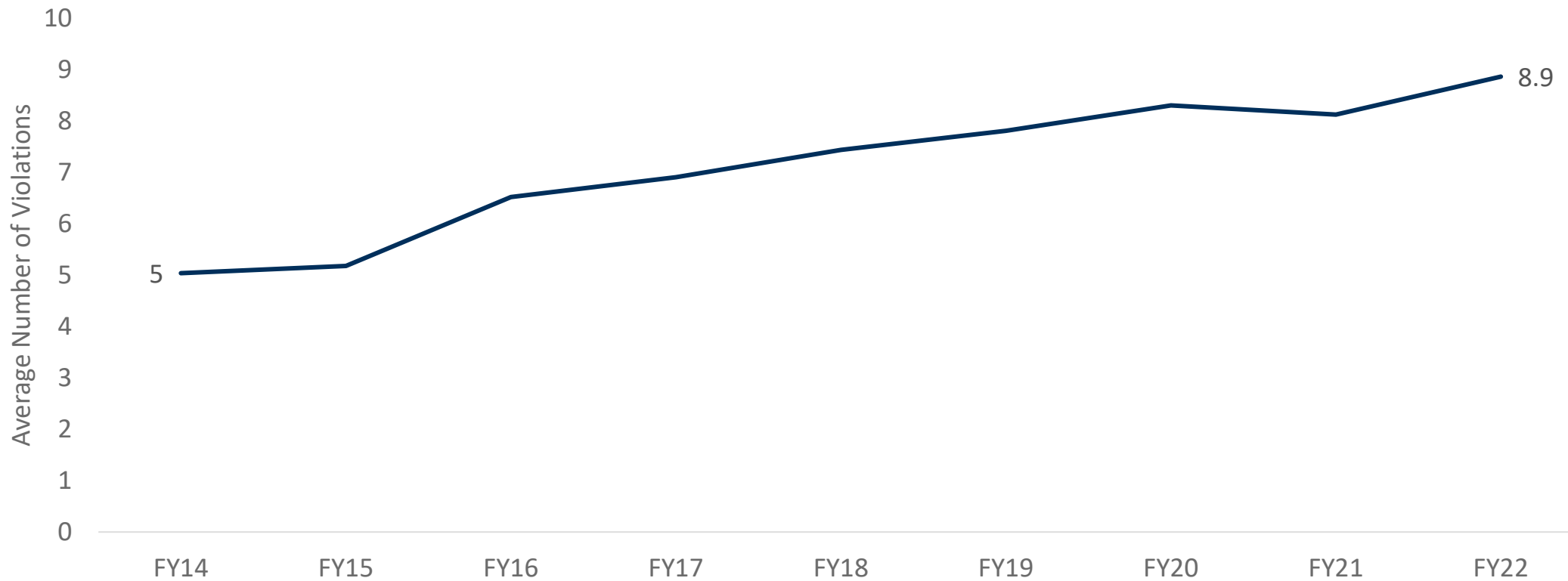
Percentage of Probation Exits with Violations Prior to Exit, FY14-FY22



Average Number of Probation Violations Per Individual Increased



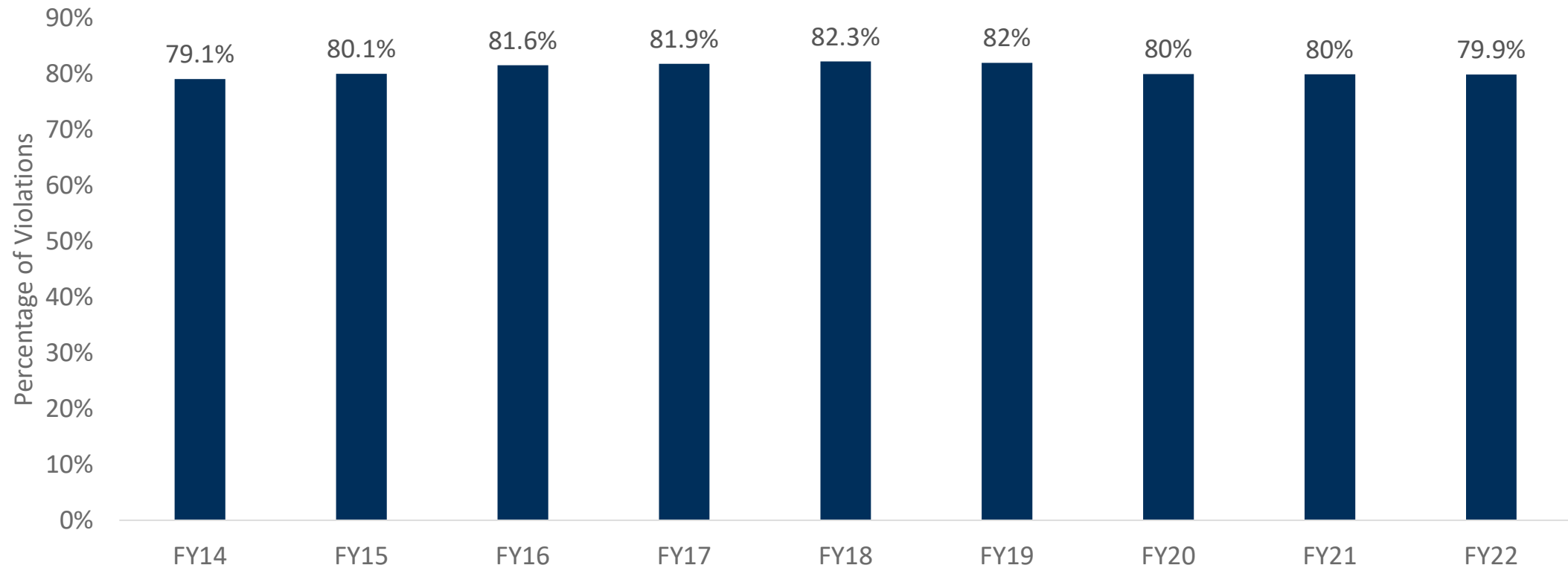
Average Number of Violations Among Individuals with Violations on Probation by Fiscal Year (Mean), FY14-FY23



