



LFC Program Evaluation Progress Report

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Progress Report:

July 2013

KEY FINDINGS (2012)

- 1) Reducing recidivism through strategic budget development can save millions and improve public safety.
- 2) The use of in-house parole costs \$10 million a year and could undermine public safety.
- 3) Lack of valid assessments and poor management of prison programs and resources inadequately prepare inmates for successful transition into the community.
- 4) Probation and Parole Division (PDD) officers are comparatively underpaid, have high turnover rates, and are faced with increasing caseloads.

Overpayments to the single entity (Value Options or OptumHealth) have been occurring since FY06 and the recovery of these funds is a continuing issue. The recovery of funds has started for FY10 and FY11.

Reducing Recidivism, Cutting Costs, and Improving Public Safety in the Incarceration and Supervision of Adult Offenders (Corrections Department)

Assessed opportunities to improve the incarceration and supervision of offenders in New Mexico including strategies to reduce recidivism and cost savings measures.

FROM THE EVALUATION (2012).

Background. New Mexico is facing a growing prison population projected to exceed current capacity within the next decade. In FY11, New Mexico spent \$300 million to house an average of 6,700 offenders and supervise another 18 thousand offenders each day. The New Mexico Corrections Department (NMCD) released 3,440 offenders from prison into the community that same year and if current trends continue, over half of these inmates will return to prison within five years. Investments in programs for reducing recidivism and promoting rehabilitation and treatment, in addition to security, are vital in improving public safety and reducing costs.

Key Recommendations.

- The NMCD should aim to reduce recidivism through strategic investment by continuing to work with the LFC and the New Mexico Sentencing Commission (NMSC) to update the New Mexico Results First model so that programs can be funded based on results.
- The NMCD should prepare an implementation plan for administering and using COMPAS or another valid risk and needs assessment to support decisions in program assignment.
- The NMCD, the Behavioral Health Collaborative (BHC) and OptumHealth should work together to expand the community-based provider network, specifically for hard to place and high-risk inmates.
- The NMCD in conjunction with the BHC should begin to move toward a system of evidence-based treatment programs. The Legislature should consider legislation that requires that most funding for community-based corrections programs be used to fund evidence-based programs over the course of a four year phase-in.
- The NMCD should accompany any cost-savings measures agreed to in contract, such as reductions in required FTE, with measured reductions in per-diem rates.
- The BHC, working with the NMCD, should develop a plan to revert appropriate excess funding from the single entity to the state. The plan should be presented to the Legislative Finance Committee by September of 2012.
- The NMCD should review parole and probation officer (PPO) salary ranges with the intent of bringing them into line with comparable market rates as soon as possible.
- The NMCD should form a Research and Evaluation Unit consisting of three employees to provide a program auditing function along with a data analysis function for the NMCD.



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CURRENT SITUATION (July 2013)

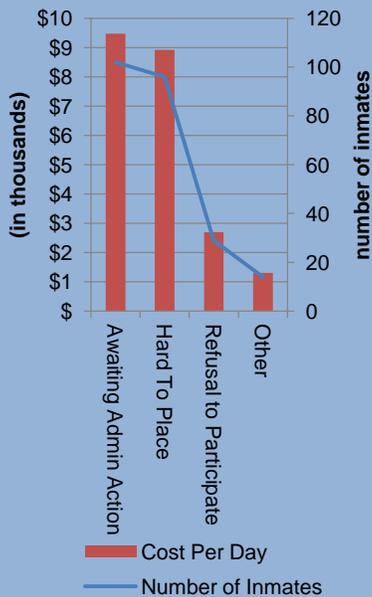
Legislative Update.

- The FY14 general fund appropriation to the NMCD is \$270.6 million, a 1.5 percent increase.
- The FY14 general fund appropriation to the Corrections Industries program is \$150 thousand and is the first general fund appropriation to the program since FY98.
- Chapter 165 (Senate Bill 145) made changes to the Community Corrections Act recommended in the evaluation. The bill eliminates state and local selection panels streamlining the process of enrolling parolees into community corrections programs. The bill also eliminates the 60 percent limitation use of funds by the NMCD to operate adult community corrections programs.
- Chapter 48 (Senate Bill 143) increases the caseload for intensive supervision parole (ISP) officers from 20 inmates to 40 inmates. The legislation did not include the LFC recommendation that treatment be included as a condition of ISP. Research has shown that ISP is only cost beneficial when accompanied with treatment.
- The governor vetoed Senate Bill 65, requiring the NMCD to enroll soon-to-be released inmates in Medicaid. This legislation was intended to ensure that many high-risk inmates would receive treatment once released, reducing the likelihood of re-incarceration. According to the NMCD, the NMCD and HSD have committed to work together to ensure staff is appropriately trained so that Medicaid applications are part of the parole planning process. This is an ongoing issue and that the legislature should continue to monitor.
- LFC staff proposed draft legislation to the Courts, Corrections, & Justice Committee in the fall of 2012 that requires that most funding for community-based corrections programs be used to fund evidence-based programs over the course of a four-year phase-in. The NMCD did not support the legislation and it was pulled.

Agency-Reported Progress to Date.

