

Information for the Justice Reform Effort in New Mexico

Introduction

Following the lead of South Dakota and Texas, among other states, a bi-partisan legislative sub-committee has begun working on criminal justice reform in New Mexico. This report summarizes information that may be useful to the sub-committee, including: 1) data points regarding New Mexico's inmate population and how it compares to national data; 2) information regarding admissions to prison and length of stay; 3) factors that "drive" the inmate population in New Mexico; and 4) justice system reforms enacted in other states. Finally, this report includes a catalog of references (research papers, summaries of reforms enacted in other states, and newspaper articles) that provide additional data and policy options for the sub-committee's consideration. Direct links to the papers, summaries and articles are included.

New Mexico and National Data Points

Average time served

In FY 2013, the average time served by male inmates released from prison in New Mexico was 1.9 years. In that same fiscal year, the average time

served by female inmates released from prison was 1.6 years. A 2012 report published by the PEW Center on the States found that the average time served in a study of 35 states was 2.9 years.

Confinement by crime type

Based on a June 30, 2013 snapshot of prisoners confined in New Mexico Corrections Department (NMCD) facilities, the most common offense for both males and females was a violent offense (64.5% and 39.8% respectively). Table 1 shown below depicts the percentages of male and female inmates held in state prisons by crime type:

Offense Type	Males	Females
Violent Offenses	64.5%	39.8%
Property Offenses	12.8%	19.3%
Drug Offenses	16.5%	35.0%
Public Order Offenses	6.1%	5.1%

Based upon estimates prepared by the federal Bureau of Justice Statistics (2012), Table 2 shows the national estimated percentages of male and female inmates held in state prisons by crime type was as follows:

Table 2. Percentages of Male and Female Inmates held in U.S. State Prisons		
Offense Type	Males	Females
Violent offenses	53.8%	33.9%
Property offenses	18.5%	30.0%
Drug offenses	18.1%	27.3%
Public order offenses	8.6%	7.4%

Per capita rate of incarceration

For this report we calculated the per capita rate of incarceration as the number of state inmates per 100,000 adults.

In New Mexico, the per capita rate of incarceration in 2012 was 426 per 100,000 while the per capita rate of incarceration in 2012 in state prisons in the United States was 577 per 100,000.

Admissions to Prison and Length of Stay

Fundamentally, state prison populations are driven by admissions to prison and length of stay. From FY 2007 through FY 2013, male inmate admissions to

prison in New Mexico decreased by 4.5%. During that time period, male inmate releases decreased by 3.6%. The male inmate population remained stable during that time period, increasing by .2%.

Female inmate admissions to prison in New Mexico decreased 12.8% from FY 2009 through FY 2013. Female inmate releases decreased by 21.5% during that time period. The female inmate population increased by 6.8% during that time period. Table 3 shows the percentages of male and female inmates admitted in New Mexico prisons by offense type.

Table 3. Percentages of Male and Female Inmates admitted in New Mexico State Prisons		
Offense Type	Males	Females
Violent offenses	41.6%	24.7%
Property offenses	20.4%	30.2%
Drug offenses	21.6%	32.3%
Public order offenses	16.4%	12.8%

When admissions to prison and releases from prison are both decreasing, and the inmate population is rising, the likely driver of inmate population is increased length of stay.

From FY 2007 through FY 2013, the average time served by male inmates in

New Mexico increased by 37%, from 499 days (1.4 years) to 690 days (1.9 years). From FY 2007 through FY 2013, the average time served by female inmates in New Mexico increased by 19%, from 483 days (1.3 years) to 576 days (1.6 years).

Finally, it is worth noting that the amount of time spent in pre-trial confinement in a county detention facility impacts the length of stay in prison for a felony arrestee who is ultimately sentenced to prison. From FY 2003 through FY 2011, for unsentenced arrestees charged with at least one felony, the median length of stay in a county detention facility increased by 16%, from 167 days to 193 days. This increase in pre-trial confinement in county detention facilities mitigates the length of time inmates serve in state prisons.

