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Who is in New Mexico's Prisons?
A Summary Profile

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New Mexico Criminal and Juvenile Justice Coordinating Council

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NOTE:

This Working Paper provides research information for the
New Mexico Criminal and Juvenile Justice Coordinating Council.
It is <u>not</u> a statement of the Council's views or opinions.

INSTITUTE FOR SOCIAL RESEARCH

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EXECUTIVE SUMMARY

✳ The purpose of this working paper is to examine: 1) *what kinds of offenders* are serving time in the New Mexico Prison system (NMDOC), 2) for what offenses, if any*, have these inmates been previously incarcerated* in the DOC system, and 3) *how long* are the imposed sentences for different crime categories. This paper also includes a demographic portrait of the NMDOC inmates incarcerated on February 21, 1996.

✳ Information from two complementary data sources, a DOC snapshot of the inmate population (N=4,143) for February 21, 1996, and a random sample of inmate FBI rapsheets (n=695) serves as the basis for this descriptive analysis.

✳ About 49% of the DOC inmates are currently serving time for a violent offense. Twenty-nine percent are incarcerated on property convictions and 14% are currently serving sentences related to drug offenses.

✳ About 67% of the DOC inmates had *no known prior incarceration* in the NMDOC system. Of those inmates *with a known prior incarceration* in the NMDOC, the majority had previously served time for a property offense as their most serious prior incarcerated offense.

✳ Ninety-four inmates (2% of the population) serving a current Class A violent offense had also served time in the DOC system for a Class A violent offense as their most serious prior incarcerated offense.

✳ Seventy-five percent of all inmates currently serving time for a violent offense were serving their first sentence with the NMDOC.

✳ Of those inmates currently serving a sentence for a non-violent offense, 12% had been previously incarcerated by the NMDOC for a violent offense.

✳ The sentence information provided by the FBI rapsheets shows that current violent offenders have been *sentenced* to a median term of eight years, two year more than the national average.

✳ Inmates currently serving time for property offenses have been sentenced to a median term of four years; drug offenders received a median sentence of five years.

✳ Class A violent offenders were sentenced to a median term of 12 years; Class B violent offenders received a median sentence of 4.5 years.

✳ Inmates serving time for a Class A violent offense, who also had a previous DOC incarceration for a Class A offense, were sentenced to a median term of 18.5 years.

INTRODUCTION

The purpose of this working paper is to address the question, 'Who is in New Mexico prisons?' Much of the public debate regarding criminal justice issues is based on varying perceptions of exactly who is in prison, for what offenses, and whether these people are receiving and serving adequate sentences for their crimes. In order to provide a common point of reference for policy-makers and the public, this report will provide a portrait of the inmates in the New Mexico Department of Corrections (NMDOC) prisons.

DATA SOURCES.

The inmate profile is based on information gathered from two different data sources: 1)the New Mexico Department of Corrections computer data files (N=4,143), and 2) a random sample of the inmates' FBI rap sheets (n=695), collected and coded by the Institute for Social Research staff.

The DOC data is a copy of the computerized records collected from all the DOC facilities and managed by the NMDOC in Santa Fe. According to the *Adult Facilities Daily Inmate Count for February 21, 1996*, there were 4,258 people in the DOC system. The data received from the DOC excluded 115 inmates who were either in transition (e.g., new arrivals, changing facilities) and/or missing Criminal Identification Numbers. The DOC data set is a snapshot of DOC inmates taken February 21, 1996. Therefore, the analyses in this report are based on 4,143 inmates, or 97.3% of the inmate population on February 21, 1996. The number of inmates (N) for some tables might be less than 4,123 due to missing data.

The random sample of FBI rap sheets supplements information from the DOC data set. Most importantly, this sample provides an indication of the sentence length being served by the inmates. The FBI rap sheets also included specific descriptions of current and prior offenses which allow us to examine broad categories of offenses (comparable to other Department of Justice data), as well as the more narrow categories developed by the CJJCC Sentencing Sub-committee.

LOCATION OF INMATES.

The NMDOC houses its inmates in 17 different facilities, 15 of which are in-state, two of which are in Texas. The DOC data includes information on all the inmates in the system, the FBI sample does not include inmates in either of the Texas facilities. Table 1 shows the distribution of the inmates across the DOC facilities.

Table 1. Facility Populations

FACILITY	FREQUENCY	PERCENT
Camp Sierra Blanca	98	2.4
Cibola County	217	5.2
CMRU	274	6.6
CMU	312	7.5
CNMCF	468	11.3
County jails	5	0.1
Court	50	1.2
Dallas, TX	160	3.9
GP/MB (WNMCR)	113	2.7
NMWCF/CCA	240	5.8
PNM-MRV	278	6.7
PNM-North	285	6.9
PNM-South	248	6.0
PRN-Main	402	9.7
RCC	189	4.6
RDC (WNMCF)	176	4.3
SNMCF	455	11.0
Tarrant, TX	91	2.2
Torrence County	81	2.0
Total	**4,143**	**100.0**

Many of these facilities have multiple levels of custody available. These levels represent varying degrees of staff supervision and security features to insure a '...safe, secure, and orderly institution.'[1] Minimum and Minimum-Restricted Custody are for inmates who are perceived as presenting minimal threat of escape or disruption. They differ based on the availability of community release programs. The majority of NMDOC inmates (64.8%) reside in a Medium Custody area. These inmates present a moderate risk of escape and/or disruption and their activities are limited. Maximum, or Close Custody inmates are considered to be a significant risk to security of the facility and/or pose a significant escape risk. For these inmates activities are restricted to insure direct and constant supervision. Only 5.2% of the NMDOC inmates included in this report are confined in Close Custody areas.

