

Profile of New Mexico Prison Population:

FY 2023

February 2024

Prepared by Grace Cairo

INTRODUCTION

The New Mexico Sentencing Commission monitors the current prison population as part of its work projecting the state prison population for the New Mexico Corrections Department (NMCD), policymakers, state residents, and other interested parties. The report will review demographic factors and other characteristics of the confined population.

On June 30, 2023, there were 5,421 individuals confined in New Mexico prisons. This report focuses on the 5,333 individuals held for convictions of state crimes. The report excludes 19 pre-adjudicated defendants held for county detention facilities (criminal justice holds), and 69 people whose original conviction was in another state, and who violated probation or parole in New Mexico (compact offenders). This report focuses on the remaining 5,333 confined individuals on June 30, 2023. When demographic and/or offense data is unavailable, the number of individuals is noted in each chart legend.

Gender

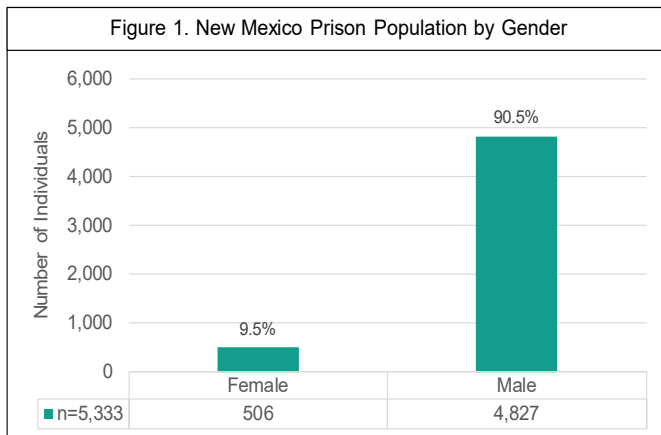


Figure 1 shows that males comprise approximately 90.5% of incarcerated individuals in New Mexico prisons, while they represent 51% of the adult population in the state as a whole (U.S. Census Bureau, 2022, Table S0101); females comprise 9.5% of the confined population. Among confined individuals in the United States, females comprise 7% of all states' prison populations (Carson, 2022, Table 10); making New Mexico's proportion of incarcerated females slightly larger than the national average.

Race and Ethnicity

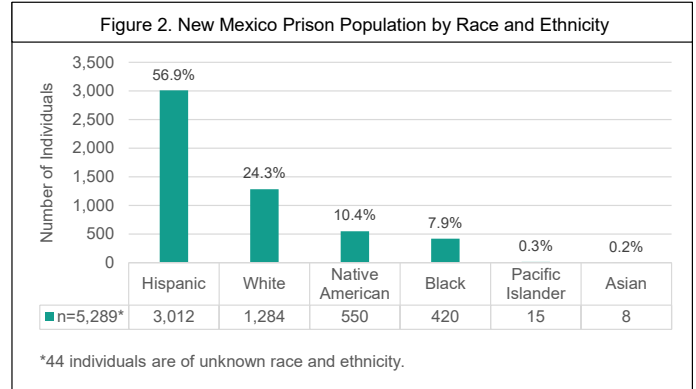


Figure 2 shows the proportion of the New Mexico prison population by race and ethnicity. There are notable differences in racial composition of the prison populations in New Mexico and the United States as a whole. In New Mexico, over half of the prison population is Hispanic, a significantly higher proportion compared to the national average of 24% (Carson, 2022, Table 10). Conversely, the non-Hispanic white prison population in New Mexico is approximately 24%, only slightly lower than the national figure of 31% (Carson, 2022, Table 10). Native American representation in New Mexico's prisons surpasses the national rate, with just over 10% compared to 2% nationally (Carson, 2022, Table 10). The Black prison population in New Mexico is much lower than the national figure, at around 8% compared to a national rate of 32% (Carson, 2022, Table 10). Additionally, Asian and Pacific Islander individuals collectively make up less than 1% of the total incarcerated population in New Mexico, only slightly lower than the national population of about 3% (Carson, 2022, Table 10).

