

NEW MEXICO PRISON POPULATION FORECAST: *FY 2013—FY 2022*

National Trends

- From 2009 to 2010, the number of offenders under federal or state adult correctional supervision (incarceration, probation or parole) in the U.S. declined 1.3 percent. This is the second consecutive year of decline since the Bureau of Justice Statistics began reporting on this population in 1980.
- At year end 2010, about 7.1 million people, or 1 in 33 adults, were under the supervision of federal or state adult correctional authorities in the U.S.
- The total U.S. prison population fell to 1.6 million at year end 2010, a decline of 0.6 percent during the year, the first decline in the total prison population in nearly four decades.
- The decline was due to a decrease of 10,881 in the number of state prisoners, which fell to just under 1.4 million persons and was the largest yearly decrease since 1977.

New Mexico Trends

- Our recent experience in New Mexico has been similar to the national trend of slowed growth rates for total state prison populations. However, the female inmate population in New Mexico has been trending upward recently. The female inmate population comprises approximately 10% of the total inmate population.
- In FY 2014, the projected high count for males is 6,297. In that same fiscal year, the projected high count for females is 640.

Factors Influencing Prison Population

- Since 2005, the number of admissions to prison has been trending downward, while the number of releases have been on an upward trend. This convergence of admissions and releases has slowed the growth of the total state prison population. However, new admissions for serious violent offenses continue to trend upward. This is significant, as serious violent offenders serve longer sentences.
- The female inmate population has recently been trending upward. Preliminary findings suggest that:
 - the number of females incarcerated for violent crimes has been increasing, while the number of females incarcerated for property crimes has decreased;
 - the number of women incarcerated for drug trafficking offenses has increased, while the number of women incarcerated for drug possession offenses has been decreasing; and
 - it appears that the number of women serving their parole "in-house" has been increasing.

INTRODUCTION

This prison population forecast was prepared by the New Mexico Sentencing Commission. The forecast is designed to assist the New Mexico Corrections Department (NMCD) in assessing immediate and future inmate populations. This report also includes information that may be of interest to policymakers during discussions of the correctional system. Sentencing Commission staff held quarterly meetings (October 2011, January 2012 and May 2012) with NMCD staff to review inmate population trends and to discuss factors that may affect the forecast.

The prison population time series forecasts used to produce this report are based on historical prison population data. It is understood that there are many factors that drive prison populations, including demographic trends, arrest rates, the number of criminal cases filed in district courts, conviction rates, the availability of diversion programs, sentence lengths, admission and release rates, earned meritorious deductions and parole readiness. The historical prison population data is a result of all those factors.

This report describes national prison population trends, prison population trends in New Mexico, sets forth data regarding admissions to and releases from prison, and provides short-term and long-term forecasts for the male and female populations.

The Sentencing Commission strives to produce inmate population projections within the range of 3% of the actual populations for males and females. During FY 2012, the projection published in our 2011 report for the male population has been within 3% of the actual male population in every month. However, during FY 2012 the

actual count for the female population has consistently exceeded our forecast by more than 3%.

To better understand the recent upward trend in the female population, the Sentencing Commission is preparing a separate report that will investigate factors that may be driving the female population upwards.

Going forward, Sentencing Commission staff will brief commission members on the forecast and solicit their input on policies and practices in the criminal justice system that could potentially affect prison populations. Members of the Sentencing Commission include representatives from law enforcement, the judiciary, prosecutors, the criminal defense bar and the New Mexico Corrections Department.

NATIONAL TRENDS

The U.S. Department of Justice publishes an annual report regarding trends in the U. S. prison population. The most recent report, entitled “Prisoners in 2010” (Guerino, Harrison and Sabol) (December 2011), provides data on prisoners under the jurisdiction of federal and state correctional authorities on December 31, 2010. The data compares changes from year end 2009 to year end 2010.

The following data points were highlighted in the report:

--The number of offenders under federal or state adult correctional supervision (incarceration, probation or parole) in the U.S. declined 1.3 percent in 2010, the second consecutive year of decline since the Bureau of Justice Statistics began reporting on this population in 1980.

--At year end 2010, about 7.1 million people, or 1 in 33 adults, were under the supervision of federal or state adult correctional authorities in the U.S.

--The total U.S. prison population fell to 1.6 million at year end 2010, a decline of 0.6 percent during the year, the first decline in the total prison population in nearly four decades.

--The decline was due to a decrease of 10,881 in the number of state prisoners, which fell to just under 1.4 million persons and was the largest yearly decrease since 1977.

--The federal prison population grew by 0.8 percent (1,653 prisoners) to reach 209,771, the smallest percentage increase since 1980.