Type of Custody (N=3501)	%
Minimum	11.8%
Minimum restricted	18.2%
Medium	64.8%
Maximum	5.2%
Total	100.0%

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[1] Source: the New Mexico Department of Correction Classification System.

I: OFFENSE HISTORY

Of the 4,285 individuals held by the DOC as of February 21, 1996, offense data was available on 4,133. (See Appendix A for information regarding these data.) Nearly a third (1,342) of these inmates have been incarcerated within the NMDOC *at least* one other time. **It is important to note that the DOC inmate history includes only those offense convictions that led to a term of incarceration with the DOC**. These data do not allow us to distinguish whether inmates had previous convictions for which a prison term was not assigned or whether any of the inmates have served terms of incarceration in jurisdictions outside of New Mexico. To compensate for these limitations with the DOC records, a randomly selected number of inmate FBI files were collected for closer examination. The FBI information was collected for a total of 695 inmates and was used to provide sample estimates for prior arrest and conviction history as well as sentence length. Using the two data sources, a detailed analysis of inmate offense histories was compiled.

INMATES' CURRENT CONVICTIONS.

The DOC's data indicates that the prison population of 4,133 individuals were responsible for over 11,634 crimes that resulted in a sentence of imprisonment. On average, this is 2.8 convictions per inmate -- most of the inmates are serving time for more than one convicted offense. The DOC data also indicated that there were 2,791 inmates (67.5%) who were under the supervision of the DOC for the first time. In order to simplify the tangle of current and prior convicted offenses, inmates were classified according to their most serious offense conviction. This ranking method is similar to the one used by the U.S. Department of Justice's Department of Justice Statistics with one exception: the DOC categories for homicide were retained (see Appendix B).

The following shows the distribution of offenders ranked according to broad categories of their most serious convicted offense.

Current Offense Convictions (N=3501)	%
Violent	49%
Property	29%
Drug	14%
Public Order	6%
Other	2%
Total	100.0%

Table 2 (next page) reports the distribution of offenders ranked according to the most serious convicted offense for which each inmate was incarcerated. About half (49.3%) of the inmate population was imprisoned for a violent crime, and slightly less than a third (29.5%) were incarcerated for a property offense. Fourteen percent were held on drug-related convictions and slightly over 7% were in New Mexico's prison system due to a public-order offense.

Table 2: Distribution of Current Offense Convictions for New Mexico's Inmates [2]

	N	%
Violent Offenses	**2,037**	**49.3**
Homicides [3]	436	10.6
Sexual Offenses [4]	324	7.9
Kidnapping	59	1.4
Armed Robbery	276	6.7
Other Homicides [5]	87	2.2
Other Sexual [6]	158	3.8
Robbery	136	3.3
Assault	452	11.0
Other Violent [7]	109	2.6
Property	**1216**	**29.4**
Burglary	621	15.1
Larceny-Theft	197	4.8
Motor Vehicle Theft	45	1.1
Arson	7	0.2
Fraud	246	6.0
Stolen Property	83	2.0
Other Property	8	0.2
Drug Offenses	**577**	**14.0**
Trafficking	468	11.4
Possession	109	2.6
Public-Order Offenses	**233**	**5.6**
Weapons	36	0.9
DWI	83	2.0
Other Public-Order [8]	114	2.8
Other Offenses [9]	**70**	**1.7**
TOTAL	**4133**	**100.0**

[2]   Individuals with more than one current sentence were categorized by their most serious current convicted offense. The DOJ offense categories are defined in Appendix B.

[3]   Homicide includes 1st and 2nd degree Murder.

[4]   Sexual offenses include Rape and Criminal Sexual Penetration (CSP), 1st and 2nd degree.

[5]   Other Homicides include Voluntary and Involuntary Manslaughter, and Homicide by Vehicle.

[6]   Other Sexual Offenses include Assault with Intent to Rape, Attempted Sodomy or Sodomy, Incest, Sexual Assault, CSP 3rd degree, Sexual Contact, or Sexual Exploitation of a Child.

[7]   Other Violent include Attempt to Commit Violent Felony, Child Abuse, Child Abuse Resulting in Death, Extortion, Dangerous Use of Explosives, False Imprisonment, Great Bodily Harm by Vehicle, or Intimidating a Witness.

[8]   Other Public-Order offenses include Criminal Solicitation, Driving with Revoked License, Escape from Jail or PNM, Evading an Officer, Failure to Appear, Habitual, No Auto Insurance, Perjury, Taking Contraband into PNM, Tampering with Evidence, Under Influence of Alcohol, or Violation of Probation.

[9]   Other Offenses include Civil Disorder, Conspiracy, Contributing to Delinquency of Minor, or those cases in which offense information was missing (total of 70 inmates).

INMATES WITH A PRIOR DOC INCARCERATION.

