



# BERNALILLO COUNTY

## METROPOLITAN DETENTION CENTER:

### ANALYSIS OF THE JAIL POPULATION, JUNE 30, 2016

November 2016

Prepared for Bernalillo County Health and Public Safety Division by the Institute for Social Research

#### OVERVIEW

At midyear 2008, the number of persons confined in county and city jails peaked at 785,533. By midyear 2014, the number of persons confined decreased by approximately 5.2% to 744,592<sup>1</sup>.

In 2010, the Bernalillo County Metropolitan Detention Center (MDC) ranked as the 47<sup>th</sup> largest jail jurisdiction in rated capacity<sup>2</sup> in the United States and ranked 4<sup>th</sup> in the percent of capacity occupied at 120.2% in 2010<sup>3</sup>. More recent rankings are unavailable. In 2010, MDC was one of the most crowded of the 50 largest jails in the U.S.

The rated capacity of the MDC was previously 2,236<sup>4</sup> and was later reduced to 2,190. This was largely the result of changing some cells from a double occupancy capacity to single occupancy. On June 30, 2016 there were 1,347 people housed at MDC<sup>5</sup>, which was 61.5% of capacity. This is approximately 22.1% lower than the national average percent of capacity occupied in 2014 of 83.6%<sup>1</sup>. Operating below capacity, at about 90% or less of the rated capacity, is vital for the safe operation of a jail.

Using 2015 population estimates<sup>6</sup> for Bernalillo County and the projected annual population growth rate an estimated 2016 population was calculated and used to estimate an incarceration rate. For June 30, 2016 an estimated 238 per 100,000 adults in Bernalillo County were incarcerated in the MDC. This was below the 2014 national jail incarceration rate of 302 per 100,000 adults.

In October 2013, because of crowding in the MDC, Bernalillo County housed an average of 622 individuals a day out of county, with a peak of 707 inmates. Due to population decreases, out of county shipping ceased in December of 2014 and all inmates were moved back to the MDC.

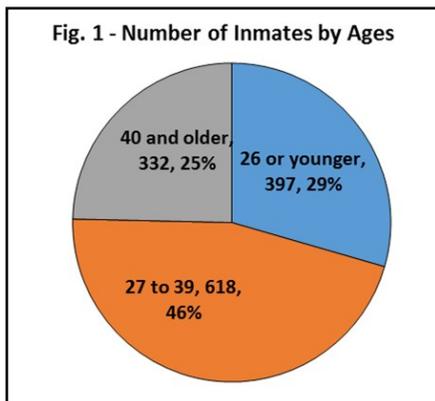
#### Highlights

- On June 30, 2016, the MDC operated at 61.5% of its rated capacity of 2,190 beds.
- At midyear 2014, jails nationally operated at about 83.6% of their rated capacity.
- From 2005 to 2015, bookings decreased by 36.1% and releases decreased by 34.1%.
- The average length of stay decreased from 35 days in 2014 to 25 days during the first half of 2016.
- The average daily population (ADP) during the first half of 2016 was 1,378, 13.1% lower than the ADP during the first half of 2015.
- Due to population decreases, the MDC was able return all inmates housed out of county back the MDC. In October 2013, an average of 622 individuals were housed out of county a day, with a peak of 707 inmates.
- On June 30, 2016 there were an estimated 19 unsentenced felony probation violators who had already been in custody more than 60 days. Reducing the length of stay to 60 days for 90% of these inmates would have saved 17 beds on June 30, 2016 and reduced the MDC population by 1.3%.
- On June 30, 2016 there were an estimated 94 unsentenced felons who had already been in custody more than 180 days. Reducing the length of stay to 180 days for 90% of these inmates would have saved 84 beds on June 30, 2016 and reduced the MDC population by 6.2%.
- Utilizing Pre-Trial Services for additional unsentenced misdemeanants and unsentenced 3<sup>rd</sup> or 4<sup>th</sup> degree felons could also help reduce the population of the MDC. On June 30, 2016, there were 203 unsentenced misdemeanants. If half of these inmates were eligible for PTS, this would have saved 101 beds on June 30, 2016 and reduced the population by 7.5%.
- Up to 174 3<sup>rd</sup> and 4<sup>th</sup> degree felons may have been eligible for PTS, which would have saved 174 beds on June 30, 2016 and reduced the population 12.9%.

