



# STATUS OF THE BERNALILLO COUNTY METROPOLITAN DETENTION CENTER: ANALYSIS OF THE JAIL POPULATION

## Briefing Note

Prepared for : Bernalillo County Metropolitan Detention Center

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### OVERVIEW

Jail populations nationally and in New Mexico continue to grow while crime rates continue to fall. At midyear 2004 local jails were estimated to be operating at 94% of their rated capacity (BJS, 2005). Rated capacity is the maximum number of beds or inmates allocated by State or local rating officials to a jail facility. Nationally since 1995, the jail population has increased 26% and the number of jail inmates per 100,000 population increased from 193 to 243.

The Bernalillo County Metropolitan Detention Center (MDC) is the 50<sup>th</sup> largest jail in the U.S. and at midyear 2004 the MDC was at 104% of its rated capacity of 2,048 inmates. Twenty of the nations 50 largest jails operated over their rated capacity. The MDC population is continuing to grow and in June 2005 the average daily population was 2,283 (112% of rated capacity). Under current conditions, the jail population will continue to grow.

**Background:** During the planning phase of the new MDC, the project architect reported that the county inmate population had grown 500 percent during the past two decades. In the late 1970s, Albuquerque and Bernalillo County designed and built a jail to hold 288 inmates. During the 1980s the original structure was expanded to house a total of 580 inmates. By 1990 it was holding more than 1,000 and five years later, a federal judge capped the jail population at 586. This action forced officials to house inmates in temporary quarters. Despite efforts to relocate jail inmates and manage the growth of the population by early 2000, the population grew to almost

### Highlights

- The Bernalillo County Metropolitan Detention Center (MDC) is the 50th largest jail in the US. The MDC has a rated capacity of 2,048 beds (747,520 bed days available in a year) and the site can be expanded to 4,913 beds.
- In June 2005, the Jail operated at 112% of its rated capacity.
- In a study by the NM Sentencing Commission (NMSC) completed in March 2005, 36.9% of the 1,960 arrestees held at the MDC on June 30, 2003, spent almost 8 months in Jail (248 days).
- In the same study, unsentenced felony probation violators (303 arrestees) spent a median of 60 days in the MDC from booking to sentencing. Reducing their length of stay by half would have saved approximately 9,000 bed days.
- In the NMSC study 487 unsentenced arrestees on new felony charges spent a median of 187 days in the jail from booking to the close of the case in District Court. According to a 2000 study by the federal National Institute of Justice (NIJ), courts can exercise considerable control over how quickly cases move through the system without sacrificing justice. By reducing the length of stay to 180 days we estimate approximately 40,000 bed days would have saved.
- In the NMSC study, slightly more than 11% (168) of all felony arrestees were sentenced to prison. From their sentencing to the date they were transported to prison, they spent a median of 23 days in jail. These individuals accounted for 3,864 bed days. Reducing the length of stay by half would have saved almost 2,000 bed days.
- From January 2000 to July 2005 the average length of stay increased 28%.
- From 1993 to 2006, MDC budget expenditures increased 207% (annual increase 9.5%). This does not include debt service.
- MDC is currently executing several policy initiatives discussed in this paper and has proposed others. Jail growth management benefits from analyzing the length of stay and the number of admissions.
- Building jail capacity is very costly and should only be undertaken after less costly options have been explored.

1,400. During this time the federal court order and policy management initiatives, e.g., Community Custody Program (CCP), helped manage the growth of the population. In 2000, officials began the process of planning and building the new MDC facility. In December 2002, inmates began occupying the MDC. The new MDC facility has a rated capacity of 2,048 beds and the site can be expanded to 4,913 beds.

The goal of this briefing note is to examine factors contributing to the population growth at the MDC, discuss current and proposed initiatives to manage the population growth, and analyze the need for additional jail beds. How the current situation impacts the county criminal justice system (CJS) is discussed and recommendations are proposed that could be useful in managing the MDC population. The MDC staff have little say as to the types and numbers of inmates placed in custody or how long inmates stay. These decisions are made by law enforcement agencies, judges, prosecutors, and others in the CJS. This briefing note examines the current situation and offers suggestions for change through policy and practice.

