



THE UNIVERSITY OF
NEW MEXICO.

**Bernalillo County
Metropolitan Detention
Center:**

**Analysis of the Jail
Population,
June 30, 2022**

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Prepared for:

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Jail populations are constantly fluctuating due to changes in both bookings and length of stay. The population of the Metropolitan Detention Center (MDC) has decreased approximately 50% during the last decade due to numerous factors including but not limited to, criminal justice reform initiatives, changes in bookings and booking policies, and more recently, the COVID-19 pandemic. The MDC population changes daily, and regular and consistent reviews of the population are effective to assess the composition of the jail, how it has changed over time, and is an indicator of how the criminal justice system in Bernalillo County is functioning.

Population and Capacity

The Institute for Social Research (ISR) analyzes the MDC population twice a year, at midyear and end of year. Jail and court data are used to complete these in-depth reviews and they have been compiled since mid-year 2015. These semiannual reports are snapshots of the jail population and include demographic information, sentencing status, and charges. The data reported also includes changes in bookings, releases, and length of stay (LOS).

The MDC population has decreased over the last decade, from up to 2,900 in 2012 down to 1,386 in FY22. The population decrease occurred, in part, as a result of a series of criminal justice initiatives that have been implemented in Bernalillo County (initiatives can be seen in Appendix A.) In 2020, as the COVID-19 pandemic began to spread nationwide, the governor of New Mexico issued a 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

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

Fiscal Year	Confined Inmates ¹	Average Daily Population ²	Annual Admissions	Incarceration Rate ³
FY15	1,584	1,590	26,101	302
FY16	1,347	1,335	24,782	254
FY17	1,105	1,144	24,483	207
FY18	1,403	1,405	25,288	260
FY19	1,599	1,617	24,668	288
FY20	1,192	1,301	21,664	213
FY21	1,102	1,126	15,736	191
FY22	1,386	1,373	14,489	232

¹ Number of inmates held on June 30 each year

² The Average Daily Population is the sum of all inmates in jail each day for 1 fiscal year, divided by the number of days in the fiscal year

³ Number of confined inmates at MDC at mid-year per 100,000

HIGHLIGHTS

- While the MDC population has fluctuated between 1,100 and 1,600 since mid-2015, there has been a steady increase in the portion of the population comprised of serious offenders.
- The MDC population increased by 20.8% from December 31, 2021, to June 30, 2022, and the percent rated capacity occupied on June 30, 2022, was 63.3%.
- Bookings and releases decreased from FY21 to FY22 (7.9% and 10.7%, respectively) and LOS increased (7.4%).
- The incarceration rate was estimated at 232 per 100,000 adults in Bernalillo County on June 30, 2022. Bernalillo County Adult Incarceration rates are currently greater than the latest BJS national average of 213 (2020).
- The percent of inmates at the MDC with one or more sentenced cases decreased from 17.1% on December 31, 2021, to 16.5% on June 30, 2022, an all-time low.
- The portion of inmates in custody with a preventive detention motion granted or pending and a hold decreased from 35.7% on December 31, 2021, to 32.2% on June 30, 2022 (a 3.5% change).

marked decrease in the jail population during 2020 and 2021, although recently there has been an uptick in jail population seen in June 2022.

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 mid-year 2022, 63.3% of the rated capacity at the MDC was occupied which is higher than recent years, and more reflective of other pre-COVID-19 rated capacities. As of June 30, 2022, the MDC population was 1,386 (see Table 2)³. This was 20.8% more than on December 31, 2021, and 25.7% more than on June 30, 2021. 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 was 60.2% (Zeng & Minton, 2021, p. 13), which is 3.1% lower than the percent of the MDC occupied (63.3% at mid-year 2022)⁴.

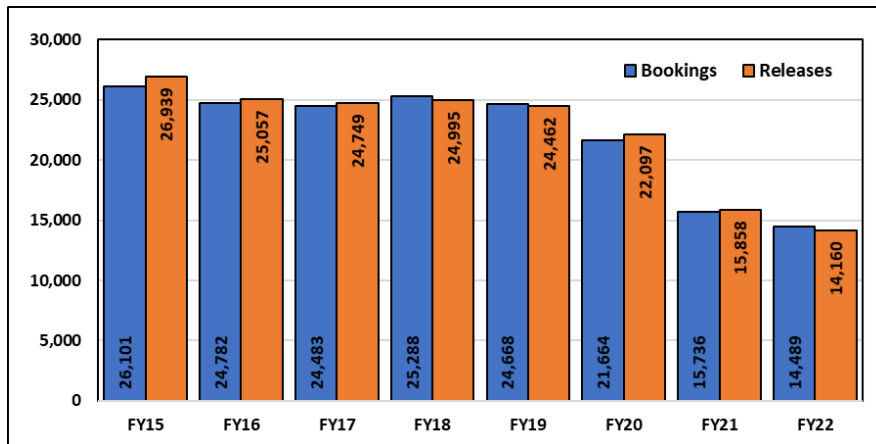
Table 2. Biannual Population Counts and Capacity (In Custody, On Site)

Date	Population	% Capacity Occupied	Date	Population	% Capacity Occupied
30-Jun-15	1,584	72.3%	30-Jun-19	1,599	73.0%
31-Dec-15	1,342	61.3%	31-Dec-19	1,451	66.3%
30-Jun-16	1,347	61.5%	30-Jun-20	1,192	54.4%
31-Dec-16	1,063	48.5%	31-Dec-20	1,080	49.3%
30-Jun-17	1,105	50.5%	30-Jun-21	1,102	50.3%
31-Dec-17	1,138	52.0%	31-Dec-21	1,147	52.4%
30-Jun-18	1,403	64.1%	30-Jun-22	1,386	63.3%
31-Dec-18	1,301	59.4%			

Annual Bookings/Releases

Figure 1 shows the bookings and releases by fiscal year from FY15 to FY22. While bookings and releases remained relatively consistent from FY15 to FY19, there was a noticeable decrease in bookings and releases during FY20 through FY22. In FY22, there were 14,489 bookings, a decrease of 7.9% from the prior fiscal year, and a 33.1% decrease from FY20. Similarly, in FY22 there were 14,160 releases, a decrease of 10.7% from FY21, and a 35.9% decrease from FY19.

