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FISCAL IMPACT REPORT

ORIGINAL DATE 02/01/13
 SPONSOR O'Neill LAST UPDATED 02/05/13 HB _____
 SHORT TITLE Intensive Probation & Parole Officer Caseload SB 143
 ANALYST Trowbridge

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	None*	None*	None*	None*	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)
 *See Fiscal Implications

SOURCES OF INFORMATION

LFC Files

Responses Received From

New Mexico Corrections Department (NMCD)
 Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of Bill

Senate Bill 143 would amend Section 31-21-13.1, Intensive Supervision Programs, 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

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

SIGNIFICANT ISSUES

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 approximately 140 offenders per officer 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 the nationwide 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.

Fortunately, even though NMCD is proposing to increase its Intensive Supervision maximum caseloads from 20 to 40 offenders per officer, there are now substantially more services and entities available to help NMCD Intensive Supervision officers work with increased maximum caseloads for this very high risk population, including but not limited to 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, 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 to track offenders on GPS monitoring
- Sponsored certification training for the creation of instructor trainers
- Created Gender Specific Probation Parole Officers
- Use of armed probation/parole officers to assist when making field calls to high risk offenders
- Use of GPS monitoring to assist in victim sensitive and high risk cases

Unfortunately, some high risk offenders who would otherwise 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 NMCD and the State:

- Enable 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 Administrative Office of the Courts (AOC) indicates the current caseload of twenty offenders was set back in the 1980's when there were fewer technological resources (such as GPS ankle bracelets) available to help with the supervision of the high risk offenders the intensive supervision programs are designed for. Increasing the per-officer caseload from twenty to forty offenders would allow the CD to provide intensive supervision to more offenders with the same amount of probation and parole officers.

AOC adds that the judiciary's drug courts would not be affected as the CD does not categorize drug court participants as high risk offenders (i.e., having a history of violence or posing a significant risk to the community), but instead as high need. As such, SB 143 would not effect a change in the caseload of the CD probation officers working with adult drug courts.

PERFORMANCE IMPLICATIONS

NMCD maintains the caseloads for standard supervision officers would decrease by the number of intensive supervision cases currently on their caseload, allowing those officers to spend more time supervising those offenders on standard supervision. Additionally, intensive supervision officers with the expertise and technology to handle those cases would have a slight increase to their caseloads. The targets for both case types would have to be revisited and adjusted accordingly.

ADMINISTRATIVE IMPLICATIONS

NMCD indicates this bill will enable higher risk offenders to be supervised at the highest level of supervision, enhancing public safety, and would allow NMCD to immediately place offenders on ISP who judges want placed on ISP without having to put the offenders on a waiting list. When offenders are placed on ISP supervision, this means the offenders are being visited more in the field, thereby deterring improper conduct and obviously enhancing public safety. Importantly, this bill would further enhance public safety by also reducing the workloads of PPOs supervising regular and lower supervision level offenders. It is important to remember that the bill creates a ceiling of 40 ISP offenders per officer, but would allow NMCD the discretion to have a particular ISP officer supervise, for example, only 30 or 35 offenders if NMCD determines that is more appropriate.

OTHER SUBSTANTIVE ISSUES

The Legislative Finance Committee (LFC), a bipartisan entity, examined the possibility of raising ISP caseloads this past summer (June 2012), in a report titled, “New Mexico Corrections Department Reducing Recidivism, Cutting Costs and Improving Public Safety in the Incarceration and Supervision of Adult Offenders.” The report concluded that ISP caseloads could be safely increased if specific criteria are met including enrollment in a community treatment program, and electronic monitoring. LFC recommended criteria for safely raising ISP caseloads are not included in this bill.

National studies have demonstrated that intensive supervision programs, by themselves, have an insignificant impact on recidivism. However, studies have shown that ISP is effective in reducing recidivism when coupled with community treatment programs. The bill in its current form does not include such a requirement. Increasing ISP caseload without requiring additional criteria identified by the LFC effectively reduces supervision that a high-risk offender receives and could pose an increased risk to public safety.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

NMCD states not enacting SB 143 would result in offenders who should be on ISP having to be placed on ISP waiting lists and not receiving the level of supervision deemed most appropriate by NMCD.

TT/svb