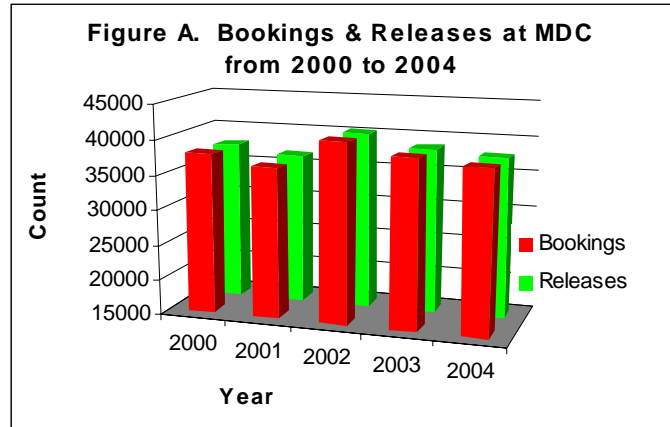
**POPULATION GROWTH**

Jail population is a consequence of two factors, the number of jail admissions and the length of stay. Hence, managing jail population is benefited by analyzing two components of the population: 1) the length of stay or how long people are in jail, and 2) the number of admissions.

Information for this note was primarily collected from automated data maintained by MDC. Data was also used from a recent study by the New Mexico Sentencing Commission (NMSC) of six NM county jails, which included MDC. The Bernalillo County Manager's Office provided budget data.

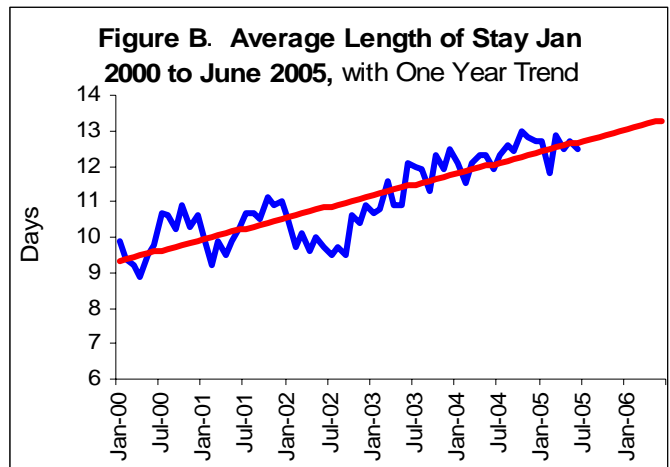
**Demographics:** Among the more than 2,200 arrestees in the MDC on June 30, 2004, 21.6% were younger than 25 years of age, 32.1% were between 25 and 34 years of age, and 46.3% were 35 years or older. Men comprised 84.3% (1,884 persons) of the population. Hispanics accounted for slightly more than half of the sample (56.7%), Whites accounted for 21.5%, and Native Americans and African Americans made up 10.8% and 9.8%, respectively.

**Admissions:** The rate of admissions to the jail is the first piece to understanding the population growth. Figure A shows the count of bookings and releases at the MDC from 2000 to 2004. During this time period releases mirrored bookings. Further analysis needs to



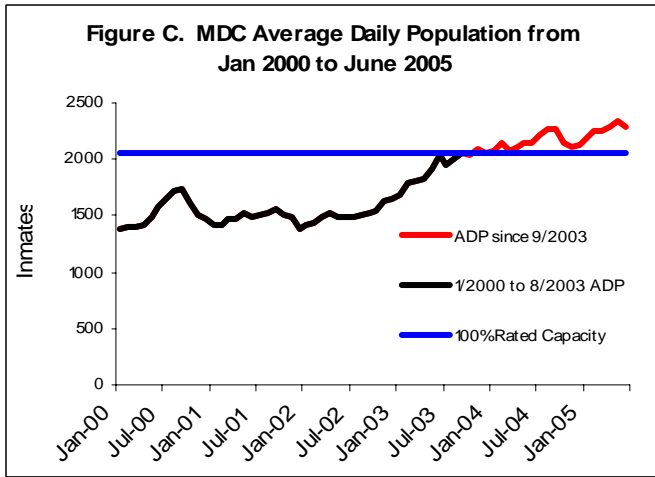
be conducted to understand the composition of arrests by type and the impact on length of stay.