During June of 2015 an average of 179 individuals were on CCP per day and an average of 2 per day were in the hospital. During June of 2016 an average of 119 individuals were on CCP per day and an average of 4 per day were in the hospital.

**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 inmates 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 MDC had a design capacity of 2,048 beds and in December 2006, 188 beds were added, increasing the design capacity to 2,236. The current rated capacity is 2,190, largely due to changes in cell occupancy from double to single.

**Demographics:** On June 30, 2016 29% of the arrestees in the MDC were 26 years old or younger, 46% were between 27 and 39 years old, and 25% were 40 years old or older<sup>7</sup>. Arrestees varied in age from 18 years to 76 years and the average age was 34 years old. Compared to June 30, 2015, the percent of inmates 26 or younger increased by .4%, while the percent of those between 27 and 39 increased by 3.7% and the percent 40 and older decreased 3.9%.



On June 30, 2016, males comprised 82.2% of the population<sup>8</sup>. The 17.8% female portion of the population is higher than the national average of 14.7% in 2014<sup>1</sup>. On June 30, 2015 the MDC population was 20.3% female, 2.5% higher than June 30, 2016.

Gender	Count	Percent
Male	1,107	82.2%
Female	240	17.8%
<b>Total</b>	<b>1,347</b>	<b>100%</b>

Just over half of the population on June 30, 2016 (53%)<sup>9</sup> was Hispanic, Whites accounted for approximately 26% of the population, and Native Americans and African Americans were just over 9% of the population each. Compared to the 2015 estimates for Bernalillo County<sup>10</sup>, Hispanics, American Indians, and African Americans are overrepresented in the jail population to varying degrees while the White portion of the jail population is underrepresented in the jail population. Compared to June 30, 2015, the percentage of Whites in the MDC confined population decreased 2.6%, while the percent of Hispanics increased 1.8%, Native American increased .2% and African American increased .3%.

Race/Ethnicity	Count	Percent	2015 Estimate for Bernalillo County
Hispanic	715	53.1%	49.2%
White	354	26.3%	39.8%
African American	123	9.1%	3.4%
Native American	124	9.2%	6.0%
Other/Unknown	31	2.3%	1.6%
<b>Total</b>	<b>1,367</b>	<b>100%</b>	<b>100%</b>

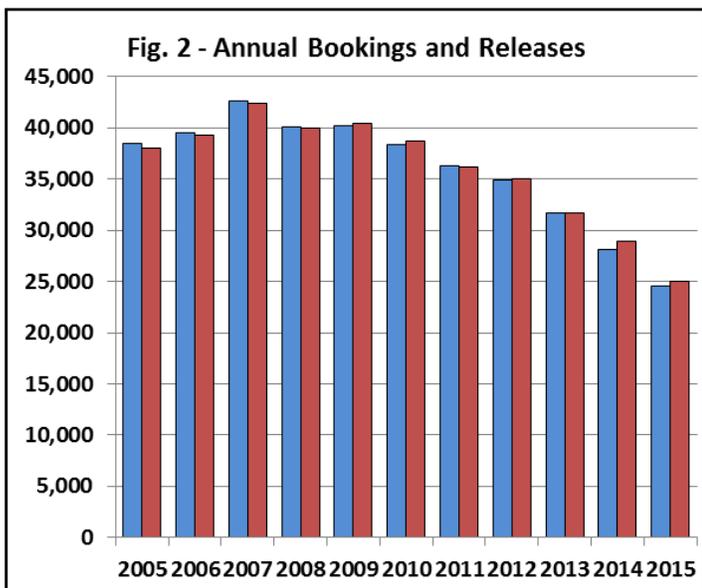
**Psychiatric Services Unit:** On June 30, 2016 an estimated 587 (43.6%) of confined inmates were on the PSU caseload. This is an increase of 4.3% from June 30, 2015. On June 30, 2016 approximately 231 of those on the PSU caseload were diagnosed with a Serious Mental Illness (SMI). While women account for approximately 18% of the population, they comprise

22.1% (130) of the PSU caseload and 29.4% (68) of those diagnosed with a SMI.

