



New Mexico Sentencing Commission

November 2005

Summary

- Data for this report was derived from the New Mexico Corrections Department. This report does not include information on individuals sentenced to the Probation and Parole Division (PPD) of the NMCD or individuals sentenced to county detention facilities.
- The reported crime committed may not be the only crime for which an offender is sentenced; other crimes may be included in the sentence length. The listed crime committed is the most serious crime for which an offender is currently serving time in prison.
- Violent crime offenders comprised 45.4% of the offenders. Drug crimes constituted the next largest group (21%) of offenders.
- A higher percentage of males (46.9%) committed violent crimes when compared to females (29.9%), but a higher percentage of females (39.9%) were incarcerated for drug crimes when compared to males (19.2%).
- The majority of offenders were Hispanic, followed by Whites, African Americans, and Native Americans.
- Overall offenders sentenced in the First Judicial District (Rio Arriba and Santa Fe Counties) had the highest median sentence length (9.1 years), followed by the Second Judicial District (Bernalillo County) (8.1 years) and the Twelfth Judicial District (Lincoln and Otero Counties) (7.1 years).

Analysis of Offenders Sentenced to Prison in New Mexico

This analysis of offenders sentenced to prison in New Mexico is derived from information provided to the New Mexico Sentencing Commission (NMSC) by the New Mexico Corrections Department (NMCD). While this data was derived from the New Mexico Corrections Department, the data reflects sentences to prison by the judiciary in New Mexico. This report does not include information on individuals sentenced to the Probation and Parole Division (PPD) of the NMCD or individuals sentenced to county detention facilities. The vast majority of individuals included in this report are felons and very few are misdemeanants. Felons sentenced to 364 days or less and misdemeanants are typically sentenced to serve their time in one of New Mexico's Jails. At the request of the NMSC, NMCD staff provided several different *Microsoft Excel* files on March 1, 2005, that contained information on offenders released in calendar year 2004, offenders admitted in calendar year 2004, and offenders confined in calendar year 2004. The information reported here comes from the confined file, which contains information on 6368 inmates who were confined on a particular day in 2004.

It is important to note the sentence length reported is the maximum amount of time an offender could serve and is not the actual amount of time they will serve. Additionally, the reported crime committed may not be the only crime for which an offender is sentenced; other crimes may be included in the sentence length. The listed crime committed is the most serious crime for which an offender is currently serving time in prison.

Table 1 reports the frequency, percent, and median sentence length in years by admission type. Since there was considerable variation in the sentence length data, the median was used to report the sentence length rather than an average (mean). In

situations where there is a large dispersion (standard deviation) in the data the median is a more accurate measure. Median sentence length best represents the typical confined offender; half the sentences are greater than the median and half are less than the median. A total of 1001 offenders (15.7%) did not have an admission type listed in the data set. Offenders admitted as new sentences comprised 85.5% and new sentences had a median sentence length of 6.1 years. Offenders admitted as parole revocations constitute the next largest group (11.8%) of offenders and had a median sentence length of 4.1 years. Probation violators comprised 1.6% of the data set and they had a median sentence of 8.1 years. Interstate compact offenders, while comprising slightly less than 1% of the offenders, had the longest median sentence length of 30.4 years. The next two tables (Table 2 and Table 3) focus on offenders listed as confined as new sentences in Table 1.

Type	Frequency	Percent	Median Sentence Length in Years
New Sentence	4,591	85.5	6.1
Parole Revocation	633	11.8	4.1
Probation Violation	82	1.6	8.1
Interstate Compact	52	.9	30.4
Other*	9	.1	6.2
Total	5,367	100	6.1

Missing - 1001

*=includes Court Order Release, D&E, Diagnostic Start, Discharge/Unsuccessful Probation, Fail to Report, Federal Custody, Pending Charges, Return for Sentencing, and Return from Escape.

Table 2-New Sentences Median Sentence Length in Years by Crime Committed Category

Crime Category	Frequency	Percent	Median Sentence Length in Years
Violent Crimes	2,082	45.4	9.1
Drug Crimes	962	21.0	5.0
Property Crimes	646	14.1	5.1
Sex Crimes*	536	11.7	13.0
DWI	263	5.7	2.5
Public Order Crimes	98	2.1	5.1
Total	4,587	100	6.1

Missing - 4

*In Table 3 sex crimes are included under the violent crime category; with the addition of sex crimes, violent crimes comprise approximately 55% of new commitments.

