

ACTION PLAN

Submitted by agency?	Yes
Timeline assigned?	No
Responsibility assigned?	No

New Mexico Corrections Department

In the first quarter of FY20, the Corrections Department (NMCD) did not meet many of its performance targets, particularly within the Inmate Management and Control Program. Recidivism rates decreased to 57 percent in the first quarter of FY20 from a high of 60 percent in the fourth quarter of FY19, but remained far above the department’s FY20 target of 45 percent. Inmate-on-inmate assaults also reached troublingly high levels this quarter, potentially indicating the recent decline in prison violence from FY18 was only a temporary improvement.

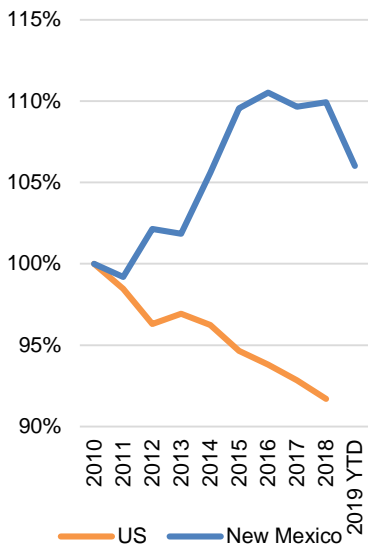
Despite targeted pay increases, persistent staff vacancies inside and outside prisons undermine the department’s ability to fulfill its mission, and programming within prisons inadequately prepares inmates for success upon release. The reduction in prison population provides an opportunity for the agency to address these issues. Resolving pay compaction may improve staff retention and decrease vacancies. In addition, increasing and strengthening programming proven to reduce recidivism and ensuring those programs are available to all inmates is essential.

Inmate Management and Control

Admissions to New Mexico’s prisons have decreased 24.8 percent over the past five years and dropped an unprecedented 15.1 percent between FY18 and FY19, the largest year-over-year decrease in two decades. The average inmate population decreased for nine straight months in FY19, and despite minor month-over-month increases in the first quarter of FY20, overall population declined 5.1 percent between September 2018 and September 2019. Prison stay length causes a lag in the impact of admissions on population; as a result, further population declines due to the sharp drop in admissions in FY19 will likely be observed over the course of FY20.

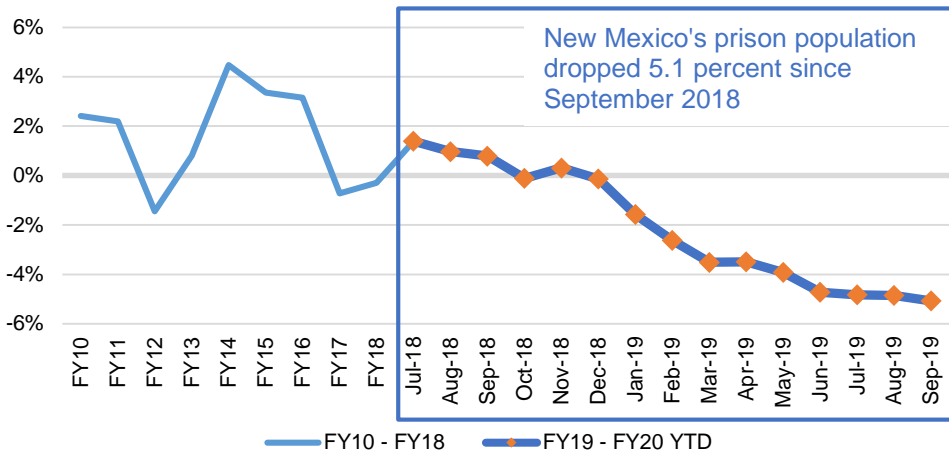
New Mexico’s publicly- and privately operated prisons can accommodate up to 7,959 inmates (7,099 males and 860 females); however, ongoing litigation may decrease capacity by 314 beds. A preliminary agreement between the state and plaintiffs in the *Duran* lawsuit will require the department to decrease the number of inmates living in dormitories or double cells at four prisons. This agreement would decrease capacity in women’s prisons to 661, 97 fewer beds than the average FY19 female population. The department intends to use an FY19 capital appropriation to plan for additional housing units at Western New Mexico Correctional Facility, one of the two prisons that currently house women, but it seems unlikely the department will be able to complete any new construction within the timeframe established by the settlement, and may need to make alternative arrangements for housing female inmates. Bed space for male

