

NEW MEXICO SENTENCING COMMISSION

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Summary

- Contrary to national trends, the female prison population in New Mexico has been increasing, exceeding projections and capacity of the prison.
- Both admissions and releases have been decreasing over time, but admissions have outpaced releases.
- The data suggests that the prison population is being driven by length of stay rather than new admits, though periodic spikes in admissions do play a role.
- There is some indication that the female inmate population has been changing over time. Long term trends indicate that incarcerations for violent crimes among women have increased. More recently, drug trafficking admissions have consistently exceeded admissions for drug possession, and there have been more return/new admissions as opposed to admissions for probation/parole violations.
- The length of time served in prison among women who have been released has significantly increased over time.
- The number of women serving some portion of their sentence as in-house parolees has increased over time.
- No single variable analyzed here can account for the increase in the female prison population. Instead, it appears that small changes in multiple areas are impacting the prison population.

New Mexico's Female Prisoners: Exploring Recent Increases in the Inmate Population: Report in Brief

The female prison population has been increasing since calendar year 2010. However, a dramatic increase occurred in the beginning of 2011, surpassing both the projected population and the capacity of the New Mexico Women's Correctional Facility (NMWCF). While the population has fluctuated some since that point, it has remained high in recent months since its peak in September 2011. It is expected that this trend will continue. The current research was initiated in an effort to discern the source of this increase.

Literature Review

Broadly, increases in the prison population can occur due to changes in admissions or releases (Clear and Schrantz, 2011; Pew Charitable Trusts, 2007). Statutory changes, changes in policy, increased crime and arrest rates or demographic variables all impact admissions (Brumbaugh et al., 2001; Pew Charitable Trusts, 2007). Changes in releases, which reflect length of stay, can be impacted by differences in the offender population, changes in sentencing, policies or practices like the awarding of good time or parole, or post-incarceration impacts, such as the availability of housing (Clear and Schrantz, 2011; Pew Charitable Trusts, 2007).

While the national prison population for both men and women increased until 2009, most of the nation experienced a decline in its overall prison population between 2009 and 2010, contrary to projected prison population forecasts and trends over the past 40 years (Pew Center on the States, 2010; Pew Charitable Trusts, 2007). This has been attributed to an increase in releases relative to admissions, though both have declined over time (Guerino, Harrison and Sabol, 2011). At

the same time, New Mexico experienced an increase in the population of both males and females incarcerated in state and federal prison (Guerino et al., 2011). Though males comprise the majority of the prison population, this increase was not just reflective of the male population. Indeed, while the national average of the women's prison population declined between 2009 and 2010, New Mexico experienced an increase of 1.9% (Guerino et al. 2011).

Further, long term trends at the national level indicate that the female prison population has been increasing at a slightly greater rate than the male population. Between 2000 and 2009 the female prison population increased by 2.2%, while the male population increased by 1.6% (Guerino et al., 2011). The long term increase in female incarceration rates may be due in part to increased involvement in violent offenses (or the detection and punishment of those offenses), and the increases in punitive measures taken against drug offenders (Frost, Green and Pranis, 2006).

Arrest rates also indicate that the types of offenses that women are committing are shifting somewhat, as is the extent to which they are involved in criminal activity. Nationally, women are being arrested for violent offenses, including simple assaults, at increasing rates. Compared to 2001, the number of females arrested for a violent offense in 2010 *increased* by .7% while males *decreased* by 11.8% (U.S. Department of Justice, 2011). Further, the number of females arrested for property crimes nationally was up by 27.1% in 2010 compared to 2001, while male arrests for property crime decreased by 7.2% (ibid).

While increases in arrests are important to consider, crime rates are not the only, and some argue not the most important, predictor of the prison population (Clear and Schrantz, 2011). In addition to crime rates, policies, statutory changes, the use of diversion programs and the like can influence incarceration rates.

Data and Methods

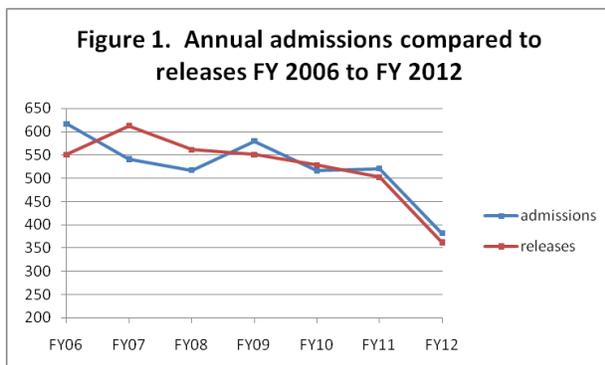
The New Mexico Corrections Department (NMCD) provided multiple data tables to us. These include: admissions, releases, diagnostics, legal status, daily count data, and lump sum award data. The NMCD also provided “In-House Parole Breakdown Analysis” reports. The NMCD IT staff has worked diligently to provide us with the data required with minimal errors. Extracting the data for research requires extra effort on the part of the NMCD IT staff. Without their assistance, this work could not be completed. We greatly appreciate their efforts and willingness to work with us.