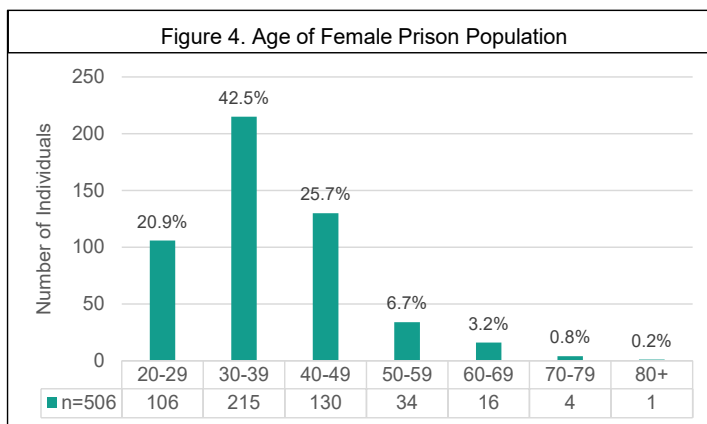
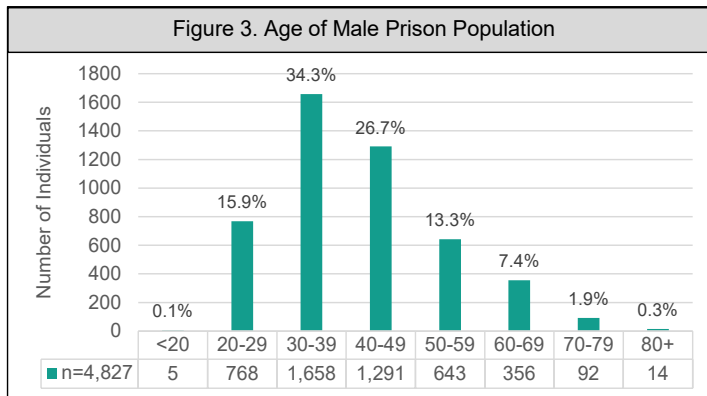
Table 1. Race and Ethnicity of Overall and Confined Populations

	New Mexico	Confined Males	Confined Females
	1,638,989	4,787	502
Hispanic	44.3%	57.4%	53.0%
White	40.5%	23.8%	29.3%
Native American	9.4%	10.2%	12.4%
Black/African American	2.4%	8.2%	5.2%
Asian	2.2%	0.2%	0.0%
Pacific Islander	0.1%	0.3%	0.2%
Other	1.1%		

*Race and ethnicity information is missing for 40 confined males and 4 confined females. Note. New Mexico race and ethnicity data are drawn from table P11 of the Decennial Census, titled "Hispanic or Latino, and Not Hispanic or Latino by Race for the Population 18 Years and Over," by the U.S. Census Bureau, 2020.

Table 1 compares the composition of race and ethnicity among adults in New Mexico with the confined population. Hispanic and Black people are over-represented in the prison population, especially among males, while white people are under-represented (U.S. Census, 2020, Table P11). To a lesser extent, both Native Americans and Pacific Islanders are also over-represented in the prison population, whereas Asian people are underrepresented.

Age



The age distribution of people in New Mexico prisons is similar to the age distribution for incarcerated people nationally. The New Mexico male prison population generally skews to the 20-49 age group, shown in Figure 3, representing 77% of males, similar to 75% of incarcerated males nationally in this age group (Carson, 2022, Table 10). Among incarcerated New Mexico females, 89% are between the ages of 20 and 49, similar to the national figure of 82%, as shown in Figure 4 (Carson, 2022, Table 10).

Incarcerated individuals are much younger than the New Mexican adult population overall, where approximately 51% of males are in the 20-49 age group compared to 77% of incarcerated males. (U.S. Census, 2022, Table S0101). Differences are even more extreme for females. The 89% of incarcerated females between the ages of 20 and 49 is nearly double the 47% of adult females in the state in that age range (U.S. Census, 2022, Table S0101). Additionally, there are currently no females under the age of 20 incarcerated in New Mexico's prisons.

Admission Type

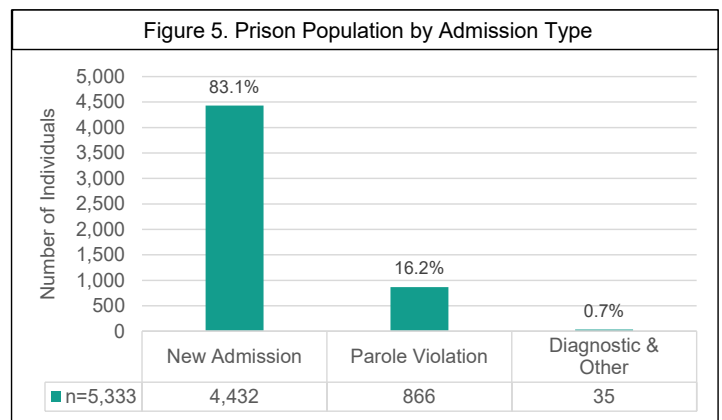
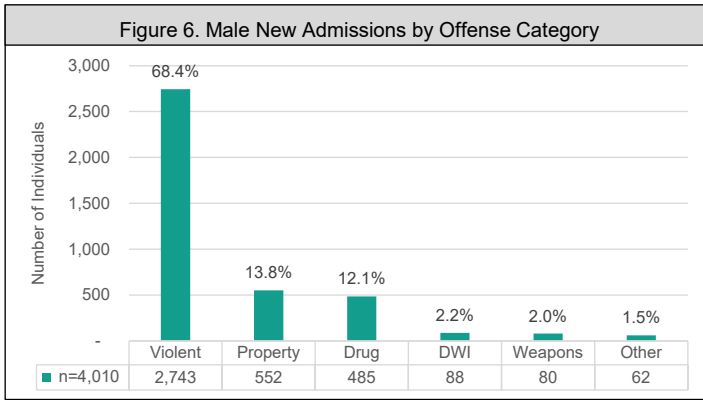


