

**Estimated Eligible Population for the  
Proposed Second Chance Program**

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This brief and preliminary report uses Metropolitan Detention Center (MDC) data to describe the potential population eligible for the proposed Second Chance ® Program. The Second Chance ® Program, as described in its brochure, is a prison and jail based rehabilitation model program that rehabilitates inmates on a scale of magnitude great enough to create a social impact at a cost government can afford. The program is operated by Second Chance® Program, Inc., a nonprofit organization.

The program being proposed in Bernalillo County would target certain categories of inmates held by the MDC. In a meeting organized by the Administrative Coordinator of the Metropolitan Criminal Justice Coordinating Council (MCJCC) and attended by representatives of the Second Chance ® Program, the MCJCC Administrative Coordinator we discussed the program and arrived at a definition of the eligible program.

As discussed the program is a minimum of 120 days in length and is comprised of four key modules. To be eligible program participants must be able to complete three of the four modules. In order for this to happen participants need to be able to spend a minimum of 120 continuous days in the program. This definition was used to arrive at the eligible population. The remainder of this report describes the eligible population.

As we have noted in previous reports Jail inmates vary tremendously in the amount of time they spend in Jail. In a recent analysis of booking information we reported that for bookings that occurred between January 2003 and March 2004 more than half (56.1%) were released from custody within 48 hours. While a large percent of the individuals who are arrested leave the Jail within 48 hours there is another subset of individuals who are arrested and remain in the Jail for long periods of time. This report focuses on this subset of individuals. Further, we focus on individuals who have been in the Jail a minimum of 120 continuous days and who are residents in the Jail as sentenced felons, unsentenced felons, sentenced misdemeanants, and unsentenced misdemeanants. Relatively few unsentenced misdemeanants remain in the Jail for a minimum of 120 continuous days. Additionally, certain categories of individuals are not eligible for the program. This includes, most importantly, females, sex offenders, and violent offenders. Other individuals are not eligible because they are in the Community Custody Program (CCP), or they are housed in the Psychiatric Services Unit (PSU) pod, or they are sentenced felons and are awaiting transport to the New Mexico Corrections Department (NMCD). Our analysis takes into account these criteria and others when calculating the eligible population. We cannot account for certain variables like individuals with medical problems that might limit their eligibility or individuals with mental health issues that are not housed in the PSU pod but that might limit their ability to function in the program. Our estimates are based on available information that is currently available in the Jail's information system. Based upon discussions of what is

in this report, further refinements of the analyses might be useful and necessary in determining the eligible population.

To estimate the eligible population we decided to take two snap shots of individuals who were in the Jail on two different dates (July 15, 2003 and October 15, 2003). A snap shot method and two different dates were chosen for several reasons. First, we chose a snap shot because this allows us to look at everyone who was in the Jail's custody at a particular point in time and allows us to more accurately calculate the total number of individuals eligible for the program. Second we chose dates after the new MDC was fully operational and all the inmates had been moved. Third, we chose two dates so we could compare our findings. We figured that by having two dates we would be able to see anomalies in the data that might throw off the results.

<b>Table 1 – Snap Shot of MDC Population on Two Dates: Total in Custody and Total in Custody More Than 120 Days</b>		
	<b>July 15, 2003</b>	<b>October 15, 2003</b>
Total in custody	2188	2274
Females	-285	-306
In custody less than 120 days	-697	-721
AWOL	-2	-7
CCP*	-246	-185
Out of County	-2	-2
PSU Pod	-12	-15
Escape or Suicide Risk	-1	-1
Sex Offense**	-101	-101
Violent Offense***	-98	-100
Sentenced and Awaiting Transport to NMCD	-36	-38
Sentenced less than 120 days	-35	-48
Individuals in Custody more than 120 days	673	750

\* - The number subtracted includes individuals who were in the custody of CCP on the snap shot date, individuals who had been in the CCP and then continued in custody in the Jail for less than 120 days, and individuals who were in the Jail and CCP more than 120 days but spent less than 120 consecutive days in the Jail.

\*\* - The number subtracted includes criminal sexual penetration (1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> degree), criminal sexual contact of a minor, and failure to register as a sex offender

\*\*\* - The number subtracted includes 1<sup>st</sup> degree murder, murder open charge, kidnap GBH, firearm enhancement, robbery with a deadly weapon, and aggravated assault

Table 1 provides the total number of individuals in the custody of the MDC on July 15, 2003 and October 15, 2003 and the total number of individuals in the custody of the MDC on the two dates who were physically in the MDC a minimum of 120 continuous days. To calculate the number of individuals who had been in the physical custody of the Jail a minimum of 120 days and who meet the eligibility criteria of the proposed

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Second Chance© Program we subtracted certain categories of individuals. This table shows these categories and provides the number that were subtracted from the total in custody to arrive at the number of individuals in custody more than 120 days.