Among Individuals With Violations, 80% Have Substance-Related Violations

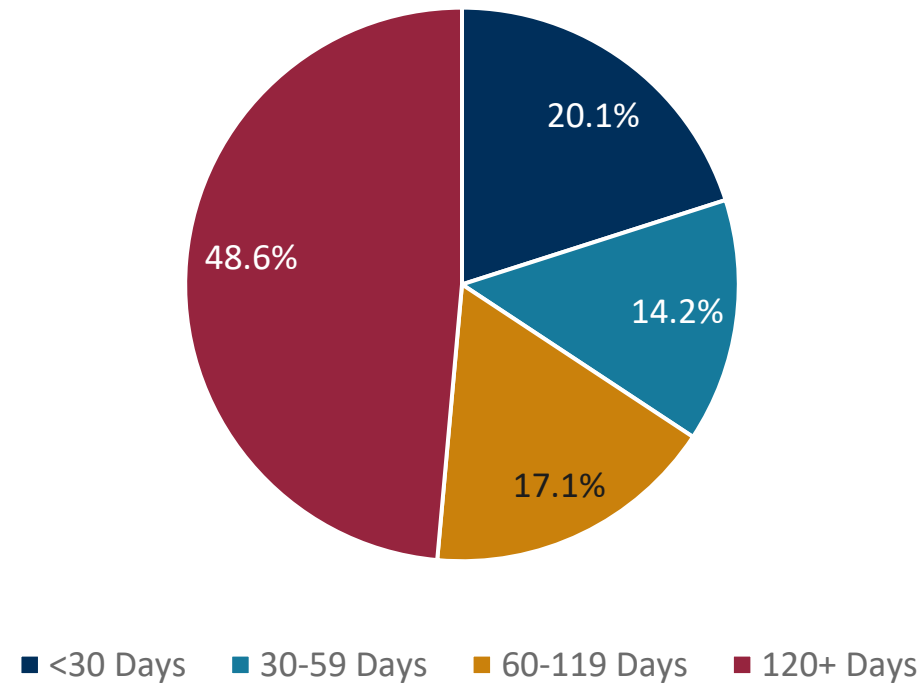


For Individuals With a Violation on Probation, Percentage With a Substance-Related Violation, FY14-FY22



In 2022, Nearly Half of Violations Occurred After 4 Months on Probation Supervision

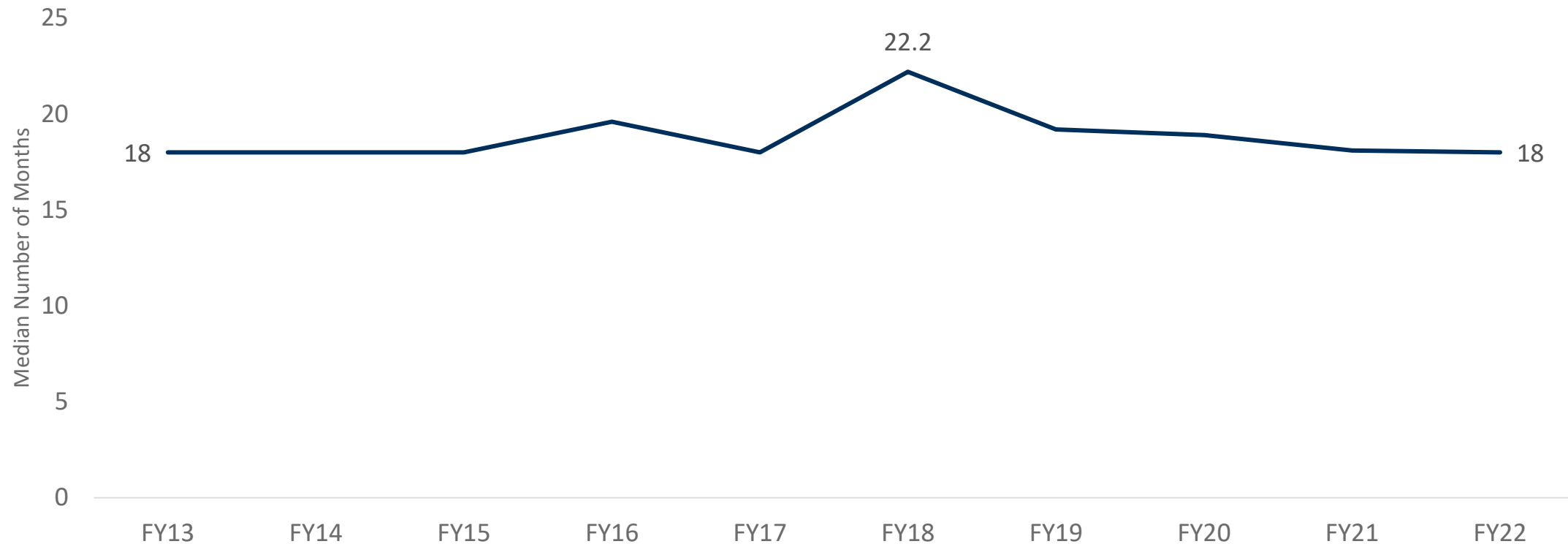
Percentage Breakdown of Time to First Violation, FY22 Probation Exits



Median Probation Sentence Length Consistent Over Time



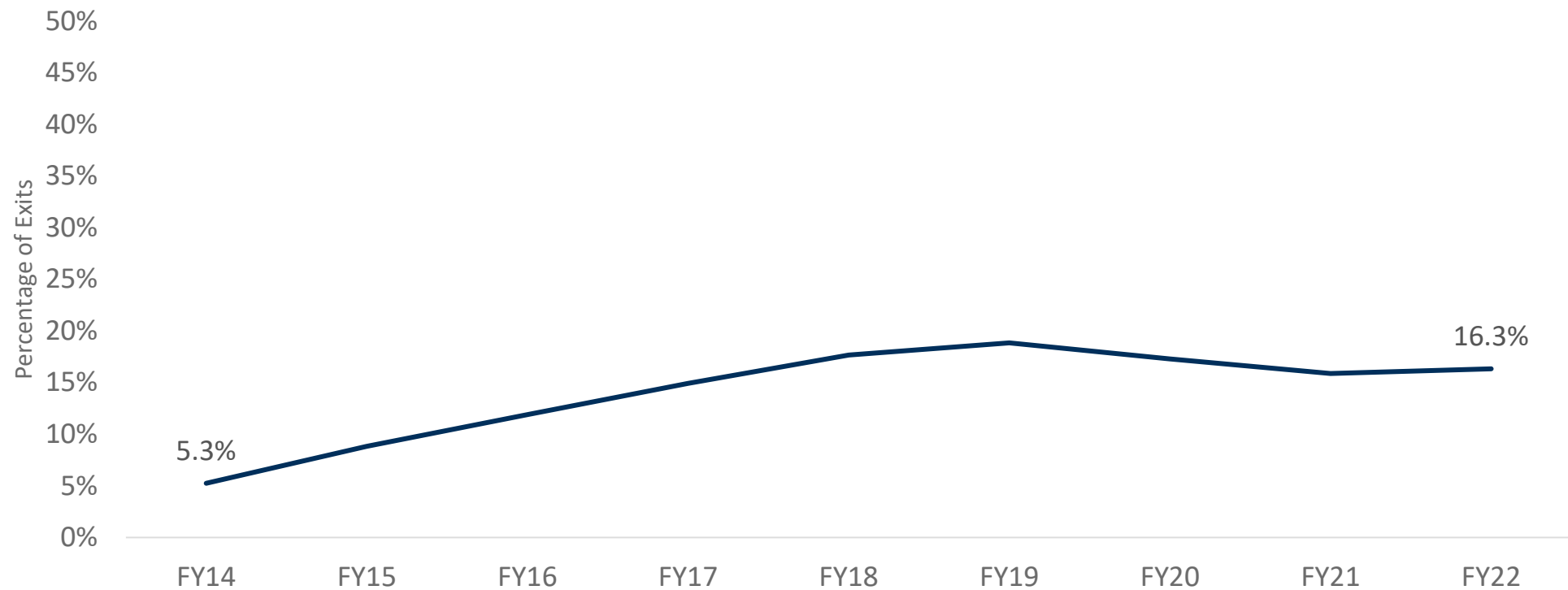
Median Probation Sentence Length by Fiscal Year, FY13-FY22



