



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

## Briefing Note

Prepared for: Bernalillo County Metropolitan Detention Center

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### OVERVIEW

After three years of decline in the U.S. jail inmate population, the number of persons confined in county and city jails (744,524) increased by 1.2% between midyear 2011 and midyear 2012. (BJS, 2013).

The Bernalillo County Metropolitan Detention Center (MDC) is approximately the 48<sup>th</sup> largest jail in rated capacity in the U.S. and Bernalillo County is the 92nd largest county in population. The jail population continues to be well above the rated capacity of the MDC and in October 2013 the average daily population was 2,466 (109.3% of the rated capacity of 2,236 beds), including an average of 622 individuals housed out of county. An additional 309 individuals were supervised in the MDC's alternative Community Custody Program and an average of 4 individuals were in an area hospital. MDC is one of the most crowded of the 50 largest jails in the U.S.

To operate safely jails should operate at about 90% of rated capacity. This allows for jails to deal with fluctuations in population and to properly classify arrestees by safety risk. Crowded jails cannot properly classify arrestees. After removing the 176 specialty beds and 18 infirmary beds MDC is rated for 2,048 and has an operational capacity of 1,843 beds.

Bernalillo County's jail incarceration rate for those 18 and older is 534.1 compared to 329.4 for the 50 counties with the largest jails. This is 62% higher than the large jail rate and only 9 large jails have a higher rate.

MDC staff have little control over the types and numbers of inmates in custody or how long inmates stay. These decisions are made by others in the criminal justice system including law enforcement agencies, judges, and prosecutors.

### Highlights

- In October 2013, the Jail operated at 109.3% of its rated capacity of 2,236 beds. The average daily population in October 2013, was 2,466, which included inmates housed out of county.
- At midyear 2012 jails nationally operated at about 83% of rated capacity and at their most crowded day operated at 90% of their rated capacity.
- On October 30, 2013, an estimated 312 unsentenced arrestees on new felony charges had already spent 181 days or more in the MDC. Reducing the length of stay of 90% to 180 days would have saved 280 beds on October 30, 2013. This would have reduced the MDC population by 11.4%.
- On October 30, 2013 an estimated 144 unsentenced felony probation violators had already spent 61 days or more in the MDC. Reducing the length of stay of 90% to 60 days would have saved 130 beds on October 30, 2013. This would have reduced the MDC population by 5.4%.
- On October 30, 2013, there were an estimated 124 unsentenced petty misdemeanor and misdemeanor arrestees in the MDC. If 50% of these individuals would have been supervised by Pre-Trial Services 62 beds would have saved on October 30, 2013. This would have reduced the MDC population by 2.5%.
- On October 30, 2013, there were an estimated 476 3rd and 4th degree unsentenced felony arrestees who had been in the MDC less than 180 days. If 50% of these individuals would have been supervised by Pre-Trial Services 238 beds would have been saved on October 30, 2013. This would have reduced the MDC population by 9.7%.
- In October 2013 Bernalillo County housed an average of 622 inmates in other detention facilities at a cost of \$1.27 million.
- From June 2008 to October 2013 the average length of stay increased 32%.
- From FY 2008 to FY 2013, MDC budget expenditures increased 16%. This does not include debt service.
- Building jail capacity is very costly and should only be undertaken after less costly options have been explored.
- Building 512 new beds would conservatively cost an estimated \$44 million to build and an estimated \$11 million to operate annually, in 2013 dollars. These beds would not come on line for 2 to 3 years from the date construction is approved.

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This briefing note is designed to report MDC population trends and the current population, factors contributing to the crowding at the MDC, to note proposed initiatives to manage the population growth, and to report the MDC budget and the cost of additional jail beds.

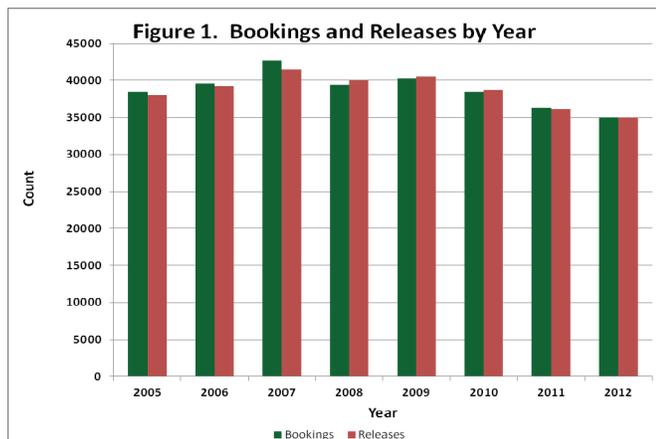
**Background:** In the late 1970s, Albuquerque and Bernalillo County designed and built a jail to hold 288 inmates. During the 1980s the original structure was expanded to house 586 inmates. By 1990 it was holding more than 1,000 and five years later, a federal judge capped the jail population at 586. 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 1,400. In 2000, County officials began planning and building the new MDC facility. In December 2002, inmates began occupying the MDC. The new MDC facility had a design capacity of 2,048 beds and in December 2006 188 beds were added increasing the design capacity to 2,236 beds.

