



THE UNIVERSITY OF
NEW MEXICO.

**Bernalillo County
Metropolitan Detention
Center:**

**Analysis of the Jail
Population,
December 31, 2020**

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Prepared for:

Bernalillo County

OVERVIEW

While jail populations can fluctuate on a daily basis due to changes in bookings and releases, the change in population at the Metropolitan Detention Center (MDC) has decreased over 50% in the last seven years. This is due to a large variety of factors including a series of criminal justice reform initiatives, changes in bookings and policies related to bookings, as well as more recent occurrences such as the COVID-19 pandemic. While the population may fluctuate on a daily basis, regular reviews of the population are useful to assess how the composition of the jail has changed.

Population and Capacity

The population of the MDC is analyzed twice a year, at midyear and end of year. Jail and court data are used to complete these in-depth reviews of the population and have been compiled since mid-year 2015. These semiannual reviews are snapshots of the jail population and include demographic information, sentencing status, and charges. Additionally, data is presented describing the population historically, as well as bookings, releases, and length of stay (LOS). These biannual reviews demonstrate how the jail is being used and is an indicator of how the criminal justice system is functioning.

The MDC population has decreased over time due in part to a series of criminal justice initiatives that have been implemented over time. (The MDC population and implemented initiatives can be seen in Appendix A.) More recently, as the COVID-19 pandemic began to spread nationwide, the governor of New Mexico issued the Stay-At-Home Order on March 24, 2020 and later a Shelter in Place Order beginning November 16, 2020. These orders, in conjunction with changes in procedures and policies by criminal justice agencies, have contributed to a marked decrease in the jail population during 2020.

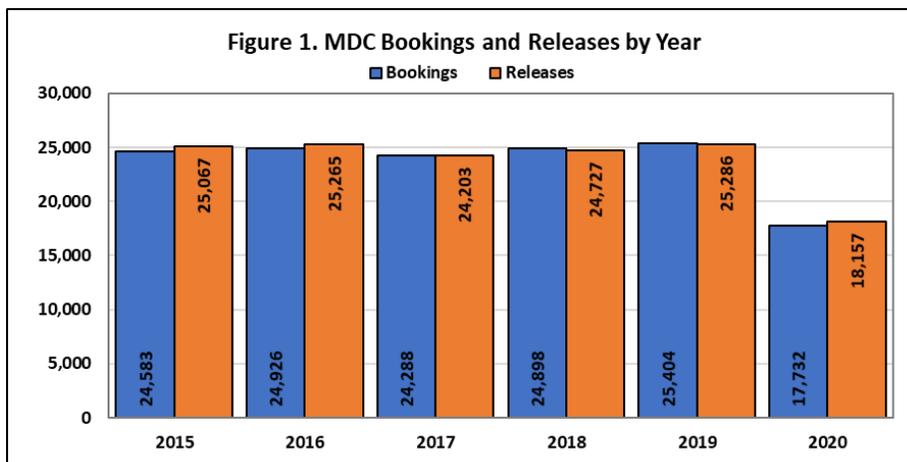
The current¹ rated capacity of the beds available in the facility is 2,190. Operating below capacity, at about 90% or less of the rated capacity, is vital for the safe operation of a jail². At end of year 2020, 49.3% of the rated capacity at the MDC was occupied. As of December 31, 2020, the MDC population was 1,080 (see Table 1)³. This was 112 inmates (9.4%) less than June 30, 2020 and 371 inmates (25.6%) less than December 31, 2019. According to the Bureau of Justice Statistics (BJS), the national percent capacity occupied for jail jurisdictions at midyear 2019 had a percent occupied of 81.2% (Zeng & Minton, 2021, p. 8), over 30% higher than the percent of the MDC occupied⁴.

HIGHLIGHTS

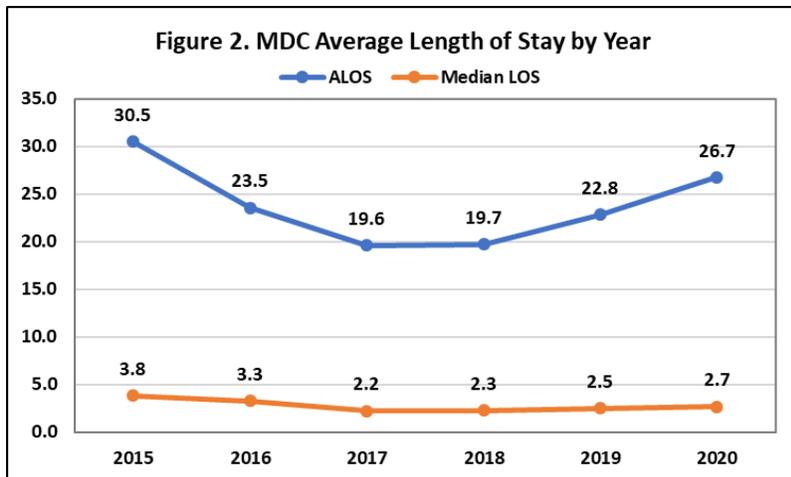
- The population of the MDC has decreased over the last several years, with an increase in more serious offenders.
- The percent rated capacity occupied on December 31, 2020 was 49.3%.
- Bookings and releases decreased significantly from 2019 to 2020, by 30.2% and 28.2% respectively.
- The incarceration rate was estimated at 190 per 100,000 adults in Bernalillo County on December 31, 2020.
- The MDC population decreased from June 30, 2020 to December 31, 2020 by 9.4% (112 inmates).
- The percent of inmates at the MDC with one or more sentenced cases decreased to 19.1% on June 30, 2020.
- Over the last 5 years, the MDC population has been comprised of a higher portion of felons than lower level offenders. Of those in custody on December 31, 2020, 73.0% of inmates were in custody on a felony.
- The portion of inmates in custody with a preventive detention motion granted or pending and a hold increased 12.8% from 28.9% on June 30, 2020 to December 31, 2020.