Drivers of the Inmate Population in New Mexico

In 1999, New Mexico enacted “truth in sentencing”, which requires serious violent offenders to serve not less than 85% of their sentence. An overwhelming majority of serious violent offenders are male inmates. From FY 2007 through FY 2012, new admissions to prison for male serious violent offenders nearly doubled (from 170 in FY 2007 to 331 in FY 2012).

As detailed in a separate New Mexico Sentencing Commission report, a

notable trend has been the recent, significant increase in the female inmate population. Drivers of that increase include the following: 1) admissions for violent offenses by females have increased; and 2) admissions for drug trafficking offenses have been outpacing drug possession admissions for females.

There is an ongoing challenge to find suitable parole plans for many male and female inmates. In the absence of a suitable parole plan, an inmate may spend some or all of their parole term in prison.

Parole revocation re-admissions consistently account for a significant percentage (approximately 30%) of total admissions each fiscal year.

System Reforms Enacted in Other States

- ◇ States have expanded capacity for drug courts and other specialty courts (mental health courts, homeless courts, Veteran’s courts).
- ◇ States have expanded capacity for half-way houses, in part as a means to address instances when an inmate cannot make arrangements for suitable housing following release from prison.
- ◇ States, including New Mexico, are implementing the Results First Initiative, which is modeled on a program evaluation model pioneered

in Washington state.

- ◇ States have authorized earned time credit for short-term (30 days) compliance with terms of probation or parole.
- ◇ Jail and prison officials around the country are signing up inmates for health insurance, taking advantage of the expansion of Medicaid. Inmates who are enrolled in Medicaid while in prison or jail can access health care services after they are released.
- ◇ States have authorized alternative dispositions for non-violent, felony drug possession offenders.

References

This list of references includes studies specific to the New Mexico criminal justice system and also includes research performed by national groups such as Right on Crime and the PEW Charitable Trusts. Direct links to the papers, summaries and articles are included.

“The Justice Reinvestment Initiative: Experiences From the States,” The Urban Institute (2013). <http://www.urban.org/UploadedPDF/412879-the-justice-reinvestment-initiative.pdf>

“Criminal Justice Policy in New Mexico: Keys to Controlling Costs and Protecting Public Safety,” Rio Grande Foundation (2009). http://www.riograndefoundation.org/downloads/rgf_criminal_justice_update.pdf

“Estimated Number of Offenders in New Mexico Correctional Facilities in October Eligible for Controlled Release,” New Mexico Sentencing Commission (2013). <http://nmsc.unm.edu/reports/2013/estimated-number-of-offenders-in-new-mexico-corrections-department-facilities-in-october-eligible-for-controlled-release.pdf>

“Length of Stay in Detention Facilities: A Profile of Seven New Mexico Counties,” New Mexico Sentencing Commission (2012). <http://isr.unm.edu/reports/2012/final-update-length-of-stay.pdf>

“LFC Results First – Evidence-Based Programs to Reduce Recidivism and Improve Public Safety in Adult Corrections,” Legislative Finance Committee (2013). <http://www.nmlegis.gov/lcs/handouts/CCJ%20072213%20Item%201%20LFC%20Results%20First%20Brief.pdf>

“Little Known Health Act Fact: Prison Inmates are Signing Up,” The New York Times (March 9, 2014). http://www.nytimes.com/2014/03/10/us/little-known-health-act-fact-prison-inmates-are-signing-up.html?action=click&module=Search®ion=searchResults%230&version=&url=http%3A%2F%2Fquery.nytimes.com%2Fsearch%2Fsite%2F%3Faction%3Dclick%26region%3DMasthead%26pgtype%3DHomepage%26module%3DSearchSubmit%26contentCollection%3DHomepage%26t%3Dqry501%23%2FLittle+Known+Health+Act+Fact%3A+Prison+Inmates+are+signing+up&_r=0