**Demographics:** Among the arrestees in the MDC on October 30, 2013, 24% were younger than 27 years of age, 44% were between 27 and 39 years of age, and 32% were 40 years or older. Men comprised 80% of the population. Hispanics accounted for half of the population (50%), Whites accounted for 31%, and Native Americans and African Americans made up 9% and 7%, respectively.

**POPULATION GROWTH**

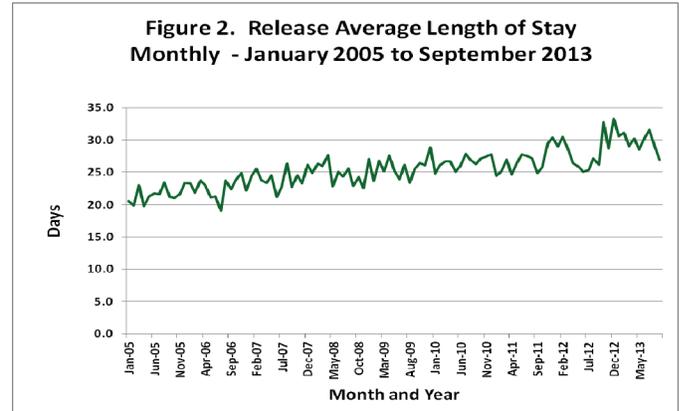
Two factors contribute to jail populations and crowding, the number of jail admissions and the length of stay. Hence, managing jail population is benefited by analyzing two components of the population: 1) the number of admissions, and 2) the length of stay.

**Admissions/Releases:** Figure 1 shows the count of bookings and releases from 2005 to 2013. During this

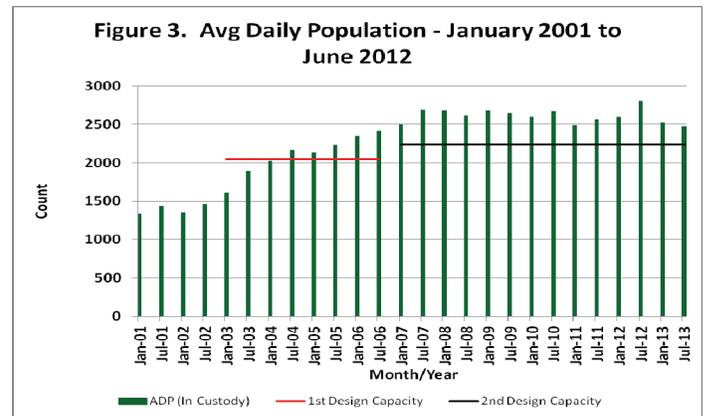


time period bookings and releases declined. Additional research is necessary to report the composition of arrests by type and the impact on length of stay.

**Average Length of Stay:** Figure 2 shows the average length of stay from January 2005 to September 2013. During this time period the average length of stay increased 32%.



**Average Daily Population:** According to Figure 3 in January 2001 the average daily population was 1,413. The MDC population was fairly flat for almost two years (Jan. 2001 - Jan 2003). In early 2003, the population began to steadily climb and continued to increase thru June 2007. Beginning in July 2007 the population began to stabilize at approximately 2,700 and through mid 2013 the population has varied between approximately 2,500 and 2,700. In October 2013 the average daily population was 2,466.



On October 30, 2013 there were 1,853 inmates held in MDC and 558 individuals held in detention facilities out of county for a total of 2,411 inmates. This number does not include individuals in the custody of the Community Custody Program (CCP) (323), those in an area hospital (4), or those who had not yet been booked (22).

TABLE 1 ESTIMATED NUMBER OF UNSENTENCED ARRESTEES IN THE MDC OCTOBER 30, 2013

Probation Violation		Unsentenced Felons	
Total Number of Arrestees	Number of Arrestees Held More than 60 Days	Total Number of Arrestees	Number of Arrestees Held More than 180 Days
469	144	959	312

**Unsentenced Arrestees:** Table 1 shows two categories of arrestees in MDC. On October 30, 2013, an estimated 469 unsentenced probation violators were in the MDC and 144 (27.7%) had already spent 61 days or more in the MDC. Reducing the length of stay to 60 days for 90% of these probation violations would have saved 130 beds on October 30, 2013 and would have reduced the MDC population by 5.4%

On the same date an estimated 959 unsentenced felony arrestees were in the MDC. Model time standards proposed by the National Center for State Courts (Van Duizend, Steelman, and Suskin, 2011) suggests 90% of felony criminal cases should be resolved in 180 days. The model time standards are designed to be used by each state as a basis for establishing its own time standards. On October 30, 2013 312 (32.5%) arrestees had been in the MDC 181 days or more. Reducing the length of stay of 90% of these unsentenced felons to 180 days would have saved 280 beds on October 30, 2013 and would have reduced the MDC population by 11.4%.