Percent of Probation Exits with Prison Entries Increased



Percentage of Probation Exits with Prison Admissions Prior to Exit Date by Fiscal Year, FY14-FY22



NMCD Supervision Trends



Parole

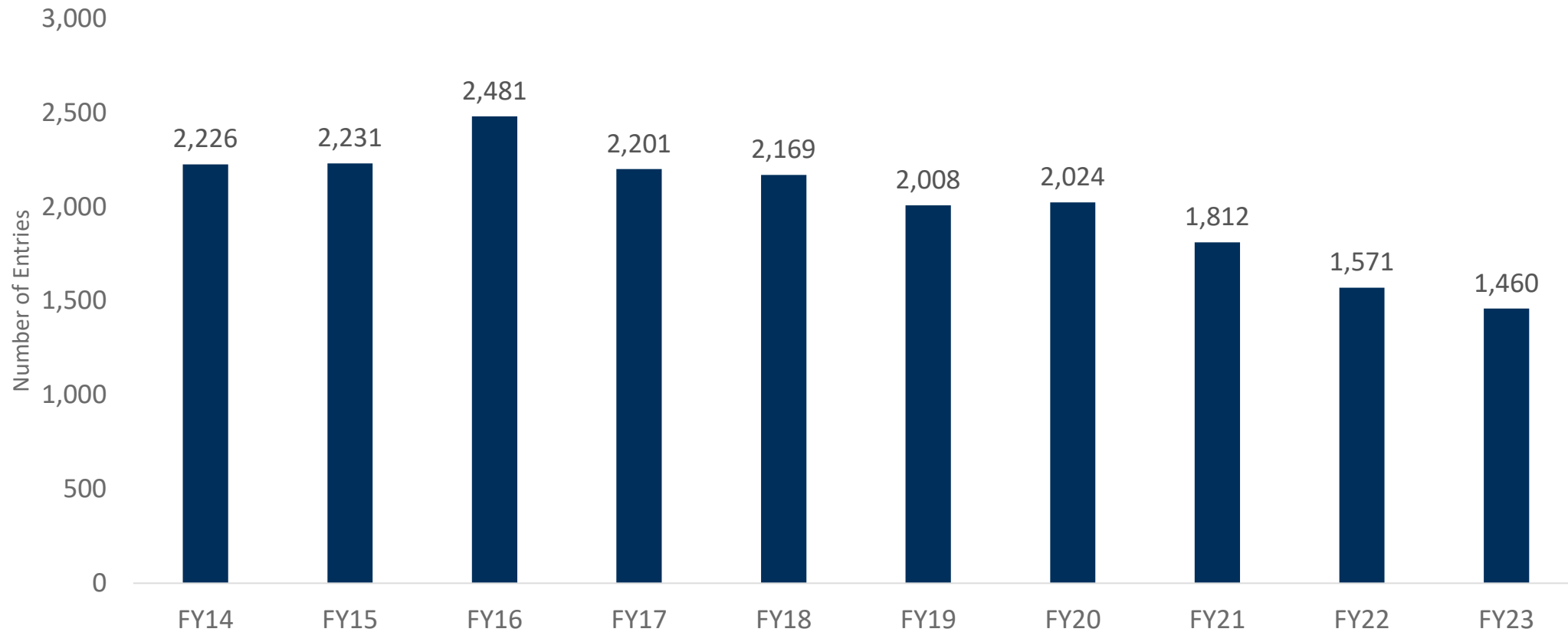
Parole Supervision & Return Process



Parole Entries Declined 34% Since 2014



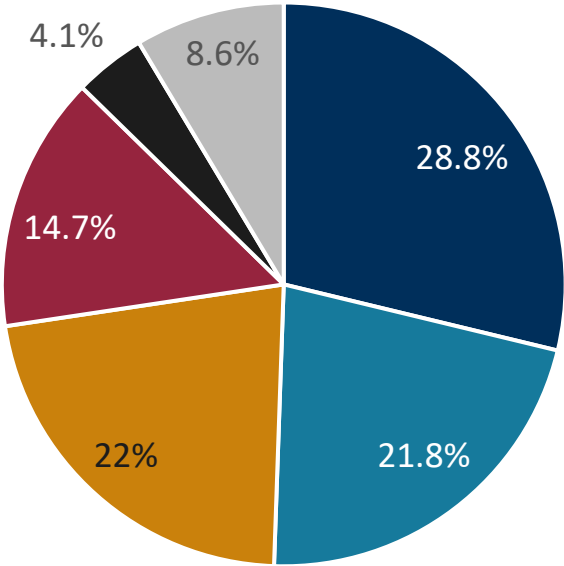
Parole Entries Per Fiscal Year, FY14-FY23



