



# New Mexico Sentencing Commission

January 2005

## Summary

The estimated annual cost of housing arrestees using actual facility cost in NM detention facilities is \$25.4 million. The following is the cost estimate for each category:

- Sentenced to prison and awaiting transport to a state facility is \$2.4 million.
- Probation and parole violators sentenced to county facility is almost \$4.3 million.
- Sentenced to detention facility is almost \$6.6 million.
- Unsented probation and parole violators is \$12.1 million.

The cost per day for New Mexico detention centers ranged from \$21 to \$147.

The average cost per day for all New Mexico detention facilities was \$56.

The six detention facilities in the study comprised 60% of all arrestees held in New Mexico detention facilities on June 30, 2003.

68.9% of arrestees held in the six selected detention facilities were charged with at least one felony charge.

Of the 2,536 arrestees with felony charges held in the six detention facilities on June 30, 2003:

- 33.2% fit one of the felony categories for which we calculated costs.
- 66.8% were unsentenced with new charges or warrants other than probation or parole violation

In the future it would be beneficial to further refine the felony categories used to calculate cost estimates to separate parole violators from probation violators and report the number of prisoners from the Department of Corrections housed in detention facilities for court dates.

## The Cost of Housing Arrestees Held on Felony Charges: A Profile of Six New Mexico Detention Centers

### Introduction

The New Mexico Sentencing Commission (NMSC) was contracted by the New Mexico Association of Counties (NMAC) to conduct a study to assess the cost of housing arrestees charged with felonies in New Mexico detention facilities. This report provides a count of individuals held on felony charges in six detention facilities in New Mexico on June 30, 2003 and estimates the annual cost of housing four categories of felony arrestees throughout the state. The report also includes a review of the study methodology and data analysis.

### Methodology

NMSC staff collected data from six detention centers in New Mexico. The sample of six detention centers was based on size, geographic location, and budgetary resources. The number of arrestees in the study sample comprised just over 60% of all arrestees held in New Mexico detention centers on June 30, 2003. Automated information was used in the study when available, however information was primarily collected from files maintained at the detention centers. Cases that yielded suspicious estimates were excluded from the cost analysis. A snapshot approach was used to look at arrestees held in the selected detention

TABLE 1. NUMBER IN CUSTODY BY DETENTION FACILITY

County	Total in Custody 6/30/03	* Total Number with Felony Charges	% with Felony Charges
Bernalillo	1,960	1,446	73.8%
Curry	248	173	69.8%
Dona Ana	513	334	65.1%
Eddy	209	111	53.1%
San Juan	644	420	65.2%
San Miguel	108	52	48.1%
TOTAL	3,682	2,536	68.9%

\* May have other charges but a felony is the highest charge.

facilities on June 30, 2003. The data collected in these facilities was used as the benchmark for estimating the number of arrestees in the following five felony categories in all other detention facilities in the state:

- Probation and Parole Violators Sentenced to County Facility
- Convicted Felon Sentenced to County Facility
- Sentenced to Prison and Awaiting Transport to a State Facility
- Unsented Probation and Parole Violators
- Unsented with new charges or warrant other than Probation and Parole Violation

The NMAC was interested in determining cost estimates for the first four categories, so the fifth category is excluded from the analysis. It is

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## METHODOLOGY

A sample of county detention centers was selected based on size and geographic location to represent facilities throughout the state.

The Bernalillo County facility is by far the largest in the state with 2,038 beds. Dona Ana and San Juan Counties represent large facilities with 846 and 480 beds respectively. Curry, Eddy, and San Miguel are medium-sized facilities with between 150-250 beds.

Although all the detention centers in the sample have information systems, it was determined that only Dona Ana and Bernalillo had the data quality for extracting the information necessary for the study. In the case of Curry, Eddy, San Juan, and San Miguel their information systems did not provide a mechanism to compile the information for the study.

A cross-sectional approach similar to a census was agreed upon. The Bureau of Justice Statistics in their Annual Survey of Local Jails uses this type of approach. It was decided to collect information for all arrestees in custody in the detention centers in the

sample on June 30, 2003 (this is the same date that information is collected for the Annual Survey of Local Jails).

Detention centers provided lists of arrestees in custody on that day. Using these lists it was determined if the arrestee was held on a felony or misdemeanor charge. Data were collected for all arrestees held on felony charges or whose charges could not be determined from the custody lists.

