



**Bernalillo County  
Metropolitan Detention  
Center:**

**Analysis of the Jail  
Population,  
December 31, 2021**

**Prepared by:**

Elise M. Ferguson, M.A.

Alise O'Connell, B.A.

Helen De La Cerda, B.A.

**Prepared for:**

Bernalillo County

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Jail populations are constantly fluctuating due to changes in both bookings and length of stay. However, we have seen a consistent decrease (up to 50%) in the population at the Metropolitan Detention Center (MDC) due to numerous factors including but not limited to, criminal justice reform initiatives, changes in bookings and booking policies, and most recently the COVID-19 pandemic. Although the population may change on a daily basis, regular and consistent reviews of the population are useful to assess the composition of the jail and how it has changed over time.

## 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

**Table 1.** *Inmates Confined at End-of-Year, Average Daily Population, Annual Admissions, and Incarceration Rates*

Year	Confined Inmates <sup>1</sup>	Average Daily Population <sup>2</sup>	Annual Admissions	Jail Incarceration Rate <sup>3</sup>
2015	1,342	1,545	24,583	255
2016	1,063	1,325	24,926	200
2017	1,138	1,182	24,288	212
2018	1,301	1,308	24,898	239
2019	1,451	1,450	25,404	260
2020	1,080	1,273	17,732	190
2021	1,147	1,134	14,430	195

<sup>1</sup>Number of inmates held on December 31 each year

<sup>2</sup>The ADP is the sum of all inmates in jail each day for 1 year, divided by 365

<sup>3</sup>Number of confined inmates at MDC at end-of-year per 100,000

### HIGHLIGHTS

- The MDC population has decreased over the last several years, with an increase in more serious offenders.
- The percent rated capacity occupied on December 31, 2021, was 52.4%.
- Bookings and releases both decreased significantly from 2020 to 2021, by 18.6% and 20.9% respectively.
- The incarceration rate was estimated at 195 per 100,000 adults in Bernalillo County on December 31, 2021.
- The MDC population increased from June 30, 2021, to December 31, 2021, by 45 inmates (or 4.1%).
- The percent of inmates at the MDC with one or more sentenced cases decreased from 20.7% on June 30, 2021, to 17.1% on December 31, 2021.
- 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, 2021, 74.7% of inmates were in custody on a felony, an all-time highest since reporting began in 2015.
- The portion of inmates in custody with a preventive detention motion granted or pending and a hold increased 4.2% from 31.5% on June 30, 2021, to 35.7% on December 31, 2021.
- There has been a 4.8% decrease in first year recidivism between 2019 and 2020, an all-time low.

A.) In 2020, 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 and 2021.

The current<sup>1</sup> 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 jail<sup>2</sup>. At the end of 2021, 52.4% of the rated capacity at the MDC was occupied. As of December 31, 2021, the MDC population was 1,147 (see Table 2)<sup>3</sup>. This was 45 inmates (4.1%) more than June 30, 2021, and 67 inmates (6.2%) more than December 31, 2020. According to the latest Jail Inmate report by the Bureau of Justice Statistics (BJS), the national percent capacity occupied for jail jurisdictions at midyear 2020 had a percent occupied of 60.2% (Zeng & Minton, 2021, p. 13), which is 7.85% higher than the percent of the MDC occupied (52.4% at end of 2021)<sup>4</sup>.

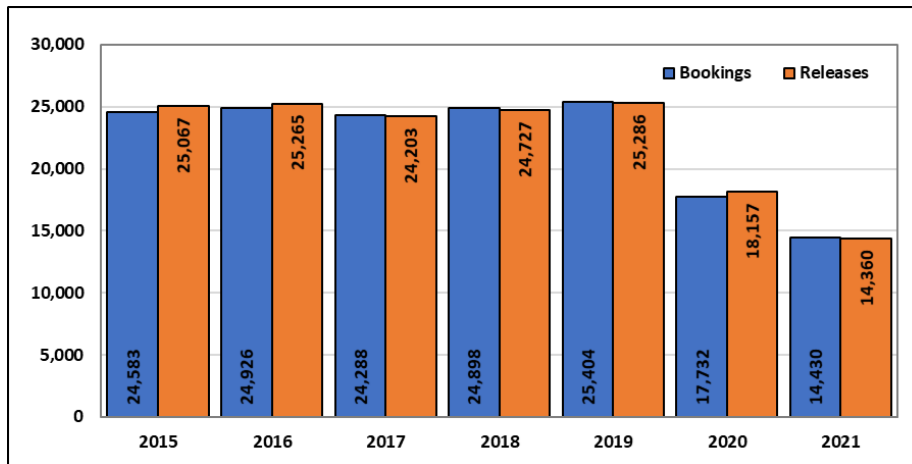
**Table 2. Biannual Population Counts and Capacity (In Custody, On Site)**

Date	Population	% Capacity Occupied	Date	Population	% Capacity Occupied
30-Jun-15	1,584	72.3%	31-Dec-18	1,301	59.4%
31-Dec-15	1,342	61.3%	30-Jun-19	1,599	73.0%
30-Jun-16	1,347	61.5%	31-Dec-19	1,451	66.3%
31-Dec-16	1,063	48.5%	30-Jun-20	1,192	54.4%
30-Jun-17	1,105	50.5%	31-Dec-20	1,080	49.3%
31-Dec-17	1,138	52.0%	30-Jun-21	1,102	50.3%
30-Jun-18	1,403	64.1%	31-Dec-21	1,147	52.4%

### Annual Bookings/Releases

Figure 1 shows the bookings and releases by year from 2015 to 2021. While bookings and releases remained relatively consistent from 2015 to 2019, there was a noticeable decrease in bookings and releases during 2020 and 2021. In 2021, there were 14,430 bookings, a decrease of 18.6% from the prior year, and a 43.2% decrease from 2019. Similarly, in 2021 there were 14,360 releases, a decrease of 20.9% from 2020, and a 43.2% decrease from 2019.

