

## Number of Offenders Confined in New Mexico Corrections Department Facilities in July 2009 for Possession of a Controlled Substance

**T**his analysis by New Mexico Sentencing Commission (NMSC) staff is a count of individuals confined in New Mexico Corrections Department (NMCD) facilities in early July 2009 who were confined on a charge of Possession of a Controlled Substance (See Section 30-31-23 NMSA 1978).

This analysis of offenders sentenced to prison in New Mexico on a charge of Possession of a Controlled Substance is partly derived from information provided to the New Mexico Sentencing Commission by the New Mexico Corrections Department. At the request of the NMSC, NMCD staff annually provides several different *Microsoft Excel* files that contain information on offenders released by calendar year, offenders admitted by calendar year, and offenders confined on a particular day. **The information reported here comes from the confined file, which contains information on 6020 inmates who were confined on a day in early July 2009.**

The file contained a number of variables for each offender, including their admission type (new admission, parole violation and probation violation) and their most serious charge. This field describes the most serious offense for which the offender is currently serving, even if it is not the offender's longest sentence. A complete list of variables and descriptions are provided in Attachment A. It was also necessary to review court information available on the Administrative Office of the Courts' (AOC) public website ([www.nmcourts.gov](http://www.nmcourts.gov)). This website contains court related information, including charges and dispositions.

The initial estimate of the number of individuals confined in NMCD facilities for Possession of a Controlled Substance was created using the admission type and statutory information in the NMCD confined

file. In this review we found 172 offenders who had a highest conviction on a charge for Possession of a Controlled Substance and who were confined as a new commitment. We did not include offenders confined for probation violations, parole violations, or any other type of admission.

After this initial estimate it was necessary to review each offender on the AOC's website to collect relevant court case information on charges and charge dispositions. This was done in order to confirm whether or not the offenders had other convictions for charges in addition to the highest charge listed by NMCD of Possession of a Controlled Substance.

Table 1 reports the results of reviewing the initial 172 NMCD offenders using available court data on [www.nmcourts.gov](http://www.nmcourts.gov). In our review we were not able to quickly locate the relevant court case for 37 offenders (21.5%) and so listed these cases as "Not Found". We were not able to locate court cases primarily because we lacked court case numbers and were not able to locate offenders using only their first and last name and sometimes their date of birth to complete the search.

The "Yes" category includes 8 offenders for whom Possession of a Controlled Substance was their only convicted charge and so was the only charge for which they were confined in a NMCD facility.

The "No" category is made up of 127 offenders who were found to have convictions for other charges in addition to the Possession of a Controlled Substance charge. This included convictions on the case we reviewed or the case we reviewed and other consolidated cases.

In closing, of the initial 172 cases reviewed and of the 135 cases we could quickly locate we found 5.9% of the offenders were confined in early July 2009 exclusively

for a conviction on a charge for Possession of a Controlled Substance. The majority of offenders (94.1%) were confined on more than just a conviction for Possession of a Controlled Substance. We were not able to locate the court cases for 21.5% of the 172 offenders. Given more time and additional information (i.e. court case numbers) to search these cases the percent of not found cases would decrease. ■

**Table 1. Is Possession of a Controlled Substance (Section 30-31-23 NMSA 1978) the Only Conviction Charge?**

Case Status	Frequency	Percent
Yes	8	5.9%
No	127	94.1%
Total Found	135	100.0%
Not Found	37	
Total Cases	172	

**ATTACHMENT A.**

Variable	Definition
State id number usp_num.usp_num (via view dba.v_inmate_pop)	Unique offender/incarceration identifier
Gender ofndr.sex	Sex of offender
Race ofndr.race_cd	Race of offender
Date of birth ofndr_dob.dob	Date of Birth of offender dd/mm/yyyy
County of residence n/a	This field is optional
Marital Status ofndr.mrtl_stat_cd	This field is optional
Statute ofnse_cd.ofnse_viol_cd (via view jbg.v_rfrd_ofnse_id_hr)	This field should represent the <i>most serious offense statute</i> the offender is currently serving, even if it is not his/her longest sentence. DOC established hierarchy of offenses should be utilized.
Offense Description ofnse_cd.ofnse_desc (via view jbg.v_rfrd_ofnse_id_hr)	This field should describe the most serious offense the offender is currently serving, even if it is not his/her longest sentence. DOC established hierarchy of offenses should be utilized and standardized offense name used.
Jail credits tm_acct_jrnl. tm_acct_adj_days (via view jbg.v_rfrd_ofnse_id_hr)	This field should represent the total number of pre-trial credits to be awarded to the offender.
Admission type lgl_stat_chg_cd.lgl_stat_chg_desc (via view jbg.v_naro_adm_typ_con)	i.e., parole violator technical, parole violator new charge, probation violator technical, probation violator new charge, new court commitment, escapee returned, etc.
Sentence length (Maxdays) agg_prsn_sent.max_days	This field should represent the total net sentence the offender will serve under DOC custody. All consecutive and concurrent calculations should be applied. Lifers will also need to be determined from this field.

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Variable	Definition
Parole eligibility date tm_acct_jrnl.prjct_rlse_dt (via view jbg.v_rfrd_ofnse_id_hr)	This field should represent the first date in which an offender is parole eligible. dd/mm/yyyy
Goodtime earning class ofnse_class_cd.ofnse_class_desc (via formula @gtearnclass)	This field should represent the number of goodtime days per month the offender is eligible to receive.
Offense Class Code rfrd_ofnse.crime_degree_cd (via view jbg.v_rfrd_ofnse_id_hr)	This field should represent the most serious offense the offender is currently serving, even if it is not his/her longest sentence. DOC established hierarchy of offenses should be utilized; standardized codes should be employed.
Mandatory release date (flatdate) tm_acct_jrnl.flat_tm_rlse_dt (via view jbg.v_rfrd_ofnse_id_hr)	This field should represent the absolute latest day the offender will be released. dd/mm/yyyy
Current classification level (1-6) ofndr_clfn.base_cstdy_lvl_cd	This field should represent the current classification level of the offender.
Final custody level ofndr_clfn.fnl_cstdy_lvl_cd	This field should represent offender custody level placement after overrides
Projected release date tm_acct_jrnl.prjct_rlse_dt (via view jbg.v_rfrd_ofnse_id_hr)	This field should provide the projected release date assuming all future earned-time will be awarded
Offense severity ofnse_cd_hrchy.ofnse_cd_order (via view jbg.v_rfrd_ofnse_id_hr)	Severity of current offense
Arrest date ofnse_cd_hrchy.ofnse_cd_order (via view jbg.v_rfrd_ofnse_id_hr)	Date of offenders arrest for current offense
Offense date rfrd_ofnse.ofnse_dt (via view jbg.v_rfrd_ofnse_id_hr)	Date crime offender is currently held for was committed
Sentence date crt_case.sent_dt	Date offender was sentenced for most current/serious offense
Begin date crt_case.sent_dt	Sentence begin date
Institution start date prsn_stay.begin_dt (via view jbg.v_rfrd_ofnse_id_hr)	Institution admission date