In FY23, 63% of Parole Entries Were For Non-Violent Offenses

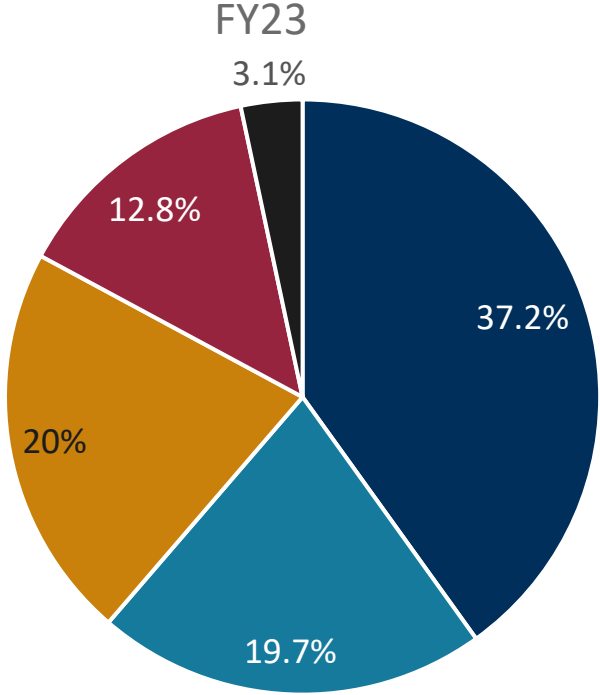


Percentage of Parole Entries by MSO Category, FY12



■ Violent ■ Property ■ Drug ■ Public Order ■ Other ■ Missing

Percentage of Parole Entries by MSO Category, FY23

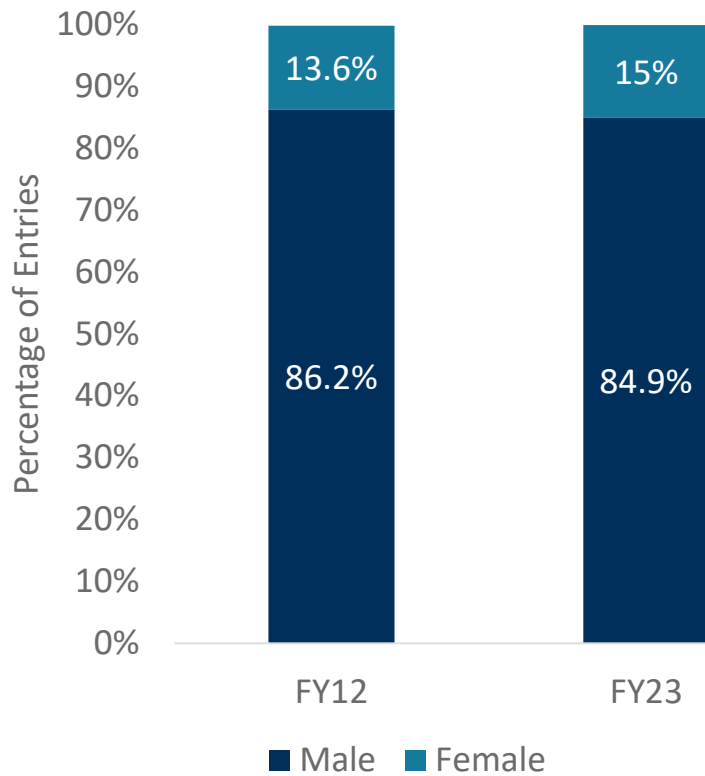


■ Violent ■ Property ■ Drug ■ Public Order ■ Other

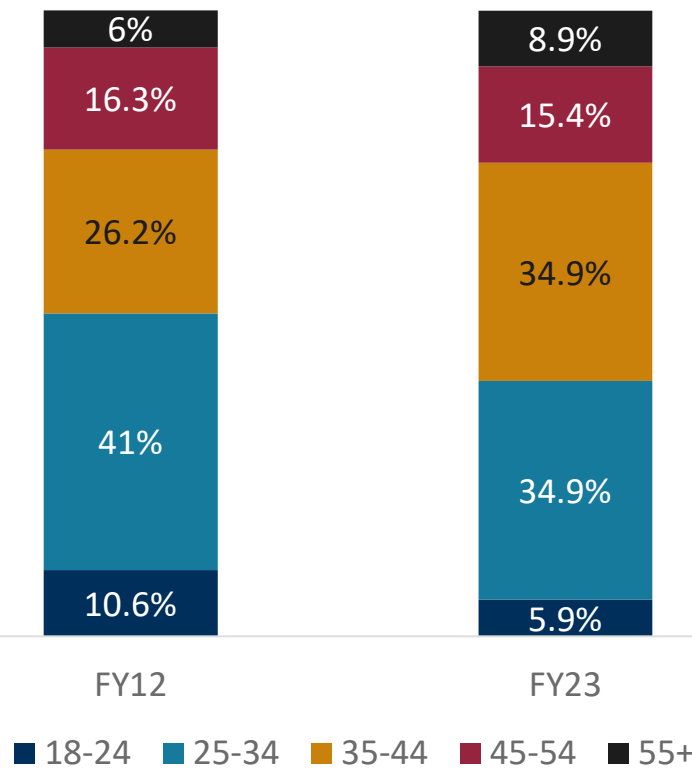
Parole Entries by Demographics, 2023



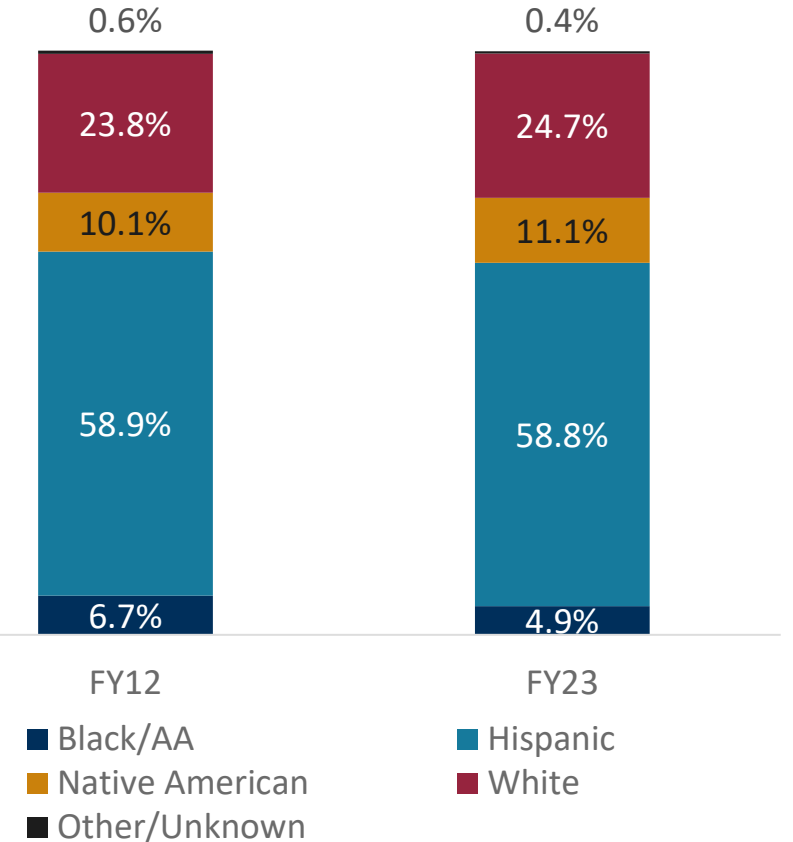
Percentage of Parole Entries by Sex, FY12 v. FY23