**Figure 1. MDC Bookings and Releases by Year**



**Average Length of Stay**

Figure 2 shows the average length of stay (ALOS) by year from 2015 to 2021. 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 begins increasing in 2019 and has continued through 2021. These increases are likely due 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 2021, the ALOS for MDC was 27.9 days, an increase of 1.2 days from 2020, and compared to the annual length of stay of 32.1 days for jail jurisdictions of a comparable size in midyear 2020 (Zeng & Minton, 2021, p. 14), is lower by 4.2 days. The median LOS in 2021 was 2.9 days, meaning that half of all inmates in MDC were released within 2.9 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, most likely due to a small number of inmates with an atypically long length of stay.

**Figure 2. MDC Average Length of Stay by Year**

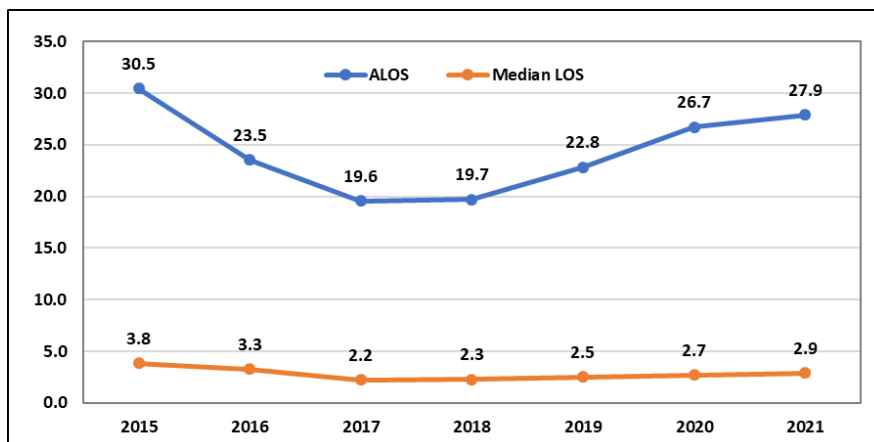


Table 3 shows the ALOS by basic charges by race of inmates by year. Across both felonies and misdemeanors/petty misdemeanors African Americans typically had the highest length of stay out of any other racial group (the only exception to this is in 2020 when Hispanic inmates had the longest average length of stay in both felonies, and misdemeanors/petty misdemeanors at 45.7 days and 13.1 days respectively). Length of stay for African American inmates with felonies ranged anywhere from 77.3 days (2015) to 40.2 days (2020). This is a difference of between 1.3 days to 27.5 days compared to Hispanic inmates, who were the second longest length of stay on average. From 2020 to 2021 every racial group has seen an increase of length of stay. The Hispanic inmate population ALOS has increased 4.9 days, White 10.7 days, Native American 10.3 days, African American 11.6 days, other at an increase of 12 days and overall felonies LOS increased by 7.9 days.

As stated previously, African American inmates also had the longest LOS for misdemeanor and petty misdemeanors (besides 2020), with ALOS ranging anywhere from 7.7 days to 13.6 days. Compared to the population with the second highest ALOS (again, Hispanic) this is a difference from anywhere between 0.8 days to 5.5 days). All racial groups besides African American and Other/Unknown have seen a decrease in ALOS from 2020 to 2021 (African American and Other/Unknown went up by 1.9 days and 2.8 days respectively).

Length of stay for inmates who are in on a parole or probation violation, seem to have the least fluctuation across racial groups. The largest change happens between years. From 2020 to 2021, ALOS has gone down across every racial group as well as overall parole and probation violations. Hispanic inmate ALOS decreased 27.5 days, White inmates decreased 16.5 days, Native American inmates decreased 17.6 days and African American inmates decreased 27.7 days. Overall parole and probation violation ALOS decreased 23.3 days from 2020 to 2021.

**Table 3. Average Length of Stay by Charge and Race by Year**

Charge	Race	2015		2016		2017		2018		2019		2020		2021	
		LOS	Count	LOS	Count	LOS	Count	LOS	Count	LOS	Count	LOS	Count	LOS	Count
Felonies															
	Hispanic	49.8	2,909	35.3	2,900	27.6	3,020	30.1	2,884	38.0	3,033	45.7	2,740	50.5	2,581
	White	43.0	1,607	22.9	1,845	22.4	1,965	25.2	1,876	32.0	1,933	37.7	1,696	48.4	1,599
	Native American	55.8	377	35.7	372	21.5	386	24.9	373	32.7	484	29.9	419	40.2	410
	African American	77.3	379	41.1	384	34.1	423	43.6	372	45.1	401	40.2	418	51.8	479
	Total*	49.5	5,438	31.3	5,711	25.9	5,983	28.9	5,629	35.5	6,009	41.0	5,418	48.8	5,201
Misd. and Petty Misd.															
	Hispanic	15.4	2,984	11.3	2,919	7.9	2,720	7.4	2,880	6.5	2,928	13.1	2,184	8.6	1,950
	White	7.9	2,323	7.6	2,368	5.1	2,428	4.4	2,322	5.5	2,183	6.9	1,394	6.6	1,154
	Native American	13.6	957	12.9	927	6.8	818	5.4	799	5.6	861	7.0	642	5.1	596
	African American	18.1	444	16.8	390	8.7	438	8.7	432	7.7	429	7.8	333	9.6	237
	Total*	12.5	6,957	10.3	6,922	6.7	6,632	6.1	6,638	6.0	6,651	9.6	4,778	7.4	4,145
Parole and Prob. Violations															
	Hispanic	47.8	2,083	45.1	1,773	41.0	1,568	46.0	1,362	50.5	1,347	66.2	878	38.6	945
	White	48.3	1,132	42.0	976	39.0	816	43.8	804	44.7	810	57.5	587	41.0	576
	Native American	48.9	255	36.8	230	37.4	206	34.6	183	44.6	186	53.3	136	35.7	148
	African American	46.2	245	43.3	234	40.6	192	42.6	163	50.2	189	58.9	132	31.2	127
	Total*	47.9	3,818	43.6	3,306	40.3	2,856	44.4	2,570	47.9	2,572	61.5	1,759	38.2	1,831

\*Other/Unknown not included in Table 6 values but are included in total calculations.