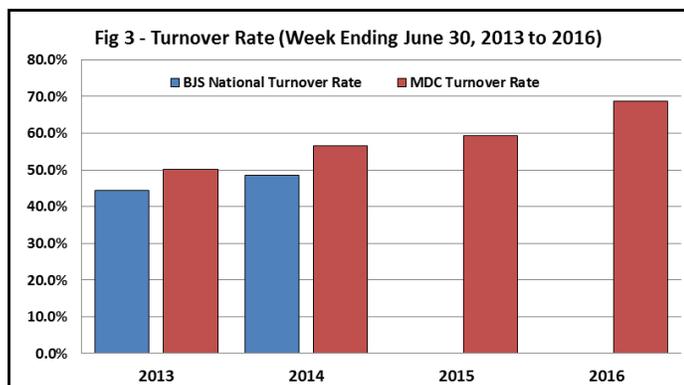
## POPULATION GROWTH

Jail population is impacted by two factors: the number of jail admissions and the length of stay.

**Bookings/Releases:** Figure 2 shows the yearly bookings and releases from 2005 to 2014. During this time period, both bookings and releases declined. From 2005 to 2015, bookings decreased by 36.1% and releases decreased by 34.1%.

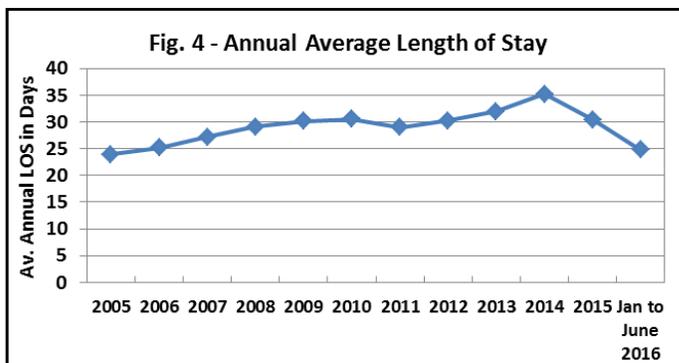


**Jail Turnover Rate:** The turnover rate—the rate at which individuals arrive and are released in comparison to the average daily population—of the MDC has been higher than the national average the last several years<sup>11</sup>. The purpose of a jail is different from a prison, specifically that it is meant to house inmates for a shorter period of time. Inmates housed in jail are both pre-trial and sentenced, either awaiting transport to another facility or serving a sentencing that is



typically 364 days or less. The turnover rate is a helpful indicator that the jail is functioning more effectively as a shorter term facility.

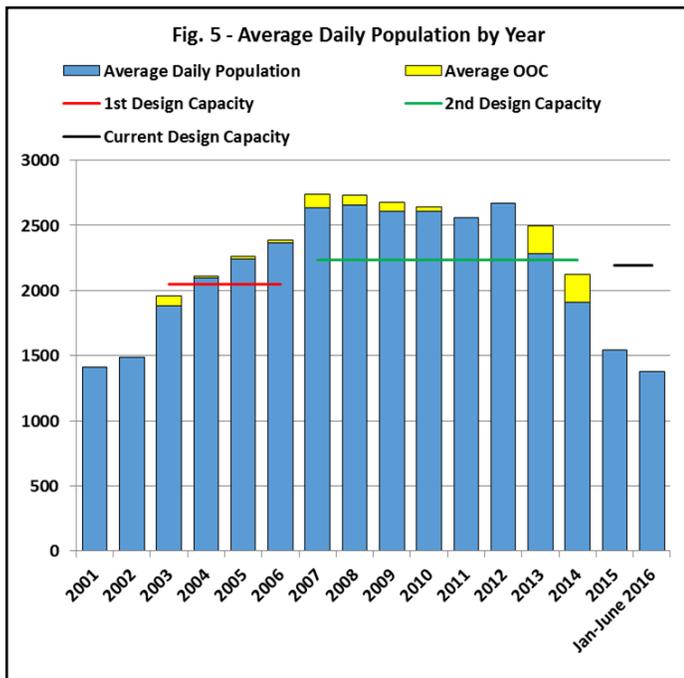
**Average Length of Stay<sup>12</sup>:** Figure 4 shows the average length of stay by year from 2005 to the first half of 2016. During the time period, the average length of stay increased from 24 days in 2005, peaked at 35 days in 2014, and decreased to 25 days during the first half of 2016.