Table 2 reports the frequency, percent, and median sentence length in years by crime category for those offenders under the new sentence admission category. Violent crime offenders comprised 45.4% of the offenders, and had the second longest median sentence length of 9.1 years. Drug crimes constituted the next largest group (21%) of offenders with a median sentence length of 5 years. Sex crime offenders, while comprising slightly more than 10% of the offenders, had the longest median sentence length of 13 years. The next table (Table 3) separates the crime categories listed in Table 2 into more distinct crimes and crime categories.

Table 3- New Sentences and Median Sentence Length in Years by Crime Committed			
Crime Category	Frequency	Percent	Median Sentence Length in Years
Public Order Crimes			
Other Offenses ^a	3	.1	9.1
Other Public Order ^b	10	.2	5.6
Judicial Interference ^c	46	1.0	4.8
DWI	263	5.7	2.5
Weapons	39	.9	5.1
Drug Crimes			
Drug Trafficking	619	13.5	6.1
Drug Possession	343	7.5	3.5
Property Crimes			
Other Property Offenses ^d	19	.4	4.1
Stolen Property	15	.3	4.6
Fraud	178	3.9	4.6
Arson	7	.2	5.6
Motor Vehicle Theft	28	.6	2.8
Larceny Theft	90	2.0	5.1
Burglary	309	6.7	5.1
Violent Crimes			
Other Violent Offenses ^e	242	5.3	6.1
Assault	150	3.3	4.4
Battery	388	8.5	4.1
Robbery	124	2.7	4.6
Other Sexual Offenses ^f	4	.1	4.5
Homicide	588	12.8	30.4
Armed Robbery	282	6.1	10.1
Kidnapping	160	3.5	14.5
Sexual Offenses	536	11.7	13.0
Other Homicide ^g	144	3.1	6.1
Total	4,247	100	6.1

^a= Attempt to Commit a Felony, Criminal Solicitation

^b= Contributing to the Delinquency of a Minor, Use Telephone to Terrify/Intimidate/Threaten, Contributing to Delinquency of a Minor

^c= Escape from Jail, Possession of a Deadly

^d= Criminal Damage to Property, Criminal Trespass, Disposing of Encumbered Property, Injuring or Tampering with Vehicle, Possession of Burglary Tools, Procuring Telecommunication Services without Paying, Racketeering, Trespassing

^e= Child Abuse, Extortion, False Imprisonment, Great Bodily Injury by Vehicle, Abandonment of a Child/Dependent, Custodial Interference, Harassment, Shooting at Dwelling or Occupied Building, Shooting at or from a Motor Vehicle, Stalking

^f= Criminal Sexual Contact of a Minor (3rd or 4th degree), Criminal Sexual Penetration (3rd or 4th degree), Criminal Sexual Penetration or Criminal Sexual Contact—Attempt/Conspiracy, Sexual Exploitation of Children

^g= Homicide by Vehicle, Involuntary and Voluntary Manslaughter

Table 3 further separates the six crime categories reported in Table 2 into more distinct categories. Drug trafficking contained the largest number of offenders (13.5%), followed by homicide (12.8%), sexual offenses (11.7%), and battery (8.5%). Homicide had the longest median length of sentence (30.4 years), followed by kidnapping (14.5 years), sexual offenses (13.0 years), armed robbery (10.1 years), and other offenses (9.1 years). With the exception of “other offenses” all of these crimes fall within the violent crime category. The lowest median sentence length is for DWI (2.5 years) followed by drug possession (3.5 years).

Sex	Frequency	Percent	Median Sentence Length in Years
Male	5,785	90.8	6.6
Female	583	9.2	4.1
Total	6,368	100	

Unlike Tables 2 and 3, Table 4 includes offenders from all admission types. Slightly more than 90% of the offenders were males and their median sentence length was 6.6 years. Females had a median sentence length of 4.1 years. The median sentence length for males was 38.4% (2.5 years) longer than the median sentence length for females. The next table (Table 5) focuses on offenders listed as new commitments by sex.