**Length of Stay:** The length of stay is the second piece in the population growth puzzle. Why has the MDC population increased? Figure B shows the average length of stay from January 2000 to July 2005. During this time period the average length of stay increased 28%. We applied a correlation over time to calculate a trend to illustrate the potential growth during the next one year period. By July 2006, the average length of stay could range between 12.7 days and 13.9 days.



**Average Daily Population:** During January 2000 the average daily population was 1,384. The MDC experienced a major peak during 2000 but was fairly flat for almost two years (Jan. 2001 - Jan. 2003). In early 2003, the population began to steadily climb and has continued to increase to the present daily population of 2,283 in June 2005. Figure C reflects the changes in the average daily population and places a line at 100% of the rated capacity (2,048). During September 2003 the average daily population climbed above the rated

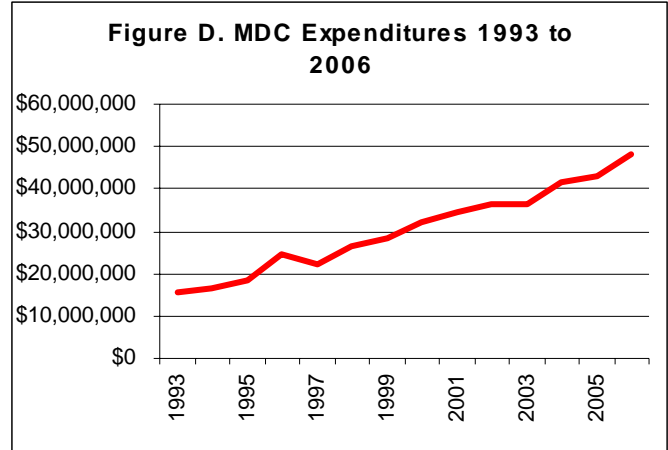
capacity and the population continues to rise. An increase in the felony length of stay is causing the growth in the average daily population.



**Unsentenced Arrestees:** Table 1 from the NMSC study (Guerin & Freeman, 2005), shows two categories of arrestees in MDC on the snapshot day, June 30, 2003. Unsentenced probation violators typically spend 60 days in jail. Unsentenced arrestees with new charges spend 187 days (6 months) in jail. Options for managing the population growth include making efforts to control the length of stay of unsentenced felony arrestees and probation violators. Bernalillo County is trying an innovative approach to handle probation violation hearings more quickly. The 2005 Legislature appropriated funds for Bernalillo County to hire a pro tem judge to handle these hearings.

Jail	Probation Violation		New Charges	
	Median Number of Days	Number of Arrestees	Median Number of Days	Number of Arrestees
Bernalillo	60	303	187	487

**Budget:** Figure D depicts the actual total expenditures for the MDC from fiscal year 1993 to 2005 and the appropriation for 2006. From 1993 to 2006, MDC budget expenditures have increased 207%. Figure D does not include the cost to the County for servicing the debt. During Fiscal Year 2005, Bernalillo County paid \$6.45 million to service the debt on the revenue bonds that paid for constructing the MDC.



### PARTNERS IN THE SYSTEM

Since jails are located downstream in the CJS flow, decisions made by law enforcement agencies, judges, prosecutors, and others in the system accumulate at this point (Beck, 2001). The National Institute of Justice (NIJ) published a study in 2000 entitled, *Efficiency, Timeliness, and Quality: A New Perspective from Nine State Criminal Trial Courts*. The study included Bernalillo County. It found that courts can exercise considerable control over how quickly cases move from indictment to resolution without sacrificing legal support or due process.

These remarks and analysis point out that the judiciary impacts the CJS and therefore the jail. The court is just one player among many in the system. Each player, police, prosecution, defense attorneys, and probation/parole effect the ebb and flow of the jail population.

