

Prison populations continued to decline for the fourth consecutive year, and while the data suggest that these trends may be stabilizing, reductions in population have not led to a decrease in spending. This fiscal year, the Corrections Department (NMCD) sustained improvements in recidivism and made significant gains in metrics related to inmate education, but vacancy rates among correctional officers and probation and parole officers remain high.

Inmate Management and Control

NMCD created a new Reentry Program starting in FY23, which consolidates the budgets of the Recidivism Reduction and Education bureaus, previously part of the Inmate Management and Control (IMAC) Program, as well as transitional services and community corrections contracts, previously part of the Community Offender Management (COM) Program. As a result, measures related to recidivism, education, and other programming previously reported under IMAC were transitioned to Reentry.

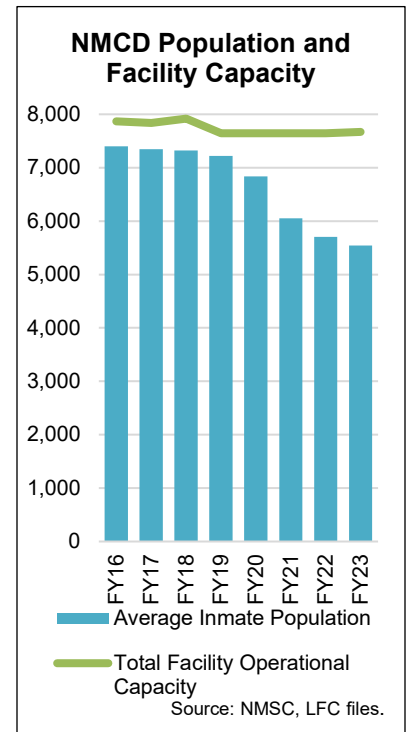
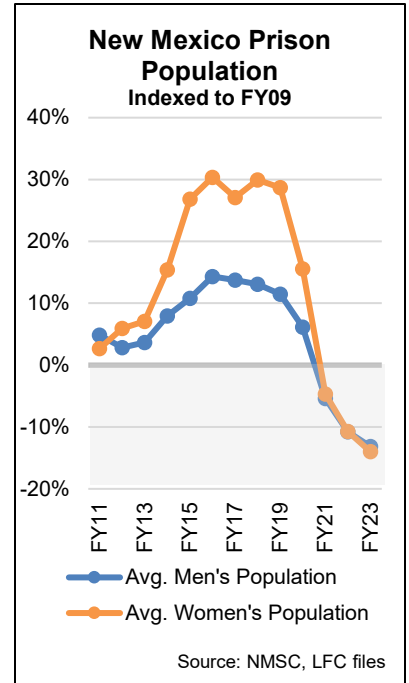
Facility Capacity. Many state owned facilities continue to operate near half capacity. At the close of FY23 the total population in state facilities was 64 percent of total capacity. Notably, the Penitentiary of New Mexico in Santa Fe had completely closed its north complex and was operating at 54 percent capacity as a result. Even with many of these inmates shifting to the Southern New Mexico Correctional Facility (SNMCF) which led state run facilities at 88 percent capacity. The Central New Mexico Correctional Facility in Los Lunas and the Northeast New Mexico Correctional Facility in Clayton were operating at 46 percent and 48 percent respectively. With capacity continuing to exceed populations inside state prisons, it is clear that one or more of these prisons could be closed, and there would still be an excess of space in remaining facilities.

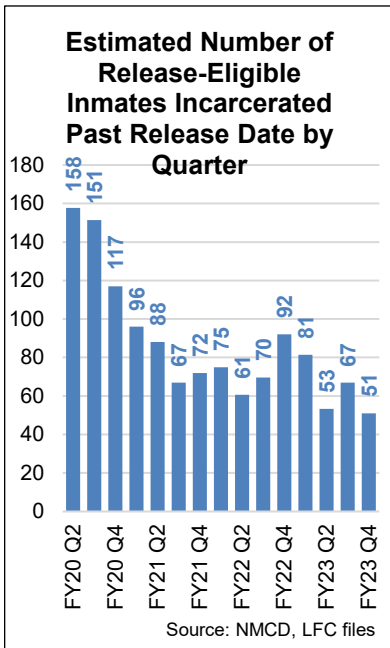
Staffing. The ratio of corrections officers to inmates systemwide remains balanced, with approximately 33 percent of corrections officer positions vacant and facilities operating overall at 66 percent capacity. Although the department has been able to leverage the reduced inmate population to allow the safe operation of facilities despite high vacancies, vacancies at some facilities are particularly concerning. The average vacancy rate among corrections officers at Western New Mexico Correctional Facility (WNMCF) in Grants during FY23 was 33 percent and for the fourth quarter it was 29 percent. The average population at WNMCF during FY23 was 83 percent capacity, and in the fourth quarter it was 86 percent. The agency has limited ability to shift the population at WNMCF to realign with vacancies because it is the only facility that can house high and medium security female inmates.