Table 4 shows the average length of stay across race by year, regardless of charge type. African American inmates, across all years except 2020, have the longest average length of stay, the longest at 39.7 days in 2015. The ALOS, across all racial groups, follow a similar pattern: high in 2015 (32.5 days for Hispanic inmates, 26.2 days for White inmates, 26 days for Native American inmates, 39.7 for African American inmates, and 24.7 days for Other/Unknown), dipping in 2017 through 2019 and increasing again in 2020 and 2021. From 2020 to 2021 all groups except for Hispanic and Native American had an increased ALOS (+1.6 days for White, +2.9 for African American, and +.1 for Other/Unknown).

**Table 4. Average Length of Stay by Race by Year**

	2015	2016	2017	2018	2019	2020	2021
Hispanic	32.5	26.3	21.3	21.5	24.7	33	29.8
White	26.2	19.2	16.4	17.4	20.3	26.7	28.3
Native American	26	20.5	16	13.9	17.7	19	18.9
African American	39.7	29.5	24	24.8	26.1	30.5	33.4
Other/Unknown	24.7	23.5	16.9	16.5	11.3	15.5	15.6

Table 5 shows the change of length of stay by charge and gender by year through 2015 to 2021. Female inmates almost always have a shorter Length of Stay compared to men, regardless of the charge type (the only exception is 2018 with Parole and Probation Violations, where women were 0.6 days longer compared to males). Length of Stay for felonies, misdemeanor and petty misdemeanors, and parole and probation violations each follow a similar pattern that they follow regardless of gender. LOS starts off fairly high in 2015, begin decreasing in 2016 and 2017, and then begin increasing in 2018. As mentioned in the beginning of the Length of Stay section, the initial decrease seen across all Length of Stays for gender corresponds closely to the implementation of the Case Management Order in 2015, and the increases that are seen in 2018 through 2021 are likely due to the changing jail population (an increased focus on felons compared to other charge groups) and pandemic related issues such as case processing times. For Felonies between 2020 to 2021, males had an increased ALOS of 8.8 days, females had a 3.8 day increase, and Overall Felonies ALOS increased by 7.9 days.

Misdemeanor and petty misdemeanors and parole and probation violations both peaked in 2020, and length of stay for both groups of charges decreased from 2020 to 2021, the largest change being in parole and probation violations. Male ALOS for this charge group decreased 25.3 days, Female ALOS decreased 16.5 days, and Overall Parole and Probation Violation ALOS decreased 23.3 days. This is an all-time lowest Length of Stay for misdemeanor and petty misdemeanors.

**Table 5. Average Length of Stay by Charge and Gender by Year**

		2015		2016		2017		2018		2019		2020		2021	
Charge	Gender	LOS	Count	LOS	Count	LOS	Count	LOS	Count	LOS	Count	LOS	Count	LOS	Count
Felonies															
	Male	57.2	4,139	36.4	4,312	29.5	4,509	33.6	4,212	40.0	4,518	45.6	4,164	54.5	4,039
	Female	24.8	1,299	15.8	1,399	14.7	1,474	14.9	1,417	21.8	1,491	25.4	1,254	29.3	1,162
	Total	49.5	5,438	31.3	5,711	25.9	5,983	28.9	5,629	35.5	6,009	41.0	5,418	48.8	5,201
Misd and Petty Misd															
	Male	14.0	5,059	11.5	4,948	7.7	4,790	6.9	4,808	6.9	4,802	10.9	3,514	8.5	3,037
	Female	8.4	1,898	7.4	1,974	4.0	1,842	3.8	1,829	3.6	1,849	5.8	1,264	4.6	1,108
	Total	12.5	6,957	10.3	6,922	6.7	6,632	6.1	6,637	6.0	6,651	9.6	4,778	7.4	4,145
Parole and Prob Violations															
	Male	48.9	2,843	44.4	2,422	41.4	2,108	44.3	1,895	49.3	1,930	63.5	1,357	38.3	1,432
	Female	45.3	975	41.6	884	37.2	748	44.9	675	43.7	642	54.6	402	38.1	399
	Total	47.9	3,818	43.6	3,306	40.3	2,856	44.4	2,570	47.9	2,572	61.5	1,759	38.2	1,831
* Other/Unknown not included in Table 6 values but are included in total calculations.															

\*Other/Unknown not included in Table 6 values but are included in total calculations.

Table 6 shows the average Length of Stay by gender by year regardless of charge type. Females have a significantly shorter ALOS across all years compared to males, the difference anywhere between 7.6 days (2018) and 13.4 days (2020).

**Table 6. Average Length of Stay by Gender by Year**

	2015	2016	2017	2018	2019	2020	2021
Male	33.6	26	21.3	21.6	24.7	32.3	31.3
Female	20.4	16.1	13.4	14	15.7	18.9	18

### Recidivism

According to the Bureau of Justice Statistics (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)<sup>5</sup>. 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 7 shows recidivism rates for each year through 2020. Subsequent years are added when a full year follow-up time period has passed for inmates released during that year. Inmates released in 2020 had the lowest recidivism within one year of release at 34.3% than in the previous 5 years, which ranged between 39.1% and 40.5%. During the second year after release, recidivism was lowest in the most recent year, 2019, at 7.7%. Second-year recidivism was 9.6% or higher or higher in all prior years. Recidivism during year three ranged from 5.1% in 2015, 2016, 4.8% in 2017 and decreased to 3.7% in 2018. Recidivism for years four, five, and six continued to decrease over time.

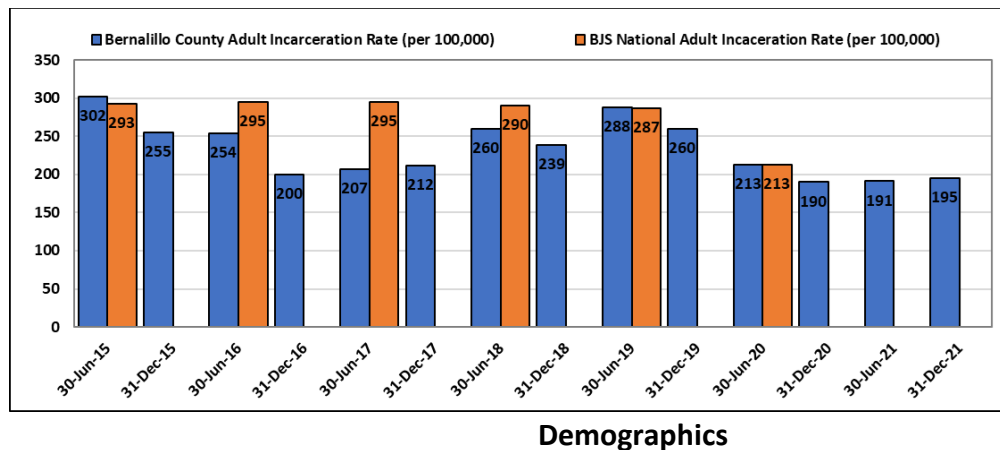
The decrease in recidivism between 2019 and 2020 is worth noting (a 4.8% decrease). This may be due to decreases in bookings for low-level charges due to the COVID-19 pandemic. In general, inmates released from the MDC typically return to custody during the first or second year after release and this stays relatively consistent over time.

