

## Summary

- VCDC's inmate population has increased 55.5% from 2011-2014
- Percentage of arrestees who were in jail on violent charges dropped 7.6% from 2011-2014
- Percentage of arrestees booked into jail on property crimes nearly doubled from 10.2% to 21.2% from 2011-2014
- Compared to the 2012 NMSC Length of Stay study, VCDC had a higher proportion of inmates booked on felonies
- Median total length of stay was higher in Valencia county in both 2011 and 2013 for arrestees charged with felonies compared to the 2012 NMSC Length of Stay study
- Only VCDC arrestees charged with a felony in a sentenced status had a length of stay shorter than the median length of stay in the 2012 study
- Arrestees charged with felonies who spent time both in an unsentenced and sentenced status in 2011 at VCDC had a median length of stay 56.1% higher than the 2012 study
- Arrestees charged with felonies who spent time only in a unsentenced status in 2011 at VCDC had a median length of stay 63.9% higher than the 2012 study
- Arrestees charged with misdemeanors who spent time in both unsentenced and sentenced status in 2011 at VCDC had a median length of stay 104% higher than the 2012 study

## Valencia County Detention Center

### *Introduction*

The New Mexico Sentencing Commission (NMSC) was asked by the New Mexico Association of Counties (NMAC) to provide assistance to Valencia County Detention Center (VCDC) to determine characteristics of their inmate population.

NMSC receives custody lists annually from all detention centers in New Mexico as part of its statutory role in the distribution of funds under the County Detention Facility Reimbursement Act. VCDC has seen significant inmate population growth in the last few years. From 2011 – 2014, their population increased 55.5%. On June 30, 2011, VCDC housed 153 arrestees. On June 30, 2012, the population increased to 190. The population then increased to 226 on June 30, 2013. On June 30, 2014, the population was 238. During this time period, the county had expanded its pretrial program. The detention center expected that the expansion of the pretrial program would help alleviate jail crowding. NMSC staff attempted to get access to information about the pretrial program in Valencia county, however we were unable to include information within the time frame for this study. We did however, provide a summary of pretrial issues.

### *Pretrial Issues Summary*

One of the tasks of criminal justice decision makers is to determine when defendants pose a risk to public safety such that pretrial confinement is necessary. In particular, it is important to detain those who are a flight risk or who appear likely to commit crimes of violence if released pretrial.

Very few jurisdictions are using actuarial/research based instruments to guide decision making. As a result, many jurisdictions face potential biases in decision making, overreliance on bail, and increases in jail

expenditures and increased costs on already depleted county budgets. If a tool is in use it may lack validity which may lead to less reliable outcomes. Periodic tests of valid tools are often lacking as well.

Once the risk level is identified the defendants can be managed appropriately. Low risk defendants can then be safely released with limited or no conditions, while moderate and higher risk defendants can be best managed by using appropriate release conditions.

### *Measurement Methods*

Using custody lists that were submitted by VCDC for June 30th 2011 and 2013, as well as a snapshot on May 8th, 2014, NMSC staff set out to do the following:

1. Determine how long each arrestee was in custody from booking to release for those snapshot dates.
2. Discern the charges and sentencing status of the population and see how it has changed over time.

Arrestees were categorized as having spent time in one of the following three categories:

1. Unsentenced, meaning the arrestee spent their entire stay as charged and awaiting disposition.
2. Sentenced, meaning the arrestee spent their stay in a convicted and sentenced status.
3. Both unsentenced and sentenced, meaning a portion of the arrestee's stay was spent awaiting disposition and a portion was spent post-disposition.

The median length of stay for the unsentenced and sentenced proportions as well as the total length of stay for each arrestee was calculated. Arrestees were further categorized by type of charge.

Since there was considerable variation in the length of stay data, we used the median to report the length of stay instead of an average (mean). The median statistic is best because it represents the middle score in the data: half the scores are greater than the median and half are less than the median. In situations where there is a large standard deviation in the data the median is a more accurate measure. Cases that yielded suspicious estimates or information that was not verifiable were excluded from the analysis. In total, we reviewed 497 arrestees that were in the detention center. Where possible, we compared the VCDC length of stay to the length of stay for the seven counties that were included in a 2012 length of stay study published by the NMSC.

**Summary of Length of Stay in Detention Facilities: A Profile of Seven New Mexico Counties**

In 2005 NMSC published a length of stay study that looked at arrestees charged with felony offenses who were in Bernalillo, Curry, Dona Ana, Eddy, San Juan and San Miguel county detention facilities on 6/30/2003. This study was updated on 6/30/2012 for the above counties with the addition of Cibola county as well as length of stay of arrestees charged with misdemeanors. These seven counties comprised 70% of all arrestees held on 6/30/2010.

One of the primary findings was that from 2003 to 2010, unsentenced median length of stay for arrestees charged with felonies had increased 31% from 112 to 147 days. The total median sentence length, not accounting for sentence stay, increased 2.8% (from 176 to 181 days).