Percentage of Parole Entries by Age, FY12 v. FY23



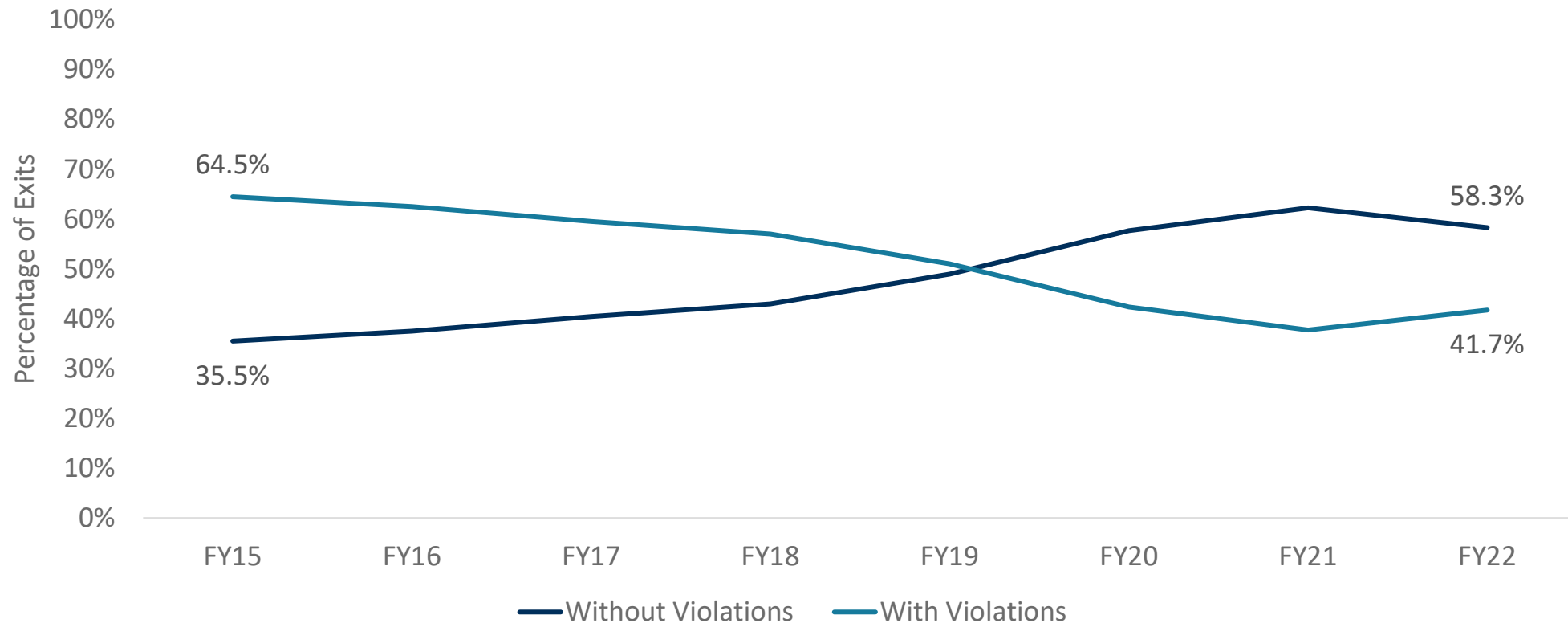
Percentage of Parole Entries by Race, FY12 v. FY23



Percentage of Parole Exits With A Violation Decreased by 35% Since 2015



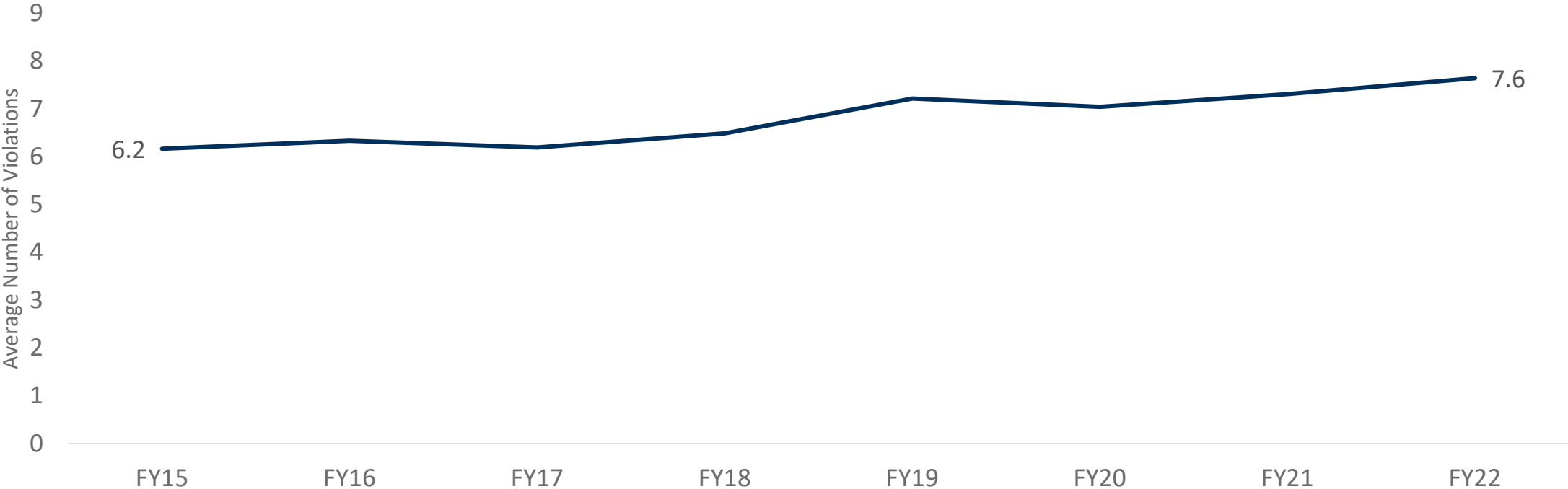
Percentage of Parole Exits with Violations Prior to Exit, FY15-FY22