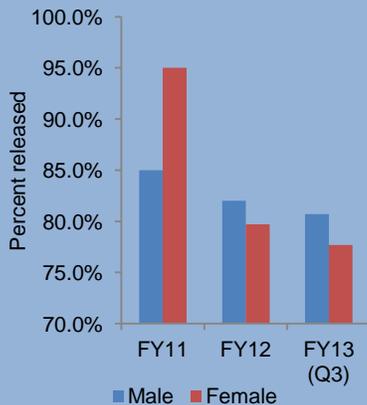
- The NMCD has developed 32 goals that generally address programming for reentry to the community. Additionally, a valid risk needs assessment, the COMPAS, is scheduled for deployment in October of 2013.
- The NMCD continues to work on programming issues:
 - The NMCD is implementing the University of New Mexico Anderson School of Management recommendations for Corrections Industries programs.
 - The NMCD discontinued the drug treatment in prison program therapeutic communities after the LFC evaluation showed that the program was likely ineffective. The report showed that the evidence-based practice needed improvement. NMCD is replacing the program with another drug treatment program called residential drug abuse program (RDAP).
 - The department has expanded the number of beds at the Men's Recovery Academy.
- The terminology for inmates not released on the correct date has been changed from in-house parole to release eligible inmates. According to HB2 measures, a trend for lower percentages of inmates being released on time is continuing

Reasons for In House Parole and Cost Per Day, 2011



Source: NMCD

Percent of offenders released by scheduled date

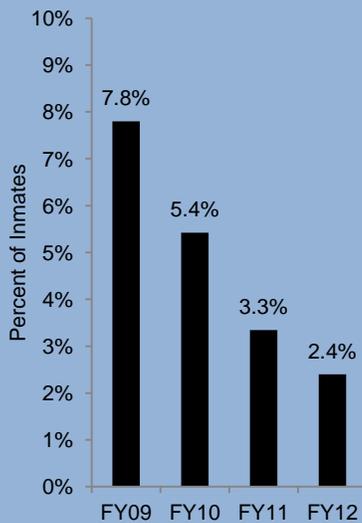


Source: NMCD



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**Corrections Industries:
Percent of eligible
inmates employed**



Source: NMCD

Reclassification of Probation and Parole Officer positions is underway.

indicating that a higher percentage of inmates are spending additional time in prison beyond their release date. The NMCD indicated that this trend might be driven by changes made in date reporting. The current number of release eligible inmates is 295 costing the state an estimated \$29 thousand a day.

- The NMCD has identified all programming, including evidence-based programming currently being run and will receive initial training on the New Mexico Results First model later this summer.
- The NMCD has informed the LFC that the department will receive a refund from OptumHealth to the NMCD community corrections fund for unspent FY10 and FY11 monies of \$800 thousand. FY12 expenditures are under review.
- The NMCD created the Security Threat Intelligence Investigator position to allow for the movement reclassification of Probation and Parole Officers
- The NMCD is creating a research and analysis unit, three staff will be hired and trained by January 2014.

Outstanding Issues.

- According to performance measures, participation in corrections industries continued to diminish in FY12 to 2.4 percent. Corrections industries still has expensive equipment that remains unused.
- According to HB2 measures, a trend for lower percentages of inmates being released on time (formerly in house parole) is continuing to diminish.
- The NMCD has identified 108 total programs in New Mexico prisons, adopting eight evidence-based programs used by the Bureau of Prisons.
- The NMCD has not implemented cost-savings measures in response to contract modifications with private prisons which include reductions in required FTE. A March 2012 amendment to the contract between the NMCD and Lea County for the operation of the Lea County Correctional Facility reduces staffing requirements by 32 FTE, creating \$2 million in annual savings, but per-diem rates paid to the GEO Group Inc. have not been reduced. According to the NMCD, the department has suspended penalties for staffing levels, required GEO to increase CO salaries, and spend money on advertising for correctional officers.
- Reclassification of PPO positions is underway according to the NMCD. At one time a plan, reflecting LFC recommendations to reclassify PPO salaries was under review by the DFA. It is unclear why the plan did not move forward given the SPO's finding that PPD officers earn 22 percent less than the market rate compared to eight other states.
 - According to SPO the average annual salary of entry level PPOs is \$35.1 thousand or 17 percent below midpoint.
 - According to SPO the average annual salary of correctional officers (COs) is \$30.5 thousand or 13.1 percent below midpoint.
- PPOs and COs continue to experience elevated vacancy rates, adding overtime costs and safety concerns.
 - Among PPOs, there is a 26.6 percent vacancy rate, the past two cadet classes there have been as many PPO officers graduating from the academy as have left the department.
 - Among COs, there is a 21.8 percent vacancy rate.
 - The department expects to spend almost \$9.1 million in FY14 on overtime and could reduce this by filling vacancies and making salaries more competitive.



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The added capacity from OCCF bring the total male inmate bed capacity to 6,820 leaving 620 empty beds.

- Caseloads for PPO officers have fallen to 104 per officer in the third quarter of FY13 from 114 in FY12. However caseloads are high compared to the nationally recognized best practice of 65 cases per officer.
- According to the Bureau of Prisons, New Mexico's percentage of private prison use is greater than all other states. Adding additional private capacity, the NMCD entered into an \$8.2 million inter-governmental agreement with Otero County. The agreement established a sex offender unit and a former law enforcement unit with 342 beds at the Otero County Correctional Facility (OCCF) operated by the Management and Training Corporation (MTC).
- The total NMCD male inmate population including 170 bed holds in late June was 6,203, with the added capacity from OCCF, the total male inmate bed capacity is 6,820, leaving 617 empty beds in various custody levels. The NMCD notes that there is some misalignment of available bed space with needed bed space in different security levels.