We subtracted the categories in the order they are shown. So first, we subtracted females followed by everyone in custody less than 120 days. These were the two largest categories of individuals. After this we subtracted AWOL individuals, individuals in CCP and the remaining groups of individuals listed in the table. This allowed us to arrive at the calculated number of individuals who on the noted dates were in the physical custody of the Jail a minimum of 120 days. The next table (Table 2) further analyzes this information and reports the number of individuals on the snap shot dates who were in the Jail as sentenced felons, sentenced misdemeanants, unsentenced felons, and unsentenced misdemeanants. Further, the table breaks the felonies down by the degree of the felony. This is done to provide additional detail to the eligible population.

In order to give an idea of how many days, on average, each type of offender stays in the Jail we had hoped to include the average length of stay for each category. It is not possible to accurately measure the length of stay for sentenced individuals because the Jail's information system does not adequately or accurately collect this information. The Jail's information system accurately collects when an individual is booked and when an individual is released and it collects information regarding where an individual is housed during the time they are in the Jail. It might be possible to review each case manually to calculate the number of days spent in the Jail from the date an individual is sentenced as a felon or misdemeanant and the date an individual is released but it is not possible to do this with the current information collected in the information system. While we are not able to provide an estimate of how long inmates are sentenced we can reasonably calculate the number of sentenced offenders.

Similarly, because the information on whether and when someone is sentenced and when they are releasable is questionable we cannot with enough certainty count the unsentenced length of time either.

This means we can only provide accurate information on the total number of days someone is in the Jail and cannot report the number of days individuals spend in the Jail either sentenced or unsentenced or the average number of days for each group of individuals.

<b>Table 2 – Individuals Held at the MDC 120 Days or More</b>		
	<b>July 15, 2003</b>	<b>October 15, 2003</b>
<b>Total Eligible</b>	<b>673</b>	<b>750</b>
<b>Sentenced Felons</b>	<b>183</b>	<b>218</b>
Unspecified Felony	6	3
2 <sup>nd</sup> Degree Felony	13	13
3 <sup>rd</sup> Degree Felony	9	12
4 <sup>th</sup> Degree Felony	16	28
Warrant	109	129
Probation or Parole Violation	30	33
<b>Sentenced Misdemeanants</b>	<b>74</b>	<b>94</b>
New Charge	11	18
Warrant	63	75
<b>Unsentenced Felons</b>	<b>415</b>	<b>420</b>
Unspecified Felony	27	27
2 <sup>nd</sup> Degree Felony	59	56
3 <sup>rd</sup> Degree Felony	23	28
4 <sup>th</sup> Degree Felony	73	73
Warrant	168	188
Probation or Parole Violation	43	48
<b>Unsentenced Misdemeanants</b>	<b>22</b>	<b>18</b>
New Charge	14	9
Warrant	8	9

This table reports the total number of individuals eligible for each snap shot date and shows the number for the later date was higher by 77 inmates (on July 15<sup>th</sup> there were 673 eligible individuals and on October 15<sup>th</sup> there were 750 eligible individuals). This table also indicates the number of sentenced felons, sentenced misdemeanants, unsentenced felons, and unsentenced misdemeanants. Additionally, the number of individuals by type is included.

According to this preliminary analysis there were 673 individuals and 750 individuals by snap shot date that were eligible for the Second Chance Program. It is our belief that the sentenced felons group is the most feasible population to draw from because the length of stay of this group is most predictable and likely to be most stable. This occurs because these individuals are sentenced. Additionally, sentenced misdemeanants are a likely group because like sentenced felons the length of time they will spend in Jail is known. Unsentenced felons and misdemeanants are a more difficult population to draw from because it is more difficult to predict their length of stay. Despite this it is evident from the analysis presented here that many unsentenced felons and

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misdemeanants remain in the Jail the minimum required time. In our opinion individuals in these categories should be taken on a case by case basis. Criteria could include arresting charge, whether the charge is a new offense or warrant, and odds of getting out of Jail.

This report has presented two snap shots that have documented the estimated total number of individuals eligible for the Second Chance Program on a given day. The findings suggest that the Jail contains a sufficient number of individuals to make this program viable in terms of its eligibility criteria. Because the program will have to ramp up to its design capacity over a period of time the number of individuals who become eligible over a period of time should be determined. This will allow stakeholders to better understand how many individuals will become eligible over a period of time and how long it might take the program to become fully implemented and up to its design capacity of participants.