**Table 7. MDC Recidivism by Year**

Category	2015	2016	2017	2018	2019	2020
Unique Releases per Year	17,947	17,651	17,039	17,013	17,189	13,068
No Subsequent Bookings	6,871	6,979	7,275	7,877	9,134	8,590
Within 1 Year	39.8%	40.1%	40.2%	40.5%	39.1%	34.3%
> 1 Year to 2 Years	10.5%	10.8%	10.2%	9.6%	7.7%	-
> 2 Years to 3 Years	5.1%	5.1%	4.8%	3.7%	-	-
> 3 Years to 4 Years	3.2%	3.0%	2.1%	-	-	-
> 4 Years to 5 Years	2.0%	1.5%	-	-	-	-
> 5 Years to 6 Years	1.1%	-	-	-	-	-
<i>Total by Year</i>	61.7%	60.5%	57.3%	53.7%	46.9%	34.3%

### Incarceration Rate

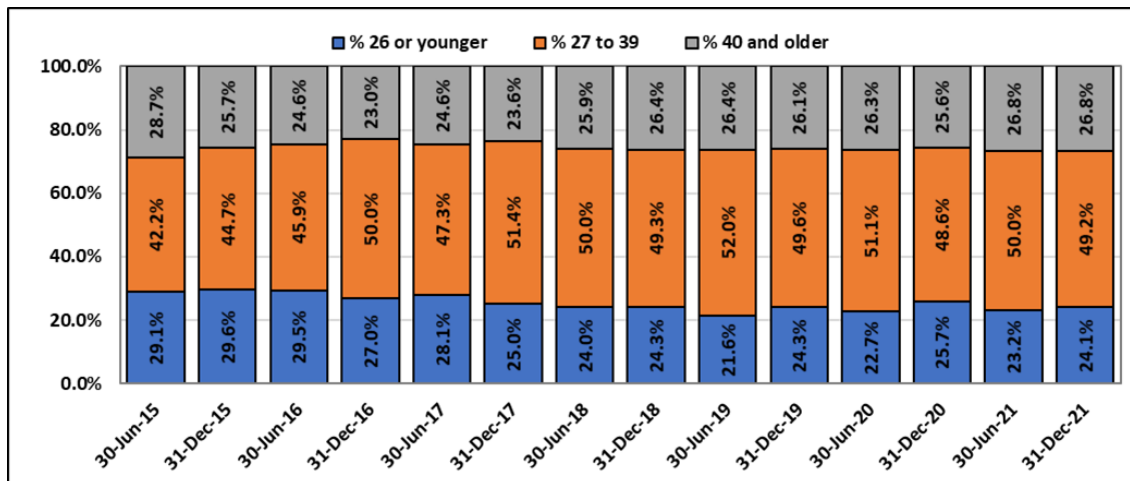
Figure 3 shows the adult incarceration rate per 100,000 in Bernalillo County<sup>6</sup>. The incarceration rate in Bernalillo County at end of year 2021 was approximately 195 per 100,000 residents. While national data from 2021 is not currently available, data from 2015 to 2020 indicates Bernalillo County has had an adult incarceration rate similar to or less than the national rate since mid-2016.

**Figure 3. Biannual Incarceration rates (Adults Only, per 100,000)**

### Age Group

Figure 4 reports the age of inmates in custody at the MDC. The percent of inmates in custody aged 26 or younger increased slightly from 23.2% in June 2021 to 24.1% in December 2021. Inmates aged 27 to 39 decreased 0.8%. Lastly, the percent of inmates 40 or older remained the same from June 2021 to December 2021 at 26.8%.

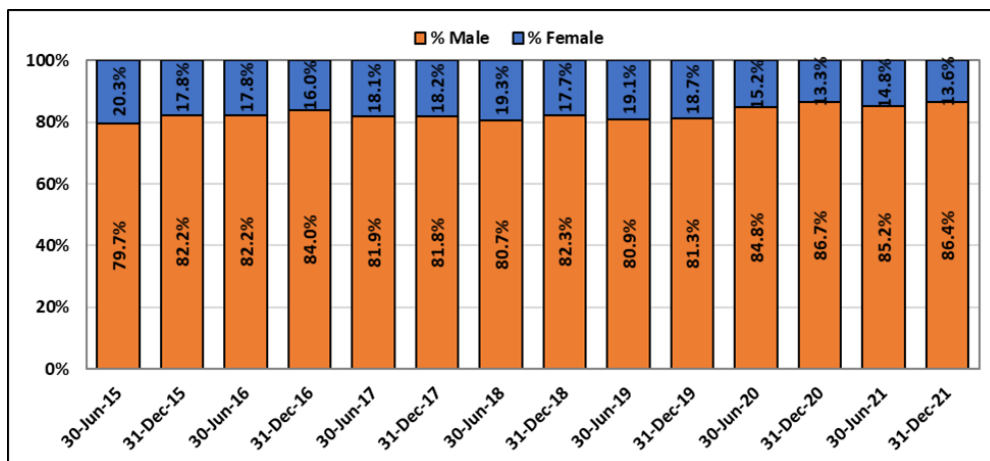
**Figure 4. Percent of Inmates in Custody by Age Group**



## 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 with the female population accounting for 20.3%. By the end of 2021, male inmates comprised 86.4% of the population (an increase of 8.4% since June 30, 2015) and female inmates comprised 13.6% of the population (a decrease of 33% since June 30, 2015). By comparison, Bernalillo County was slightly higher than the national average of adult female inmates mid-2020 of 12.7% (Zeng & Minton, 2021, p. 9). While the decreases in the female portion of the population 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.