Crime Category	Males ^a			Females		
	Freq	%	Median Sentence Length in Years	Freq	%	Median Sentence Length in Years
Violent Crimes	1,959	46.9	9.1	123	29.9	6.1
Drug Crimes	800	19.2	5.1	162	39.3	4.1
Property Crimes	551	13.2	5.1	95	23.1	4.1
Sex Crimes*	530	12.7	13.2	6	1.5	12.2
DWI	250	6.0	2.5	13	3.2	2.5
Public Order Crimes	85	2.0	5.1	13	3.2	4.1
Total	4,175	100	7.1	412	100	4.1

^a= Missing-4

Table 5 reports the frequency, percent, and median sentence length in years by crime category and sex for those offenders under the new sentence admission category. Males and females were not similar in the types of crimes they committed. For example, higher percentages of males (46.9%) committed violent crimes when compared to females (29.9%), but a higher percentage of females (39.9%) were incarcerated for drug crimes when compared to males (19.2%). Additionally, males and females had similar sentence lengths for DWI; for all other crimes, females received shorter sentences than males. Table 6 breaks down Table 5 into further detail.

Table 6-New Sentences by Sex and Median Sentence Length in Years by Crime Committed						
Crime Category ^b	Males ^a			Females		
	Freq.	%	Median Sentence Length in Years	Freq.	%	Median Sentence Length in Years
Public Order Crimes						
Other Offenses	3	.1	9.1	0	–	–
Other Public Order	7	.2	6.1	3	.7	1.9
Judicial Interference	37	.9	5.6	9	2.2	4.1
DWI	250	6.0	2.5	13	3.2	2.5
Weapons	38	.9	5.1	1	.2	2.5
Drug Crimes						
Drug Trafficking	507	12.1	6.1	112	27.2	5.0
Drug Possession	293	7.0	3.5	50	12.1	3.0
Property Crimes						
Other Property Offenses	18	.4	4.1	1	.2	3.0
Stolen Property	15	.4	4.6	0	–	–
Fraud	115	2.8	5.1	63	15.3	4.1
Arson	6	.1	8.9	1	.2	3.0
Motor Vehicle Theft	25	.6	3.0	3	.7	1.5
Larceny Theft	79	1.9	5.6	11	2.7	3.0
Burglary	293	7.0	5.1	16	3.9	5.1
Violent Crimes						
Other Violent Offenses	209	5.0	6.1	33	8.0	4.1
Assault	145	3.5	4.6	5	1.2	2.0
Battery	371	8.9	4.1	17	4.1	3.0
Robbery	117	2.8	5.1	7	1.7	2.8
Other Sexual Offenses	4	.1	4.5	0	–	–
Homicide	557	13.3	30.4	31	7.5	23.3
Armed Robbery	272	6.5	10.1	10	2.4	6.1
Kidnapping	155	3.7	13.7	5	1.2	25.4
Sexual Offense	530	12.7	13.2	6	1.5	12.2
Other Homicide	129	3.1	6.1	15	3.6	6.1
Total	4,175	100	7.1	412	100	4.1

^a = Missing-4

^b = Refer to Table 3 for description of the different crime categories

As noted, Table 6 further separates Table 5 by looking at the median sentence length of males and females by specific crime committed. Overall males with new sentences had a median sentence length of 7.1 years, and females with new sentences had a median sentence length of 4.1 years. Males had longer median sentence lengths than females for every crime with the exception of kidnapping—females had a median sentence length of 25.4 years and males had a median sentence length of 13.7 years.

Ethnicity	Frequency	Percent	Median Sentence Length in Years
Hispanic	3,770	59.2	6.1
White	1,528	24.0	7.1
African American	611	9.6	8.1
Native American	425	6.7	3.6
Asian/Pacific Islander/Other ^a	34	.5	9.2
Total	6,368	100	6.1

^a=Asian, Pacific Islander, and Other

The majority of offenders were Hispanic, followed by Whites, African Americans, Native Americans, and Asian/Pacific Islander/Other. Asian/Pacific Islander/Other had the longest median sentence length (9.2 years), followed by African Americans (8.1 years) and Whites (7.1 years). Native Americans had the shortest median sentence length of 3.6 years. The following table focuses on offenders listed as a new sentence and reports race/ethnicity by crime category and median sentence length.