Date	Population	% Capacity Occupied	Date	Population	% Capacity Occupied
30-Jun-15	1,584	72.3%	30-Jun-18	1,403	64.1%
31-Dec-15	1,342	61.3%	31-Dec-18	1,301	59.4%
30-Jun-16	1,347	61.5%	30-Jun-19	1,599	73.0%
31-Dec-16	1,063	48.5%	31-Dec-19	1,451	66.3%
30-Jun-17	1,105	50.5%	30-Jun-20	1,192	54.4%
31-Dec-17	1,138	52.0%	31-Dec-20	1,080	49.3%

Annual Bookings/Releases: Figure 1 shows the bookings and releases by year from 2015 to 2020. While bookings and releases remained relatively consistent from 2015 to 2019, there was a noticeable decrease in bookings and releases during 2020. In 2020, there were 17,732 bookings, a decrease of 30.2% from the prior year. Similarly, in 2020 there were 18,157 releases in 2020, a decrease of 28.2% from 2019.



Average Length of Stay: Figure 2 shows the average length of stay (ALOS) by year from 2015 to 2020. The length of stay decreased from 2015 to 2017 and this decrease corresponds closely with the implementation of the Case Management Order in 2015 and changes to probation violation case processing in 2014. The length of stay began increasing in 2019 and 2020 and these increases are likely due to in part to the increase in the proportion of felons in the jail population as well as, more recently, delays in case processing due to pandemic-related issues. In 2020, the ALOS was 26.7 days, which is several days lower than the expected annual length of stay for jail jurisdictions of a similar size nationally of 29.0 days (Zeng & Minton, 2021, p. 8). The median LOS in 2020 was 2.7 days, meaning half of all inmates were released within 2.7 days. The large difference between the median and mean indicates a high level of skewness to the data. The LOS was positively skewed, meaning there was a disproportionate number of releases with shorter lengths of stay.

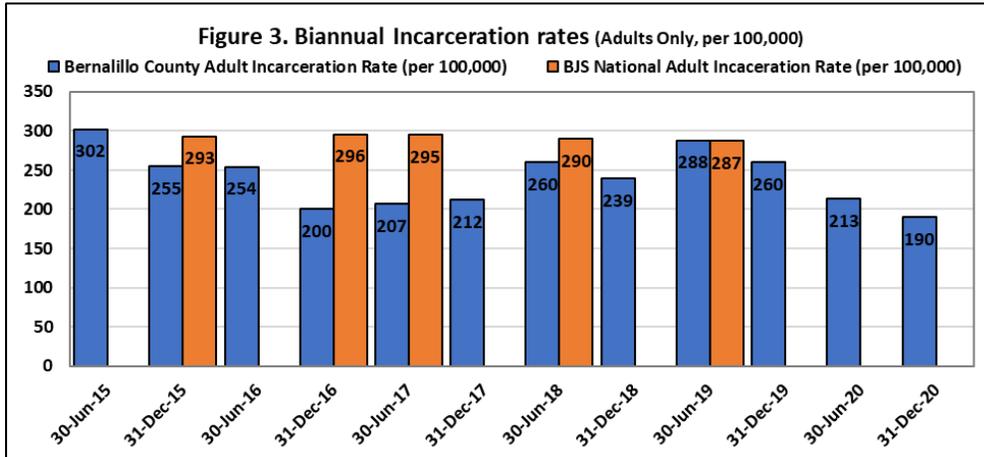


Recidivism: Recidivism by year was calculated. According to the BJS, a recidivism measure requires three items: a starting event, such as a release from a facility; a measure of failure, such as a booking; and a follow-up time period extending from the starting event (Alper & Markman, 2018)⁵. For the first unique release per year, an inmate was tracked forward for up to five years when possible. The measure of failure used was a new booking into the MDC.

Table 2 shows the rates for each year through 2019. Subsequent years will not be added until a full year follow-up time period has passed for all inmates released during that year. During the first year after release from the MDC, between 39.1% and 40.5% of inmates returned to custody. While the BJS recidivism study focused on prison inmates rather than jail inmates and the measure of failure was not the same, the recidivism rate was not substantially higher. According to Alper and Markman (2018) 43.9% of released prisoners were arrested during the first year after release. During the second year, between 9.6% and 10.8% of inmates returned to custody. Nationally, 16.2% of prisoners were arrested during their second year after release (Alper & Markman, 2018). During the third year after release, between 4.8% and 5.1% of inmates returned to custody and the national rate for prisoners during year 3 was 8.3% (Alper & Markman, 2018). During the fourth year after release, 3.0% and 3.2% of inmates returned to custody and 2.0% of inmates returned to custody during the fifth year after release. The corresponding prisoner recidivism rates for year four and year five were 5.1% and 3.5% (Alper & Markman, 2018). The recidivism rates at the MDC are lower than those seen nationally for inmates released from prisoner, but there are differences in factors such as the length of stay and the measure of failure, although the pattern is similar. In general, inmates released from the MDC released typically return to custody during the first or second year after release and for the MDC this stays relatively consistent over time.