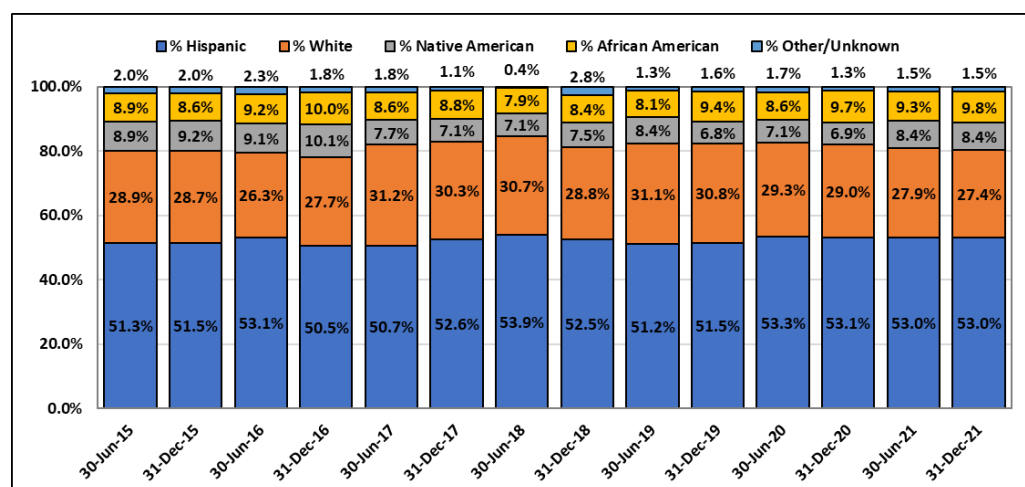
**Figure 5. Percent of Inmates in Custody by Gender**



## Race/Ethnicity

Across all snapshot dates 2015 to 2021, a little over half of the population (50.5% to 53.9%) was Hispanic (see Figure 6)<sup>7</sup>. White inmates accounted for between 26.3% to 31.1% 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. At the end of 2021, Hispanic inmates accounted for 53.0% of inmates, Native American inmates accounted for 8.4% and Other/Unknown at 1.5% of the population, respectively, all remaining the same as midyear 2021. White inmates accounted for 27.4% and African American inmates accounted for 9.8%, both having a 0.5% increase from June 30, 2021.

**Figure 6. Percent of Inmates in Custody by Race**



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 race (see Table 8)<sup>8</sup>. “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 or equal to one, ranging from 1.0 for Hispanic adults, 1.3 for Native American adults, and 2.7 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.

**Table 8. MDC Inmates by Race/Ethnicity and County Estimates**

Race/Ethnicity	Count	Percent	2021 ACS Estimates, 18+	Inmate to Population Ratio
Hispanic	584	53.0%	50.3%	1.0
White	307	27.9%	38.3%	0.7
Native American	93	8.4%	6.3%	1.3
African American	102	9.3%	23.6%	2.7

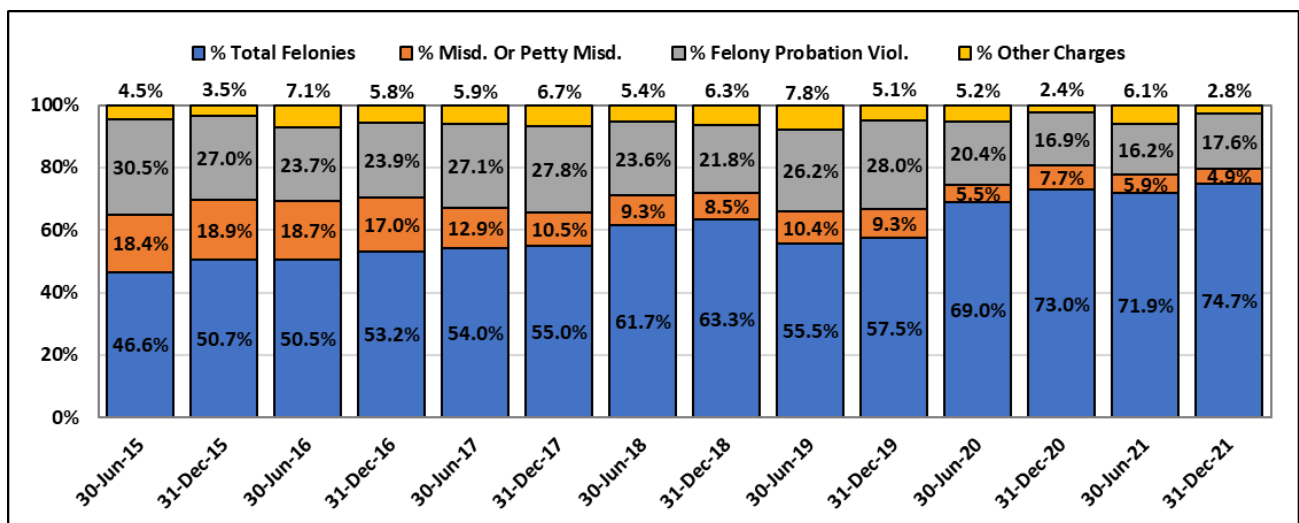
## Highest Charge and Sentencing Status

### 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 custody<sup>9</sup>. Over time, the composition of the jail by highest charge has shifted, with larger portions of inmates in custody on a felony charge (see Figure 7). On December 31, 2021, 74.7% (857) of the 1,147 inmates in custody had at least one felony charge, which is an increase of 2.8% (or 65 inmates) from June 30, 2021. Of the remaining inmates in custody on December 31, 2021, 5.1% (56) had a misdemeanor or petty misdemeanor as their highest charge (a 1% change from June mid-2021). There were 32 (2.8%) inmates who had various other charges, including warrants and holds. The percent of individuals in the MDC on a felony probation violation was 17.6% (202).

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 percentage of total felonies is now at its all-time highest. The portion of inmates with a felony as the highest charge increased 60.3% from 46.6% on June 30, 2015, to 74.7% on December 30, 2021. During the same time period, misdemeanors and petty misdemeanors decreased 73.4% from 18.4% at midyear 2015 to 4.9% at end-of-year 2021. Felony probation violations decreased 42.3% from June 30, 2015 (30.5%) to December 30, 2021 (17.6%). 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.