Nationwide State Prison Population vs. New Mexico State Prison Population (indexed to 2010)

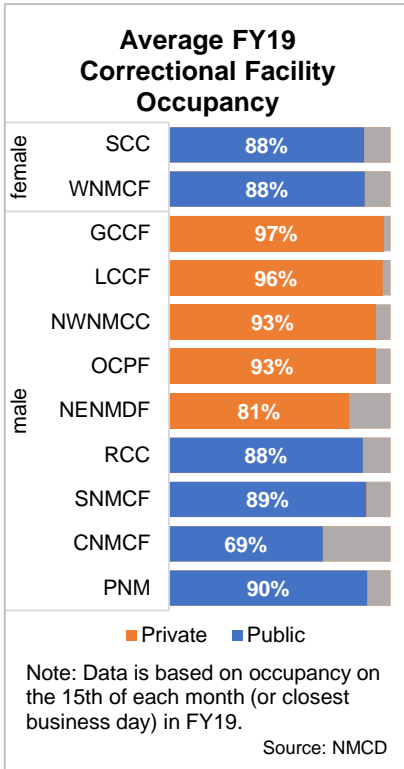


Source: Bureau of Justice Statistics, Vera Institute for Justice, Sentencing Commission, LFC files

NMCD Inmate Population, Year-over-Year Percent Change



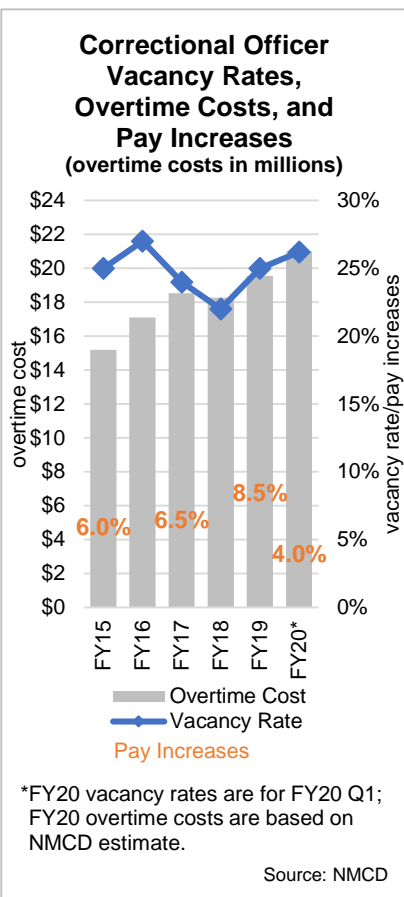
Source: Sentencing Commission



inmates would be decreased by 115 to 6,984 beds under the settlement; in FY19, the men’s population averaged 6,446.

Targeted pay increases totaling 25 percent over the last six years have failed to address high vacancy rates among correctional officers in public facilities, which remained between 22 percent and 27 percent over the same period. In the first quarter of FY20, NMCD reported public correctional officer vacancy rates averaged 26.2 percent. The vacancy rate of private correctional officers, whose compensation is generally significantly lower than that of their public counterparts, was 59 percent this quarter. Chronically high vacancies among custody staff result in high overtime costs and likely result in increased rates of violence. With 14 inmate-on-inmate assaults this quarter—the highest number seen in a single quarter since at least FY16—the department is already exceeding the FY20 target of eight assaults.