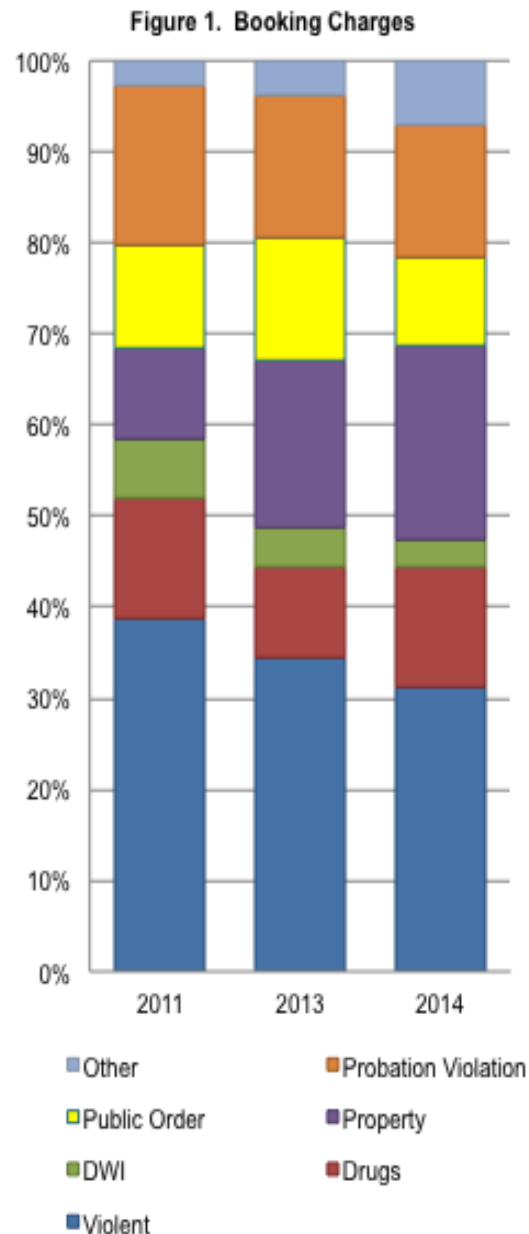
The increase in unsentenced length of stay indicates that case processing times have increased. The legal culture, law enforcement investigation routines, and court scheduling policies have an effect on the amount of time arrestees on new charges spend in jail. Rule 5-604 the “six-month rule,” which allowed for 182 days before the defendant must be tried was eliminated in March 2011, which could have contributed to the increase. Additionally, due to fiscal conditions in New Mexico, criminal justice agencies had significant vacancies during the time period. When the results were looked at by county, some counties made improvements in length of stay in spite of staffing constraints.

Overall, the median length of stay for felony offenders was 181 days and 80 days for misdemeanor offenders. The 2012 study, is an important reference point for

VCDC’s length of stay. When directly comparable information is available from the 2012 study, the results will be compared to the VCDC study throughout the Results section.

**Results for the VCDC Study**

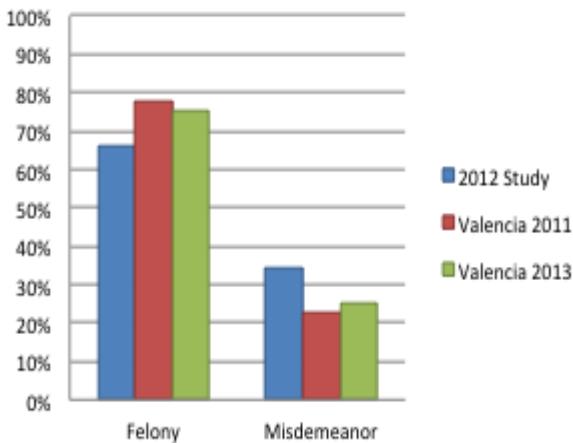
The types of charges that arrestees were booked on changed from 2011— 2014. The percentage of arrestees who were in jail on violent charges dropped 7.6% from 2011 — 2014. The percentage of arrestees booked on property crimes nearly doubled during that



time from 10.2% to 21.2%. Figure 1 looks at the charge categories by year.

Compared to the counties in the NMSC 2012 length of stay study, VCDC had a higher proportion of arrestees booked on felonies. Figure 2 lists the percentage of arrestees who were booked on felony and misdemeanor

**Figure 2. Percentage by Crime Type**

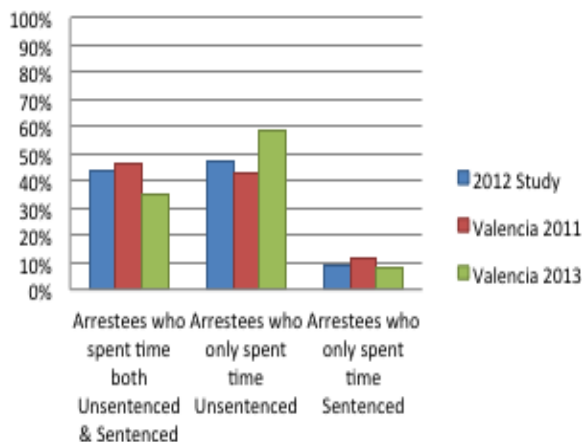


charges.