**Figure 7. Collapsed Charge Level by Census Date**



Of those with at least one felony charge, 303 (27.5%) the highest charge was a fourth-degree felony<sup>10</sup> and there were 232 (21.1%) inmates with the highest charge of a third-degree felony (see Table 9). There were an additional 144 (13.1%) inmates with a second-degree felony as the highest charge and 113 (10.3%) inmates with a first-degree felony.

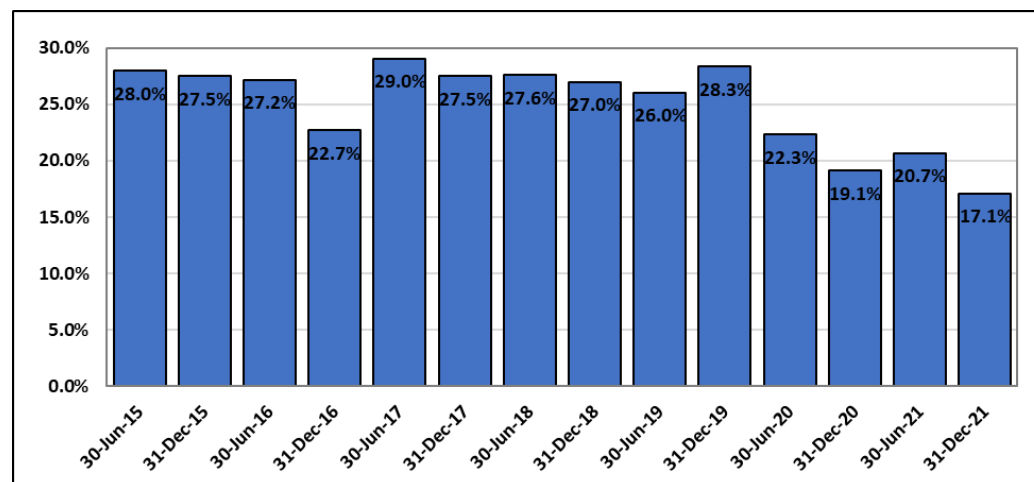
**Table 9. In Custody by Highest Felony Charge**

	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	30-Jun-21	31-Dec-21
F1	149	144	117	85	97	84	94	90	84	84	89	103	113	135
F2	156	143	152	131	141	140	153	149	181	158	159	143	144	187
F3	159	158	167	151	138	151	240	224	242	200	219	223	232	239
F4	274	235	244	199	221	251	379	361	381	393	355	319	303	296
<b>Total Felons</b>	<b>738</b>	<b>680</b>	<b>680</b>	<b>566</b>	<b>597</b>	<b>626</b>	<b>866</b>	<b>824</b>	<b>888</b>	<b>835</b>	<b>822</b>	<b>788</b>	<b>792</b>	<b>857</b>
% F1	9.40%	10.70%	8.70%	8.00%	8.80%	7.40%	6.70%	6.90%	5.30%	5.80%	7.50%	9.50%	10.30%	11.80%
% F2	9.80%	10.70%	11.30%	12.30%	12.80%	12.30%	10.90%	11.50%	11.30%	10.90%	13.30%	13.20%	13.10%	16.30%
% F3	10.00%	11.80%	12.40%	14.20%	12.50%	13.30%	17.10%	17.20%	15.10%	13.80%	18.40%	20.60%	21.10%	20.80%
% F4	17.30%	17.50%	18.10%	18.70%	20.00%	22.10%	27.00%	27.70%	23.80%	27.10%	29.80%	29.50%	27.50%	25.80%
<b>% Felons in Custody</b>	<b>46.60%</b>	<b>50.70%</b>	<b>50.50%</b>	<b>53.20%</b>	<b>54.00%</b>	<b>55.00%</b>	<b>61.70%</b>	<b>63.30%</b>	<b>55.50%</b>	<b>57.50%</b>	<b>69.00%</b>	<b>73.00%</b>	<b>71.90%</b>	<b>74.70%</b>

## Sentenced and Unsented Inmates

Sentencing information was collected for all cases for which inmates were in custody on the snapshot dates<sup>11</sup>. Inmates were considered to have all cases partially sentenced if they were sentenced on at least one, if not all their cases. On December 31, 2021, approximately 196 (17.1%) of the 1,147 inmates in custody were sentenced on at least one case (see Figure 8). This was 17.4% decrease from June 30, 2021 (228 or 20.7%), 38.9% decrease from June 30, 2015 (443 or 28%). Of the 196 with any sentenced case, 143 (37.1%) inmates were sentenced on all cases.

**Figure 8. Percent of Inmates Serving a Sentence on One or More Cases**



The three largest charge groups that typically make up the MDC population are felonies, felony probation violations, and misdemeanors/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 10). The percent of unsentenced felony bookings and unsentenced misdemeanor/petty misdemeanor bookings are currently at their highest since reporting began in 2015. Unsented felony bookings on December 31, 2021, were at 89.6%, a change of almost 5.0% since June 30, 2021. Unsented misdemeanor and petty misdemeanor bookings were at 87.5%, a 18.3% percentage change from June 30, 2021 (69.2%). The percent of unsentenced felony probation violation bookings were at 53.5%, a decrease of 11.9% from June 30, 2021, and a 24.1% percent decrease from December 31, 2020, when they were at their all-time highest.

**Table 10. Percent of Bookings Unsented by Highest Charge**

	Unsented Felony Bookings	Unsented Misdemeanor and Petty Misdemeanor Bookings	Unsented 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%
30-Jun-21	84.7%	69.2%	60.7%
31-Dec-21	89.6%	87.5%	53.5%

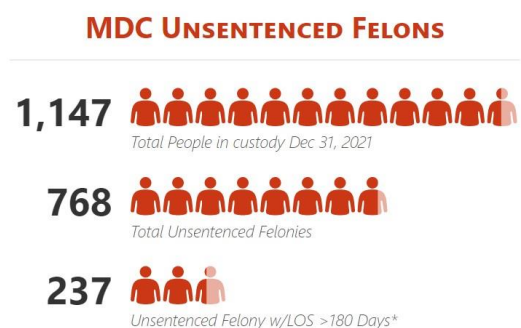
### Unsented Inmates and Jail Bloating

While the MDC population has decreased significantly in recent years, the portion of inmates who are unsented 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)<sup>12</sup>. 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 pandemic, by the courts in how hearings are held, as well as jails in how inmates can be transported. These delays, in addition to other inefficiencies, can inflate the jail population.