Figure 5 shows the proportion of the prison population by admission type, combining the male and female populations. The most common admission type is, by far, "New Admission," meaning individuals serving time on a new conviction, representing 83% of incarcerated individuals. "Parole Violation" signifies people who returned to prison due to a parole violation. The "Diagnostic & Other" category consists mostly of individuals ordered for a diagnostic evaluation or who violated probation.

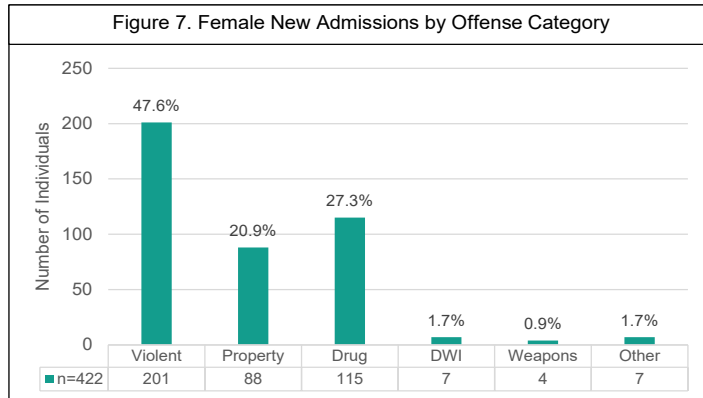
New Admissions Analysis

Table 2. Offense Categories	
Category	Included Offenses
Violent	Homicide, assault and battery, sex crimes against adults and children, human trafficking, kidnapping, domestic violence, and child abuse
Property	Theft with or without force, white collar crime, fraud, arson, auto theft, property damage, and trespassing
Drug	Trafficking, distribution and manufacture, possession, legal substance violations, and paraphernalia
DWI	Automobile and other DWI
Weapons	Weapons violations and theft of a firearm
Other	Judicial interference (for example court, law enforcement, or bomb/fire control interference, contributing to the delinquency of a minor, failure to report accident); non-violent crimes against persons (libel, failure to render aid, prostitution, bigamy, incest, indecent exposure, & adult pornography); and public order (crimes against democracy, election fraud, public nuisance, animal cruelty, & statutory violations)

Analysis of new admissions focuses on the cohort of 4,432 individuals incarcerated for a new admission. Their cases are coded by the most serious offense and broadly categorized. This section reports the percentage of incarcerated people whose offenses fall into each offense category for both males and females. The crimes associated with each broad offense category are explained in Table 2.



As shown in Figure 6, nearly 70% of male individuals incarcerated on a new admission are convicted of a violent offense. The two most common violent offenses for males generally carry a lengthy sentence, murder (23% of all offenses), and child sex crimes (12%). Property crimes comprise about 14% of offenses among incarcerated males, most commonly robbery or theft with force (8%). Drug offenses are just over 12% of offenses for males, especially drug trafficking (7%) followed by possession (4%). DWI and weapons offenses each make up around 2% of the total offenses. For males, the “other” category contains less than 2% of all offenses.¹



For females, as shown in Figure 7, the picture is somewhat different. While violent offenses are still the largest category of incarcerated individuals, they comprise a lower percentage of the total for the female (48%) compared to the male population (68%). Like males, the most common violent offense (and the most common offense overall) for females is murder (16% of all offenses), but unlike males, sexual offenses are uncommon (1%). The second most common violent offense for females is child abuse (11%), whereas for males this is a relatively uncommon offense (4%). Property offenses are a larger component of crime for females (21%) compared to males (14%), the most common of which is robbery or theft with force (9%). Offenses related to drugs are also a much higher percentage of offenses among females (27%) than they are among males (12%). Among females, the most common drug offenses are trafficking (16%) and possession (10%). For females, like males, the “other” category is less than 2% of all offenses.²

Comparing most serious offenses among new admissions, males’ violent offenses swamp all other categories. The pattern is different among females. The proportion of

females’ offenses that are violent is lower compared to males, and proportions of property and drug offenses are higher.