As of February 21, 1996, there were 1342 inmates (32.5%) with **at least one prior incarceration term with the DOC**. Although many of these inmates had been incarcerated on more than one occasion, or had multiple offense convictions associated with their last term with the DOC, inmates were **classified according to their most serious prior offense conviction**.

Prior Offense Categories (N=4129)	%
Violent	13%
Property	15%
Drug	3%
Public Order	1%
No Priors	68%
Total	100.0%

Note: Four inmates with a prior conviction in the 'other' category were omitted from this graph.

Of this group of inmates, 41% (who make up 13.3% of the entire population) were convicted for a violent offense. An additional 46% (14.9% of the total population) had served a previous term for a property-related crime. A tenth of those with prior convictions had a drug offense as their most serious prior offense, and only about 4% had a previous incarceration term with the DOC for a public-order offense or other offense. Table 3 shows the distribution of inmate offenses based on *known* prior incarceration records with the NMDOC.

Table 3: Distribution of Prior Offense Convictions for New Mexico's Inmates [10]

	N	%[11]
Violent Offenses	549	13.3
Homicide	57	0.9
Sexual Offenses	52	1.3
Kidnapping	13	0.3
Armed Robbery	127	3.1
Other Homicides	16	0.5
Other Sexual Offenses	37	0.9
Robbery	77	1.9
Assault	154	3.7
Other Violent	16	0.4
Property	615	14.9
Burglary	373	9.1
Larceny-theft	70	1.7
Motor Vehicle Theft	30	0.7
Arson	7	0.1
Fraud	99	2.4
Stolen Property	38	1.0
Other Property	3	0.1
Drug Offenses	124	3.0
Trafficking	100	2.4
Possession	24	0.6
Public-Order Offenses	50	1.2
Weapons	8	0.2
DWI	9	0.2
Other Public-Order	33	0.8
Other Offenses	4	0.1
SubTotals	1,342	32.5
No Prior DOC Incarceration	2,791	67.5
TOTAL	4,133	100.0

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[10] Individuals with more than one prior known DOC incarceration were categorized by their most serious prior convicted offense.

[11] All percentages calculated using the inmate figure of 4133.

II: OFFENSE PATTERNS

This section combines the information on current and prior most serious offenses to explore patterns of offenses for inmates with multiple DOC incarcerations. Of particular interest are those who had prior incarcerations for violent offenses. The violent offenses have been subdivided into two categories based on the type of felony: Class A and Class B (see footnotes 11, 12 and 13 for a description of this classification). Our coding rule was to categorize first and second degree violent felonies (crimes with great bodily harm and/or intent) as Class A offenses and third and fourth degree violent felonies (no great bodily harm or intent) as Class B offenses.

CURRENT OFFENSE CONVICTIONS .

Table 4 presents the offender classifications for current and prior convictions in a matrix format. Both the current most serious conviction that resulted in a period of incarceration with the DOC and the most serious prior conviction resulting in an incarceration term with the DOC were used to construct the offender matrix.

On of February 21, 1996, nearly half (49.3%) of the inmate population was serving time for a violent offense. The majority of those inmates serving time for a violent offense (75.4%) did not have a prior incarceration record at DOC. Of those serving time for a property offense, 10.9% had a prior DOC incarceration for a violent offense. Slightly less then 10% of convicted drug offenders had been incarcerated in DOC on previous violent offenses.

As indicated earlier, 67.5% of these inmates are incarcerated in the DOC for the first time. The 'None' column, therefore, refers to the distribution of convicted offenses for first-time prison inmates.

Table 4: Current Offense Convictions and Prior DOC Incarcerations

| | Current Conviction | | Prior Convictions Resulting in DOC Incarcerations | | | | | | | |
| | | | Class A [12] | | Class B [13] | | Non-Violent [14] | | None [15] | |
	N	%T [16]	N	%S	N	%S	N	%S	N	%S
Violent Offenses	**2037**	**49.3**	**155**	**7.6**	**146**	**7.2**	**200**	**9.8**	**1536**	**75.4**
Class A	1095	26.5	94	8.6	60	5.5	86	6.3	855	78.1
Class B	942	22.8	61	6.5	86	9.1	114	14.1	681	72.3
Property	**1216**	**29.4**	**45**	**3.7**	**88**	**7.2**	**400**	**32.9**	**683**	**56.2**
Drug Offenses	**577**	**14.0**	**24**	**4.2**	**29**	**5.0**	**131**	**22.7**	**393**	**68.1**
Trafficking	468	11.4	15	3.2	20	4.3	95	20.3	338	72.2
Possession	109	2.6	9	8.3	9	8.3	36	33.0	55	50.5
Public-Order	**233**	**5.6**	**27**	**11.6**	**38**	**16.3**	**66**	**28.3**	**102**	**43.8**
Other Offenses	**70**	**1.7**	**1**	**1.4**	**1**	**1.4**	**4**	**5.7**	**64**	**91.4**

As Table 4 illustrates, the DOC currently holds 577 individuals (14.0% of the inmate population) for either a drug trafficking or possession conviction. Of these individuals, 4.2% had been previously incarcerated with the DOC due to a Class A charge of violence. An additional 29 individuals (5.0% of the drug offenders) had been previously imprisoned by the DOC for a Class B offense. In summation, 9.2% of inmates serving time on drug-related offenses had a prior incarceration term for either a Class A or a Class B violent offense.