### PROACTION RECOMMENDATIONS

The data presented in this note are preliminary and offer a point of departure. Additional routine analyses should be reported to the MDC administration and the CJS stakeholder agencies. Most importantly the data illustrates that the population of the MDC is growing and currently exceeds the rated capacity.

**What should be done?** Several courses of action exist for the local CJS. **First**, a proactive discussion of the initiatives listed in Table 2 could have beneficial results. Certain of these programs have already been effectuated by the MDC. For example, the MDC staff joined with the District Attorney, District Court staff, and the Public Defender to streamline the judgment and sentence procedure. The MDC staff have also begun to transport parole violators who belong to the New Mexico Corrections Department (NMCD) as soon as possible and MDC has expanded the use of the CCP.

Improved efficiencies would likely result from implementing population management initiatives. For example, reducing by half the time the 168 individuals in the NMSC study spent in jail between the Sentencing Hearing, the signing of the Judgment and Sentence, and transportation to the NMCD would have saved approximately 2,000 bed days. Reducing the median length of stay from 60 days to 30 days for the 303 probation violators in the study would have saved approximately 9,000 bed days. Not accepting NMCD inmates for court hearings would have saved 592 bed days. Reducing the length of time the 487 unsentenced felony arrestees spent in jail while awaiting their disposition in district court to approximately meet a national case processing standard of 180 days would have saved approximately 40,000 bed days. Transferring the 12 parole violators in the study more quickly to the custody of the NM Corrections Department would have saved approximately 200 bed days.

**Second**, if the City of Albuquerque and Bernalillo County do not pursue these initiatives by engaging partners in the criminal justice system it will be necessary to increase jail capacity, which could include constructing new jail beds. If this is the chosen course of action the MDC should expedite their jail population forecasting efforts so that accurate and timely forecasts occur. Building jail

capacity is very costly and should only be undertaken after less costly options have been explored (Beck, 2001). This report offers a variety of strategies for managing the population growth that are less costly.

**Notes:**

1. Bureau of Justice Statistics. April 2005. Prison and Jail Inmates at Midyear 2004. NCJ208801.
2. Guerin, P., & Freeman, L. 2005. Length of Stay for Arrestees Held on Felony Charges: *A Profile of Six New Mexico Detention Facilities*. Albuquerque: University of New Mexico, Institute for Social Research.
3. Beck, A. 2001. Jail Bloating: A Common But Unnecessary Cause of Jail Overcrowding. Justice Concepts Inc.
4. Cushman, R. 2002. Preventing Jail Crowding: A Practical Guide. National Institute of Justice.

**Table 2. Current and Proposed Initiatives to Manage the MDC Population**

**Probation Violators:** A policy that would reduce the number of days between the date individuals are arrested on a felony probation violation and the date their hearing in District Court occurs would save bed days and help manage case loads in the District Court.

**Unsentenced Felony Arrestees:** Implement a policy that actively seeks to process cases so that 90% of the cases are resolved in 180 days. This would save bed days and help manage case loads in the District Court.

**Judgment and Sentence Orders:** District Court judges should require “realtime” Judgment and Sentence orders immediately in the courtroom.

**Parole Violators Not Welcome:** Implement policy that all parole violators will be sent to the New Mexico Corrections Department. MDC would not house parole violators.

**Change Transport Orders:** Implement policy that MDC would no longer accept inmates who are in the custody of the Corrections Department but who are required to be brought to the District Court for a hearing. District Court Transport Orders should not require the NMCD to bring the prisoner to the MDC but should authorize the NMCD to move the prisoner to a NMCD location near enough for the prisoner to attend the scheduled hearing at the court.

**Expand CCP Services:** The MDC recommends that judges should authorize CCP for all probationers arrested for technical violations and for all jail residents with less than 30 days on a new or existing sentence. Orders setting the condition of release for arrestees should authorize CPP more frequently. Arrestees who successfully complete the DWI/ATP should be recommended for CCP. A liaison position should be created in the courts to work with the CCP. A liaison would translate court requirements and proceedings to the MDC personnel so that hearings could be scheduled without unnecessary movement of prisoners.

**Revisit Programs:** Programs that were deemed successful should be reconsidered, e.g., walk-through program for misdemeanor warrants and volunteer surrender program.