Districts and Counties

Table 3. Incarcerated Individuals per County and Judicial District

Location	Incarcerated Individuals	Percentage of Incarcerated Individuals	Population
Statewide	5,316*		2,113,344
First Judicial District	250	5%	214,899
Los Alamos County	14	<1%	19,187
Rio Arriba County	40	1%	40,048
Santa Fe County	196	4%	155,664
Second Judicial District	1,429	27%	672,508
Bernalillo County	1,429	27%	672,508
Third Judicial District	397	8%	223,337
Dofia Ana County	397	8%	223,337
Fourth Judicial District	143	3%	35,432
Guadalupe County	17	<1%	4,310
Mora County	24	<1%	4,169
San Miguel County	102	2%	26,953
Fifth Judicial District	679	13%	196,746
Chaves County	290	6%	63,894
Eddy County	212	4%	60,400
Lea County	177	3%	72,452
Sixth Judicial District	206	4%	57,438
Grant County	82	2%	27,686
Hidalgo County	15	<1%	4,003
Luna County	109	2%	25,749
Seventh Judicial District	130	2%	46,832
Catron County	3	<1%	3,827
Sierra County	48	1%	11,436
Socorro County	43	1%	16,115
Torrance County	36	1%	15,454
Eighth Judicial District	124	2%	50,806
Colfax County	57	1%	12,246
Taos County	57	1%	34,580
Union County	10	<1%	3,980
Ninth Judicial District	361	7%	66,466
Curry County	279	5%	47,532
Roosevelt County	82	2%	18,934
Tenth Judicial District	84	2%	10,867
De Baca County	12	<1%	1,693
Harding County	4	<1%	628
Quay County	68	1%	8,546
Eleventh Judicial District	622	12%	190,248
McKinley County	120	2%	69,830
San Juan County	502	9%	120,418

Location	Incarcerated Individuals	Percentage of Incarcerated Individuals	Population
Statewide	5,316*		2,113,344
Twelfth Judicial District	510	10%	89,234
Lincoln County	94	2%	20,411
Otero County	416	8%	68,823
Thirteenth Judicial District	381	7%	258,531
Cibola County	90	2%	26,950
Valencia County	162	3%	78,080
Sandoval County	129	2%	153,501

*County and district are unavailable for 17 individuals.
 Note. County population estimates are from the "Annual Estimates of the Resident Population for Counties in New Mexico: April 1, 2020 to July 1, 2022 (CO-EST2022-POP-35)," by the U.S. Census Bureau, 2023.

Table 3 indicates the number of incarcerated persons by the Judicial District and the county in which the incarcerated person was convicted. Convictions in the Second Judicial District comprise about 27% of incarcerated individuals, followed by the Fifth Judicial District (13%) and the Eleventh Judicial District (12%).

Breakdown by Estimated Release Date for New Admissions

Projected Release Year	Males	Females	Total
Planned release date prior to 6/30/2023	33	3	36
2023	653	106	759
2024	917	122	1,039
2025	436	49	485
2026	315	31	346
2027	191	24	215
2028	175	9	184
2029	104	12	116
2030	108	10	118
2031	82	7	89
2032	90	6	96
2033	69	1	70
10-Year Total	3,173	380	3,553
Planned release date after 2033	802	31	833
All new admissions	3,975	411	4,386*

*Unavailable release year for 35 newly admitted males and 11 newly admitted females.

The next analysis examines the year individuals are expected to leave prison based on their planned release date. An individual's planned release date is calculated by subtracting their potential meritorious time from their prison sentence. Eligibility for meritorious time is defined by state statute and depends on the severity of one's crime(s); it is either 15% or 50% of their sentence.³ From the planned release date, we

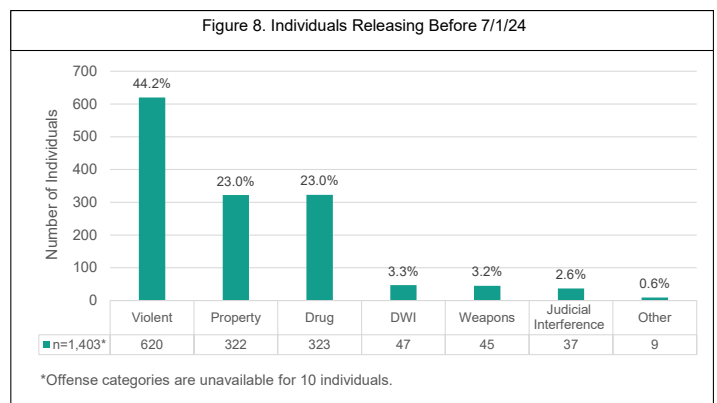
derive their expected year of release.