On December 31, 2021, there were 857 felons in MDC. Out of the unsentenced felons, 237 (27.6%) had one or more unsentenced felony cases and had been in custody 180 days or more (see Figure 9). The National Center for State Courts (NCSC) has proposed a model time standard for case processing times which suggest that 90% of felony cases should be resolved in 180 days<sup>13</sup>. Beginning February 2, 2015, a new CMO<sup>14</sup> 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 237 unsentenced cases may have surpassed the recommended case processing guidelines provided by the NCSC and the CMO. There have likely been delays due to COVID-19 restrictions regarding MDC transportation and court hearings that are contributing to the large portion of unsentenced felons.

Figure 9 is a visual representation of MDC's Unsented Felons, showcasing the total inmates in custody December 31, 2021, the total unsentenced inmates with felonies (768 people), and the portion of inmates with unsentenced cases that may have surpassed the recommended guidelines. Again, while it is unknown which CMO recommended timeline track that they may be on at this time, as the information is unavailable, these 237 felons well exceed the recommended 90% resolution in 180 days provided by the NCSC.

**Figure 9. MDC Unsented Felons**



On December 31, 2021, there were 202 inmates in custody with a felony probation violation as their highest charge (see Figure 10). Of these inmates, 28 (13.8%) had been in custody 60 days or more and the felony probation violation had yet to be resolved.

Figure 10 is a visual representation to MDC's unsentenced probation violators. It again shows the total population at MDC on December 31, 2021, the total number of inmates with a probation violation as their highest charge, and the portion of unsentenced inmates. While there is no recommended case processing time for Probation Violations, compared to the length of stay for parole and probation violators in Table 3 of 38.2 days, these 28 inmates far exceed the average by *at least* 21.8 days.

**Figure 10. MDC Unsentenced Probation Violators**



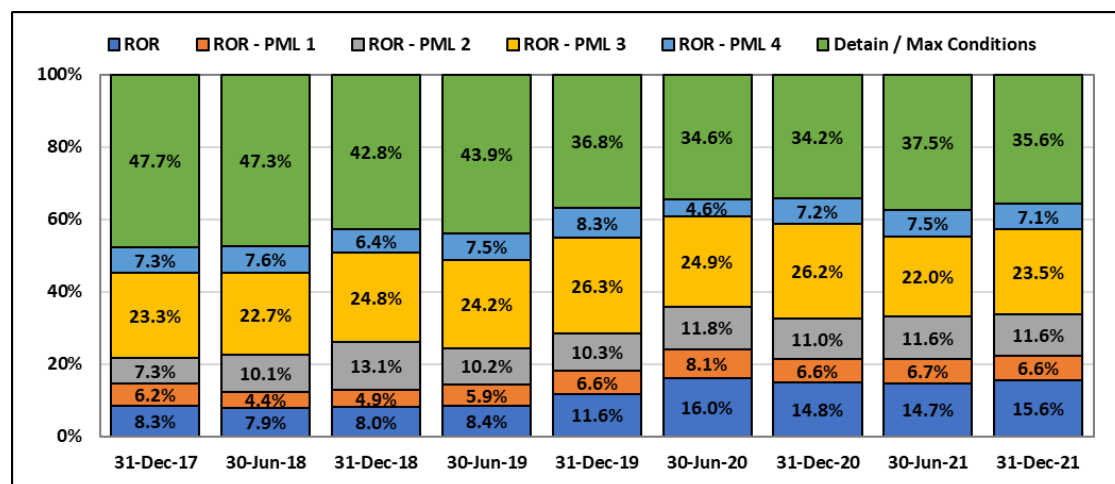
### Public Safety Assessment Recommendations

The Public Safety Assessment (PSA) was implemented in Bernalillo County in June 2017<sup>15</sup>. 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) that ranges from level one to level four and increase in restrictiveness, and to either detain if constitutional requirements are met, or release with maximum conditions. In Bernalillo County, 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 (see Figure 11), which has fluctuated from 47.7% (December 31, 2017) to 34.2% on December 30, 2020, currently sitting at 35.6% on December 31, 2021 (a 5.1% decrease from June 30, 2021). ROR with PML 3 was the second most common recommendation category and accounted for between 22.0% and 26.2% of inmates over the last nine census dates, increasing 6.8% from 22% on June 30, 2021, to 23.5% on December 31, 2021. ROR with PML 2 accounted for between 7.3% and 13.1% of inmates, currently sitting at 11.6% at end-of-year 2021. ROR with PML 1 accounted for between 4.4% and 8.1% of inmates and ROR accounted for between

7.9% and 16.0% of inmates, over the last nine report dates, both sitting at 6.6% and 15.6% respectively.

**Figure 11. Percent PSA Recommendations for Felons by Date**

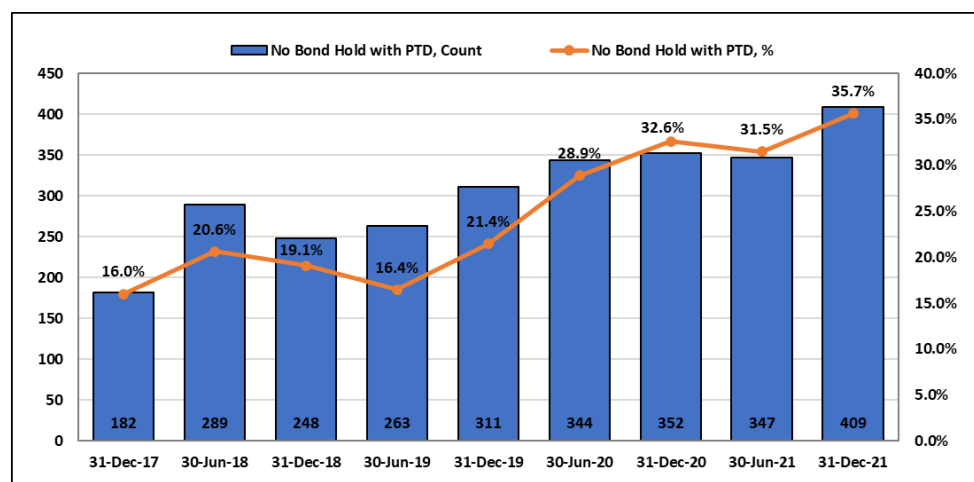


### Preventive Detention Holds

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 35.7% (see Figure 12). On December 31, 2021, there were 409 bookings with these circumstances accounting for 35.7% of the MDC population at end-of-year 2021, currently the all-time highest.

