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FISCAL IMPACT REPORT

ORIGINAL DATE 01/30/12

SPONSOR Harden LAST UPDATED _____ HB _____

SHORT TITLE Probation Officer Maximum Case Load SB 162

ANALYST Sánchez

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY12	FY13	FY14	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		NFI	NFI	NFI	Recurring	Other State Funds

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

New Mexico Corrections Department (NMCD)
Adult Parole Board (APD)

SUMMARY

Synopsis of Bill

Senate Bill 162 would amend Section 31-21-13.1, Intensive Supervision Program to increase the maximum caseloads of probation and parole officers (PPOs) supervising intensive supervision programs (ISP) offenders on probation and/or parole from 20 offenders to 40 offenders per PPO. Intensive supervision is the highest level of supervision provided by PPOs to offenders. It consists of highly structured and intensive supervision, and stringent reporting requirements for offenders assessed to be at very high risk of committing new crimes or otherwise violating their conditions of probation or parole.

FISCAL IMPLICATIONS

According to the New Mexico Corrections Department (NMCD) the bill has no negative fiscal impact on it or the State. In fact, it might result in savings for the NMCD by leading to the more efficient utilization of PPOs and other Probation and Parole Department (PPD) resources.

SIGNIFICANT ISSUES

The NMCD reports that:

Currently, Section 31-21-13.1 (B) mandates that PPOs assigned to supervise ISP or intensive supervision offenders have a maximum caseload of only twenty (20) offenders. This statute was enacted during 1987-1988 38th Legislative session. While the average case load for a standard supervision officer in 1988 was 50, the average caseload had increased to 140 offenders by 2009. From 1988 to 2009, standard supervision caseloads have increased a total of 180 percent.

Unfortunately, over the past twenty two years, the Intensive Supervision caseloads have been statutorily required to remain at twenty offenders per officer. However, it has been determined that some offenders currently on Standard Supervision now pose a high risk of committing new offenses or need increased treatment options, and therefore need to be supervised at higher levels of supervision such as Intensive Supervision.

Intensive Supervision caseloads in other jurisdictions have been increased to deal with this significant increase in high risk/high needs probation and parole offenders: TEXAS Taylor County – 2007 – 40 offenders to 1 officer; NORTH CAROLINA County Average – 2008 – 30 to 40 offenders to 1 officer; CALIFORNIA Oakland – 2002 – 56 offenders to 1 officer; MARYLAND County Average – 2006 – 55 offenders to 1 officer; COLORADO County Average – 2002 – 40 offenders to 1 officer; OHIO Licking County – 2006 – 75 offenders to 1 officer; NEW YORK Nassau County – 2004 – 46 offenders to 1 officer; Onondaga County – 2004 – 36 offenders to 1 officer; Erie County – 2004 – 31 offenders to 1 officer; Suffolk County – 2004 – 20 offenders to 1 officer; and New York City – 2004 – 34 offenders to 1 officer.

Even though the NMCD is proposing to increase its Intensive Supervision maximum caseloads from 20 to 40 offenders per officer, there are now more services and entities available to help the NMCD Intensive Supervision officers work with increased maximum caseloads for this very high risk population, including the Woman's Recovery Program, the Men's Recovery Program, Drug Court, Mental Health Court, Halfway houses, Inpatient treatment facilities, and Multiple behavioral contracts. Further, the NMCD has also made many technological and other advances in its supervision techniques over the last several years to aid each officer in its supervision of up to 40 offenders instead of only 20 offenders, including the following:

- Implementation of Criminal Management Information Systems (C.M.I.S.) database
- Implementation of a Risk and Needs instrument
- Achieved and maintained accreditation with the American Correctional Association (A.C.A)
- Created a 24-hour Response Center
- Sponsored certification training for the creation of instructor trainers
- Created Gender Specific Probation Parole Officers
- Use of armed officers to assist when making field calls to high risk offenders
- Use of GPS monitoring to assist in victim sensitive and high risk cases

Currently, some high risk offenders who would ordinarily be assigned to ISP cannot currently be assigned to that level of supervision because of the outdated or obsolete statutorily mandated cap of 20 ISP offenders per officer.

This increase in the maximum caseloads would likely result in following benefits to the NMCD and the State:

- Enable the NMCD PPD to immediately transfer targeted high risk and/or high need offenders from standard supervision to intensive supervision (ISP)
- Help decrease the number of In-house parolees
- Increased supervision of high risk offenders
- The Provision of needed treatment options available only through Intensive Supervision programs for offenders
- Reduce recidivism and new crimes committed by offenders not in Intensive Supervision
- Help Increase supervision levels for Standard Supervision offenders by decreasing Standard Supervision Officers' case or workloads.

The Pew Center on states has shown that managing offenders in the community, when done well, produces appreciable costs savings and public safety outcomes. The recommended strategy includes sorting offenders by risk to public safety, basing intervention programs on science, harnessing technology, imposing swift and certain sanctions, creating incentives for success and measuring progress.

PERFORMANCE IMPLICATIONS

The bill will positively impact the caseload per probation officer measure.

ADMINISTRATIVE IMPLICATIONS

According to the NMCD, this bill will enable higher risk offenders to be supervised at the highest level of supervision, enhancing public safety. It will also reduce the workloads of PPOs supervising regular and lower supervision level offenders.

ALTERNATIVES

None. This is a critical need for the NMCD and its PPOs, and a crucial public safety need.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo, which will result in offenders who should be on ISP having to be placed on ISP waiting lists.

ABS/lj:amm