In cases where arrestees were held on multiple charges or warrants, we chose their most serious charge as the one that held them in the facility. In all counties, except Bernalillo, when an arrestee had a warrant the underlying charge cited in warrant was noted. Where an arrestee was held on a warrant and a probation or parole violation, we categorized them by the probation or parole violation. If an arrestee was held on a probation or parole violation and new charges, they were categorized by the new charge. Any cases that yielded suspicious estimates were excluded.

important to note that only 33.2% of arrestees fit one of the categories for which we calculated costs. The remaining 66.8% of arrestees in the sample were in the unsentenced with new charges or warrant other than probation and parole violation category on June 30, 2003.

### Analysis

Among the 2,536 arrestees in our sample, 25.7% were younger than 25 years of age, 31.7% were between 25 and 34 years of age, and 42.6% were 35 years or older. Men comprised 86.4% of the sample. Hispanics accounted for slightly more than half of the sample (51.9%), Whites accounted for 26.2%, Native Americans and African Americans made up 11% and 10.2%.

The analysis in this study was conducted to determine the cost of housing arrestees in the above-mentioned four felony categories in New Mexico detention facilities on June 30, 2003.

For the six detention centers in the sample, we calculated the number of arrestees in these categories on the study day. From these numbers, we were able to derive the percentage that each category comprised of the facilities' total population for that day. We then applied this percentage to the total number of arrestees held in facilities not in the sample to estimate the number of arrestees in these categories for all other detention facilities in the state. The percentage used excludes Bernalillo County. Given Bernalillo County's size the percentage of arrestees in each category was different than the other counties in the sample. If Bernalillo County had been included, the estimate would have been inflated. We then multiplied the estimated number of arrestees in each category by the daily cost to house an arrestee to derive a daily cost for June 30, 2003.

We believe that June 30, 2003 was typical of any day. To calculate the estimated annual cost we took the daily cost estimate and multiplied it by 365.25 days. We calculated the estimate using two

TABLE 2. NUMBER AND PERCENTAGE OF ARRESTEES IN FOUR CATEGORIES

	Probation and Parole Violators Sentenced to Detention Facilities		Sentenced to Detention Facilities		Sentenced to Prison and Awaiting Transport		Unsentenced Probation and Parole Violators	
	Number	Percent of Total	Number	Percent of Total	Number	Percent of Total	Number	Percent of Total
Bernalillo	87	77.0%	183	78.9%	25	32.1%	223	53.3%
Curry	5	4.4%	6	2.6%	8	10.3%	31	7.4%
Dona Ana	4	3.5%	9	3.9%	12	15.4%	64	15.3%
Eddy	7	6.2%	12	5.2%	7	9.0%	19	4.5%
San Juan	9	8.0%	15	6.5%	23	29.5%	72	17.2%
San Miguel	1	0.9%	7	3.0%	3	3.8%	9	2.2%
Total	113	100%	232	100%	78	100%	418	100%

TABLE 3. TOTAL ESTIMATED ANNUAL COST BY FELONY CATEGORY

	Estimate using Actual Costs	Estimate using 8 times the minimum wage
Probation and Parole Violators Sentenced to Detention Facilities	4,286,226	2,181,231
Sentenced to Detention Facilities	6,577,303	4,433,413
Sentenced to Prison and Awaiting Transport	2,422,403	2,194,671
Unsentenced Probation and Parole Violators	12,123,921	10,025,716
State Total	\$25,409,852	\$18,835,030

different cost figures – the actual cost per day for each facility for Fiscal Year 03, and eight times the minimum wage, which is the rate at which arrestees can work off their fines and fees as specified in NMSA 33-3-11.

A total of 841 arrestees were in the four categories. The largest category of arrestees was unsentenced probation and parole violators (49.7%), followed by arrestees sentenced to a detention center (27.6%). Individuals sentenced to prison and awaiting transport comprised 9.3% of arrestees in the four categories.

As noted earlier, two cost methods were used in this study. The estimate using the actual cost per day figures is higher than the estimate using eight times the minimum wage because most facilities reported actual cost per day figures that are greater than \$41.20. The cost per day for New Mexico detention centers ranged from \$21 to \$147. The state average cost per day was \$55.49. The

estimate using eight times the minimum wage is important because it provided a standardized cost per day for use in the analysis.

Table 3 outlines the total estimated annual cost by felony category. Unsentenced probation or parole violators account for 53.2% of the total estimated annual state cost. Individuals sentenced to prison and awaiting transport comprise 11.6% of the total estimated annual state cost.