**Average Daily Population:** In 2001, the average daily population was approximately 1,409. There was a slight increase from 2001 to 2002 of approximately 5% followed by an increase of nearly 29% from 2002 to 2003. The daily population continued to increase through 2007 and stabilized at about 2,600. From 2012 to 2013, the average population began to decrease and has continued to decrease annually. The average daily population the first half of 2016 was 1,378, 48.3% lower than the average daily population in 2012.

Beginning in 2003, out of county (OOC) shipping had been used intermittently to reduce overcrowding at the MDC. Most recently, OOC shipping averaged 214 and 220 inmates per day in 2013 and 2014, respectively. OOC shipping peaked at 707 in October of 2013. Due to population decreases, the MDC was able return all inmates housed out of county back the MDC as of December of 2014 (see Figure 5).

On June 30, 2016 there were 1,347 inmates held in MDC. This number does not include inmates in the custody of the Community Custody Program (CCP) (123), those in the hospital (9), out on furlough (1), or those in the Receiving Discharge Transfer (RDT) unit (21).



Status	30-Jun-15		30-Jun-16	
	Count	Percent	Count	Percent
All Sentenced	369	23.3%	282	20.9%
Partially Sentenced	77	4.9%	84	6.2%
<b>Serving Any Sentence</b>	446	28.2%	366	27.2%
Unsentenced	1,138	71.8%	981	72.8%
<b>Total</b>	1,584	100.0%	1,347	100.0%

population<sup>1</sup>, so a lower portion of unsentenced inmates may contribute to a decrease in the jail population.

For the 1,347 inmates in custody in the MDC on June 30, 2016 the highest charge was selected based on charges for which the individual was in custody<sup>13</sup>. For instances where the booking charges included a warrant, if the warrant had been resolved the underlying charge was used instead of the warrant. If the warrant was unresolved, then it was considered the highest charge for that case. For probation violations, regardless of whether the case was sentenced, the violation was considered the highest charge. In instances where the violation was due to a new charge, the charge on the new case for which they were in custody was considered the highest charge.

While the highest charge was used, the original booking charges can have an impact on the length of stay for an inmate. Individuals with a petty misdemeanor and no warrant or probation violation are less likely to be booked and, when bookings do occur, the resolution of additional warrants and violations can extend the length of stay overall. For the scope of this population study, the highest charge is used to simplify analysis.

On June 30, 2016 50.5% (680) of the 1,347 inmates in custody had at least one felony charge (see Table 4). Of those with at least one felony charge, 411 had a highest charge of either a 3<sup>rd</sup> or 4<sup>th</sup> degree felony and 269 had a 2<sup>nd</sup> or 1<sup>st</sup> degree felony. Of the remaining inmates, 225 (16.7%) had a misdemeanor as their highest charge and 203 (2%) had a petty misdemeanor as their highest charge. An additional 23.7% (319) of the population was comprised of felony probation violators and 27 (2%) were parole violators.

## SENTENCING STATUS AND HIGHEST CHARGE

**Sentenced/Unsentenced Inmates:** Sentencing information was collected when available for all cases for which inmates were custody on June 30, 2016. Individuals cases were considered pending if they had not been resolved or if there was insufficient information to determine if there had been a resolution. Inmates were considered all sentenced if they were sentenced on all the cases for which they were in custody and partially sentenced if they were sentenced on at least one, but not all cases.