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[12] Class A acts include Murder 1st and 2nd degree, Rape, Criminal Sexual Penetration (CSP) 1st & 2nd degree, Kidnapping, or Armed Robbery.

[13] Class B acts include Voluntary and Involuntary Manslaughter, Homicide by Vehicle, CSP 3rd degree, Assault with Intent to Rape, Sexual Contact, Sexual Exploitation of a Child, Attempted Sodomy or Sodomy, Incest, Sexual Assault, Robbery, Aggravated Assault, Attempt to Commit Violent Felony, Child Abuse, Child Abuse Resulting in Death, Extortion, Dangerous Use of Explosives, Intimidating a Witness, or Great Bodily Harm by Vehicle.

[14] Non-violent acts defined as one of the following: Property Offenses, Drug Offenses, Public-Order Offenses, or Other Offenses.

[15] The None category distinguishes those current inmates who did not have a prior incarceration record with the New Mexico Department of Corrections as of February 21, 1996. However, these inmates cannot be construed as first-timers given that the DOC data only includes prior DOC incarcerations.

[16] Percentages are calculated in two ways: %T indicates the proportion of the working inmate population of 4,133 members %S denotes percentage calculations made for specific subpopulations. For example, %S Class A in the Violent Offenses category equals 8.6%. There are 94 individuals (8.6%) of the 1,095 inmates currently incarcerated for a Class A sentence who have a recorded Class A prior sentence.

EXAMINATION OF PRIOR CONVICTIONS FOR CURRENT VIOLENT CONVICTED OFFENDERS.

Slightly less than half of the DOC population (49.3%) is currently serving sentences for violent offenses. In this section the priors of inmates are examined to discover what portion have been previously incarcerated in NMDOC for violent offenses. The majority of inmates (75.4%) serving current sentences for a violent offense are incarcerated in the DOC for the first time (1st DOC incarceration). About fifteen percent of current violent offenders have been previously incarcerated for a violent offense.

Current Violent Offense	N	%
Violent Prior	301	14.8%
Non-violent Prior	200	9.8%
1st DOC Incarceration	1536	75.4%
TOTAL	2037	100.0%

EXAMINATION OF PRIOR CONVICTIONS FOR CURRENT NON-VIOLENT CONVICTED OFFENDERS.

Although slightly more than half of the DOC population (50.7%) is comprised of inmates serving sentences for non-violent offense convictions, can one infer that these are habitually non-violent criminals? In this section the prior DOC incarceration histories of inmates with current non-violent convicted offenses are probed to discover what proportion have been convicted of violent offenses. After a general overview of those serving time for non-violent offenses, this section will describe the known criminal histories of the inmates based on the type of non-violent criminal offense for which they are serving time.

As shown below, the majority (59%) of those who are serving time for a non-violent offense are incarcerated in the NMDOC for the first time. Twelve percent of the non-violent offenders have at least one known incarceration for a prior violent offense.

Current Non-violent Offense	N	%
Violent Prior	252	12.0%
Non-violent Prior	602	28.7%
1st DOC Incarceration	1242	59.3%
TOTAL	2096	100.0%

Current Non-violent Convicted Offenders: Property Offenders

As shown in Table 4, a total of 1,216 inmates are currently being held by the DOC for property crimes. Forty-five of these individuals (3.7% of the property offenders) had been previously incarcerated by the DOC for a Class A offense. Another 88 inmates (7.2% of the property offenders) had been incarcerated for a Class B offense. Nearly 11% of the currently imprisoned group of property offenders had a prior incarceration term for either a Class A or a Class B violent offense.

Current Non-violent Convicted Offenders: Drug Offenders

A total of 577 people were serving time for a drug offense conviction - about 81% of these drug offenders had been convicted of drug trafficking and 19% for drug possession.

Drug Offenders	N	%
Trafficking Offense	468	81.1%
Possession Offense	109	18.9%
TOTAL	577	100.0%

Below is mor detailed information on trafficking and possession. Half of those imprisoned for drug possession (54 inmates) had been previously incarcerated in a New Mexico prison. Only about a quarter of those incarcerated for trafficking (130 inmates) were previously imprisoned at a DOC facility.

Current Trafficking Offense	N	%
Violent Prior	35	7.5%
Non-violent Prior	95	20.3%
1st DOC Incarceration	338	72.2%
TOTAL	468	100.0%

Current Possession Offense	N	%
Violent Prior	18	16.5%
Non-violent Prior	36	33.0%
1st DOC Incarceration	55	50.5%
TOTAL	109	100.0%

III: Sentence Length

DATA SOURCE.

The data set used to examine sentence length is a random <u>sample</u> of DOC inmate FBI rap sheets (<u>n=695</u>). The FBI sample includes the length of sentences *imposed* for the types of crime we have discussed and supplements the information gathered from the DOC population data. Thus, the descriptive analysis for this section of the Working Paper is <u>solely</u> based upon this second data set, rather than the previous DOC data.

Discussion of sentence length refers to the maximum term to which inmates were sentenced to prison, *not* how long these inmates have served to date or how long they might serve.[17] Sentence in Years is presented as both the median sentence length and mean sentence length. The median is the middle value where 50% of the values are greater than the median value and 50% are less than the median value. The mean is the arithmetic average. The median is less susceptible to inflation due to extreme values in the data, e.g., a life sentence of 30 years skews the mean upward.