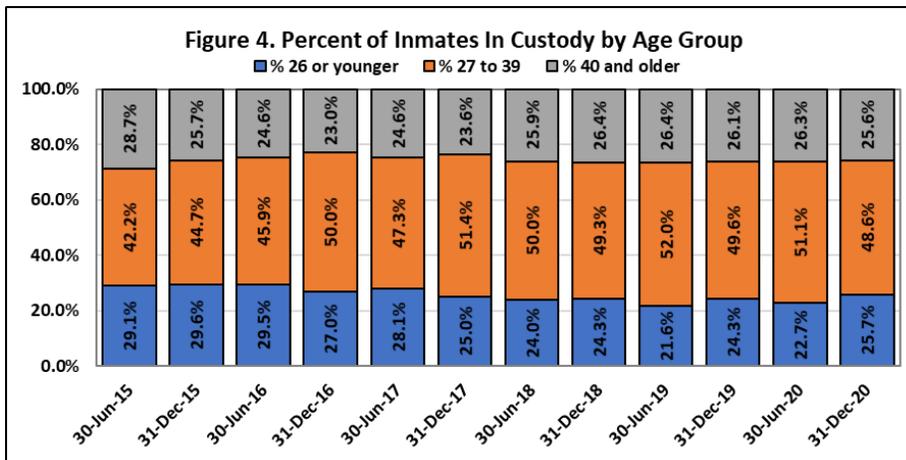
	2015	2016	2017	2018	2019
Unique Releases per Year	17,947	17,651	17,039	17,013	17,189
No Subsequent Bookings	7,071	7,248	7,639	8,498	10,460
Within 1 Year	39.8%	40.1%	40.2%	40.5%	39.1%
> 1 Year to 2 Years	10.5%	10.8%	10.2%	9.6%	
> 2 Years to 3 Years	5.1%	5.1%	4.8%		
> 3 Years to 4 Years	3.2%	3.0%			
> 4 Years to 5 Years	2.0%				
Total by Fiscal Year	60.6%	58.9%	55.2%	50.0%	39.1%

Incarceration Rate: Figure 3 shows the adult incarceration rate per 100,000 in Bernalillo County⁶. The incarceration rate in Bernalillo County at year end 2020 was approximately 190 per 100,000 residents. At midyear 2020, the incarceration rate in Bernalillo County for adults was approximately 213 per 100,000 residents. National data from the BJS is available annually for 2015 to 2019 for comparison and most recently at midyear 2019 the national adult incarceration rate was 287 per 100,000 residents (Zeng & Minton, 2021, p. 4).

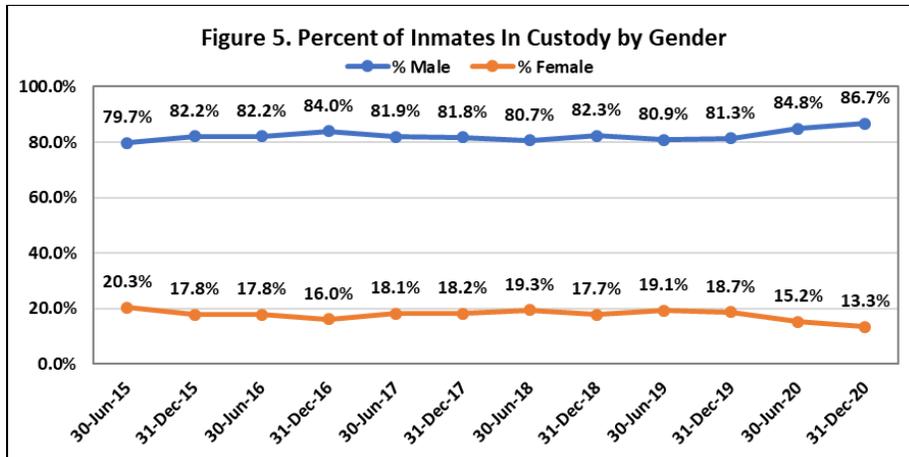


DEMOGRAPHICS

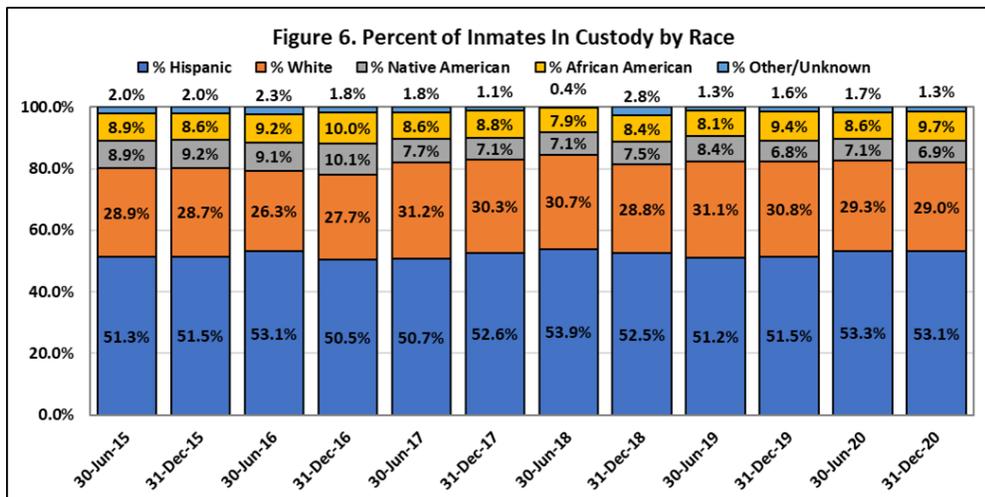
Age Group: Figure 4 reports the age of inmates in custody at the MDC. The percent of inmates in custody aged 26 and younger decreased from 29.1% at mid-year 2015 to 25.7% by the end of 2020. The percent of inmates 40 or older also decreased from 28.7% down to 25.6%. The percent of inmates aged 27 to 39 increased from 42.2% on June 30, 2015 to 48.6% by the end of 2020.