On June 30, 2016, approximately 20.9% of the inmate population was sentenced on all of the cases for which they were in custody. This is an increase of approximately 7.3% compared to October 30, 2013<sup>4</sup> when only 13.6% of the MDC population was sentenced. On June 30, 2016, an additional 84 individuals (6.2%) who had both sentenced and unsentenced cases for a total of 27.2% of inmates serving a sentence on at least one case. This is a decrease of 1% from June 30, 2015 (see Table 3).

According to the Bureau of Justice Statistics (BJS), the majority (95%) of the increase in the jail inmate population in county and city jails has been due to growth in the unsentenced portion of the inmate

Charge Level	All Cases Sentenced	Partially Sentenced	No Cases Sentenced	Total	Percent of Population
F1	12	5	100	117	8.7%
F2	11	10	131	152	11.3%
F3	14	8	145	167	12.4%
F4	22	25	197	244	18.1%
<b>Total Felonies</b>	59	48	573	680	50.5%
Misdemeanor	21	22	182	225	16.7%
Petty Misdemeanor	1	7	19	27	2.0%
Parole Violation	3	1	23	27	2.0%
Felony Probation Violation	184	5	130	319	23.7%
Felony Warrant	0	0	9	9	0.7%
Felony Remand	1	0	1	2	0.1%
Misdemeanor Probation Violation	7	0	3	10	0.7%
Misdemeanor Warrant	0	1	10	11	0.8%
Here for Court	6	0	30	36	2.7%
U.S. Marshal Hold	0	0	1	1	0.1%
<b>Total</b>	282	84	981	1,347	100.0%

The number of inmates booked into the MDC from the custody of the New Mexico Corrections Department for hearings has increased since November of 2015. As of June 30, 2016 there were 36 inmates in the MDC for court from other facilities, accounting for 2.7% of the confined population.

The remaining categories (felony warrants, felony remands, misdemeanor probation violations, misdemeanor warrants, and U.S. Marshal Holds) each comprised between .1% and .8% of the highest charges for the population.

Compared to June 30, 2015 many categories stayed relatively static with several exceptions worth noting. The percent of the population comprised of individuals with a felony probation as the highest charge was 6.8% lower in 2016 than 2015. Petty misdemeanors as the highest charge were 1.3% lower. On June 30, 2016 individuals housed for NMCD was 2.67 percent higher than 2015, bookings with a misdemeanor as the highest charge was 1.5% higher, and those with a felony as the highest charge were 3.9% higher than on the same day in 2015.

**Length of Stay and Sentencing Status:** The median length of stay (LOS) was calculated by charge category and sentencing status. The median LOS was used as the mean value is easily skewed by individual outliers (see Table 5).

Charge Category	All Cases Sentenced	Partially Sentenced	No Cases Sentenced	Overall
F1	161.8	180.9	108.6	133.0
F2	223.2	158.8	69.1	77.0
F3	124.7	65.4	43.0	49.8
F4	148.6	62.5	18.0	23.3
MD or PM	88.1	41.5	14.2	19.2
Felony PV	57.4	28.5	15.5	36.1
All Other Charges	10.1	48.3	3.5	6.5
<b>Total</b>	70.9	58.0	22.7	31.8

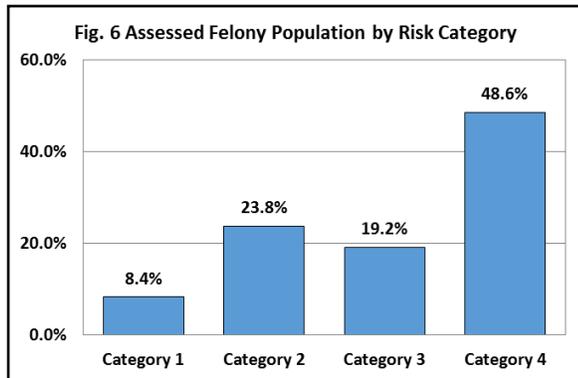
The percent of the population comprised by unsentenced probation violators was 3.8% lower on June 30, 2016 than on June 30, 2015 (see Table 6). Reducing the length of stay to 60 days for 90% of these probation violators who had a LOS greater than 60 days would have saved 17 beds on June 30, 2016 and would have reduced the MDC population by 1.3%.