--Half of state departments of corrections reported decreases in their prison population during 2010. California (down 6,213) and Georgia (down 4,207) reported the largest decreases, followed by New York (down 2,031) and Michigan (down 1,365). Illinois (up 3,257) reported the largest increase, followed by Texas (up 2,400) and Arkansas (up 996).

NEW MEXICO TRENDS

In FY 2007, the total New Mexico state inmate population reached a peak of 6,873, the highest count yet recorded for our inmate population. Post-FY 2007, the inmate population declined for a period of two years and then began to grow again at a slow pace. Consequently, our experience in New Mexico has been similar to the national trend of slowed growth rates for total state prison populations.

However, the female inmate population in New Mexico has been trending upward recently. The female inmate population comprises approximately 10% of the total inmate population.

FY 2007:

--the high count for male inmates was 6,174; and
--the high count for female inmates was 713.

FY 2009:

--the high count for male inmates was 5,879; and
--the high count for female inmates was 619.

FY 2012 (through April 30, 2012):

--the high count for male inmates has been 6,125; and
--the high count for female inmates has been 647.

CURRENT OPERATIONAL CAPACITY

On June 1, 2012, the operational capacity for male inmates in the New Mexico Corrections Department was 6,431 beds. On that same date, the operational capacity for female inmates was 668 beds.

FACTORS INFLUENCING PRISON POPULATION

There are a number of factors that may explain the stability of the total New Mexico state inmate population since FY 2007:

--In 2006, the New Mexico Sentencing Commission developed legislation that amended the statute regarding earned meritorious deductions (EMD's) for state inmates. Senate Bill 21 (2006) authorized the

award of EMD's to non-violent offenders during the initial sixty days of receipt by the Corrections Department. Sentencing Commission staff estimates that the enactment of Senate Bill 21 yields an annual savings of 81 prison beds.

--Felony drug court programs are used throughout New Mexico to treat drug offenders. Drug courts are not a direct diversion from prison in most cases, but successful participation in a drug court program may break the cycle of contact with the criminal justice system and eventual imprisonment.

--New Mexico is one of a small number of states where the jail population is nearly equal to the prison population. On June 30, 2011, the jail census in New Mexico was 6,583. On that same date, there were 6,669 inmates being held in state prisons.

-- From FY 2009 through FY 2010, new filings in district courts for criminal cases were down 5%. From FY 2010 through FY 2011, new filings in district courts for criminal cases have been flat.

--The adult parole board may impose sanctions other than a return to prison for parole violators whose infractions are technical in nature.

Additional factors that may affect future forecasts of the prison population in New Mexico include:

--**Demographic trends.** According to U.S. census figures for 2010, 28% of New Mexico's population is age 19 and younger. That same age group represented 31% of New Mexico's population in the 2000 census. The percentage decline in this age group is meaningful, as an analysis of prison admissions from January 2005 through June 2009 reveals that offenders between the ages of 19 to 34 accounted for 57.4% of those admissions.

--**Earned meritorious deductions for state inmates.** The New Mexico Sentencing Commission publishes an annual report that analyzes the impact of earned meritorious deductions on time served in New Mexico prisons. From 2006 through 2011, serious violent offenders (almost exclusively male inmates) have consistently served between 84% to 85% of their prison sentence length and 87% to 89% of their total sentence length. For that same time period, the percentage of prison sentence length and total sentence length served by non-violent offenders (males and females) has declined (NMSC, 2006 through 2011).

--**Female inmate population.** The female population has recently been trending upward. As mentioned previously in this report, the Sentencing Commission is preparing a separate report that will investigate factors that may be driving the female population upwards. Preliminary findings suggest that:

--the number of females incarcerated for violent crimes has been increasing since FY 2006, while the number of females incarcerated for property crimes in that same time period has decreased;

--Since FY 2010, the number of women incarcerated for drug trafficking offenses has increased, while the number of women incarcerated for drug possession offenses has been decreasing since FY 2009; and

--it appears that the number of women serving their parole "in-house" has been increasing since FY 2009.

SHORT-TERM FORECAST

The short-term forecast sets forth projections for the next two fiscal years (FY 2013 and FY 2014).

MALES:

The short-term forecast is for continued slow growth in the male inmate population.

In FY 2013, the projected high count for the male population is 6,224.

In FY 2014, the projected high count for the male population is 6,297.

Both of those figures are less than the current operational capacity for male inmates of 6,431 beds.

FEMALES:

Accurately forecasting the female inmate population is more challenging, given its smaller absolute size compared to the male population.

In FY 2013, the projected high count for the female population is 644.

In FY 2014, the projected high count for the female population is 640.

Both of those figures exceed the current operational capacity at the New Mexico Women's Correctional Facility in Grants.