SENTENCE LENGTH BY OFFENSE CATEGORY.

Table 5 presents a breakdown of the types of offenses, comparable to the DOC data, for which inmates are currently serving time. In order to have an unduplicated count (many inmates are currently serving time from multiple offenses) each inmate is classified by the *most serious* offense. Table 5 also includes the average maximum sentences imposed for each offense category and the comparable national average sentence lengths for similar categories.

Current violent offenders have been *sentenced* to a median term of eight years, two years more than the national average. (However, this does not reflect actual time served.) Inmates sentenced for violent offenses are serving longer sentence terms than are property offenders (a mean average of 12.4 years versus 5.7 years, respectively.) On average, homicide offenders were sentenced to about 15 years whether considering NMDOC or national data. On average, burglary and larceny-theft offenders in NMDOC were sentenced to about six years and four years, respectively.

Inmates sentenced for drug offenses in New Mexico appear to have been sentenced to terms longer than those indicated by the national averages (a mean average of 6.6 years versus 4.8 years, respectively.)

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[17] For factors pertinent to decreased sentence length, see, 'Does Goodtime Matter?' Institute for Social Research Working Paper #14, 1996.

Table 5. Sentence Length by Offense Category [18]
FBI Sample

| Most Serious Conviction Offense | Sentence in Years [19] | | | | Inmates | |
| | NMDOC Sample | | National [20] | | | |
	Median	Mean	Median	Mean	n	%
Violent Offenses[21]	8.0	12.4 [22]	6.0	8.7	327	47.0
Homicide	16.0	15.4 [23]	20.0	15.6	82	11.7
Kidnapping	11.0	24.2	8.0	10.0	14	2.0
Sexual Assault	9.0	17.1	0	0	73	10.5
Robbery	7.0	10.9	6.0	8.3	69	9.9
Assault	4.0	5.5	4.0	6.2	72	10.4
Other Violent	4.5	7.2	4.0	5.0	18	2.6
Property	4.0	5.7	3.0	4.4	201	28.9
Burglary	4.5	6.3	4.0	5.4	96	13.8
Larceny-Theft	3.0	4.2	2.0	3.3	15	2.2
Motor Vehicle Theft	3.8	5.1	3.0	3.4	14	2.0
Arson					0	0.0
Fraud	5.0	6.2	3.0	3.9	44	6.3
Stolen Property	4.0	4.5	3.0	3.8	20	2.9
Other Property	3.5	4.1	3.0	3.5	12	1.7
Drug Offenses	5.0	6.6	3.3	4.8	106	15.0
Trafficking	6.0	7.3	4.0	5.1	78	11.2
Possession	4.0	4.6	3.0	4.4	26	3.7
Other	1.9	1.9	2.0	4.0	2	0.3
Public Order Offenses	1.5	2.7	2.0	3.2	40	5.8
Weapons	3.0	3.4	3.0	3.3	8	1.2
DWI	1.5	2.1	2.0	2.3	29	4.2
Other PO Offense	4.0	6.0	2.0	3.3	3	0.4
Other Offenses	3.0	5.0	2.0	3.8	21	3.0
Total					695	100.00

* No comparable data.

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[18] Individuals with more than one current or prior sentence were categorized by their most serious current or prior sentence.

[19] Medians are calculated including those who are serving 30 year life sentences. Means are calculated excluding lifers.

[20] 1992 Criminal Justice Sourcebook. Department of Justice. Table 6.34, p. 555.

[21] Offense Categories are the same as those used in Table 1.

[22] These numbers do not include inmates with Life Sentences for Murder. Calculated with the Lifers at 30 years, the median sentence is 8 years, the mean sentence is 13.7 years.

[23] These numbers do not include inmates with Life Sentences for Murder. Calculated with the Lifers, the median sentence is 16.3 years, the mean sentence is 19.9 years.

Table 6 shows the sentence lengths for the current offense category 'Violent' broken down by specific Class A and Class B offenses. Inmates with Murder 1, 2 current offenses (including lifers) serve a median imposed sentence length of 23 years. Perpetrators of Criminal Sexual Penetration 1 & 2 are sentenced to serve a median incarceration period of 10.5 years and the mean of 16.7 suggest that some of these inmates have been sentenced to serve longer terms. Fifty percent of Armed robbers are sentenced to more than 9 year terms, the other 50% are have sentences shorter than 9 years. Inmates in the Other Violent offense category are sentenced to a median prison term of 4.5 years

Table 6. Sentence Length by Class of Violent Offenses
FBI Sample

Violent Offenses[25]	Sentence in Years[24]		Number of Inmates	
	Median	Mean	n	%
Class A	12.0	18.4	187	26.9
Murder 1,2	22.5	22.9	66	9.4
Criminal Sexual Pen. 1,2	10.5	16.7	57	8.2
Kidnapping	11.0	24.2	14	2.0
Armed Robbery	9.0	13.1	50	7.2
Class B	4.5	7.2	140	20.1
Other Homicide	4.5	5.5	15	2.2
Other Sexual Assault	9.0	18.7	16	2.3
Other Robbery	5.0	5.0	19	2.7
Assault	4.0	5.5	72	10.4
Other Violent	4.5	7.2	18	2.6
Total	8.0	12.4	327	47.0

[24]Medians are calculated including those who are serving 30 year life sentences. Means are calculated excluding lifers.

