

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current and previously issued FIRs are available on the NM Legislative Website ([www.nmlegis.gov](http://www.nmlegis.gov)).

## FISCAL IMPACT REPORT

**SPONSOR** Neville/Ortiz Y Pino      **ORIGINAL DATE** 1/23/22  
**LAST UPDATED** \_\_\_\_\_ **HM** \_\_\_\_\_  
**SHORT TITLE** Study Unified Jail & Prison System      **SM** 6  
**ANALYST** Mulvaney

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY22	FY23	FY24	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		NFI				

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates HM11

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Department of Public Safety (DPS)  
 Administrative Office of the Courts (AOC)  
 Children, Youth and Families Department (CYFD)  
 New Mexico Corrections Department (NMCD)

#### No Response Received

New Mexico Association of Counties (NMAC)

### SUMMARY

#### Synopsis of Memorial

Senate Memorial 6 requests the New Mexico Association of Counties (NMAC) convene a task force of stakeholders, including representatives from New Mexico Association of Counties, Corrections Department, and Administrative Office of the Courts (AOC), to study the costs, benefits, and feasibility of transitioning the state to a unified jail and prison system.

There are 27 county-operated adult detention facilities in New Mexico. The operational capacity of the adult detention facilities range from 10 detainees and inmates to 2,160 detainees and inmates. The programs and services vary widely from county to county. The taskforce will look at the benefits and problems of moving to a statewide, unified jail and prison system where records could be shared and resources could be saved through economies of scale.

SM6 further requests that the task force report its findings to the appropriate interim legislative committee by December 1, 2022.

Copies of the memorial are to be transmitted to the executive director of NMAC, the director of AOC, and the Secretary of NMCD.

## FISCAL IMPLICATIONS

There will be a minimal administrative cost for transmittal of the memorial to the proposed task force participants. Any additional fiscal impact would be related to the participation of personnel in the task force and its affairs.

CYDF notes, “If juvenile detention centers are included in this study, any fiscal implications for CYFD will be absorbed by existing resources.”

## SIGNIFICANT ISSUES

As per AOC:

1) In September of 1997, the National Institute of Corrections released its report, “A Review of the Jail Function Within State Unified Corrections Systems.” The report includes the following findings within the section titled, “Advantages and Limitations of State Unified Corrections Systems”:

**Advantages.** In interviews with DOC administrators in the states with unified systems, administrators cited the following advantages of unified corrections systems over county jail systems:

- Corrections administrators can directly influence decisions made by state legislatures. While county jail administrators tend to be completely dependent on decisions made at the state level, in a unified system there is no “dumping” on the local level.
- Resources can be evenly distributed throughout the state. In most states, some jurisdictions are wealthier than others, which influences the extent of resources available for local corrections services. A unified corrections system relies on direct funding from the state and allocates funds appropriately to counties or other jurisdictions around the state.
- Economies of scale are possible. Cost savings result from centralizing many functions, programs, and purchases.
- Leadership flows from the governor to the commissioner of corrections, creating consistency. All branches of government can work together.
- State oversight provides better quality control and improves public safety. In contrast, some county jails are well run; others are not.
- There is increased professionalism because those in a unified system are not elected.
- Needs can be examined system-wide by judges, the legislature, and the governor.

**Limitations.** Administrators in the unified systems identified the following as ways in which unified corrections structures may be less effective than county jail systems:

- Counties can sometimes make things happen more quickly. In state systems, practices sometimes get entrenched and there may be less flexibility.
- Even with state-level administration, it is important—and sometimes difficult—to respond to the needs of the communities in which jails are located.
- All jail resources must come from the state; there is no support from local revenues.
- State systems sometimes suffer from in-breeding, or a lack of new leadership, within the corrections agency.

See <https://nicic.gov/sites/default/files/014024.pdf> .

As per CYFD:

Since 2019, four of eight Juvenile Detention Centers in New Mexico – fifty percent – have closed. Reasons for these closures include declining client populations, high staff turnover, vacancies, and increasing deferred maintenance costs. As these detention centers close across the state, children and families are forced to travel farther from their homes, making it increasingly difficult for these children to remain connected to their communities.

These closures have also created the following challenges and identified needs:

- Inconsistency of community, youth, and family support and resources.
- A lack of guaranteed Juvenile Detention Center placement can result in the possible release of dangerous individuals.
- Difficulty in developing strategies to standardize the cost of care to Counties, especially those without Juvenile Detention Centers.
- Difficulty in providing effective legal representation when attorneys do not easily have access to their client.
- Barriers to maintaining family visitation.
- Increased transportation costs and sheriff resources to travel back and forth for court hearings.

The same opportunities and benefits that a unified system could provide adult facilities would translate to Juvenile Detention Centers as well.

## **PERFORMANCE IMPLICATIONS**

The courts are participating in performance-based budgeting. It does not appear that this bill will have an impact on the following measures of the district courts:

- Cases disposed of as a percent of cases filed.
- Percent change in case filings by case type.

## **DUPLICATION**

HM11 is a duplicate.