Date	Count	Percent of Confined Population	PVs Unsented w/LOS > 60 Days	Percent of PVs Unsented w/LOS > 60 Days
30-Jun-15	219	13.8%	27	12.3%
30-Jun-16	135	10.0%	19	14.1

**Risk Assessment Instrument:** Beginning in September of 2015, a Risk Assessment Instrument (RAI) was implemented for use in the local courts. The RAI score is based on a series of weighted questions and results in scores ranging from 0 to 15. These scores fall into 1 of 4 categories ranging from low to high scores with a higher score representing a higher level of risk. The risk score along with other information is provided to the courts as part of a pretrial services report.

On June 30, 2016 there were 214 inmates in custody with a felony as the highest charge who had been assessed using the new RAI. Category 4, the highest RAI score category, comprised the largest proportion of the 214 inmates with an assessment who also had a felony as the highest charge. Of the 214 in this group, 104 (49%) were in Category 4 and 41 (19%) were in Category 3. An additional 51 (24%) were in Category 2 and there were 18 (8%) in Category 1.

	Category 1 (0-2)	Category 2 (3-6)	Category 3 (7-9)	Category 4 (10-15)	Total
F1	6	6	5	15	32
F2	7	10	15	29	61
F3	2	17	7	31	57
F4	3	18	14	29	64
<b>Total</b>	18	51	41	104	214



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**REFERENCES AND NOTES**

1. Bureau of Justice Statistics. June 2015. Jail Inmates at Midyear 2014. NCJ 248629.
2. Rated capacity is the total number of beds, typically assigned by an official.
3. Bureau of Justice Statistics. April 2011. Jail Inmates at Midyear 2010 – Statistical Tables. NCJ 233431.
4. Guerin, P. 2013. Bernalillo County Metropolitan Detention Center: Analysis of the Jail Population.
5. Inmates in custody as of June 30, 2015 at end of day, excluding individuals listed as AWOL or in Federal custody on the census date.
6. New Mexico County Population Projections July 1, 2010 to July 1, 2040. Geospatial and Population Studies Group, University of New Mexico. Released November 2012. Additionally, the population was reduced by 22.7% to account for individuals under 18. This figure came from the 2015 U.S. Census estimates.
7. Age was calculated as of June 30, 2015.
8. In October 2013 the percentage of male inmates was nearly identical, although this is slightly below the national average of 85.3%.
9. In data from MDC Hispanic is included as both a race and as an ethnicity. Racial categories were limited based on both categories. For example, an individual listed as White and Hispanic was categorized as Hispanic. Individuals listed as Mexican were collapsed into the Hispanic category.
10. American Factfinder, U.S. Census Bureau. Bernalillo County, New Mexico, 2014 Population Estimates. <http://www.census.gov/quickfacts/table/PST045215/00,35001>
11. From the BJS Jail Inmates at Midyear 2014 report. Turnover rate is calculated by adding the number of bookings and releases during the week ending June 30 and dividing by the ADP.
12. LOS is calculated as time from the arrival date to June 30, 2015 and is rounded to the nearest day.
13. For the highest charge, dual violators (those who violated both parole and probation) are categorized with the parole violation as the highest charge. In instances where there is a civil contempt warrant, this remains a warrant as it is difficult to ascertain what is holding an individual in custody and there is often not a precise charge that can be identified.
14. Van Duizend, R., Steelman, D., and Suskin, L. 2011. Model Time Standards for State Trial Courts. [http://www.ncsc.org/Services-and-Experts/Technology-tools/~/\\_/media/Files/PDF/CourtMD/Model-Time-Standards-for-State-Trial-Courts.ashx](http://www.ncsc.org/Services-and-Experts/Technology-tools/~/_/media/Files/PDF/CourtMD/Model-Time-Standards-for-State-Trial-Courts.ashx)
15. The Case Management Order is outlined in detail in New Mexico Rule LR2-400. [http://www.nmcompcomm.us/nmrules/NMRules/LR2-400\\_11-6-2014.pdf](http://www.nmcompcomm.us/nmrules/NMRules/LR2-400_11-6-2014.pdf).