[25] Offense Categories are the same as those used in Table 1.

In Table 7 we combine information on the most serious current convicted offense with most serious prior offense (known) for which an inmate was incarcerated. Fifty-eight percent (405) of the inmates in this sample have known prior DOC incarcerations. Table 7a indicates that there are 91 inmates (13.1% of the FBI sample population) with a Class A or Class B current offense *and* a Class A or Class B prior offense. Of these inmates, 29 (4.2%) have a current Class A offense and a prior Class A offense and are serving a median sentence length of 18.5 years.

Table 7. Current Offense by Prior DOC Incarceration Offense
FBI Sample

Prior Offense

Current Offense	Class A		Class B		Property		Drug		Public Order		Other		Total	
	n	%[26]	n	%	n	%	n	%	n	%	n	%	n	%
Class A	29	7.2	17	4.2	22	5.4	4	1.0	1	0.3	1	0.3	74	18.3
Class B	6	1.5	39	9.6	22	5.4	7	1.7	4	1.0	3	0.7	81	20.0
Property	9	2.2	21	5.2	82	20.3	7	1.7	3	0.7	12	3.0	134	33.2
Drug	4	1.0	15	3.7	23	5.7	24	5.9	2	0.5	1	0.3	69	17.1
Public Order	3	0.7	8	2.0	9	2.2	1	0.3	10	2.5	1	0.3	32	7.9
Other	2	0.5	4	1.0	7	1.7	0	0.0	1	0.3	0	0.0	14	3.5
Total	53	13.1	104	25.9	165	40.7	43	10.6	21	5.2	18	4.4	404	100.0

Table 7a. Sentence Length for Current Offense by Prior DOC Incarceration Offense: Class A and Class B Offenses Only
FBI Sample

Prior Offense

Current Offense	Class A			Class B			Total	
	n	%[27]	Median/Mean Sentence	n	%	Median/Mean Sentence	n	%
Class A	29	4.2	18.5/26.0	17	2.4	12.0/14.3	46	6.6
Class B	6	0.0	7.5/14.4	39	5.6	4.0/5.2	45	6.5
Total	35	5.0		56	8.1		91	13.1

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[26] Calculated as a proportion of inmates with at least one known prior, n=405.
[27] Calculated as a proportion of the total number of inmates in the sample, n=695.

IV: DEMOGRAPHIC PROFILE OF NEW MEXICO INMATES

In this section the NMDOC inmate population (N=4,143) is broken down by various demographic characteristics. For many of these demographic fields there were few omissions in the data. However, the accuracy of variables such as Marital Status and Number of Dependents might be problematic given the differences in procedures for updating inmate files at the various facilities.

SEX

The *Adult Facilities Daily Inmate Count* for February 21, 1996 shows that 7.4% of NMDOC inmates were women, 82.6% were men. However, based upon the DOC data, women make up 5.8% of the prison population. The DOC data from which this report was prepared under-represents women inmates slightly. According to the *Inmate Count* there were 316 women at the NMWCF/CCA - the DOC data only accounts for 240 women at that facility.

Sex of Inmate (N=4041)	%
Female	5.8%
Male	94.2%
Total	100.0%

RACE/ETHNICITY

This table shows the distribution of race/ethnicity in the inmate population. The majority of inmates (57.3%) are classified as Spanish. On the day this data was collected there were five Asians incarcerated (0.01%) who are not shown in this graph.

Race/Ethnicity of NMDOC Inmates	N	%
Black	507	12.24%
Native American	169	4.08%
Asian	5	0.12%
Hispanic	2331	56.30%
White	1128	27.25%
Total	4140	100.0%

AGE

On February 21, 1996 the youngest inmate in the NMDOC facilities was 16 years old, the oldest was 77 years old. The mean age was about 35 years old (34.9). Nearly three percent of the population were under the age of 21 and 1.5% were over age 60. Approximately one-fifth of the inmates were between the ages of 31-35.

Age of Inmate Population	N	%
20 and under	120	2.89%
21-25	641	15.48%
26-30	745	17.99%
31-35	849	20.57%
36-40	736	17.77%
41-45	492	11.91%
46-50	269	6.50%
51-55	157	3.79%
56-60	62	1.49%
Over 60	68	1.64%
TOTAL	4140	100.0%

Inmate Age 20 and under	N	%
16	1	.024%
17	5	.121%
18	15	.362%
19	37	.894%
20	62	1.498%
TOTAL	120	2.89%

AGE AT FIRST ARREST

When asked at what age they were first arrested, less than 5% of the inmates who answered the question reported that their first arrest occurred before they were 16 years old. The youngest age at first arrest was reported to be 7 years, the oldest was at 74 years. The mean age at first arrest is nearly 27 years (26.7). 28.7% of the inmate population reported experiencing their first arrest between the ages of 16 -20 years.

Age at First Arrest	N	%
Under 10	22	.06%
11-15	98	2.51%
16-20	1120	28.74%
21-25	913	23.42%
26-30	639	16.39%
31-35	467	11.98%
36-40	295	7.56%
41-45	163	4.18%
46-50	94	2.41%
51-55	35	0.90%
56-60	24	0.62%
Over 60	27	0.70%
Total	3897	100.0%

Notes on Interpretation:
- Self-reported information of this type might be subject to a number of potential biases.
- There are 246 responses missing on this question, nearly 6% of the inmates either refused to answer, did not know the answer, or were not asked this question.