**Figure 12. Preventive Detention Motions and No Bond Holds by Date**



## Conclusion

The MDC population has generally decreased since 2019 and has consistently operated below capacity for over 6 years. There were large decreases in bookings and releases over 2020 and 2021, due in part to circumstances around the COVID-19 pandemic. Recidivism for inmates released over the last several years has decreased slightly, which is likely due at least in part to policy changes related to booking low-level offenders. 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.

Sentencing status has decreased to less than one in five (20.7%) by midyear 2021, a 28.6% decrease from its highest at 29.0% on June 30, 2017. The composition of the population by charge has also changed over the last 6 years with a notable increase in the proportion of the population with a felony, a decrease in the proportion of inmates with a misdemeanor or petty misdemeanor, and a decrease in the proportion of inmates with a felony probation violation (currently 71.9%, 5.9%, and 16.2% respectively).

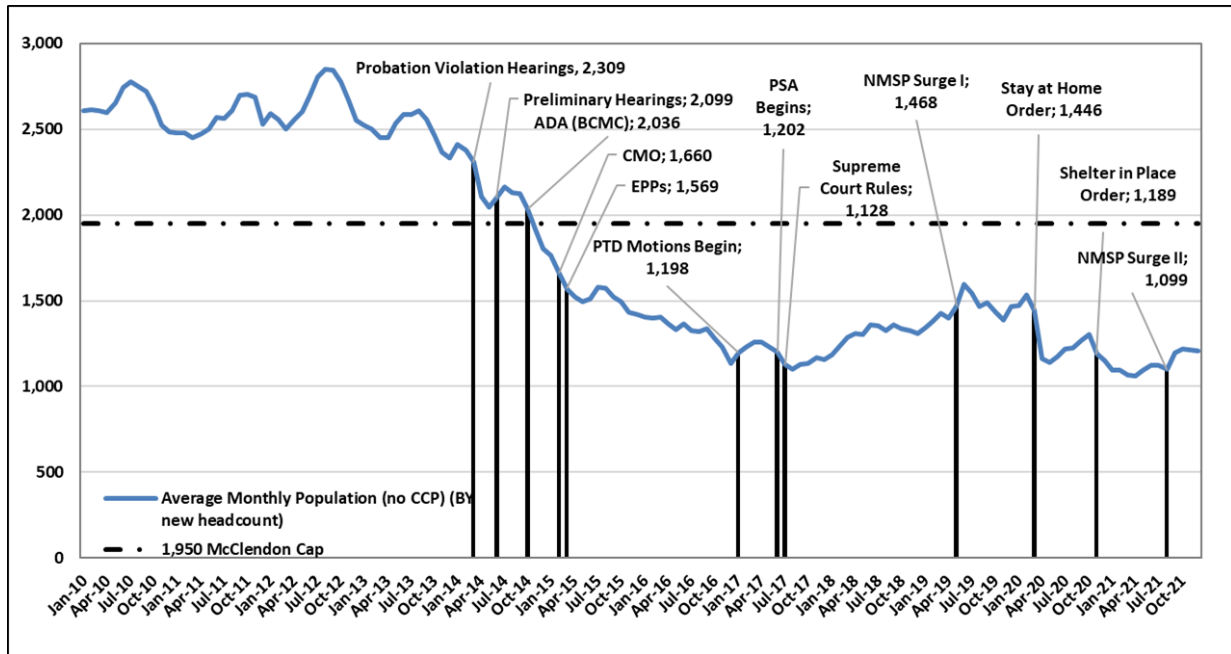
The change in composition of MDC inmates can affect the ALOS and may also indicate changes in the types of inmates being booked as well as shifts in how release decision-making occurs. Part of this may be due to the implementation of the PSA as well as the implementation of preventive detention. Additionally, 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.

Compared to jails nationally, the MDC has a lower length of stay than jails of a similar size. Finally, Bernalillo has an adult incarceration rate over the last several years that is similar to the national adult incarceration rate and was even lower than the national average for several years prior to this. MDC population decreases and continued population management strategies have helped to adjust the population of the facility to operate more safely and within capacity by 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 December 2021 and criminal justice initiatives implemented in Bernalillo County over the last 6 years.

**Figure A1.** *MDC Population (no CCP) and Initiative Initiation by Month*



The UNM Institute for Social Research (ISR) is a leading provider of program evaluation and policy research in New Mexico. ISR staff members and faculty affiliates have expertise the fields of crime, policing, the court system, corrections, behavioral health and substance abuse treatment, poverty and homelessness, home visiting, economics, domestic violence, public health, and traffic safety.



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<sup>1</sup> 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.

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

<sup>3</sup> 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.

<sup>4</sup> Zeng, Z., Minton, T. D. (2021). *Jail Inmates in 2020*. Bureau of Justice Statistics (Report NCJ 303308). Retrieved from: <https://bjs.ojp.gov/content/pub/pdf/ji20st.pdf>.

<sup>5</sup> 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>.

<sup>6</sup> 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%.

<sup>7</sup> 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.

<sup>8</sup> ACS Estimates for 2019 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 2019 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 2020 figures when this report was finalized.

<sup>9</sup> 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.

<sup>10</sup> 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.

<sup>11</sup> 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.

<sup>12</sup> Beck, A. R. (2001). Jail bloating: A common but unnecessary cause of jail overcrowding. Justice Concepts Incorporated.

<sup>13</sup> 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>

<sup>14</sup> 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).

<sup>15</sup> 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.