

# Time Served in New Mexico Prisons, FY 2020: Analysis of the Impact of Earned Meritorious Deductions

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## Summary

- This study calculates proportions of the total sentence lengths and proportions of the total prison length of female offenders admitted on a new admission that were released in FY20 by the New Mexico Corrections Department.
- In FY 20 the average female age of admission was 35 years old.
- Female offenders earning 30 days credit for 30 days served, served 57.3% of their total sentence and 53.8% of their prison sentence in FY20.
- In FY20, only 10.3% of the women released were discharged, while the remaining 89.7% of offenders were released on a type of supervision.
- The 2nd Judicial District contributed the greatest number of offenders and releases under the EMD policy. The 2nd, 5th, and 3rd Judicial Districts combined accounted for 53.6% of the offenders.
- The most common offenses were Drug offenses (43.4%). These include Drug trafficking and possession.

This report provides calculations of the average proportion of time served by female inmates released in fiscal year 2020 (July 1, 2019 – June 30, 2020) who earned deductions to their sentences under the Earned Meritorious Deductions (EMD) statutory policy.

For background information on the EMD policy and its effects, see the two baseline studies completed on releases prior to the implementation of the EMD policy (Working Papers #16 and #30) and the reports on time served from fiscal year 2004 through fiscal year 2019 (Time Served in New Mexico Prisons: Analysis of the Impact of Earned Meritorious Deductions – fiscal years 2004-2019). It should be noted the New Mexico Corrections Department (NMCD) information system was not designed with this study in mind. This report and other research reports by the NMSC are available on our website: <https://nmsc.unm.edu/>

## Methodology

In this report (FY20) we are reporting on female inmates only. Each fiscal year we rotate the study between male and female inmates. In July 2020 NMSC staff obtained a list of all inmates released between July 1, 2019 and June 30, 2020. Due to COVID-19, NMSC staff decided to focus our analysis on inmates who were admitted to the New Mexico Corrections Department as a new admission. This allowed NMSC staff to conduct the study using

electronic data that is shared with NMSC rather than collecting paper good time figuring sheets.

## Definitions<sup>1</sup>

- **Total Sentence Length:** the total number of time in prison set by the court at sentencing – this includes time served in jail before sentencing and/or after sentencing and before transfer to prison.
- **Prison Facility Sentence Length:** the total sentence length (defined above) minus any credits for time served outside the prison facility (usually in a local jail) – this is the time served in prison, from the day the offender enters prison to the expected full-time release date.
- **EMD Types** represent what an individual can earn in sentence deductions for every 30 days served. For example, if an individual would earn four days for every 30 days served it would be denoted as 4/30.

## Analysis of Time Served

Table 1. AVERAGE PROPORTION OF SENTENCE SERVED AND PRISON SENTENCE				
EMD Type	Number	Total Sentence	Number	Prison Sentence
Basic Sentence (30/30)	344	57.3%	344	53.8%
SVO (4/30)	16	90.5%	16	87.9%
<b>OVERALL AVERAGE</b>	360	58.6%	360	55.1%

In Table 1 30/30 EMDs were the most common types of offenders and served 57.3% of their total sentence and 53.8% of their prison sentence. Offenders serving sentences on a 4/30 EMD served 90.5% of their total sentence and 87.9% of their prison sentence.

Table 2. TYPE OF EMD		
EMD Type	Frequency	Percentage
Basic Sentence (30/30)	344	95.6%
SVO (4/30)	16	4.4%
<b>TOTAL</b>	360	100%

Table 2 shows the sample included 344 offenders earning 30 days credit for 30 days served and 16 4/30 releases.

Table 3. TYPE OF RELEASE		
Type	Frequency	Percentage
Discharge	37	10.3%
Dual Supervision	146	40.5%
Parole	166	46.1%
Probation	11	3.1%
<b>TOTAL</b>	360	100%

Table 3 shows that the majority of those released in the sample had a supervision term (89.7%) to serve and a minority (10.3%) were discharged from prison with no parole term. Discharge refers to offenders who served their complete parole term.

## Offender Demographics

Table 4. AGE AT PRISON ADMISSION		
Age	Frequency	Percentage
21 & under	6	1.7%
22-25	38	10.6%
26-30	89	24.7%
31-35	75	20.8%
36-40	63	17.5%
41-45	37	10.3%
46-50	30	8.3%
51+	22	6.1%
<b>Total</b>	360	100%

Table 4 shows the age categories of women in this study. The most common age category at admission was 26-30 (24.7%). The average age at admission being 35.2 years.