EDUCATION

The majority of NMDOC inmates (57.3%) have at least a high school diploma or high school equivalency degree (GED). About one-tenth report having between one and eight years of schooling. Of the 44.8% who are reported as high school graduates, about 48% of them finished high school and nearly 52% have GEDs.

Education Level of Inmates (years)	N	%
1-8	399	9.73%
9-11	1348	32.87%
HS Grads (GED)	1839	44.84%
Some College	416	10.14%
College Grad	69	1.68%
Post College	30	0.73%
Total	4101	100.0%

MARITAL STATUS

This table shows the marital status of the NMDOC inmate population. Although a plurality of the inmates (38.2%) reported that they were single, nearly 45% said that they were either married or in common law marriages. Common law marriages account for slightly more than half (52%) of those who indicated that they were married.

Marital Status of Inmates	N	%
Single	1582	38.21%
Married	863	20.84%
Common Law Marriage	934	22.56%
Separated	143	3.45%
Divorced	571	13.79%
Other	43	1.03%
Unknown	4	0.10%
Total	4140	100.0%

Notes on Interpretation:

- It is not clear that the distinctions regarding what meets the state's requirements for a legal common law marriage were consistently understood by the inmates.
- The accuracy of this data is subject to the updating procedures of field personnel. Although there are few missing responses for this variable a change in an inmate's marital status might not have been updated consistently across the facilities.

NUMBER OF DEPENDENTS

The definition for number of dependents potentially includes children, spouses, dependent parents, and/or other relatives. The DOC codebook states 'Dependents (need not be children*).' See Notes on Interpretation.* About one percent of the inmates stated that they had no dependents and 61% stated that they had one dependent. There were several inmates who claimed to have 15 or 16 dependents.

Number of Dependents (need not be children)	N	%
0	45	1.09%
1	2523	61.05%
2	752	18.20%
3	460	11.13%
4	198	4.79%
5	81	1.96%
6	38	0.92%
7 or more	36	0.87%
Total	4133	100.0%

Notes on Interpretation:

- The inexact definition of number of dependents might be biased due to the number of possible combinations used to reach this number. For example, the answer 'Two dependents.' might mean, 'Me and my child.' or 'My spouse and child.'
- This accuracy of this variable is highly susceptible to procedural biases.

OCCUPATION

The self-reported occupation of the DOC inmates are shown in this table. These eight categories were developed from the 100 occupations listed in the code book. The majority of inmates (55.4%) responded that they did some kind of manual labor. A total of less than 10% of the inmates reported their occupations as either clerical, farming and agriculture, or as student. A tenth of the population indicated that they were unemployed.

Civilian Jobs of Inmates	N	%
Unemployed	417	10.09%
Professional, Technical, Managerial	193	4.67%
Clerical	113	2.73%
Service	470	11.37%
Farming and Agriculture	83	2.01%
Labor	2291	55.42%
Student	67	1.62%
Other	500	12.10%
Total	4134	100.0%

Notes on Interpretation:

- It is unknown at which point in time this was an accurate reflection of the inmate's occupation. Does it reflect current and/or past employment?
- The accuracy of this data is subject to procedural variations in record keeping.

RELIGION

Roman Catholic was the religious affiliation most frequently indicated by the DOC inmates (46.7%). There are 68 different religion categories listed in the DOC codebook, most of these represent less than 1% of the inmate population. The table below lists the more frequently chosen religious affiliations.

Religious Preferences of Inmates	N	%
Agnostic/Atheist	24	0.58%
Baptist	526	12.71%
Black Muslim	39	0.94%
Roman Catholic	1934	46.72%
Jehovah's Witness	23	0.56%
Jewish	6	0.15%
Lutheran	12	0.29%
Methodist	35	0.85%
Mormon	22	0.53%
Protestant	123	2.97%
No Pref/DK	386	9.32%
Other	1010	24.40%
Total	4140	100.0%

MILITARY SERVICE AND DISCHARGE STATUS

Eleven percent of the inmate population reported some previous affiliation with the armed forces. Of those 419 inmates, the majority (55%) served with the US Army. Of those reporting their discharge status, 88% were given honorable discharges and 8% received dishonorable discharges.

Previous Military Service Branch (N=419)	%
U.S. Army	55%
U.S. Navy	16%
U.S. Marine Corps	16%
U.S. Air Force	11%
Total	100.0%

Military Discharge Status (N=419)	%
Honorable	88%
Medical	4%
Dishonorable	8%
Total	100.0%

Notes on Interpretation:

- Eighty-nine percent of the inmates indicated they had no military experience.

V: SUMMARY

The purpose of this working paper was to provide a description of the New Mexico Department of Corrections (NMDOC) inmates. This descriptive analysis answers some of the most basic questions about who is serving time in New Mexico prisons: 1) *what kinds of offenders* are serving time in the New Mexico Prison system, 2) for what offenses, if any*, have these inmates been previously incarcerated* in the DOC system, and 3) *how long* are the imposed sentences for different crime categories.

Approximately two-thirds (67%) of the DOC inmates had no known prior incarceration in the NMDOC system. This does not mean, however, that these inmates had committed no prior offenses.