One option for managing the population growth is making efforts to control the length of stay of unsentenced felony arrestees and probation violators.

Table 2 reports the estimate of misdemeanor and felony arrestees who may be eligible for Pre-Trial Services (PTS). The estimate assumes 50% of all unsentenced misdemeanants and 50% of all unsentenced 3rd and 4th degree felony arrestees in the MDC less than 180 days would be eligible for PTS. Utilizing Pre-Trial Services for a larger proportion of unsentenced misdemeanants and unsentenced felons in the MDC would reduce crowding.

TABLE 2 ESTIMATED NUMBER OF UNSENTENCED ARRESTEES IN THE MDC 1—180 DAYS OCTOBER 30, 2013

Unsentenced Misdemeanor		Unsentenced Felony (3rd and 4th Degree Only)	
Total Number of Arrestees	50% of Total Number of Arrestees	Total Number of Arrestees	50% of Total Number of Arrestees
124	62	476	238

Research shows expediting release and reducing pre-trial failures and re-arrest are two ways Pre-Trial Service programs can support jail management goals. Access to pre-trial services and timeliness of those services is important (Bennett and Lattin, 2009).

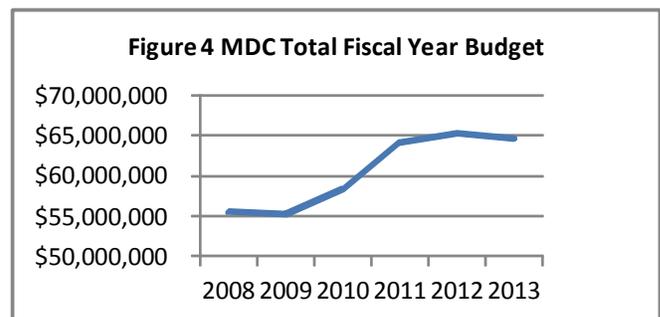
Table 3 reports the sentenced and unsentenced population in the MDC. An extremely high percentage of unsentenced individuals (80% or greater) is an indication of an unnecessarily large jail population (Beck, 2001). Slightly more than 86% of MDC's inmate population is unsentenced.

TABLE 3 ESTIMATED NUMBER OF SENTENCED AND UNSENTENCED ARRESTEES IN THE MDC OCTOBER 30, 2013

Sentenced		Unsentenced	
Count	Percent	Count	Percent
322	13.6%	2,043	86.4%

In October 2013, 23 individuals were booked into the MDC on petty misdemeanor traffic charges and 77 individuals were booked into the MDC on traffic warrants. Changing booking practices on petty misdemeanor traffic charges and traffic warrants would help reduce crowding.

**Budget:** Figure 4 depicts the budgets for the MDC from fiscal year 2008 to 2013. From 2008 to 2013, MDC budget expenditures have increased 16%. Figure 4 does not include the cost to the county for servicing the construction debt. During Fiscal Year 2013, Bernalillo County will pay \$7.7 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 and found that courts can exercise considerable control over how quickly cases move from indictment to resolution without sacrificing justice or due process. The report points out the courts impacts the criminal justice system 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.

Police availability, cite-and-release policies, bail, and the availability of community alternatives all affect jails.

## RECOMMENDATIONS

Importantly this report illustrates the population of the MDC continues to exceeds the design capacity and operational capacity.

Several courses of action exist for the local criminal justice system. First, a discussion of the initiatives listed in Table 4 could have beneficial results. Some programs have already been implemented by the MDC. For example, the judgment and sentence procedure has been streamlined. This has resulted in reductions in the time it takes to process a judgment and sentence and transport inmates to prison. MDC staff also transport parole violators who belong to the New Mexico Corrections Department (NMCD) as soon as possible.

Second, if Bernalillo County does not pursue these initiatives by engaging partners in the criminal justice system it will be necessary to further increase jail capacity, which could include constructing new jail beds. Building 512 new beds will cost an estimated \$44 million to build and an estimated \$11 million to operate annually. These beds would not be ready for 2-3 years from the date construction is approved.

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

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### Table 4. 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 and their case is ultimately resolved 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 order “realtime” Judgment and Sentence orders immediately in the courtroom.

**Pre-Trial Services:** Best practice Pre-Trial Services programs have the potential to improve the criminal justice system. In addition to providing an alternative to the bail system, PTS programs also function to help alleviate crowding of jail populations, subsequently reducing the costs tolled on the community by housing these individuals in jail. Pre-Trial Service programs have been found to reduce failure to appear rates. Jurisdictions can minimize unnecessary pretrial detention, reduce jail crowding, increase public safety, ensure that released defendants appear for scheduled court events, and lessen invidious discrimination between rich and poor in the pretrial process.

**Expand CCP Services:** Judges could 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:** Additional programs should be expanded or piloted. Those that are deemed successful should be fully implemented. This could include an expanded walk-through program for misdemeanor warrants, a volunteer surrender program, a court reminder program, no booking of traffic charges, no booking of traffic warrants, and a court program consolidating multiple cases.