Gender: The portion of the jail population comprised of males has increased over the last six years (see Figure 5). At midyear 2015, males accounted for 79.7% of the MDC population and females accounted for 20.3%. By the end of 2020, male inmates comprised 86.7% of the population (an increase of 8.8%) and female inmates comprised 13.3% of the population (a decrease of 34.5%). By comparison, Bernalillo County was higher than the national average of adult female inmates in 2019 of 15.1% (Zeng & Minton, 2021, p. 4). While the decreases in the female portion of the occurred after the start of the COVID-19 pandemic, it is unclear to what degree the local orders and policies contributed to this. It is likely to some degree that the increasing portion of felons among the jail population over the years has contributed to the increased disproportion between male and female inmates.



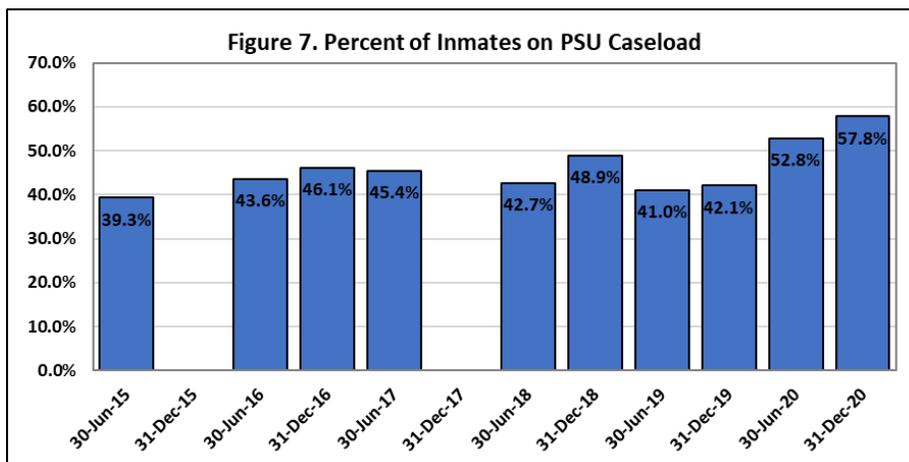
Race/Ethnicity: Across all snapshot dates, just over half of the population (50.5% to 53.9%) was Hispanic (see Figure 6)⁷. White inmates accounted for 26.3% to 31.2% of the MDC population. Native Americans accounted for between 6.8% and 10.1% of the MDC population and African Americans accounted for between 7.9% and 10.0% of the MDC population. On all snapshot dates minorities comprised a majority of the population.



To estimate the degree to which the inmate population is disproportionate to the population of the County, estimates were created to determine the adult population by race⁸. (Other are excluded as the group is small and there are a variety of overlapping options in the ACS data for this category). Compared to the County population, White inmates are underrepresented in comparison with an inmate to population ratio of 0.7. All other groups are overrepresented, with an inmate population ratio greater than one, ranging from 1.2 for Hispanic adults, 1.6 for Native American adults, and 3.6 for African American adults. Disparities can occur for a variety of reasons including differential offending and differential treatment at one of many points in the criminal justice system.

Race/Ethnicity	Count	Percent	2018 ACS Estimates, 18+	Inmate to Population Ratio
Hispanic	573	53.1%	44.3%	1.2
White	313	29.0%	41.1%	0.7
Native American	75	6.9%	4.5%	1.6
African American	105	9.7%	2.7%	3.6

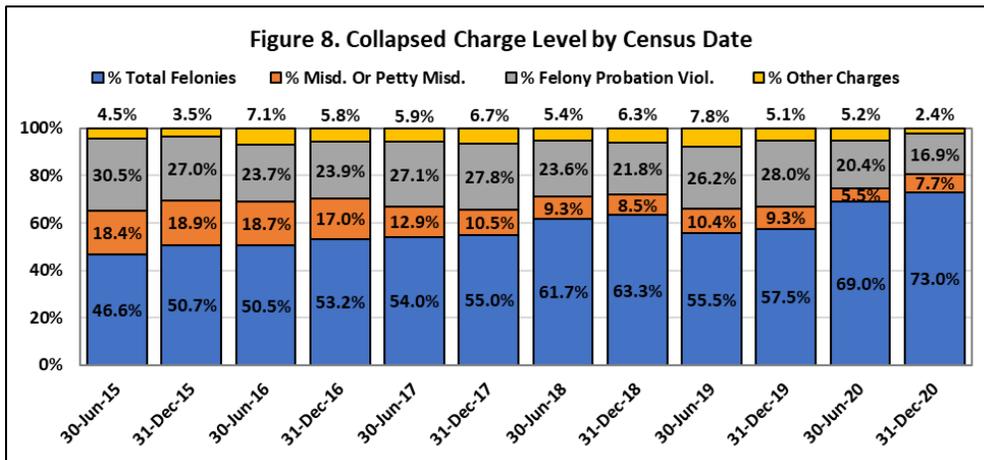
Psychiatric Services Unit: On December 31, 2020, an estimated 57.8% (624) of confined inmates were on the PSU caseload⁹ (see Figure 7). While this is an increase of proportion of inmates on the PSU caseload compared to June 30, 2020 (57.8% compared to 52.8%) the number of inmates on the caseload has remained nearly the same while the population has decreased (624 at end of year 2020 and 629 at midyear 2019).