LONG-TERM FORECAST

It is important to remember that the long-term forecasts are based upon current sentencing statutes and current Corrections Department policies and practices. It is not difficult to imagine that statutes, policies and practices may be different in FY 2022. Even if our level of confidence diminishes as we move further into the future, the long-term forecasts may spur useful discussions among policy makers and criminal justice professionals.

MALES:

In FY 2022, the projected high count for the male population is 6,879.

FEMALES:

In FY 2022, the projected high count for the female population is 718.

Highest Actual Monthly Populations 2002 through 2011 and Projected Monthly Highs for 2012 through 2022				
Fiscal Year	Male Population	Female Population	Change in Male Population	Change in Female Population
2002	5,410	530		
2003	5,643	568	4.31%	7.17%
2004	5,811	600	2.98%	5.63%
2005	6,001	636	3.27%	6.00%
2006	6,134	696	2.22%	9.43%
2007	6,174	713	0.65%	2.44%
2008	6,012	629	-2.62%	-11.78%
2009	5,879	619	-2.21%	-1.59%
2010	6,177	614	5.07%	-0.81%
2011	6,175	629	-0.03%	2.44%
2012	6,151	649	-0.39%	3.18%
2013	6,224	644	1.19%	-0.77%
2014	6,297	640	1.17%	-0.60%
2015	6,369	646	1.14%	0.88%
2016	6,442	655	1.15%	1.39%
2017	6,515	665	1.13%	1.51%
2018	6,588	675	1.12%	1.56%
2019	6,661	686	1.11%	1.57%
2020	6,734	696	1.10%	1.57%
2021	6,806	707	1.07%	1.56%
2022	6,879	718	1.07%	1.54%

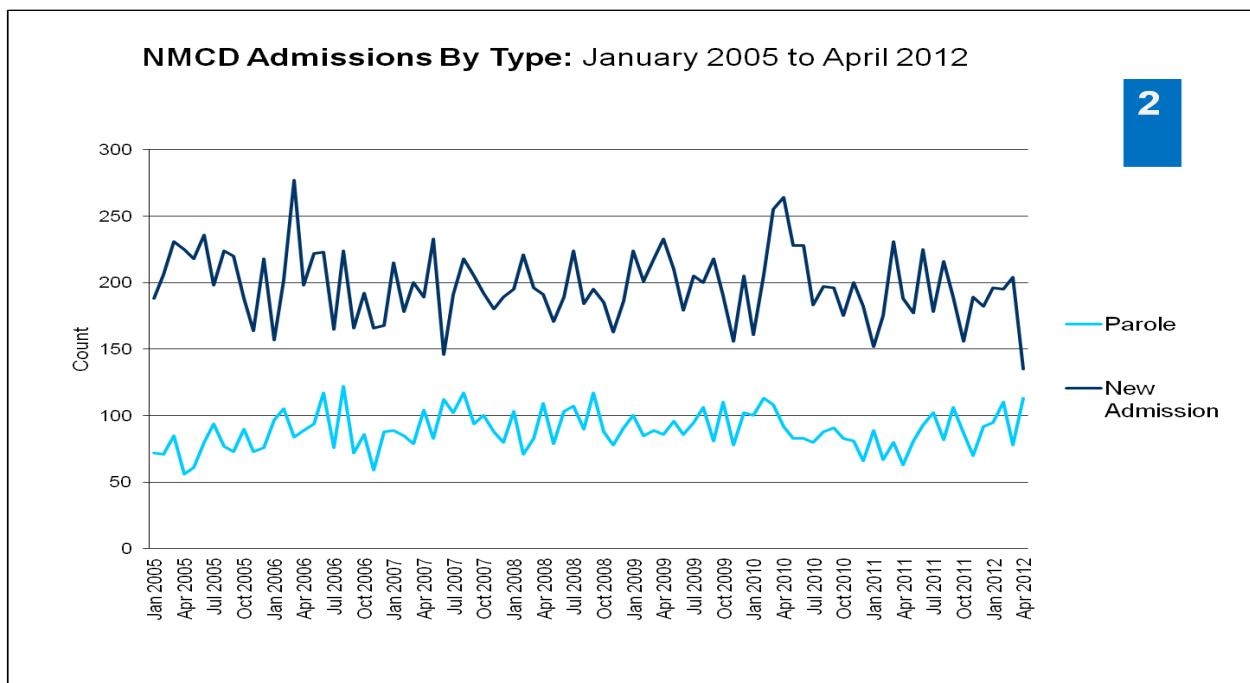
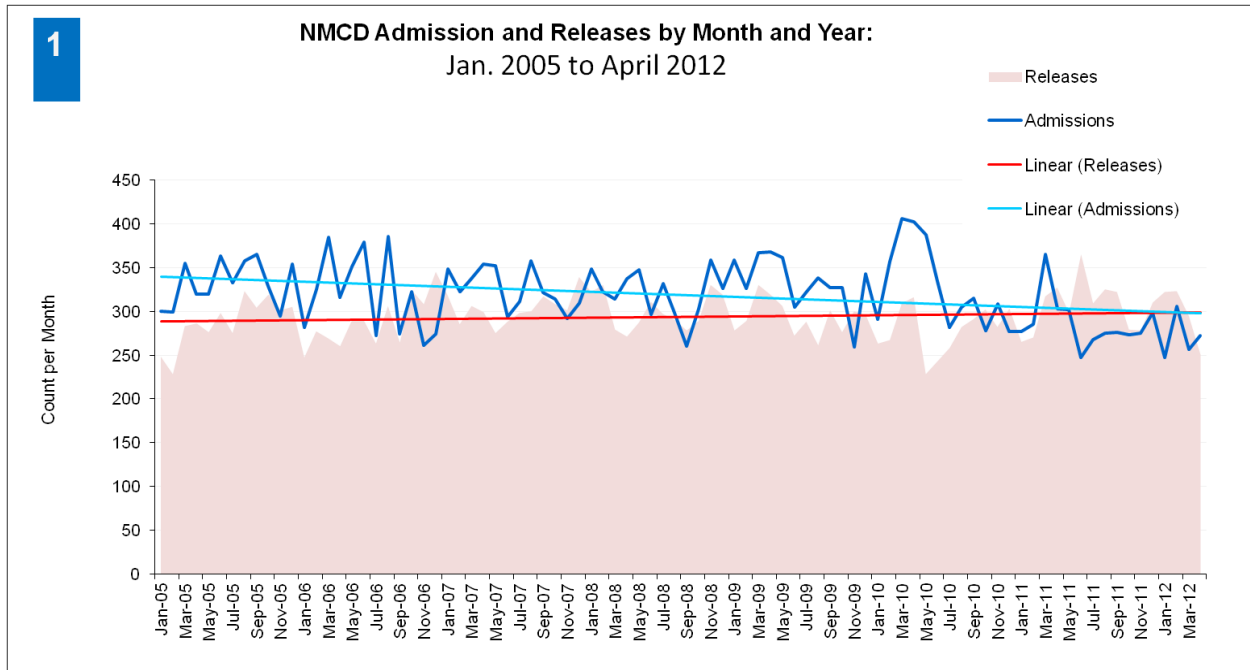
Notes: —Highest actual monthly populations 2002 through 2012 shown in darker background color.
 —2012 male population high is projected, female population is actual.