Table 5. JUDICIAL DISTRICTS		
District	Frequency	Percentage
1	6	1.7%
2	71	19.7%
3	57	15.8%
4	4	1.1%
5	65	18.1%
6	14	3.9%
7	17	4.7%
8	5	1.4%
9	30	8.3%
10	6	1.7%
11	21	5.8%
12	45	12.5%
13	19	5.3%
<b>TOTAL</b>	360	100%

Table 5 illustrates that the largest number and percentage of releases were from the Second Judicial District (Bernalillo County), with 71 offenders, or 19.7% of released offenders. Next the Fifth Judicial District (Chavez, Eddy, and Lea counties) accounted for 18.1% of released offenders, followed by the Third Judicial District (Dona Ana county) for 15.8% of released offenders. Together, these three judicial districts accounted for 53.6% of the offenders.

## About This Study

The EMD policy was part of the Sentencing Standards Package proposed by the NMSC to the New Mexico State Legislature in 1999. NMSC is statutorily mandated to provide an analysis of the average reduction in the sentence of imprisonment due to meritorious deductions earned by prisoners (NMSA 31-18-15G). This report is the fulfillment of that mandate for FY20.

## Acknowledgment

This study would not be possible without the help of the New Mexico Corrections Department.

## 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.

Table 6. OFFENSE TYPES		
Offense	Frequency	Percentage
<b>VIOLENT</b>	<b>115</b>	<b>31.8%</b>
Homicide	7	1.9%
Sexual Offenses	1	0.3%
Armed Robbery	6	1.7%
Other Homicide	7	1.9%
Other Sexual Offenses	0	0%
Kidnapping	8	2.2%
Robbery	7	1.9%
Battery	26	7.2%
Assault	3	0.8%
Other Violent Offenses	50	13.9%
<b>PROPERTY</b>	<b>70</b>	<b>19.4%</b>
Buglary	16	4.4%
Larceny - Theft	24	6.7%
Motor Vehicle Theft	4	1.1%
Arson	0	0%
Fraud	22	6.1%
Stolen Property	1	0.3%
Other Property	3	0.8%
<b>DRUG</b>	<b>156</b>	<b>43.4%</b>
Drug Trafficking	73	20.3%
Drug Possession	83	23.1%
<b>PUBLIC ORDER</b>	<b>19</b>	<b>5.3%</b>
Weapons	4	1.1%
Driving While Intoxicated	8	2.2%
Judicial Interference	6	1.7%
Probation/Parole Violation	0	0%
Other Public Order	1	0.3%
<b>TOTAL</b>	<b>360</b>	<b>100%</b>

Table 6 describes inmates by their most serious offense. The most common offense type was drug offenses (43.4%). These offenses include; drug trafficking and drug possession. 31.8% of the offenders were convicted of a violent offense.

## Endnotes:

1: For further details, see the earned meritorious deductions statutory policy at the end of this report.

## Earned Meritorious Deductions Statutory Policy

Offenders who committed their crimes on or after July 1, 1999 or violated their parole on a crime committed on or after July 1, 1999, are subject to the Earned Meritorious Deductions statutory policy. Under this policy, offenders convicted of the following “serious violent crimes” as defined by New Mexico statute will only receive up to 4 days of credit for 30 days served (4/30):

- Second degree murder (first degree murder is not subject to any meritorious deductions)
- Voluntary manslaughter
- Third degree aggravated batter
- First degree kidnapping
- First and second degree criminal sexual penetration
- Second and third degree criminal sexual contact of a minor
- First and second degree robbery
- Second degree aggravated arson
- Shooting at a dwelling or occupied building
- Shooting at or from a motor vehicle
- Aggravated battery upon a peace officer
- Aggravated assault upon a peace officer
- Assault with intent to commit a violent felony upon a peace officer

The following list of violent offenses are also considered to be “serious violent offenses” when the nature of the offense and the resulting harm are such that the court judges the crime to be so, and are also subject to the 4 days of credit for 30 days served (4/30):

- Involuntary manslaughter
- Fourth degree aggravated assault
- Third degree assault with intent to commit a violent felony

- Third and fourth degree aggravated stalking
- Second degree kidnapping
- Second degree abandonment of a child
- First, second, and third degree abuse of a child
- Third degree dangerous use of explosives
- Third and fourth degree criminal sexual penetration
- Fourth degree criminal sexual contact of a minor
- Third degree robbery
- Third degree homicide by vehicle or great bodily injury by vehicle
- Battery upon a peace officer

Parole violators convicted under their statutory policy would also be subject to reduced credit eligibility. Parole violators who are convicted of new crimes or are found to be absconders may receive up to 4 days of credit for 30 days served. Parole violators revoked for violations may receive up to 8 days of credit for 30 days served (8/30). All other types of offenders would continue to receive up to 30 days credit for 30 days served (30/30).

Note that under the EMD policy, non-violent inmates may receive credits during their first 60 days in prison. Prisoners confined in federal, out-of-state, and in private facilities are eligible for EMD. EMD can be forfeited for misconduct or restored for exemplary conduct or work performance. Prisoners are kept informed of their EMD status on a quarterly basis.

Additionally, the policy allows the opportunity for an offender to earn “lump sum awards” for activities such as successfully completing an approved vocational, substance abuse or mental health program, or for earning various educational degrees.