HIGHEST CHARGE AND SENTENCING STATUS

Highest Charge: For the inmates in custody at MDC on the snapshot dates, the highest charge was selected based on charges for which the individual was in custody¹⁰. Over time, the composition of the jail by highest charge has shifted, with larger portions of inmates in custody with a felony charge (see Figure 8). On December 31, 2020, 73.0% (788) of the 1,080 inmates in custody had at least one felony charge. Of the remaining inmates in custody on December 31, 2020, 7.7% (83) had a misdemeanor or petty misdemeanor as their highest charge. Twenty-six (2.4%) inmates had various other charges, including warrants and holds. The percent of individuals in the MDC on a felony probation violation was 16.9% (183).

The percent of inmates with a felony has increased at nearly every biannual snapshot excluding a decrease from December 31, 2018 to June 30, 2019. The portion of inmates with a felony as the highest charge increased 56.7% from 46.6% on June 30, 2015 up to 73.0% on December 31, 2020. During the same time period, misdemeanors and petty misdemeanors decreased 58.2% from 18.4% at midyear 2015 to 7.7% at end of year 2020. There was a 33.6% decrease in felony probation violations from June 30, 2015 to December 31, 2020 decreasing from 30.5% to 16.9% on December 31, 2020. While some of these changes are likely occurring due to changes in policy during COVID-19 – for example, probation violations decreasing due in part to a decrease in mandatory face-to-face meetings for persons on probation or pretrial supervision – these changes are part of an on-going shift in the MDC population. The jail is increasingly being used to detain higher level and presumably higher risk offenders rather than detaining lower level offenders.



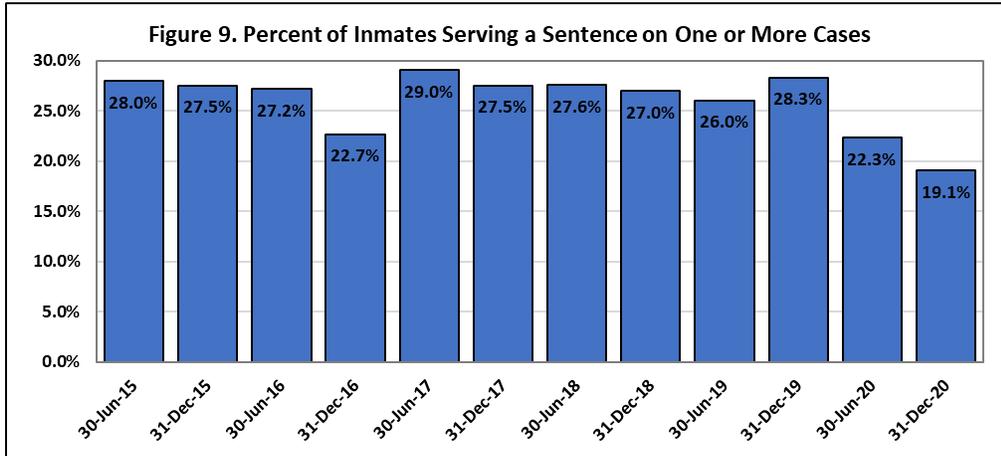
Of those with at least one felony charge, 319 (29.5%) the highest charge was a fourth-degree felony¹¹ and there were 223 (20.6%) inmates with the highest charge of a third-degree felony (see Table 4). There were an additional 143 (13.2%) inmates with a second-degree felony as the highest charge and 103 (9.5%) inmates with a first-degree felony.

Table 4. In Custody by Highest Felony Charge

	30-Jun-15	31-Dec-15	30-Jun-16	31-Dec-16	30-Jun-17	31-Dec-17	30-Jun-18	31-Dec-18	30-Jun-19	31-Dec-19	30-Jun-20	31-Dec-20
F1	149	144	117	85	97	84	94	90	84	84	89	103
F2	156	143	152	131	141	140	153	149	181	158	159	143
F3	159	158	167	151	138	151	240	224	242	200	219	223
F4	274	235	244	199	221	251	379	361	381	393	355	319
Total Felons	738	680	680	566	597	626	866	824	888	835	822	788
% F1	9.4%	10.7%	8.7%	8.0%	8.8%	7.4%	6.7%	6.9%	5.3%	5.8%	7.5%	9.5%
% F2	9.8%	10.7%	11.3%	12.3%	12.8%	12.3%	10.9%	11.5%	11.3%	10.9%	13.3%	13.2%
% F3	10.0%	11.8%	12.4%	14.2%	12.5%	13.3%	17.1%	17.2%	15.1%	13.8%	18.4%	20.6%
% F4	17.3%	17.5%	18.1%	18.7%	20.0%	22.1%	27.0%	27.7%	23.8%	27.1%	29.8%	29.5%
% Felons In Custody	46.6%	50.7%	50.5%	53.2%	54.0%	55.0%	61.7%	63.3%	55.5%	57.5%	69.0%	73.0%

The population of the MDC has decreased over the last several years, with an increase in more serious offenders.