Average Number of Parole Violations Increased Per Person



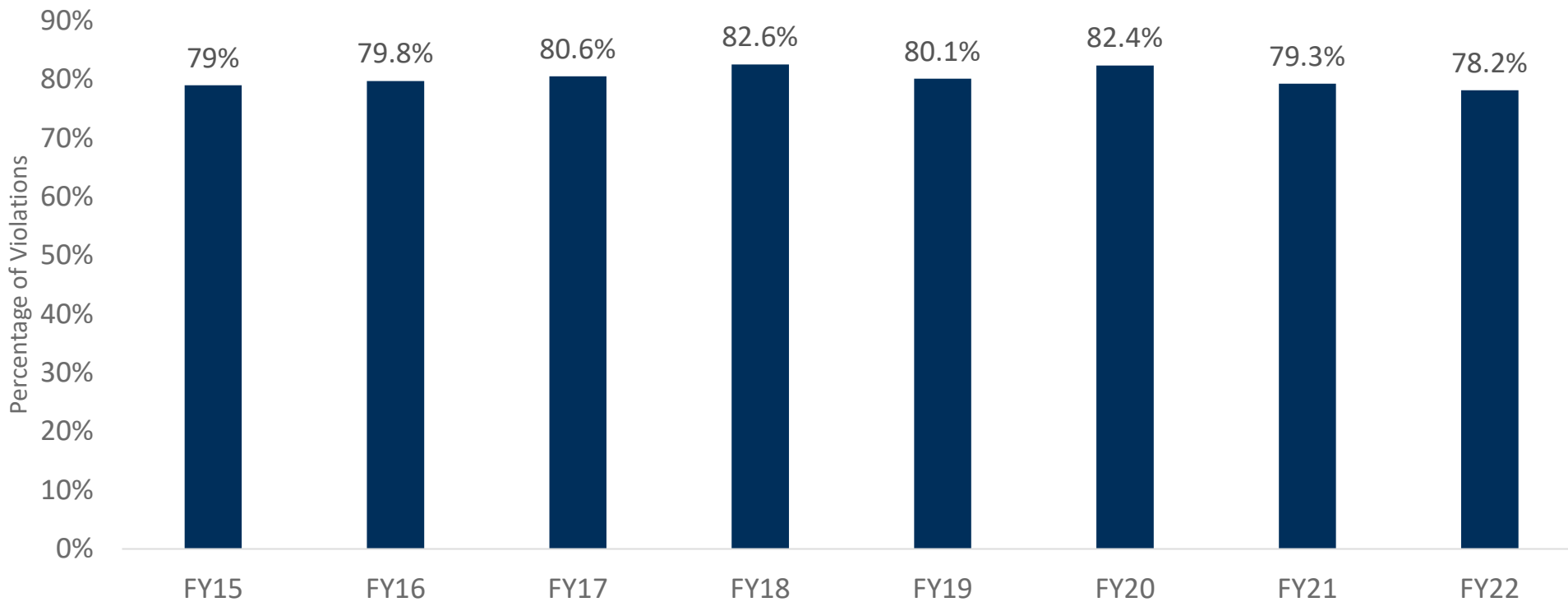
Average Number of Violations Among Individuals with Violations on Parole by Fiscal Year (Mean), FY15-FY22



Nearly 80% of Individuals with a Parole Violation Had a Substance-Related Violation



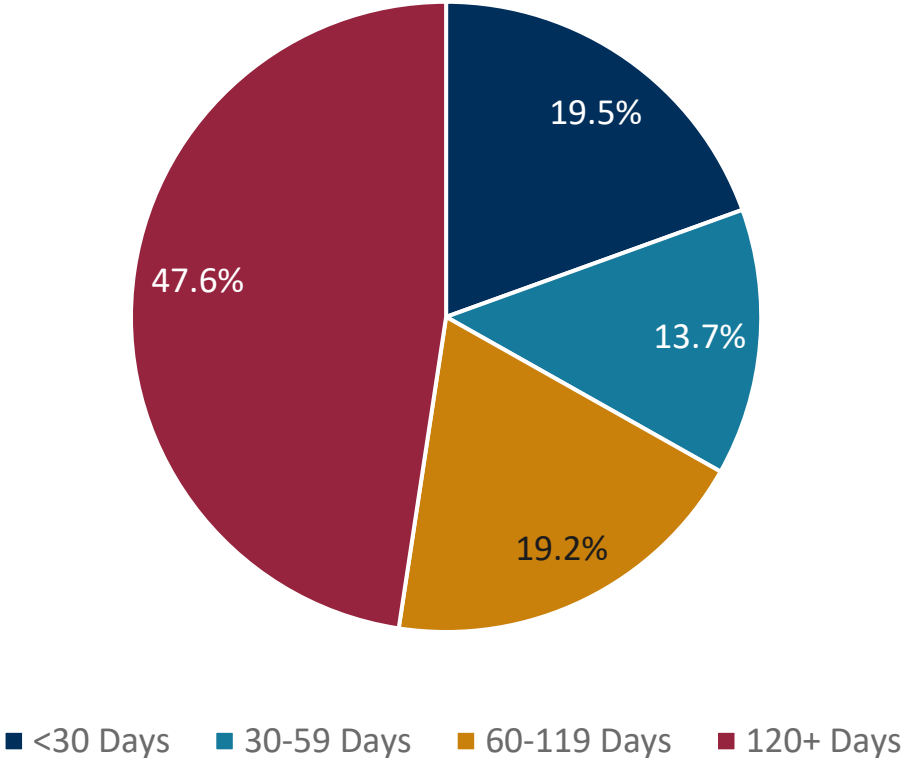
For Individuals With a Violation on Parole, Percentage With a Substance-Related Violation, FY15-FY22



In 2022, Nearly Half of Violations Occurred After 4 Months on Parole Supervision



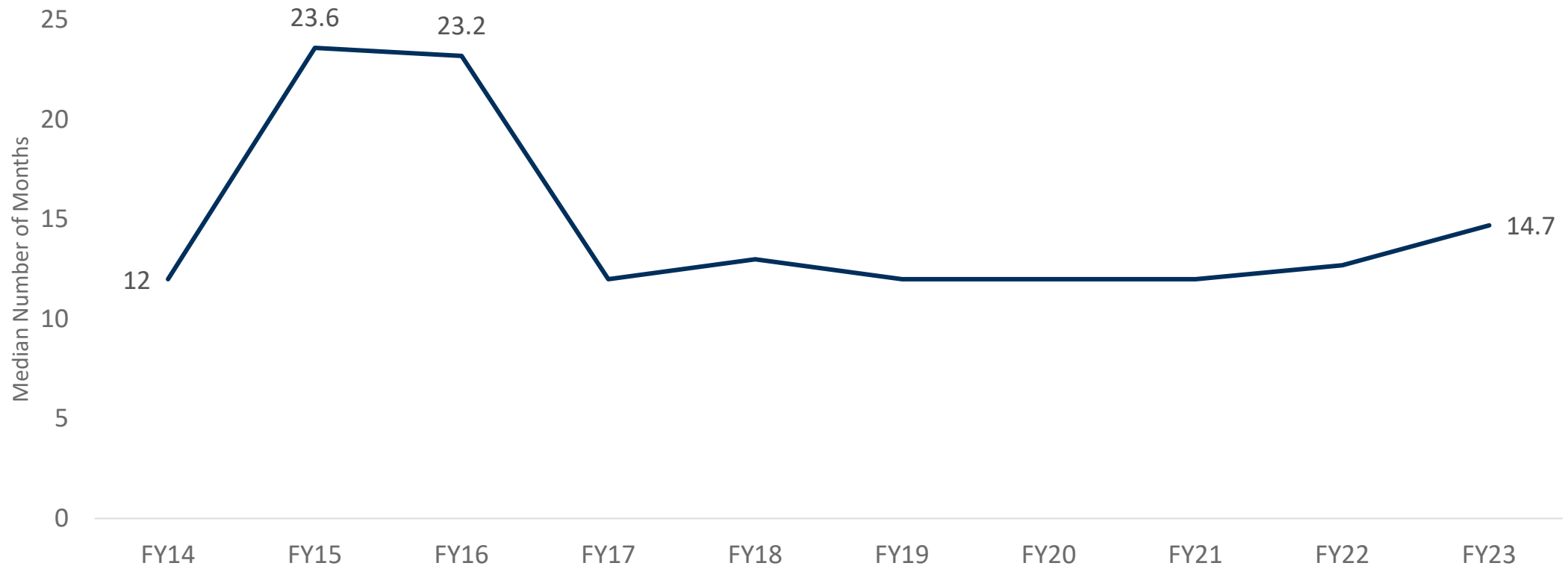
Percentage Breakdown of Time to First Violation, FY22 Parole Exits