Looking just at those serving time on a new admission, 80% of males and 92% of females have a projected release date in the next 10 years (Table 4). A large portion of incarcerated males (40%) and females (56%) have planned release dates by the end of 2024.

Parole Admissions

While the parole population is significantly smaller than the new admissions population, there are 866 individuals in prison for parole violations, making up 16% of all admission types. Over the last year, the average length of stay on a parole revocation was 430 days. Parole may be revoked (i.e. parolee is made to return to prison) for committing a technical parole violation (non-compliance with a condition of parole), absconding, or committing a new crime.

Analysis of Individuals Expected to Be Released



As of June 30, 2023, as shown in Figure 8, there are 1,403 individuals (combining males and females) in the new admission cohort set for release within one year (before July 1, 2024, including those with projected release dates before June 30, 2023). Of those expected to be released, about 44% are serving sentences for crimes classified as violent. The most common violent offenses in the one-year cohort are assault (42% of violent cases), followed by murder and child abuse. Property and drug offenses are the next most common offense categories among soon-to-release individuals, with each making up 23% of offenses among these individuals. DWI, weapons, judicial interference, and other together make up less than 10% of the group's offenses.

Analysis of New Admissions Aged 65 and Older

On June 30, 2023, there were 537 individuals confined on a new admission who were at least 55 years old who were not convicted of first-degree murder, thus meeting the new minimum age requirement for consideration for geriatric parole (though many other factors are considered before a person is considered eligible for geriatric parole).⁴ Of these, 59% are projected to be released within five years, and 78% are projected to be released within the next 10 years.

Report Methodology

The data is constructed from a population snapshot of all NMCD facilities on June 30, 2023. NMCD provides the

information on which this report is based to the NMSC quarterly, including release projections for most individuals. The projected release date is used to generate the different expected release tables and the 2023 release cohort.⁵

The most serious offense in a case is determined first and chiefly by the degree of the offense (e.g. 1st degree felony), then by a measure of harm that NMSC has assigned to about 50 categories of crime. Violent crimes are considered the most serious, followed by non-violent crimes against persons, property, interference with justice, drug crimes, DWI, weapons offenses, and finally public order violations.⁵

About The Commission

The overarching vision of the New Mexico Sentencing Commission is to ensure the health, safety, and welfare of all New Mexicans. Its specific 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 New Mexico's criminal and juvenile justice resources.

ENDNOTES

1. For males, the "other" offense category is comprised of judicial interference (1%), non-violent crimes against persons (<1%), and public order (<1%).
2. For females the "other" offense category is comprised of judicial interference (1%) and non-violent crimes against persons (<1%). There were no public order offenses among females. Additionally, there were no public corruption offenses (fraud/election fraud/failure to preform duties by public official, misuse of public funds, elicit or accept bribery) among either females or males.
3. Section 33-2-34 NMSA 1978. Additional lump-sum meritorious time may be added through completion of particular educational or treatment programs. Individuals may forfeit meritorious time by accumulating disciplinary actions during their time in prison.
4. For more information on the current Medical and Geriatric Parole Program in New Mexico, see Section 31-21-25.1 NMSA 1978.
5. The broad crime categories represent a slight revision from past NMSC prison population reports. We put both DWI and weapons violations into their own categories; previously, they had been combined with public order offenses.

BIBLIOGRAPHY

1. Carson, A. (2022). Prisoners in 2021 - Statistical Tables. Bureau of Justice Statistics. <https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/p21st.pdf>
2. U.S Census Bureau. (2020). Decennial Census. census.gov. <https://data.census.gov/cedsci/table?t=Age%20and%20Sex%3APopulations%20and%20People&tid=DECENNIALPL2020.P4>
3. U.S. Census Bureau. (2022). American Community Survey. Data.census.gov. <https://data.census.gov/table?t=Age+and+Sex:Populations+and+People&g=040XX-00US35&tid=ACSST1Y2022.S0101>
4. U.S. Census Bureau. (2023). Annual Estimates of the Resident Population for Counties in New Mexico: April 1, 2020 to July 1, 2022 (CO-EST2022-POP-35). Census.gov. <https://www.census.gov/data/tables/time-series/demo/popest/2020s-counties-total.html#v2022>