Sentenced/Unsentenced Inmates: Sentencing information was collected for all cases for which inmates were in custody on the snapshot dates¹². Inmates were considered to have all cases partially sentenced if they were sentenced on at least one, but not all cases. On December 31, 2020, approximately 206 (19.1%) of the 1,080 inmates in custody were sentenced on at least one case (see Figure 9). This was 3.2% lower than June 30, 2020. Of the 206, 126 inmates were sentenced on all cases. This decrease in the percent of sentenced inmates is likely due in part to the increase of inmates in custody on a felony and delays in court hearings such as jury trials.



The three largest groups of charges in the MDC were felonies, felony probation violations, misdemeanors, and petty misdemeanors. The percent of these bookings that were unsentenced has changed over the last five years, particularly for inmates with a felony probation violation as the highest charge (see Table 5). The percent of unsentenced bookings with a felony as the highest charge decreased slightly from 86.0% on June 30, 2015 down to 83.9% on December 31, 2020. While there were some increases in the percent of misdemeanors and petty misdemeanors that were unsentenced in the interim, from June 30, 2015 to December 31, 2020 the percent unsentenced was largely unchanged. The largest change in unsentenced bookings was for felony probation violations, increasing from 45.1% on June 30, 2015 up to 70.5% on December 31, 2020.

Table 5. Percent of Bookings Unsentenced by Highest Charge

	Unsentenced Felony Bookings	Unsentenced Misdemeanor and Petty Misdemeanor Bookings	Unsentenced Felony Probation Violation Bookings
30-Jun-15	86.0%	77.4%	45.1%
31-Dec-15	86.0%	73.9%	44.2%
30-Jun-16	84.3%	79.8%	40.8%
31-Dec-16	86.7%	86.7%	47.2%
30-Jun-17	86.1%	81.8%	36.3%
31-Dec-17	84.6%	87.5%	41.8%
30-Jun-18	85.9%	77.7%	33.5%
31-Dec-18	82.0%	80.2%	44.0%
30-Jun-19	84.9%	82.0%	50.4%
31-Dec-19	83.6%	72.6%	47.2%
30-Jun-20	83.8%	73.8%	56.8%
31-Dec-20	83.9%	77.1%	70.5%

Unsentenced Inmates and Jail Bloating: While the MDC population has decreased significantly in recent years, the portion of inmates who are unsentenced is a potential indicator of a condition called jail bloating. Allen Beck (2001) describes jail bloating as a condition that increases the jail population via causes other than crime and sentencing laws (p. 1)¹³. This can be caused in part by inefficiencies in the local criminal justice system (Beck, 2001, p. 1). Currently, these are likely due at least in part to adjustments made in response to the COVID-19 (novel coronavirus) pandemic, both by the courts in how hearings are held as well as the jails in how inmates can be transported. These delays, in addition to other inefficiencies, can inflate the jail population.

On December 31, 2020 there were 788 felons in MDC. Out of the unsentenced felons, 164 (20.8%) had one or more unsentenced felony cases and had been in custody 180 days or more (see Table 6). The National Center for State Courts (NCSC) has proposed model time standard for case processing times which suggest that 90% of felony cases should be resolved in 180 days¹⁴. Beginning February 2, 2015, a new Case Management Order (CMO)¹⁵ was instituted which provided rules for time limits on criminal cases in Bernalillo County Second Judicial District Court. Depending on the complexity of the case, it is assigned to one of three tracks that have different timelines for the commencement of trial from a triggering event, such as the arraignment. These timelines vary from 180 days, 270 days, and 365 days. While the information concerning what track the unsentenced felony cases are assigned to is not available, a portion of the 164 unsentenced cases may have surpassed the recommended case processing guidelines provided by the NCSC and the CMO.

	Count	Percent
Unsentenced Felony w/LOS >180 Days	164	20.8%
Total Inmates w/Felony as Highest Charge	788	100.0%

On December 31, 2020 there were 183 inmates in custody with a felony probation violation as their highest charge. Of these inmates, 29 (15.8%) had been in custody 60 days or more and the felony probation violation had not been resolved. There were 18 (9.8%) of these inmates in custody 90 days or more with an unsentenced felony probation violation and 13 (7.1%) who had been in custody 180 days or more with an unsentenced felony probation violation.

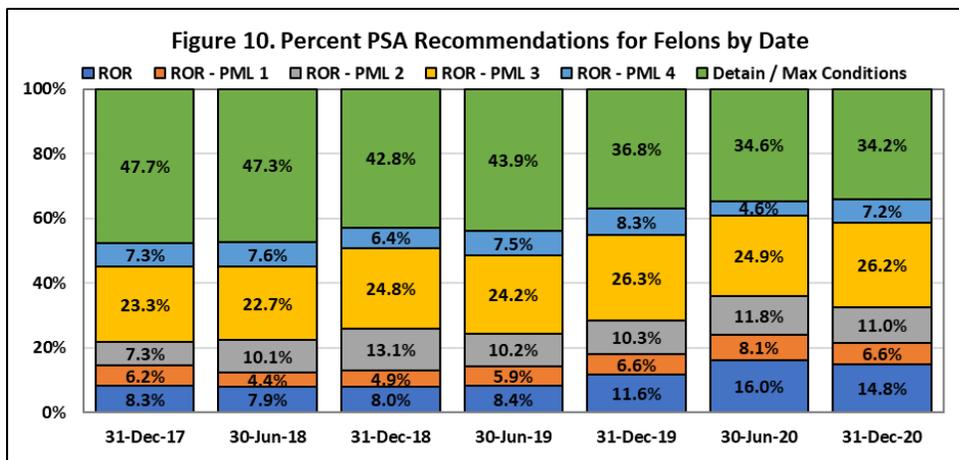
	Count	Percent
Unsentenced w/Probation Violation as Highest Charge and LOS >60 Days	29	15.8%
Unsentenced w/Probation Violation as Highest Charge and LOS >90 Days	18	9.8%
Unsentenced w/Probation Violation as Highest Charge and LOS >180 Days	13	7.1%
Total Inmates w/Probation Violation as Highest Charge	183	100.0%