The analysis of this data focuses on discerning differences in trends. We examined both long term trends (from FY 2006 forward) as well as more recent trends. An important change in the housing of the female inmate population occurred beginning in FY 2009 when Camino Nuevo closed. Since that time, all female inmates have been housed at one facility: the New Mexico Women’s Correctional Facility (NMWCF). Thus, many of the analyses begin with FY 2009 to take into account this important change.

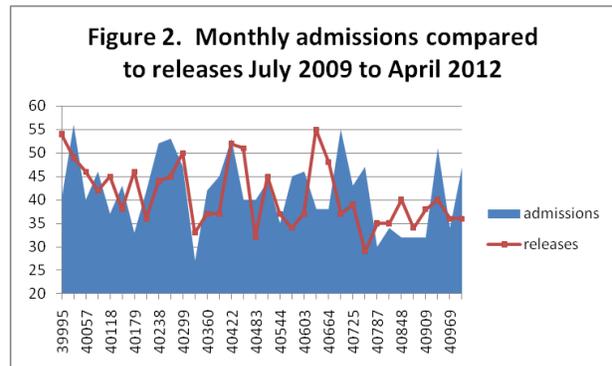
Results

We began this analysis by examining admissions and releases over time, both annually and by month. We found that both admissions and releases have been declining over time, but releases have not kept pace with admissions. This is best illustrated with the annual data, shown in Figure 1.

We would expect that following a peak in admissions, there would be a corresponding increase in releases that resembles this pattern about 9-12 months later (the



average length of time that women are incarcerated). For example, in March and April of 2010, there was an increase in admissions. In April and May 2011, there was a corresponding rise in releases (see Figure 2). This pattern does not seem to be holding in more recent months. Instead, releases have declined and have continued to remain relatively low.



This suggests that the growth in the female prison population is being driven more by length of stay than new admits, though periodic spikes in admission do play a role. Length of stay may increase due to front end factors (such as changes in the admitting population resulting in longer sentences or expected length of stay) or back end factors (such as changes in policies or procedures that extend the inmate’s release date).

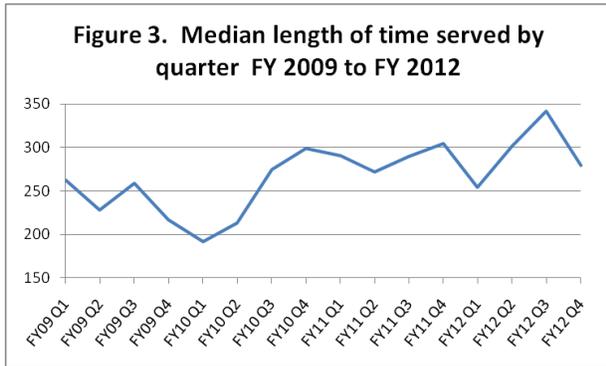
Population Over Time

There is some indication that the female inmate population is changing. Long term trends show that the proportion of women incarcerated for violent or drug trafficking offenses has increased. Additionally, the proportion of women incarcerated for drug trafficking offenses has outpaced incarcerations for drug possession. In earlier years, the reverse was true. More recently, the proportion of women admitted for new or returning commitments rather than probation/parole violations has increased somewhat. These observations are important as women who are serving their first prison stay for a new offense typically spend a longer time in prison than those who return on a parole/probation violation. Further, violent and drug trafficking offenses are associated with longer prison stays relative to other offenses.

Despite the variations in offense and admission types, there is no detectable increase in sentence length. Importantly, sentence length is only available for women serving an initial stay in prison for a given offense. Thus, women who return to prison for a parole violation are not included.

Time Served

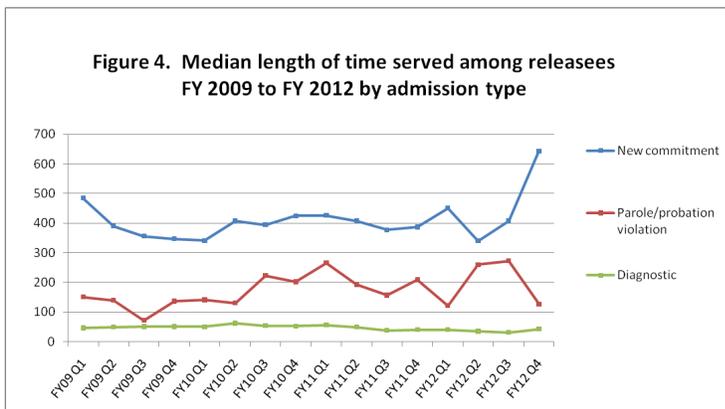
Although we did not find a change in sentence length over time, among women who have been released, the length of time that they spent in prison significantly increased annually ($p=.069$). A general increase in the median days served since FY 2009 can be seen in Figure 3.