ADMISSIONS AND RELEASES

Chart 1 shows the progression of Admissions and Releases from January 2005 to April 2012. The red area represents Releases, the dark blue line shows Admissions. During the past two years, the number of admissions has decreased and during that same time period, releases are on an upward trend.

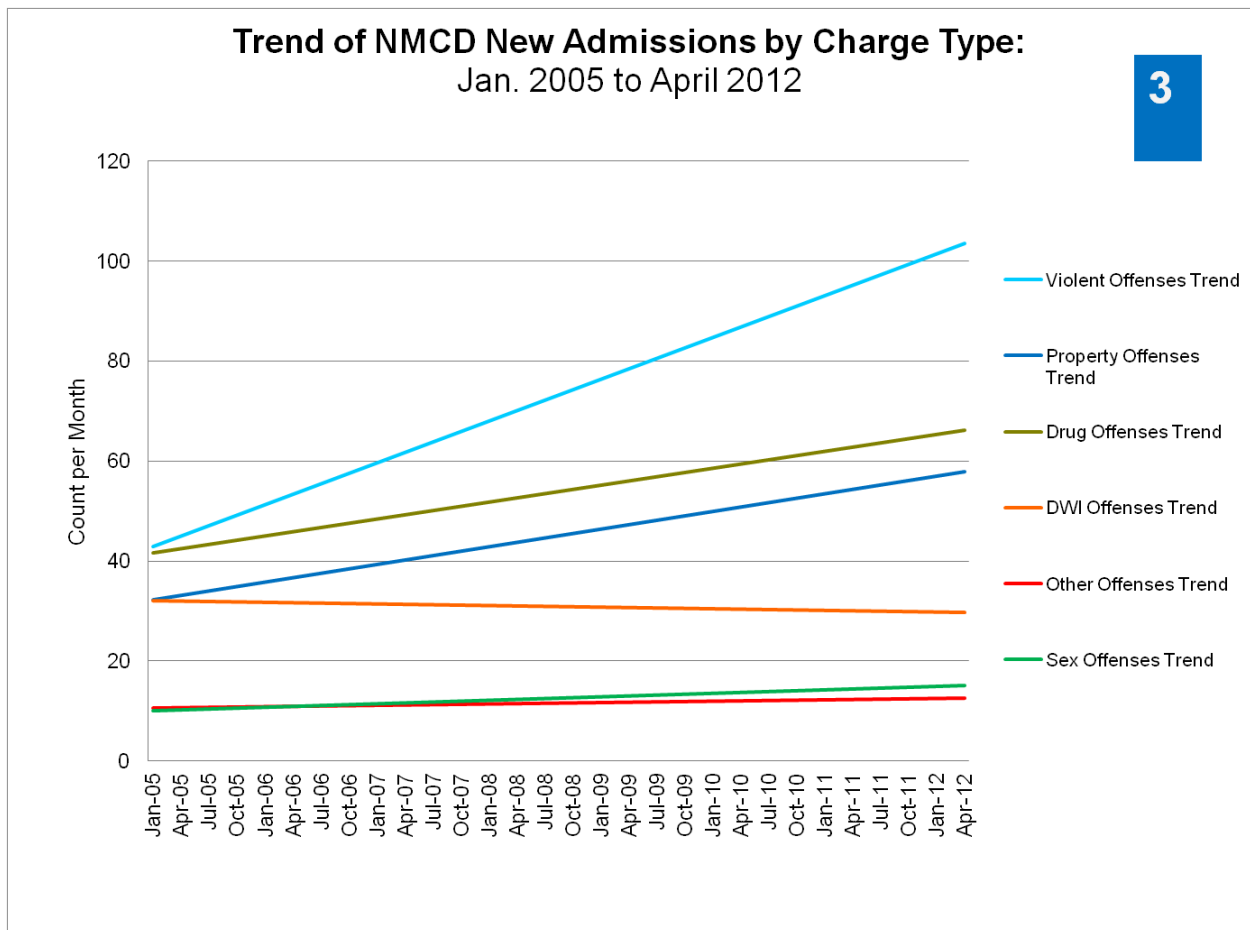
This convergence of admissions and releases in the New Mexico prison system has slowed the growth of the total state prison population.

Chart 2 shows the trends for admission by type: new admissions and parole violations. Admissions for new offenses are the largest category. The number of new admissions continue to decline after hitting a high mark in April 2010.