Public Safety Assessment Recommendations

The Public Safety Assessment (PSA) was implemented in Bernalillo County in June 2017¹⁶. The PSA is a judicial decision-making tool for judges to help gauge the risk a defendant poses and does not replace judicial discretion. The PSA is administered on felony cases and is primarily used for release decision-making at the Felony First Appearance (FFA) in Bernalillo County Metropolitan Court (BCMC) and at the Felony Arraignment (FA) in Second Judicial District Court (SJDC). For some felony cases, there was

either no PSA administered or a PSA had been administered as part of a previous booking. For cases in which the highest charge was a felony and a PSA was administered during the booking, the most restrictive PSA recommendation was selected. The recommendations provided on the PSA range from an ROR (release on own recognizance), ROR with pretrial supervision (the pretrial management level or PML) ranges from level one to level four and increase in restrictiveness, and to either detain if constitutional requirements are meant or release with maximum conditions. The PSA is not used to assess the risk a defendant poses when charged with a misdemeanor.

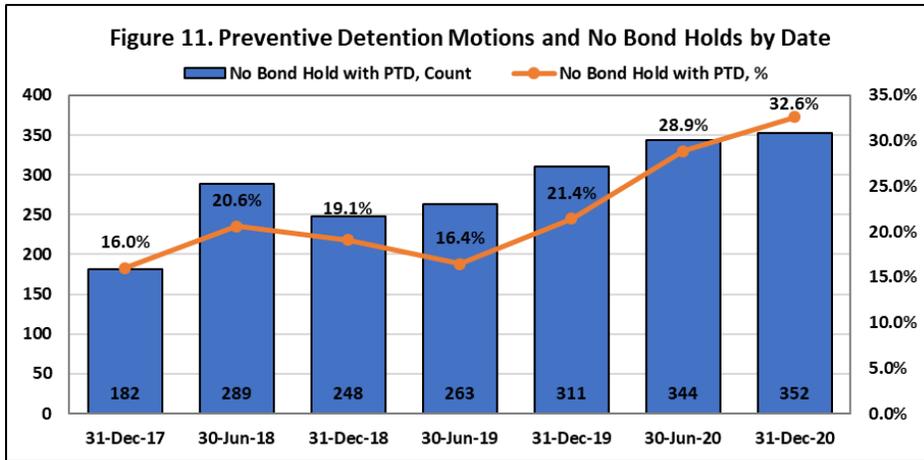
The most common recommendation category was to detain or release with maximum conditions, which decreased 28.3% from 47.7% on December 31, 2017 to 34.2% December 31, 2020 (see Figure 10). ROR with PML 3 was the second most common recommendation category, and accounted for between 22.7% and 26.3% of inmates over the last seven census dates. ROR with PML 2 accounted for between 7.3% to 13.1% of inmates. ROR with PML 1 accounted for between 4.4% and 7.9% of inmates and ROR accounted for between 7.9% and 16.0% of inmates.



Preventive Detention Holds

Bernalillo County implemented preventive detention in January 2017, which allows a motion to be filed for possible detention pending case disposition. Case data was reviewed to determine the number of unsentenced inmates with a no bond hold and a motion for preventive detention (PTD) that was either granted or pending.

The percent of the MDC population with a no bond hold and pending or granted PTD motion has ranged from 16.0% to 32.6% (see Figure 11). On December 31, 2020, there were 352 bookings with these circumstances accounting for 32.6% of the MDC population at the end of 2020.



Conclusion

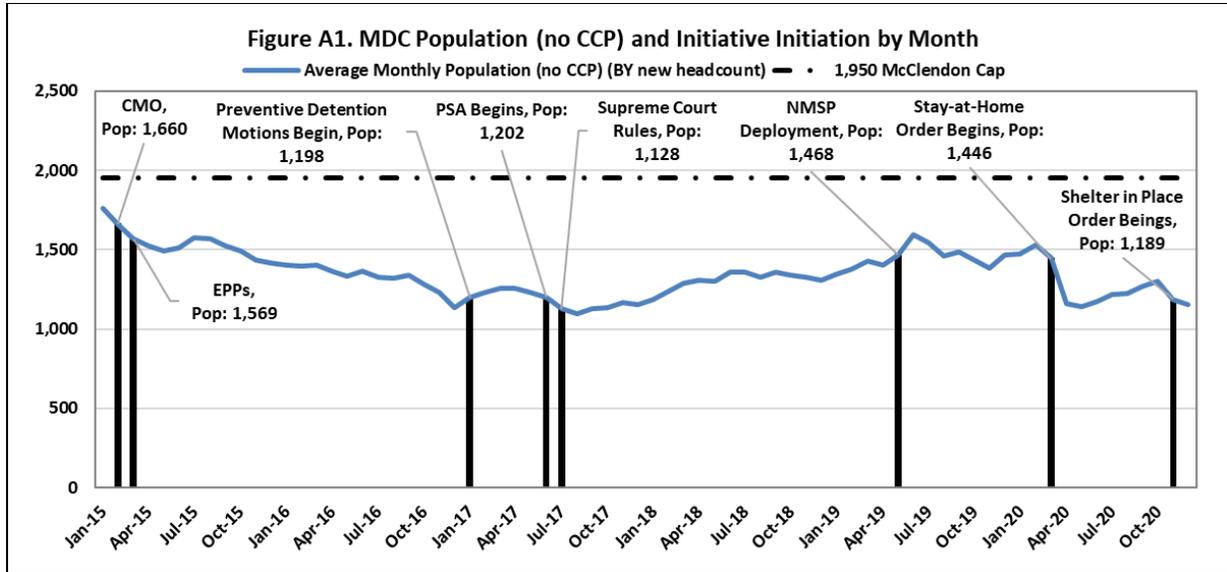
The MDC population has decreased since 2019 and has consistently operated below capacity for over 5 years. There were large decreases in bookings and releases in 2020, due in part to circumstances around the COVID-19 pandemic. There have been small changes in the composition of the population by gender and race, as well as shifts in the composition of the population by age. The portion of the population on the PSU caseload increased up to 57.8% on December 31, 2020.