Tables 4-7 report the estimated annual cost of housing arrestees held on felony charges in the four selected categories by detention facility in the sample as well as an estimate for all other detention facilities in the state. In cases where the eight times the minimum wage is larger than the actual cost, the detention facility had an actual per day cost that was less than \$41.20. As expected, Bernalillo County had the greatest cost in each category.

**TABLE 4. ESTIMATED ANNUAL COST OF PROBATION AND PAROLE VIOLATORS SENTENCED TO DETENTION FACILITIES**

	Estimate using Actual Costs	Estimate using 8 times the minimum wage
Bernalillo	2,121,292	1,308,306
Curry	46,649	75,190
Dona Ana	61,363	60,152
Eddy	103,923	105,266
San Juan	103,647	135,342
San Miguel	17,354	15,038
Total Detention Facilities in Sample	2,454,227	1,699,294
Estimate All Other Detention Facilities	1,831,999	481,937
State Total	\$4,286,226	\$2,181,231

**TABLE 5. ESTIMATED ANNUAL COST OF ARRESTEES SENTENCED TO DETENTION FACILITIES**

	Estimate using Actual Costs	Estimate using 8 times the minimum wage
Bernalillo	4,462,029	2,751,954
Curry	55,978	90,228
Dona Ana	138,066	135,342
Eddy	178,153	180,456
San Juan	172,745	225,570
San Miguel	121,477	105,266
Total Detention Facilities in Sample	5,128,447	3,488,816
Estimate All Other Detention Facilities	1,448,856	944,597
State Total	\$ 6,577,303	\$ 4,433,413

**TABLE 6. ESTIMATED ANNUAL COST OF ARRESTEES SENTENCED TO PRISON AND AWAITING TRANSPORT**

	Estimate using Actual Costs	Estimate using 8 times the minimum wage
Bernalillo	609,567	375,950
Curry	74,638	120,304
Dona Ana	184,088	180,456
Eddy	103,923	105,266
San Juan	264,875	345,874
San Miguel	52,061	45,114
Total Detention Facilities in Sample	1,289,151	1,172,964
Estimate All Other Detention Facilities	1,133,251	1,021,707
State Total	\$2,422,403	\$2,194,671

**TABLE 7. ESTIMATED ANNUAL COST OF UNSENTENCED PROBATION AND PAROLE VIOLATORS**

	Estimate using Actual Costs	Estimate using 8 times the minimum wage
Bernalillo	5,437,336	3,353,474
Curry	289,221	466,178
Dona Ana	981,802	962,432
Eddy	282,076	285,722
San Juan	932,821	1,218,078
San Miguel	156,184	135,342
Total Detention Facilities in Sample	7,975,793	6,285,884
Estimate All Other Detention Facilities	4,148,128	3,739,832
State Total	\$12,123,921	\$10,025,716

Note: Based on actual FY02-03 cost per day figures for all facilities. Six facilities did not submit updated financial or number in custody figures. The information collected in 1998 was used for these counties. Six facilities did not submit updated number in custody figures. The information collected in 1998 was used for these counties.

In the future it would be beneficial to further refine the felony categories used to calculate cost estimates. In the current study we were not able to separate parole violators from probation violators. For Dona Ana County, we know that of the 68 probation and parole violators in the facility six were parole violators. In the future, it would be useful to calculate the cost separately for parolee and probation violators. One additional possible category is prisoners from the Department of Corrections housed in detention facilities for court dates. In Bernalillo County we know that approximately 22 arrestees in the facility on June 30, 2003 were prisoners housed in the facility for court appearances in Albuquerque. Given greater availability of reliable automated information from detention centers more precise estimates could be computed.



### Acknowledgments

The New Mexico Sentencing Commission (NMSC) acknowledges the staff of the New Mexico Association of Counties and the staff of each of the detention facilities for their contribution and assistance in accomplishing this study.

### About The Commission

The New Mexico Sentencing Commission serves as a criminal and juvenile justice policy resource to the State of New Mexico. Its mission is to provide information, analysis, recommendations, and assistance from a coordinated cross-agency perspective to the three branches of government and interested citizens so that they have the resources they need to make policy decisions that benefit the criminal and juvenile justice systems. The Commission is made up of members from diverse parts of the criminal justice system, including members of the Executive and Judicial branches, representatives of lawmakers, law enforcement officials, criminal defense attorneys, and members of citizens' interest groups.