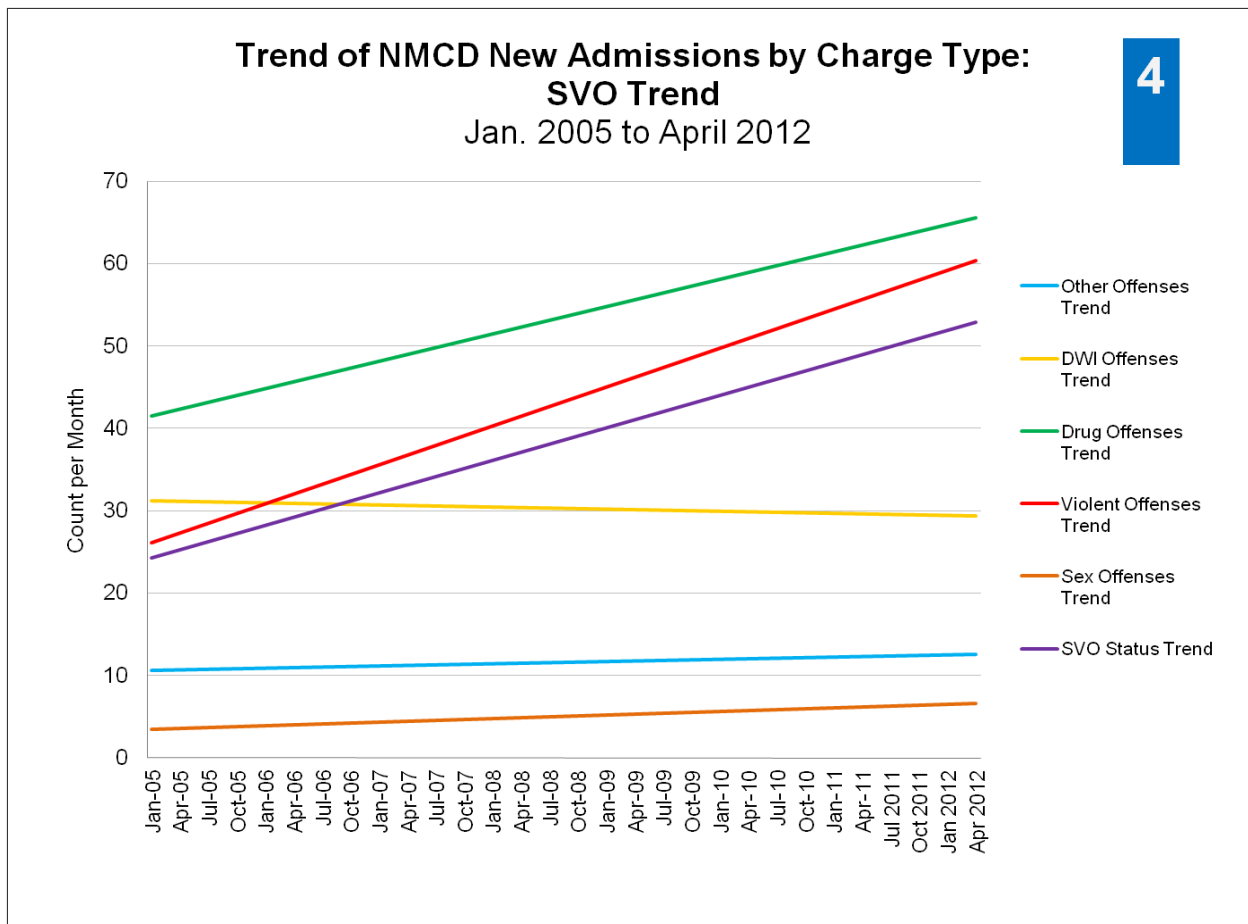
NEW ADMISSIONS

Chart 3 shows new admissions from January 2005 to April 2012 by charge type. New admissions for violent offenses continue to trend upward. Also, violent offenses remain the largest category for new admissions. It is noteworthy that new admissions for DWI offenses continue to trend slightly downward.



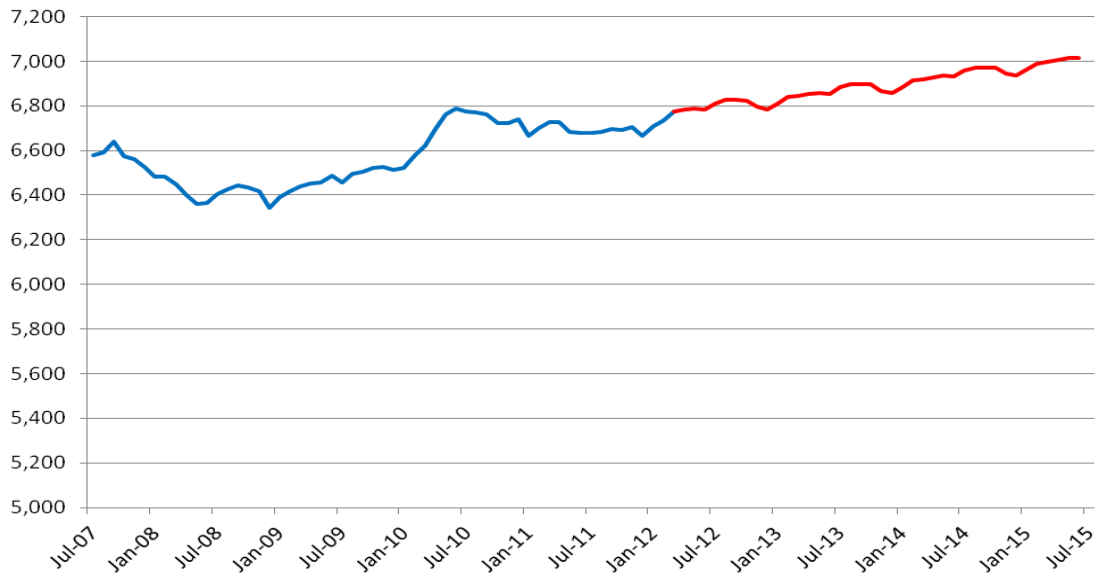
SERIOUS VIOLENT ADMISSIONS

Chart 4 provides additional information regarding new admissions for serious violent offenses. New admissions for serious violent offenses continues to trend upward. This trend is a significant element of any discussion regarding prison populations and policies, as serious violent offenders are required to serve not less than 85% of their sentence. (See Section 33-2-34 NMSA 1978)