Crime Category ^a	Hispanic ^a			White ^b			African American			Native American			Asian/Pacific Islander/Other		
	Freq	%	Median Sent. Length in Years	Freq	%	Median Sent. Length in Years	Freq	%	Median Sent. Length in Years	Freq	%	Median Sent. Length in Years	Freq	%	Median Sent. Length in Years
Violent Crimes	1,280	47.4	8.6	463	40.5	11.2	185	44.4	9.6	143	46.7	6.1	11	50.0	16.2
Drug Crimes	574	21.3	5.0	222	19.4	4.1	155	37.2	7.1	8	2.6	3.0	3	13.6	8.1
Property Crimes	360	13.3	5.1	200	17.5	5.1	51	12.2	5.6	30	9.8	3.0	5	22.7	9.1
Sex Crimes*	296	11.0	12.7	183	16.0	15.7	21	5.0	12.7	34	11.1	9.1	2	9.1	9.1
DWI	143	5.3	2.5	31	2.7	2.5	1	.2	3.0	87	28.4	2.0	1	4.5	3.1
Public Order Crimes	47	1.7	5.1	43	3.8	4.1	4	1.0	6.3	4	1.3	5.8	0	-	-
Total	2,700	100	6.1	1,142	100	7.1	417	100	8.1	306	100	4.1	22	100	9.7

^a= Missing 2

^b= Missing 2

Table 8 reports the frequency, percent, and median sentence length in years by crime category and race/ethnicity for offenders under the new sentence admission category. The violent crime category accounted for the largest number and percent of offenders for each racial/ethnic group. The longest median sentence length for all groups except Asian/Pacific Islanders/Others was for sex crimes. Interestingly, a much larger percent (37.2%) of all African Americans and a very small percent of Native Americans (2.6%) were in prison for a drug crime when compared to Hispanics (21.3%) and Whites (19.4%). A much larger percent of all Native Americans (28.4%) were in prison for DWI when compared to Hispanics (5.3%), Whites (2.7%), and African Americans (0.2%).

Judicial District	Violent Crimes	Drug Crimes	Property Crimes	Sex Crimes	DWI	Public Order Crimes	Total
1 st	10.5	9.1	4.1	23.3	2.5	9.1	9.1
2 nd	9.1	5.1	5.1	12.2	1.8	6.1	8.1
3 rd	9.1	4.8	6.6	10.7	2.5	9.3	6.1
4 th	6.1	5.6	4.1	13.2	1.0	3.6	6.1
5 th	10.1	4.1	5.1	18.3	1.5	3.6	6.1
6 th	9.4	4.1	4.1	16.5	2.0	7.0	6.1
7 th	8.1	3.5	3.0	12.2	2.0	5.1	6.1
8 th	7.1	5.1	3.6	10.1	1.5	3.6	6.1
9 th	6.8	4.1	4.1	11.2	2.0	4.1	5.1
10 th	13.4	2.3	3.6	7.4	--	--	5.6
11 th	9.1	3.0	3.0	11.2	2.5	7.0	4.4
12 th	9.1	5.7	7.6	20.5	2.5	5.1	7.1
13 th	8.1	5.1	4.1	11.4	2.0	1.5	6.1
Out of State	4.5	4.1	5.1	8.1	2.0	6.8	4.1

The above table represents judicial districts median sentence length by crime committed category. Only those with new sentences were included in the table. A total of 4476 offenders are represented in this table. Overall offenders sentenced in the First Judicial District (Rio Arriba and Santa Fe Counties) had the highest median sentence length (9.1 years), followed by the Second Judicial District (Bernalillo County) (8.1 years) and the Twelfth Judicial District (Lincoln and Otero Counties) (7.1 years). Excluding those from out of state, the Eleventh Judicial District (McKinley and San Juan Counties) had the lowest median sentence length (4.4 years). The remaining judicial districts median sentence lengths were similar (6.1 years).

In all thirteen judicial districts the longest median sentence lengths were for either sex crimes or violent crimes. The shortest median sentence length for every judicial district except the Thirteenth Judicial District was for DWI. The shortest median sentence length for the Thirteenth Judicial District was for public order crimes.

As noted earlier this report focuses on offenders sentenced to prison terms in New Mexico and does not include offenders sentenced to terms of probation or individuals sentenced to jail terms either as felons or misdemeanants. Individuals sentenced as felons to terms of incarceration of 364 days or less and misdemeanants are typically sentenced to serve their time in a New Mexico Jails and typically are not sentenced to serve their time in prison. In the future the New Mexico Sentencing Commission would like to include all individuals sentenced to the New Mexico Corrections Department to more completely report on offenders sentenced to serve time in the custody of the New Mexico Corrections Department. Further, it is a long-term goal to collect and analyze data from the New Mexico Administrative Office of the Courts (AOC) that can be used to report on sentencing patterns in New Mexico.