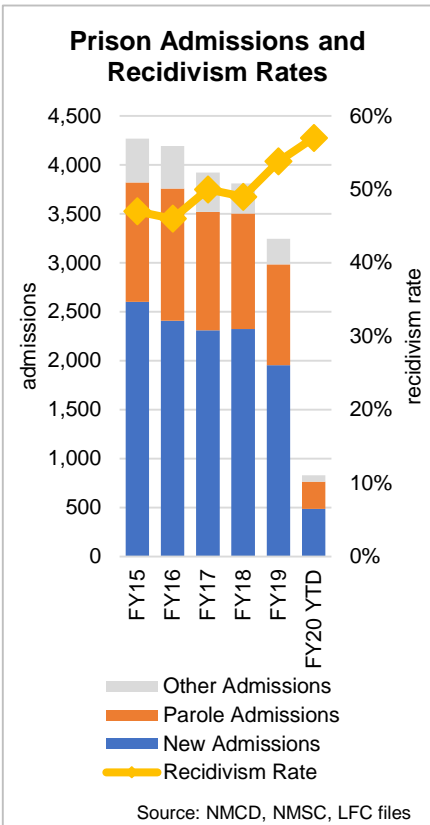
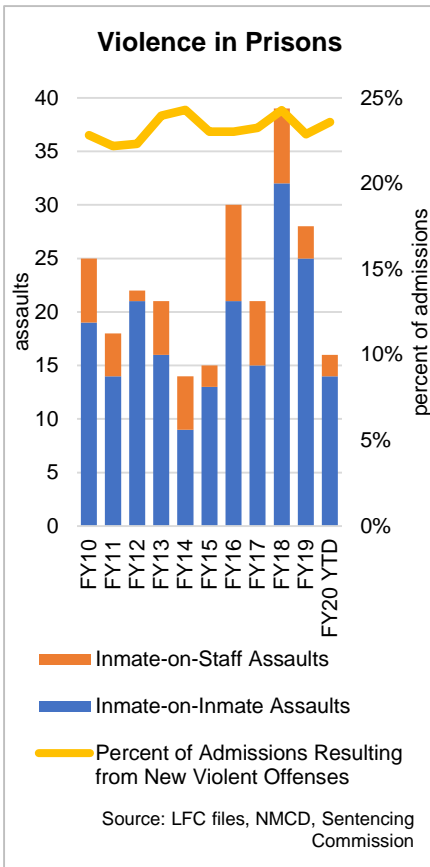
NMCD reports 67 percent of participating inmates completed adult basic education this quarter, consistent with the completion rate in the last quarter of FY19; however, the completion rate of participating inmates may not be the best measure of the rehabilitative services provided to inmates, as it fails to capture the fraction of the population able to participate in these programs. Although NMCD reports 76 percent of inmates were enrolled in an educational, cognitive, vocational, or college program in FY19, educational and rehabilitative programming varies widely across correctional facilities, and not all inmates have access to the most effective programs for reducing recidivism. The availability of vocational education, in particular, is limited; for example, welding courses are only offered at two facilities, and Northwest New Mexico Correctional Center (NWNMCC) offers no vocational education programming.



Traditional educational programming is also not available to all inmates. While all facilities offer adult basic education, GED credential preparation, and some college courses, insufficient staffing in education departments, like NWNMCC, results in long waiting lists for core educational programming. Although the department reports 79 percent of eligible inmates earned a GED credential in FY19, some inmates may not have the opportunity to do so. If prison populations continue to decline, more resources can be directed to consistent, evidence-based programming.

Budget: \$275,007.4 **FTE:** 1,869

Measure	FY18 Actual	FY19 Actual	FY20 Target	FY20 Q1	Rating
Inmate-on-inmate assaults with serious injury	32	25	8	14	R
Inmate-on-staff assaults with serious injury	7	3	2	2	Y
Prisoners reincarcerated within 36 months	49%	54%	45%	57%	R
Participating inmates who have completed adult basic education*	64%	77%**	N/A	67%	
Release-eligible female inmates still incarcerated past their scheduled release date	8.9%	9.3%	6%	8.9%	R
Release-eligible male inmates still incarcerated past their scheduled release date	9.0%	9.5%	6%	9.4%	R
Residential drug abuse program graduates reincarcerated within 36 months of release*	18%	28%	N/A	22%	



Random monthly drug tests administered to at least 10 percent of the inmate population testing positive for drug use*	3.7%	3.7%	N/A	4.1%	
Vacancy rate of state-employed correctional officers	22%	25%	20%	26%	R
Vacancy rate of privately-employed correctional officers	NEW	NEW	20%	59%	R
Program Rating	Y	R			R

*Measures are classified as explanatory and do not have targets.