Fiscal Year 2012 (To April 30 th 2012) Admissions by Gender, Type of Admission, and Charge		
FY 2012 Admission Group (To April 30 th 2012)	N	%
Total	2,832	100.0
Males	2,520	89.0
Murder	30	1.1
Assault and Battery	149	5.3
Sex	41	1.4
Robbery and Kidnapping	37	1.3
Other Violent Crimes	121	4.3
Drug Distribution	187	6.6
Drug Possession	185	6.5
Burglary	165	5.8
Theft/Fraud	117	4.1
Other Non-violent	62	2.2
DWI	177	6.3
Parole Violator	821	29.0
<i>Serious Violent</i>	167	5.9
<i>Violent</i>	217	7.7
<i>Drug</i>	195	6.9
<i>Property</i>	123	4.3
<i>DWI</i>	76	2.7
<i>Other Non-violent</i>	43	1.5
Serious Violent	355	12.5
<i>Murder</i>	51	1.8
<i>Assault and Battery</i>	134	4.7
<i>Sex</i>	41	1.4
<i>Robbery and Kidnapping</i>	55	1.9
<i>Other</i>	74	2.6
Probation and Sanctioned Parole	73	2.6
Female	312	11.0
Violent	44	1.6
Drug	60	2.1
Property	59	2.1
DWI	14	0.5
Other Non-violent	7	0.2
Probation and Sanctioned Parole	17	0.6
Parole Violator	103	3.6
<i>Serious Violent</i>	1	0.1
<i>Violent</i>	21	0.7
<i>Drug</i>	45	1.6
<i>Property</i>	14	0.5
<i>DWI</i>	5	0.2
<i>Other Non-Violent</i>	17	0.6
Serious Violent	8	0.3

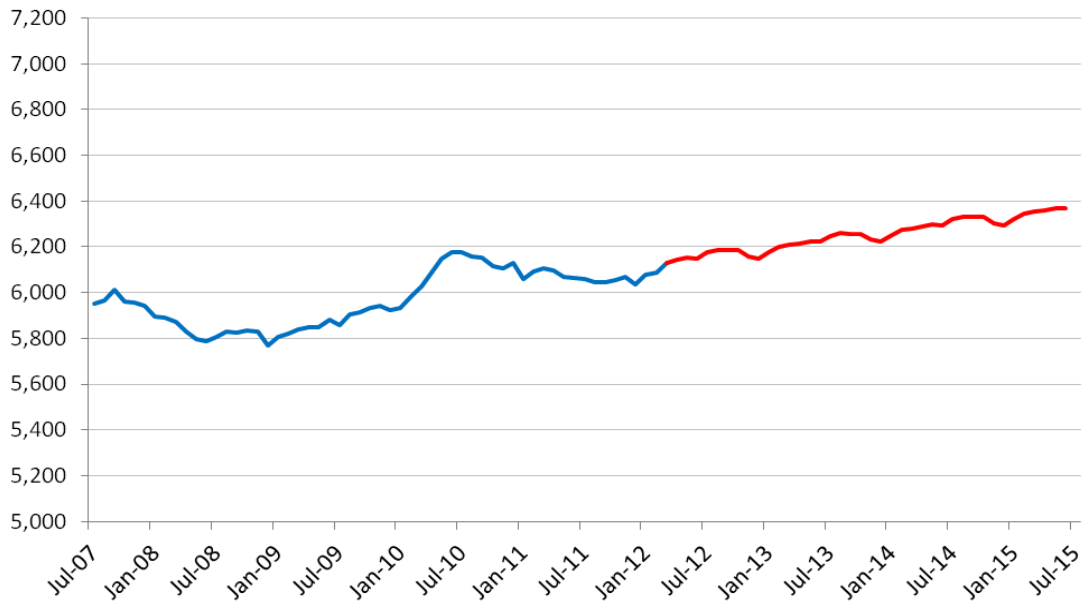
Actual Total Prison Population and Short-term Forecast:
July 2007 to June 2015



TOTAL POPULATION PROJECTIONS: April 2012 to July 2022

Month	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
January		6,809	6,885	6,964	7,046	7,128	7,212	7,294	7,378	7,462	7,546
February		6,840	6,913	6,991	7,071	7,154	7,237	7,320	7,403	7,487	7,570
March		6,845	6,920	6,999	7,080	7,161	7,245	7,328	7,412	7,495	7,578
April	6,786	6,852	6,927	7,006	7,087	7,168	7,251	7,335	7,419	7,502	7,586
May	6,787	6,858	6,935	7,014	7,096	7,179	7,262	7,346	7,429	7,512	7,596
June	6,782	6,855	6,932	7,013	7,095	7,177	7,260	7,344	7,427	7,511	7,594
July	6,811	6,883	6,959	7,040	7,122	7,205	7,288	7,371	7,454	7,538	
August	6,826	6,896	6,972	7,052	7,134	7,217	7,300	7,382	7,466	7,550	
September	6,828	6,897	6,972	7,051	7,133	7,216	7,299	7,382	7,465	7,549	
October	6,824	6,896	6,973	7,053	7,135	7,217	7,301	7,384	7,468	7,552	
November	6,797	6,869	6,946	7,027	7,109	7,192	7,274	7,358	7,442	7,526	
December	6,783	6,858	6,937	7,018	7,101	7,184	7,266	7,350	7,434	7,518	