Especially notable is the change in the amount of time that women served for a new commitment (see Figure 4). This remained fairly steady until the last quarter of FY 2012, when it rose dramatically to 600 days from an average of 450 days. Further, while parole/probation violators comprise a much smaller proportion of the admitting population, the length of time served among this group has increased somewhat over time as well.

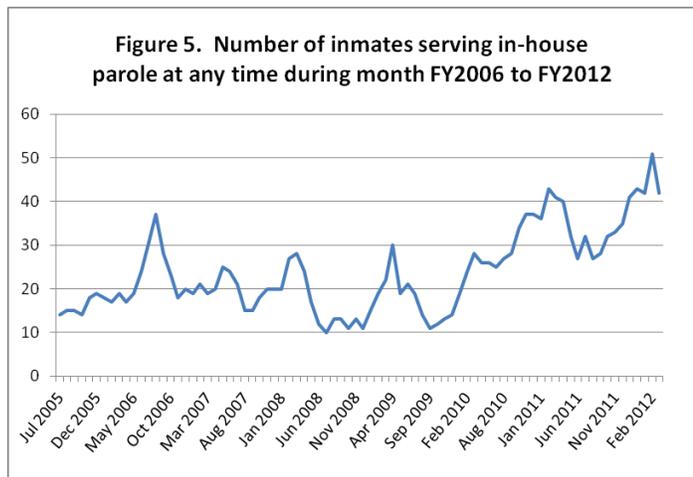
In-House Parole

One factor that can play a role in length of stay is the use of in-house parole. In-house parole is a term used by the NMCD to designate inmates who have completed their prison sentence and are eligible for release to parole. However, for any number of reasons, an inmate can serve some portion of their parole time as an inmate. Admissions to in-house parole have generally increased since Fiscal Year 2006. The greatest number of



admissions to in-house parole in one month occurred in February 2012, though there was also a large spike in admissions in March 2009. Further, the number of women serving *any* portion of their incarceration in in-house parole each month has been increasing since fiscal year 2011 (see Figure 5). Despite this increase, the amount of time they were in that status has not significantly changed over time.

Staff at the NMWCF complete a bi-weekly report entitled “In-House Parole Breakdown Analysis.” This report provides details about each person serving in-house parole at the time of the report, categorizing them into one of thirteen categories. The reports indicate that the number of women waiting on some action by the parole board, either pending certificates or waiting to see the parole board, increased over time. Especially notable was the number of women waiting to see the parole board, which increased beginning in about September 2011. Few women remained in this status for more than two months, and most appeared in this status for only one report.



A second increase of note is the number of inmates who served in-house parole pending Parole Plan Check Out (PPCO) investigation/approval/denial. Women in this category have a parole plan, but it has yet to be approved. Between April 2009 and July 2011, either no inmates or only a handful were in this category. Since then, the number of inmates in this category increased.

There is some indication that the women serving in-house parole may be more difficult to place. Specifically, we found that among women serving in-house parole, the number returning to prison on a new charge

has increased. In general, women who return to prison are likely to have fewer pro-social connections to assist them upon release, which may in turn make it difficult to plan for their release.

Summary and Discussion

While both admissions and releases have decreased and there have been periodic spikes in admissions, the analysis here suggests that the increase in the female inmate population is being driven by increases in length of stay. The length of time served among those released has clearly increased. There is some indication that the female inmate population is slowly changing, with more women being incarcerated for drug trafficking and being admitted for a new offense rather than a technical violation. There has also been an increase in the use of in-house parole. The increase in in-house parole may reflect changes in planning out due to a more difficult population but also can reflect procedural changes. Though in-house parole has some influence on length of stay, it is not the sole cause, or even the primary cause, of the increase in the female prison population. A small group of women are in this status, and they generally move out of this status quickly.

No single variable analyzed here can account for the increase in the female prison population. Instead, it appears that small changes additively are impacting the prison population. Since small changes can have a large impact, it is important to keep an eye on these trends.

Although the evidence to date indicates that releases are driving the increase in the prison population, we were not able to completely understand the causes for the increased length of stay. In order to more fully parse out whether length of stay is due to changes in the composition of the inmate population, changes in release practices, or both, further analysis is needed. Some data were not available at the time this analysis was completed. For example, projected release date would be helpful in determining whether there has been an increase in expected length of stay over time for the admitting population, regardless of admission type. Further, this variable would allow us to determine whether there has been a change in the difference between the actual and expected length of time incarcerated. It would also be useful to look at good time and lump sum awards over time to assess whether these have impacted length of stay.

The prison population has been accommodated by increasing capacity- specifically, sending women to a special pod at the men's facility. While this is a workable solution currently, it is imperative to

determine to what extent increased length of stay in the women's facility is due to systemic issues, which can be addressed by procedural changes, or population changes, for which the NMCD would need to prepare. ■

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