“New Mexico Prison Population Forecast: FY 2014 – FY 2023,” New Mexico Sentencing Commission (2013). <http://isr.unm.edu/reports/2013/new-mexico-prison-population-forecast-fy-2014-fy2023.pdf>

“New Mexico’s Female Prisoners: Exploring Recent Increases in the Inmate Population: Report in Brief,” New Mexico Sentencing Commission (2012). <http://isr.unm.edu/reports/2012/nm-female-prisoners-report-in-brief.pdf>

“Number of Offenders Confined in New Mexico Corrections Department Facilities in July 2009 for

Possession of a Controlled Substance,” New Mexico Sentencing Commission (2010). <http://isr.unm.edu/reports/2010/number-of-offenders-confined-in-new-mexico-corrections-department-facilities-in-july-2009-for-possession-of-a-controlled-substance.pdf>

“Reasons for Probation Violation Arrests and Bookings in a Sample of New Mexico’s County Detention Facilities,” New Mexico Sentencing Commission (2013). <http://isr.unm.edu/reports/2013/reasons-for-probation-violation-arrests-and-bookings-in-a-sample-of-new-mexicos-county-detention-facilities.pdf>

“Reducing Recidivism, Cutting Costs and Improving Public Safety in the Incarceration and Supervision of Adult Offenders,” Legislative Finance Committee (2012). <http://www.nmlegis.gov/lcs/lfc/lfcdocs/perfaudit/Reducing%20Recidivism,%20Cutting%20Costs%20and%20Improving%20Public%20Safety%20in%20the.pdf>

“South Dakota’s 2013 Criminal Justice Initiative,” The PEW Charitable Trusts (2013). http://www.pewstates.org/uploadedFiles/PCS_Assets/2013/PSPP_SD_2013_Criminal_Justice_Initiative_.pdf

“Statement of Principles,” Right on Crime (2010). <http://www.rightoncrime.com/wp-content/uploads/2012/11/RightOnCrime-Statement-of-Principles.pdf>

“Texas Puts More People in Treatment and Fewer People in Prison,” The Times-Picayune

(May 20, 2012). http://www.nola.com/crime/index.ssf/2012/05/texas_puts_more_people_in_trea.html

“The State of Sentencing 2013: Developments in Policy and Practice,” The Sentencing Project (2014). http://sentencingproject.org/doc/publications/sen_State%20of%20Sentencing%202013.pdf

“Time Served in New Mexico Prisons, FY 2013: Analysis of the Impact of Earned Meritorious Deductions,” New Mexico Sentencing Commission (2014). <http://isr.unm.edu/reports/2014/time-served-in-new-mexico-prisons,-fy-2013-analysis-of-the-impact-of-earned-meritorious-deductions.pdf>

Glazer, S. (2014, January 10).

“Sentencing Reform.” CQ Researcher, 24, 25. Publication can be accessed on the NMSC’s website main page.

Levin, Marc. “Texas Criminal Justice Reform: Lower Crime, Lower Cost.” Texas Public Policy Foundation. (2010, January). Retrieved from <http://www.texaspolicy.com/center/effective-justice/reports/texas-criminal-justice-reforms>

Russell, Betsy. “Otter Signs Justice Reinvestment Bill Into Law.” Justice Center: The Council of State Governments. (2014, March 19). Retrieved from <http://csgjusticecenter.org/jr/idaho/media-clips/otter-signs-justice-reinvestment-bill-into-law/>

Richardson, Kerry. “Kentucky State Initiatives.” Right on Crime: The Conservative Case for Reform. (2010, August 11). Retrieved from <http://www.rightoncrime.com/reform-in-action/state-initiatives/kentucky/>

The New Mexico Sentencing 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.

This and other NMSC reports can be found at: <http://nmsc.unm.edu/reports/index.html>