In-House Parole. Continued issues with NMCD’s reporting on release-eligible inmates imprisoned past their release dates (those serving “in-house parole”) is detailed under Data Quality Concerns on page 4, but, in FY24, the agency will replace the current metric with the average number of inmates serving in-house parole, which should resolve the issue.

ACTION PLAN

Submitted by agency?	Yes
Timeline assigned?	Yes
Responsibility assigned?	Yes





Medication-Assisted Treatment

Laws 2023, Chapter 49, (Senate Bill 425) requires NMCD to provide medication-assisted treatment (MAT) to all inmates with MAT prescriptions by the end of calendar year 2025 and to all inmates by the end of FY26. NMCD has previously only provided MAT to pregnant women already undergoing such treatment, a very small fraction of the population who could benefit from the program, although the department recently received a grant from the Human Services Department to develop a pilot to treat other populations.

The 2023 General Appropriation Act contains \$1 million in opioid settlement funds for NMCD to implement MAT in prisons.

[LFC program evaluations](#) have recommended expanding MAT in New Mexico, both inside and outside prisons. MAT is the standard of care for opioid disorders, and its use with psychosocial counseling has been shown to be safer and more effective than counseling alone. Ensuring the standard of care is delivered to inmates will require a system including screenings, access to MAT while in custody, and reentry services that effectively support ongoing recovery as offenders reintegrate into society.

Budget: \$286,715.2 FTE: 1,857

Staffing

Vacancy rate of correctional officers in public facilities.
 Vacancy rate of correctional officers in private facilities

In-House Parole

Percent of release-eligible male inmates still incarcerated past their scheduled release date
 Percent of release-eligible female inmates still incarcerated past their scheduled release date

Prison Violence

Number of inmate-on-inmate assaults resulting in injury requiring off-site medical treatment
 Number of inmate-on-staff assaults resulting in injury requiring off-site medical treatment

Health

Percent of random monthly drug tests administered to at least ten percent of the inmate population that test positive for drug use*
 Percent of standard healthcare requirements met by medical contract vendor

	FY21 Actual	FY22 Actual	FY23 Target	FY23 Actual	Rating
Vacancy rate of correctional officers in public facilities.	27%	29.2%	20%	32.3%	R
Vacancy rate of correctional officers in private facilities	25%	31.6%	20%	33.8%	R
Percent of release-eligible male inmates still incarcerated past their scheduled release date	1%	1.3%	3%	1.2%	G
Percent of release-eligible female inmates still incarcerated past their scheduled release date	1%	1.2%	3%	0.8%	G
Number of inmate-on-inmate assaults resulting in injury requiring off-site medical treatment	6	4	10	7	G
Number of inmate-on-staff assaults resulting in injury requiring off-site medical treatment	3	4	3	4	Y
Percent of random monthly drug tests administered to at least ten percent of the inmate population that test positive for drug use*	2%	3.2%	N/A	1.4%	
Percent of standard healthcare requirements met by medical contract vendor	90%	95%	98%	99%	G
Program Rating	Y	R			Y

*Measure is classified as explanatory and does not have a target.

Reentry

Recidivism. Every year, NMCD releases around 3,000 offenders into communities statewide. Reducing the rate at which these offenders commit new crimes is crucial to improving public safety and serves as the most important metric of NMCD’s performance. However, many offenders are reincarcerated for technical parole violations or drug use, increasing costs without effectively improving public safety. Reductions in the number and share of individuals admitted to prison due to parole revocations seen since FY21 support the accuracy of recidivism data because most parole terms last two years, meaning most individuals whose parole is revoked are included in measures of three-year recidivism. With almost three years of comparable data, the department has made significant strides in overall recidivism, and this measure is rated green. However, improved historical data is still necessary to fully evaluate the agency’s long-term performance in this key area.

Similarly, while recent data regarding recidivism due to technical parole violations is not comparable to data reported prior to FY21 (see “Data Quality Concerns” on page 4), the considerable improvements reported in FY23, which averages 19 percent year to date, in comparison to 30 percent in FY21 and 24 percent in FY22 earn the measure a green rating. Recidivism for technical violations remained steady between the third and fourth quarters of FY23, at 17 percent. Additionally, recidivism due to new offenses fell about 1 percent this quarter compared with the previous quarter.