Median Time Spent on Parole Supervision Increased by 22.5% from 2014



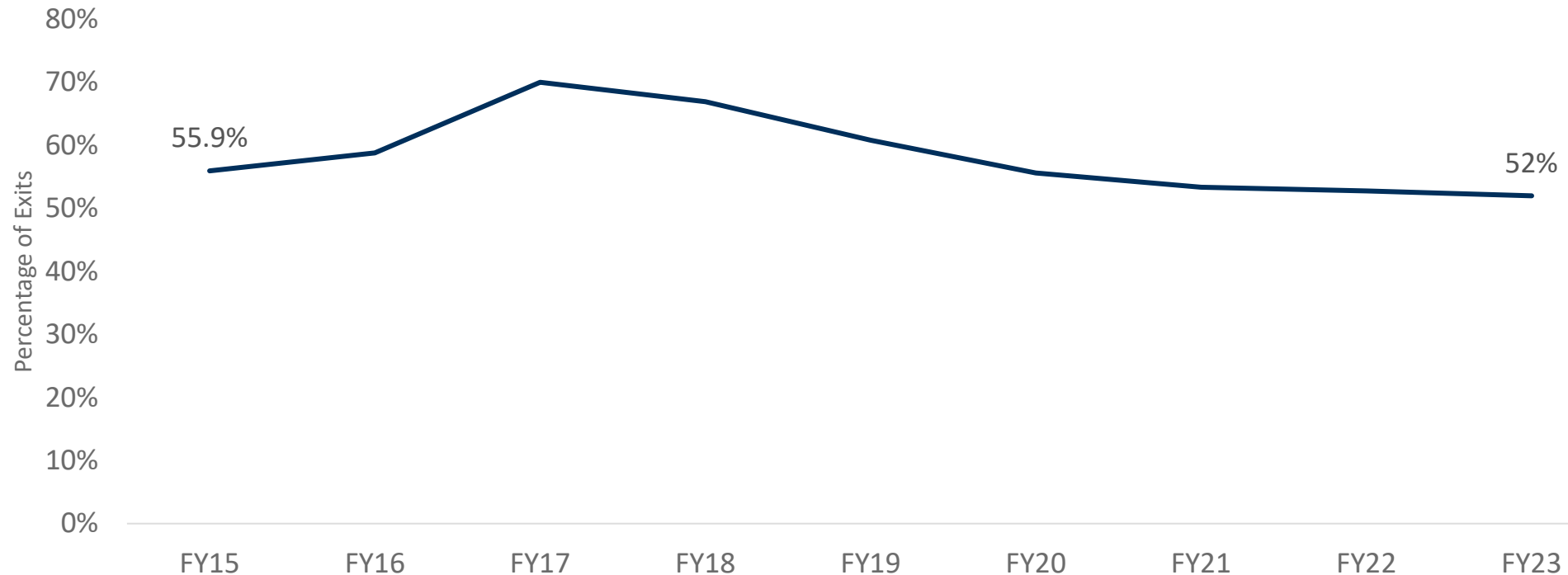
Median Parole Length of Stay by Fiscal Year, FY14-FY23



Approximately Half of Parole Exits Were Revoked to Prison in FY23



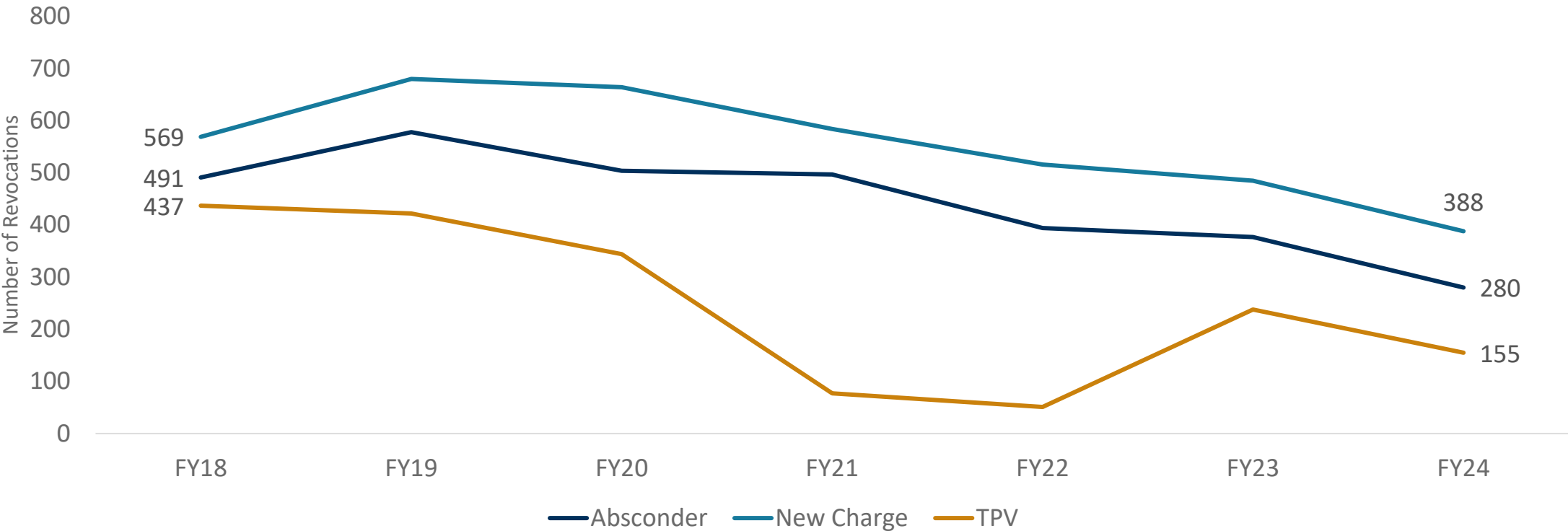
Percentage of Parole Exits with Prison Admissions Prior to Exit Date by Fiscal Year, FY15-FY23