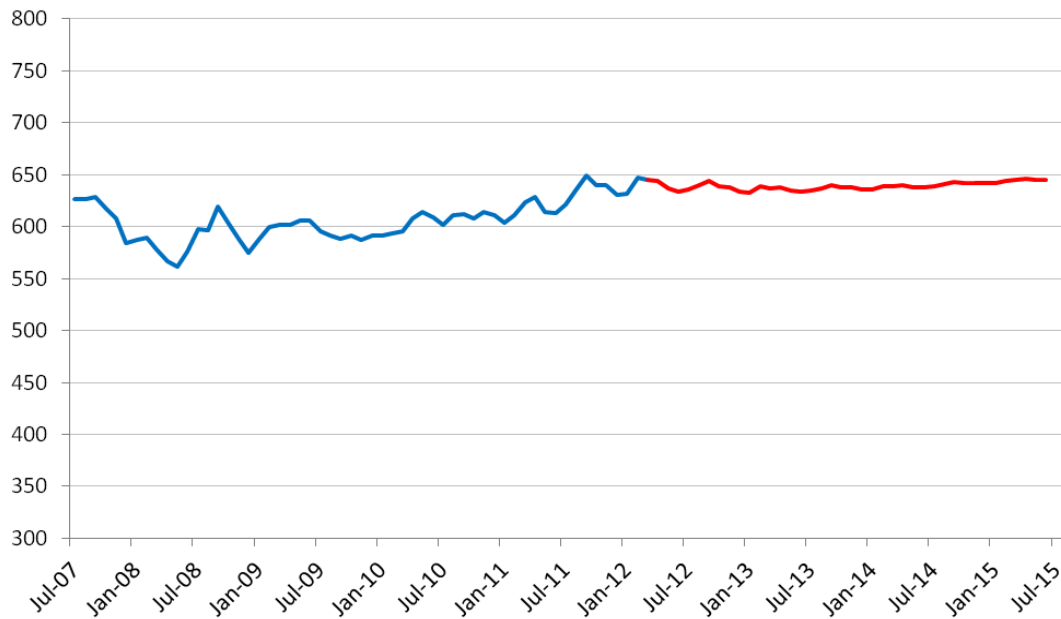
Actual Male Prison Population and Short-term Forecast:
July 2007 to June 2015



MALE POPULATION PROJECTIONS: April 2012 to July 2022

Month	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
January		6,176	6,249	6,322	6,395	6,468	6,541	6,613	6,686	6,759	6,832
February		6,201	6,274	6,346	6,419	6,492	6,565	6,638	6,710	6,783	6,856
March		6,208	6,281	6,354	6,427	6,499	6,572	6,645	6,718	6,791	6,863
April	6,141	6,214	6,287	6,360	6,433	6,505	6,578	6,651	6,724	6,797	6,870
May	6,151	6,224	6,297	6,369	6,442	6,515	6,588	6,661	6,734	6,806	6,879
June	6,148	6,221	6,294	6,367	6,440	6,512	6,585	6,658	6,731	6,804	6,876
July	6,175	6,248	6,320	6,393	6,466	6,539	6,612	6,685	6,757	6,830	
August	6,186	6,259	6,331	6,404	6,477	6,550	6,623	6,695	6,768	6,841	
September	6,184	6,257	6,329	6,402	6,475	6,548	6,621	6,694	6,766	6,839	
October	6,185	6,258	6,331	6,404	6,477	6,549	6,622	6,695	6,768	6,841	
November	6,159	6,231	6,304	6,377	6,450	6,523	6,595	6,668	6,741	6,814	
December	6,149	6,222	6,295	6,368	6,441	6,514	6,586	6,659	6,732	6,805	

Actual Female Prison Population and Short-term Forecast:
July 2007 to June 2015



FEMALE POPULATION PROJECTIONS: April 2012 to July 2022

Month	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
January		633	636	642	651	660	671	681	692	703	714
February		639	639	645	652	662	672	682	693	704	714
March		637	639	645	653	662	673	683	694	704	715
April	645	638	640	646	654	663	673	684	695	705	716
May	636	634	638	645	654	664	674	685	695	706	717
June	634	634	638	646	655	665	675	686	696	707	718
July	636	635	639	647	656	666	676	686	697	708	
August	640	637	641	648	657	667	677	687	698	709	
September	644	640	643	649	658	668	678	688	699	710	
October	639	638	642	649	658	668	679	689	700	711	
November	638	638	642	650	659	669	679	690	701	712	
December	634	636	642	650	660	670	680	691	702	713	