Education and Programming. In FY23, NMCD’s Reentry Program massively increased the number of inmates who earned a high-school equivalency (HSE) certificate. HSE attainment is one of the most well-established and

impactful interventions for reducing recidivism, making this a key metric of NMCD’s performance. The agency credits this improvement to extending teachers’ hours, increasing the use of tablets, use of pre-HSE ready exams, and expanding HSE certificate offerings from just the high school equivalency test (HiSET) to include the GED.

Budget: \$23,544.9 **FTE:** 130

	FY21 Actual	FY22 Actual	FY23 Target	FY23 Actual	Rating
Recidivism					
Prisoners reincarcerated within 36 months	44%	37%	40%	36%	G
Prisoners reincarcerated within 36 months due to new charges or pending charges	14%	13.6%	17%	16.9%	G
Prisoners reincarcerated within 36 months due to technical parole violations	30%	24%	20%	19%	G
Sex offenders reincarcerated on a new sex offense conviction within 26 months of release on the previous sex offense conviction	6%	1%	5%	4%	G
Education					
Eligible inmates enrolled in educational, cognitive, vocational and college programs	41%	45%	60%	51.2%	Y
Percent of eligible inmates who earn a high school equivalency credential	9.7%	7.7%	80%	15.4%	R
Number of inmates who earn a high school equivalency credential	118	82	165	184	G
Other Programming					
Residential drug abuse program graduates reincarcerated within 36 months of release*	22%	22%	N/A	19%	G
Graduates from the women’s recovery center who are reincarcerated within 36 months	27%	18%	20%	11%	G
Program Rating	R	Y			G

*Measure is classified as explanatory and does not have a target.

Probation and Parole Reform

Changes to the state’s systems of probation and parole passed during the 2023 legislative session were anticipated to significantly reduce the size of the incarcerated population, but opposition voiced by district attorneys led the governor to veto the most impactful change. Senate Bill 84 would have substantially revised the system governing violations of probation or parole conditions, creating a separate process for technical violations requiring the imposition of graduated sanctions prior to allowing an offender to be incarcerated or have their parole revoked. These changes were anticipated to significantly reduce recidivism, resulting in projected savings of over \$20 million.

However, changes to medical and geriatric parole in Chapter 89 (Senate Bill 29) and the elimination of sentences of life without parole for youthful offenders were signed into law and are anticipated to result in moderate reductions in prison population and reincarceration.

Community Offender Management

Measures related to community corrections programming through the men’s and women’s recovery academies and recidivism due to technical parole violations moved to the Reentry Program for FY23.

Vacancy rates among probation and parole officers decreased to 19 percent this quarter compared with 20 percent in the third quarter of FY23, while the average standard caseload per officer rose from 80 to 83. NMCD reports 24.9 percent of absconders were apprehended in FY23, which represented a slight increase from the 24.2 percent apprehended in FY22, but still under the target of 30 percent.

Budget: \$34,722.0 **FTE:** 378

	FY21 Actual	FY22 Actual	FY23 Target	FY23 Actual	Rating
Average standard caseload per probation and parole officer	88	86	90	83	G
Percent of contacts made per month made with high-risk offenders in the community	94%	96%	97%	97%	G
Vacancy rate of probation and parole officers	16%	21%	15%	19%	Y
Percent of absconders apprehended	24%	24.2%	30%	24.9%	Y
Program Rating	Y	R			Y

Data Quality Concerns

A number of issues in NMCD's quarterly reporting lead to concerns regarding overall data quality in the reports that have been outstanding for several months. Specific issues are outlined below.

Measure	Issue
Prisoners reincarcerated within 36 months	In the first quarter of FY21, NMCD reported its overall three-year recidivism rate had been reported incorrectly since 2016 due to a database error that erroneously counted all intakes to the parole system as prison admissions for purposes of calculating reincarceration rates. The agency has corrected this issue, but because it has not provided corrected historical data on this measure, it is unclear if FY21's recidivism results represent an increase or decrease from previous years. NMCD reports it is working on recalculating annual results for its three-year recidivism rate measure but has not yet provided results.
Release-eligible male and female inmates still incarcerated past their scheduled release date (In-House Parole)	NMCD reported this measure had previously been miscalculated and changed the calculation for FY21 but did not provide corrected historical reports. LFC and DFA analysts believe NMCD's altered calculation is incorrect (the original calculation is correct), but NMCD has not revised its reports for FY21, FY22, or FY23 despite explicit guidance to do so.
Prisoners reincarcerated within 36 months due to technical parole violations	In August 2021, NMCD reported several prior years' performance reports had excluded absconders when calculating recidivism rates for technical parole violations, although the measure is defined to include absconders. The department included absconders in its FY21 reports but had not informed LFC of this change. As a result, it is not possible to compare FY21's 30 percent recidivism rate for technical violations to prior years' performance, and it is not clear if this was an increase or decrease.