**Although the FY19 values reported quarterly for this measure averaged 62 percent, with a maximum of 67 percent, NMCD reported an FY19 year-end value of 77 percent. LFC and DFA staff are working together to resolve this discrepancy.

Community Offender Management

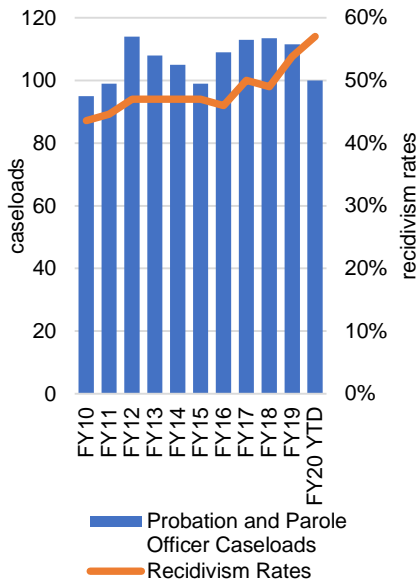
Three-year recidivism rates decreased to 57 percent in the first quarter of FY20 from a high of 60 percent in the fourth quarter of FY19, but remained far above the department's FY20 target of 45 percent. The men's and women's recovery centers, residential drug abuse program, and other specialized programs had much lower recidivism rates in FY19; this quarter, the recidivism rate for the men's recovery academy was 3 percentage points lower than the FY19 average rate, while for women the first quarter result was 8 percentage points higher. However, both measures fluctuated significantly quarter-to-quarter in FY19, with a range of 14 percentage points for men and 12 percentage points for women, suggesting this quarter's data may not be indicative of yearly performance. Significantly, the department's recent community corrections program inventory indicates the only two evidence-based programs offered by the recovery academies, including cognitive behavioral therapy, are targeted at female offenders. Increased evidence-based programming for men may help lower recidivism rates further.

Vacancy rates among probation and parole officers increased from 18 percent in FY18 to 23 percent in FY19 and the first quarter of FY20. Caseloads among probation and parole officers averaged 112 during FY19 but decreased to 103 in the last quarter of FY19 and to 100 in the first quarter of FY20. Higher caseloads reduce the time officers can spend on individual offenders, potentially compromising the supervision and services these offenders receive; the reductions seen over the past two quarters indicate significant progress.

Technical parole violations play a significant role in driving overall prison population. A 2018 LFC program evaluation found that, in a sample of parole files closed in 2016, 67 percent of parolees violated conditions at least once; among violations, 75 percent were for substance use or absconding. In total, 43 percent of parolees had their parole revoked and were sent back to prison after an average of 2.7 violations in the course of about a year. Vetoed legislation from the 2019 session aimed to reduce the role of technical violations in offender incarceration or reincarceration, and similar legislation for 2020 was a focus of many discussions in the Courts, Corrections, and Justice Committee and its Criminal Justice Reform Subcommittee.

The recidivism rate due to technical violations would be a useful metric to collect on a quarterly basis to inform these discussions and provide context for the overall recidivism rate. Despite the measure's inclusion in the 2019 General Appropriation Act and

Probation and Parole Officer Caseloads and Recidivism Rates



Source: LFC files, NMCD

multiple requests from LFC staff, the department declined to report this measure quarterly.

Budget: \$36,008.2 **FTE:** 377

Measure	FY18 Actual	FY19 Actual	FY20 Target	FY20 Q1	Rating
Contacts per month made with high risk offenders in the community	99%	99%	95%	96%	G
Average standard caseload per probation and parole officer	114	112	105	100	G
Male offenders who graduated from the men's recovery center and are reincarcerated within 36 months	21%	28%	23%	25%	Y
Female offenders who graduated from the women's recovery center and are reincarcerated within 36 months	21%	19%	20%	27%	R
Absconders apprehended	29%	33%	30%	35%	G
Vacancy rate of probation and parole officers	18%	23%	15%	23%	R
Prisoners reincarcerated within 36 months due to technical parole violations	22%	15%	23%	No Report	R
Program Rating	Y	Y			Y