Data from the NMDOC indicated that about half of the inmates were serving sentences for violent offenses. A closer look at the violent offenders showed that the majority were first-time DOC inmates and that about 2% of the most violent offenders (Class A) previously had been incarcerated by the DOC for a Class A offense.

The majority of inmates serving sentences for a non-violent offense were incarcerated for a property offense. However, about 12% of current non-violent offenders had been previously incarcerated by the DOC for a violent offense.

Regarding the length of imposed sentences, comparasions between the national data and the DOC data suggests that New Mexico sentencing is in line with national averages. Determination of whether the sentences imposed are 'long enough' is not the province of this working paper, but remains an issue for the criminal justice practioners and the public at large.

Additionally, this paper has provided a demographic 'snapshot' of the NMDOC inmates for February 21, 1996. Any further exploration of the patterns suggested by this data are beyond the scope of this current paper.

Discussions about what should be done to improve the criminal justice system in New Mexico are predicated upon perceptions of who is currently in prison, for what offense, and for how long. This working paper has attempted to address these questions and thereby provide a foundation and an informed common point of reference for both policy-makers and the public.

DOC Population Data (N=4143)

The DOC data is a copy of the computerized records collected from all the DOC facilities and managed by the NMDOC in Santa Fe. The data received from the DOC excluded 142 inmates who were either in transition (e.g., new arrivals, changing facilities) and/or missing Criminal Identification Numbers. The DOC data set is a one-day snapshot of DOC inmates taken February 21, 1996. Therefore, the analyses in this report are based on 4,143 inmates, or 96.7% of the inmate population on February 21, 1996. The number of inmates (N) for some tables might be less than 4,123 due to missing data.

The discrepancy between the number of inmates shown as active, and therefore included in our data set, and the actual bed counts is indicative of a larger problem with the DOC data being collected/recorded in the field. Through our discussion with DOC personnel and our explorations of the data, we realized that the coding of information was not standardized across or within facilities (e.g., open definitions for Number of Terms) and that update procedures and were varied as well (12% of the population for February 21, 1996 was serving time with no active sentence indicated in the computer records).

FBI Sample Data (n=695)

The random sample of FBI rap sheets supplements information from the DOC data set. Most importantly, this sample provides an indication of the sentence length being served by the inmates. The FBI rap sheets also included specific descriptions of current and prior offenses which allow us to examine broad categories of offenses (comparable to other Department of Justice data), as well as at the more narrow categories developed by the CJJCC Sentencing Sub-committee.

Tables represent simple frequency distributions and percentages.

Offenses within Categories

Homicide - murder, felony murder, nonnegligent manslaughter, voluntary manslaughter, negligent manslaughter, involuntary manslaughter, and unspecified homicide.

Murder and nonnegligent manslaughter - murder, felony murder, nonnegligent manslaughter, and voluntary manslaughter.

Murder - murder and felony murder

Manslaughter - negligent manslaughter, vehicular manslaughter, involuntary manslaughter, , and negligent homicide.

Nonnegligent manslaughter - voluntary man slaughter, involuntary manslaughter, and aggravated manslaughter.

Unspecified homicide - voluntary manslaughter, nonnegligent manslaughter, and aggravated manslaughter.

Unspecified homicide - homicide type not specified.

Kidnapping - abduction, kidnapping, and felonious restraint.

Rape - forcible rape, aggravated rape, sexual intercourse, and forcible sodomy without consent.

Other sexual assault - statutory rape, carnal abuse, gross sexual imposition by force, fondling, child molestation, and lewd acts with children.

Robbery - unarmed robbery, armed robbery, aggravated robbery, and forcible purse snatching.

Assault - attempted murder, simple assault, aggravated assault, aggravated battery, vehicular assault, and criminal injury to persons.

Other violent - extortion, intimidation, hit-and-run driving with bodily injury, child abuse, and criminal endangerment against a person.

Burglary - breaking and entering,, burglary, and safecracking.

Larceny - theft, petty larceny, and grand larceny.

Motor vehicle theft - auto theft, conversion of an automobile, receiving and transferring a stolen vehicle, and unauthorized use of a vehicle.

Arson - arson and burning a thing of value.

Fraud - worthless checks, uttering, obtaining money by false pretenses, credit card fraud, fraud, forgery, counterfeiting and embezzlement.

Stolen property - possession, transportation, receiving, or selling of stolen property.

Other property - destruction of property, vandalism, criminal tampering, trespassing, entering without breaking, and possession of burglary tools

Drug possession - illegal possession or use of controlled substances.

Drug trafficking - importation, manufacture, sale, or delivery of controlled substances; possession with intent to deliver.

Other drug - forging or uttering a false prescription for a controlled substance; possession of drug paraphernalia, unknown drug offenses, and violations of controlled substance acts where the type of violation was unspecified.

Public-order offense - a set of offenses against the rules and regulations governing social order such as prostitution, bribery, gambling, and corruption. Excluded are crimes directed against individuals or groups or their property.

Weapons - unlawful sale, distribution, manufacture, transportation, or possession of a deadly or dangerous weapon.

Driving while intoxicated - drunk driving and driving under the influence of alcohol or drugs.

Other public-order - escape from custody, court offenses, obstruction, other traffic, drunkenness, disorderly conduct, morals and decency violations, commercialized vice

Other offenses - juvenile offenses and unspecified felonies.