The percentages by sentence status at VCDC in 2011 were similar to the 2012 study. In 2013, the percentage of arrestees that were in an unsentenced status was higher. However, this could be because the period of time we could look forward was shorter. Figure 3 lists the percentages by sentence status.

Median total length of stay was higher in Valencia county in both 2011 and 2013 for arrestees charged

**Figure 3. Percentage by Sentence Status**



with felonies. Figure 4 shows the total length of stay by crime type.

Looking just at arrestees charged with felonies, VCDC's median length of stay was shorter than the 2012 study in only the sentenced status. Arrestees who spent time both unsentenced and sentenced in 2011 at

**Figure 4. Total Length of Stay by Crime Type**



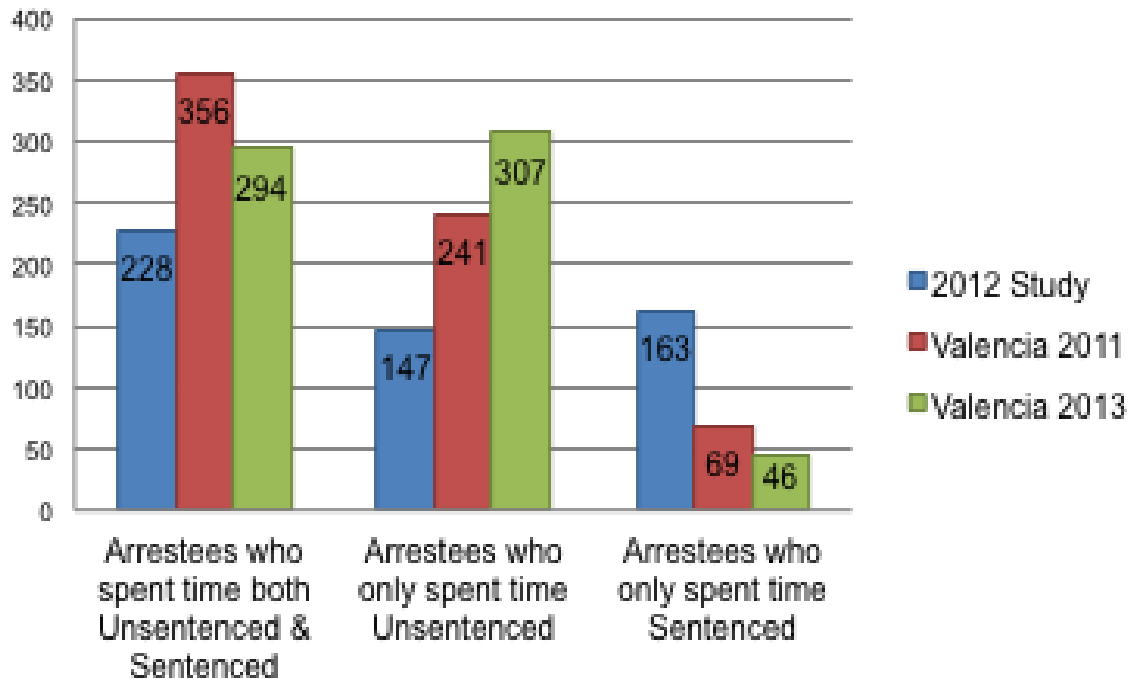
VCDC had a median time 56.1% higher than the 2012 study. Arrestees who spent time unsentenced only in 2011 at VCDC had a median time 63.9% higher than the 2012 study. Figure 5 contains the median times for felony offenders by sentence status.

Looking just at arrestees charged with misdemeanors, arrestees who spent time both unsentenced and sentenced in 2011 at VCDC had a median time 104% higher than the 2012 study. It is important to note that VCDC has a small number of misdemeanor arrestees. Figure 6 contains the median times for misdemeanor offenders by sentence status.

### About The Commission

The New Mexico Sentencing Commission (NMSC) serves as a criminal and juvenile justice policy resource to the three branches of state government and interested citizens. Its mission is to provide impartial information, analysis, recommendations, and assistance from a coordinated cross-agency perspective with an emphasis on maintaining public safety and making the best use of our criminal and juvenile justice resources. The Commission is made up of members of the criminal justice system, including members of the Executive and Judicial branches, representatives of lawmakers, law enforcement officials, criminal defense attorneys, and citizens.

**Figure 5. Total Length of Stay by Sentence Status for Arrestees with Felony Charges**



**Figure 6. Total Length of Stay by Sentence Stay for Arrestees with Misdemeanor Charges**