All Parole Revocation Types Have Declined



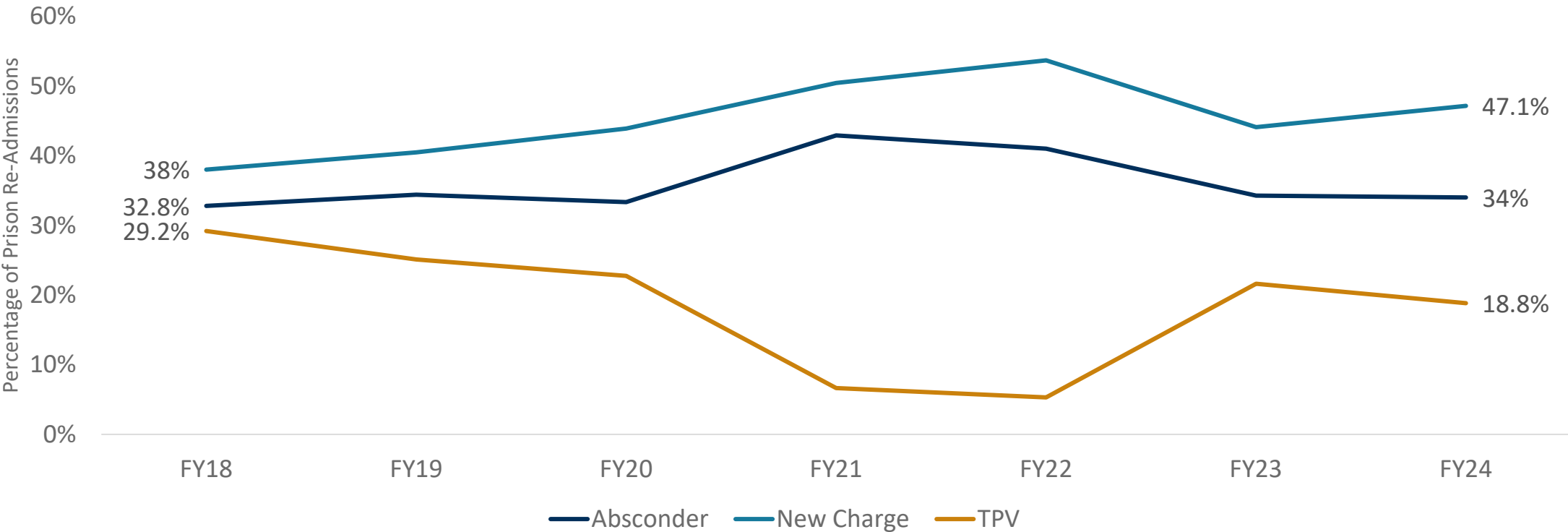
Number of Parole Revocation Types for Prison Re-Admissions, FY18-FY24



The Proportion of Prison Re-Admissions Due To New Charges Increased Over Time



Percentage Breakdown of Parole Revocation Types for Prison Re-Admissions, FY18-FY24



Supervision Key Takeaways



- The number of entries into probation and parole have decreased over time.
 - Number of probation entries have decreased by 43% since FY13 while the number of parole entries have decreased by 34% since FY14
- About 2/3 of probation and parole entries were individuals with non-violent MSOs.
- 4th degree felonies were the most common MSO among probation entries
- Percentage of individuals on probation and parole with violations has decreased, but average number of violations among those who violated has increased
- In 2022, nearly half of violations for both probation and parole occurred after 4 months on supervision
- Among individuals with probation and parole violations, 80% have violations related to substance use and substance-related condition violations

Supervision System Assessment Findings

Probation



- Probation "tails" after incarceration and parole extend correctional involvement
- There are no earned early probation discharge credits
- Probation violations are heard by pro tem judges in 2nd JD and rarely are PV reports reviewed at these hearings

Parole



- Prevalence for absconding is noted across the state
- The supervision and revocation process is fragmented between officers and the Parole Board
- Incarceration for technical violations varies by region

Dual Supervision



- Standard conditions are extensive, increasing an individual's chances of violating for technical reasons
- Parole takes precedence and officers lose discretion on the action taken on violations
- Limited access to housing, transportation, and financial resources inhibit success adhering to conditions

Infrastructure



- High caseloads lead to officer burnout
- Data and systems are frequently being updated
- Office space/ability to meet
- Stagnant pay and low opportunities for advancement limit incentives to stay
- Communication gaps between court actors and officers

Summary Key Takeaways

Court Summary Key Takeaways



Court dispositions have increased 30% since 2021, indicating courts are back to seeing pre-covid numbers and continuing to increase overall

Staffing concerns in PD & DA's offices lead to concerns with case processing timelines as median time to disposition has increased 54% since 2019; The high prevalence of multiple dispositions and sentencing hearings creates unnecessary bottlenecks in both supervision and in the system as a whole

Almost one-third of initial sentences were to a term of incarceration followed by probation and parole; the use of stacked and combination sentences leaves little certainty in sentencing decisions where there is otherwise a lack of guidance on best practices in sentencing outcomes in the state

Court data systems are fragmented across the state and JD's do not collect information uniformly, creating disruptions in case processing, communication between system actors, and continuum of care for justice-involved individuals

Release & LOS Summary Key Takeaways



Releases have consistently outpaced admissions since 2014, until recent years when the gap has started to narrow and even out; As length of stay increases 25% overall since 2014

Nearly half of new admissions are released on dual supervision; Individuals admitted and released on dual supervision also spend more time in prison than other release types – 19.3 months in 2023, a 13% increase from 2014

70% of individuals are exiting prison for the first time; The majority of individuals are released to some type of supervision

Reentry planning focused on verifying housing and statutory requirements preparing individuals for leaving prison focused on transportation and clothing

Supervision Summary Key Takeaways



Of the individuals who have probation and/or parole violations, 80% of those individuals have violations pertaining to substance-related conditions of supervision; There are not standardized responses to violations across the state

For both Probation and Parole, nearly half of violations occurred after 4 months on supervision; The second largest percentage of violations at 20% occurred within 30 days – as supervision needs vary by individual, further investigation into the nature of these violations is necessary to understand the population

About two-thirds of individuals entering terms of probations and/or parole in 2023 were for non-violent offenses and fourth-degree felonies were the most serious violent offenses

Supervision conditions are not tailored to individual's risks and needs and do not take into account responsivity factors. Probation and Parole officers have limited ability to modify conditions of supervision as needed

Looking Ahead

Working Group Next Steps, Questions

Next Steps for the Working Group



Working Group Schedule

Meeting	Date
Remote 3 rd Data Drivers Meeting	July 24 th
Subgroup #1	August 15 th
Subgroup #2	September 12 th
Potential Remote Subgroup #3	September 25 th
Final Meeting	TBD – Week of October 7 th



Discussion

Thank You

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