The sentencing status decreased to less than one in five (19.1%) by the end of 202 and the composition of the population by charge has changed over the last 5 years. Most notably, there has been an increase in the proportion of the population with a felony and a decrease in the proportion of inmates with a misdemeanor or petty misdemeanor as well as a decrease in the proportion of inmates with a felony probation violation.

The change in composition of the MDC inmates can affect the LOS and may also indicate changes in the types of inmates being booked as well as shifts in how release decision making occurs. Part of this may be due to the implementation and use of the PSA as well as the implementation of preventive detention. Additionally, changes in the criminal justice system to respond to COVID-19 have likely resulted in the increase in felons in custody and longer case processing times. The MDC is housing more serious offenders than in years past and continues to operate well below the rated capacity.

APPENDIX A

Figure A1 shows the MDC population from January 2010 to June 2020 and criminal justice initiatives implemented in Bernalillo County over the last 6 years.



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¹ The MDC was originally designed and built to hold 288 inmates. During the 1980s, the original structure was expanded to house 586 inmates. In 2000, County officials began planning and building the new MDC facility which was occupied in 2002 had had a capacity of 2,048 beds. In December 2006, 188 beds were added, increasing the rated capacity to 2,236. The current rated capacity is 2,190, largely due to changes in cell use from double occupancy to single occupancy.

² Guerin, P. 2013. Bernalillo County Metropolitan Detention Center: Analysis of the Jail Population.

³ Inmates in custody as at the end of the day, excluding individuals listed as AWOL or in Federal custody on the census date. Additionally, this does not include inmates in the custody of the Community Custody Program (CCP), those in the hospital, or those in the Receiving Discharge Transfer (RDT) unit.

⁴ Zeng, Z., Minton, T. D. (2021). *Jail Inmates in 2019*. Bureau of Justice Statistics (Report NCJ 250975). Retrieved from: <https://www.bjs.gov/content/pub/pdf/ji19.pdf>.

⁵ Alper, M., Markman, J. (2018). *2018 Update on Prisoner Recidivism: A 9-Year Follow-up Period (2005-2014)*. Bureau of Justice Statistics (Report NCJ 255608). <https://www.bjs.gov/index.cfm?ty=pbdetail&iid=6266>.

⁶ This calculation was updated from previous versions using population estimates from Bernalillo County from <https://gps.unm.edu/pru/projections>. The estimates for 2015 and 2020 were used and for the years in between an equal increase was included to allow for updated population figures. The population was reduced by 22.7% to account for individuals under 18 prior to 2019. This figure came from the 2015 U.S. Census estimates. From 2019 on, the 2019 U. S. Census estimated the population under 18 at 21.4%.

⁷ In data from the 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.

⁸ ACS Estimates for 2018 were used to estimate the adult population. The ACS 5-year estimates were available for Hispanic and Black Only (which in this instance could include Hispanic) and ACS 1-year estimates were used for White, non-Hispanic and American Indian Only (also including Hispanic). The calculated total for each category over 18 was compared to the estimated population for 2018 and this percent was compared to the race of inmates at the jail. The ACS tables were under maintenance and could not be updated with the 2019 figures when this report was finalized.

⁹ Inmates on the PSU caseload were identified using a list maintained by the facility and provided as available. In some instances, the date available is close to, but is not on the same date as the snapshot date.

¹⁰ 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. For instances where the booking charges included a warrant, if the warrant had been resolved by the snapshot date 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. For cases in the process of being bound over to the SJDC, the charge information from the processing case was used as the highest charge.

¹¹ If a specific statute identified a charge as one of multiple degrees, the lowest degree charge was selected. For instance, by statute a kidnapping charge could be an F1 or F2, so an F2 was selected if the degree was not specified.

¹² A case was considered pending if it had not been resolved or if there was insufficient information to determine if there had been a resolution. Sentencing status was assigned based on court data that indicated the inmate was serving a sentence or waiting for release to a facility that was part of the sentencing order.

¹³ Beck, A. R. (2001). Jail bloating: A common but unnecessary cause of jail overcrowding. Justice Concepts Incorporated.

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>

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.

¹⁶ The PSA was developed by Arnold Ventures in partnership with leading criminal justice researchers. The PSA uses evidence-based, neutral information to predict the likelihood that an inmate will commit a new crime if released before trial, and to predict the likelihood that he/she will fail to return for a future court hearing.