Figure 1. MDC Bookings and Releases by Fiscal Year



Average Length of Stay

Figure 2 shows the average length of stay (ALOS) by fiscal year from FY15 to FY22. The length of stay decreased from FY15 to FY18, and this decrease corresponds closely with the implementation of the Case Management Order (CMO) in 2015, and changes to probation violation case processing in 2014. The ALOS increased in FY19 and has continued to increase through FY22. 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 FY22, the ALOS for MDC was 29.1 days, an increase of 2 days from FY21, 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 3 days.

The median LOS in FY21 was 3.2 days, meaning that half of all inmates in MDC were released within 3.2 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 and Median Length of Stay by Year

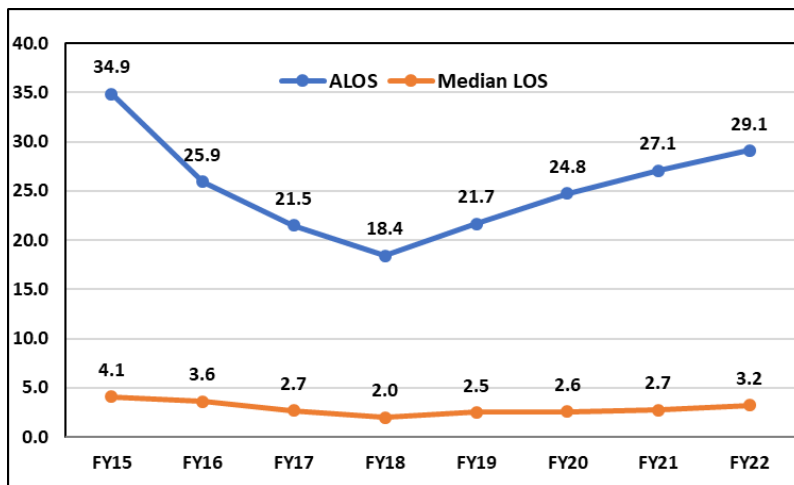


Table 3 shows the ALOS by race and fiscal year. African American inmates had the longest ALOS (with the exception of Other/Unknown in FY15) with the longest ALOS being 40.8 days in FY15. The ALOS, across all racial groups, followed a similar pattern: highest in FY15 (37.6 days for Hispanic inmates, 28.9 days for White inmates, 32.4 days for Native American inmates, 40.8 for African American inmates, and 44.9 days for Other/Unknown), decreasing in FY16 through FY18 and increasing through FY19 to FY22. All racial groups aside from Other/Unknown have seen record highs in FY22 that haven't been seen since FY15.

Table 3. Average Length of Stay by Race by Fiscal Year

	FY15	FY16	FY17	FY18	FY19	FY20	FY21	FY22
Hispanic	37.6	28.1	24.1	20.5	24.5	26.4	28.5	32.6
White	28.9	22.3	17.1	17.0	18.9	24.8	27.9	26.9
Native American	32.4	22.8	18.7	13.4	16.7	18.7	19.8	21.9
African American	40.8	33.3	28.0	21.4	28.0	28.2	31.6	38.9
Other/Unknown	44.9	25.1	21.0	15.2	17.8	15.9	12.5	11.0

Table 4 shows the ALOS by gender by fiscal year. Females had a significantly shorter ALOS across all fiscal years compared to males, and with an ALOS lower by between 7.5 days (FY18) and 18.6 days (FY15). The ALOS for male inmates in FY22 was the highest it had been since FY19. The LOS for females in FY22 was lower than the two previous fiscal years by at least 1.3 days.

Table 4. Average Length of Stay by Gender by Fiscal Year

	FY15	FY16	FY17	FY18	FY19	FY20	FY21	FY22
Male	39.6	28.6	23.7	20.4	24.2	27.1	30.0	33.5
Female	21.0	18.3	15.4	12.9	15.0	18.1	18.0	16.7

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)⁵. For the first unique release per year, an inmate was tracked forward for up to seven years when possible. The measure of failure was a new booking into the MDC.

Table 5 shows recidivism rates for each fiscal year through FY21. Subsequent years are added when a full year follow-up time period has passed for inmates released during that year. Inmates released in FY21 had the lowest recidivism within one year of release at 33.5% than in the previous six fiscal years, which ranged between 38.8% and 40.9%. Currently second year recidivism sits at 8.5% (FY21), the historical lowest level of recidivism in this year is seen in FY19, at 7.9%, likely due to the COVID-19 pandemic and the issued stay at home order, at which point a decrease in lower-level charge bookings was observed. Recidivism during year three ranged from 5.2% in FY15, FY16, and FY17, to 4.0% in FY18 and decreased to 3.9% in FY19. Recidivism for the remaining years has continued to decrease over time.

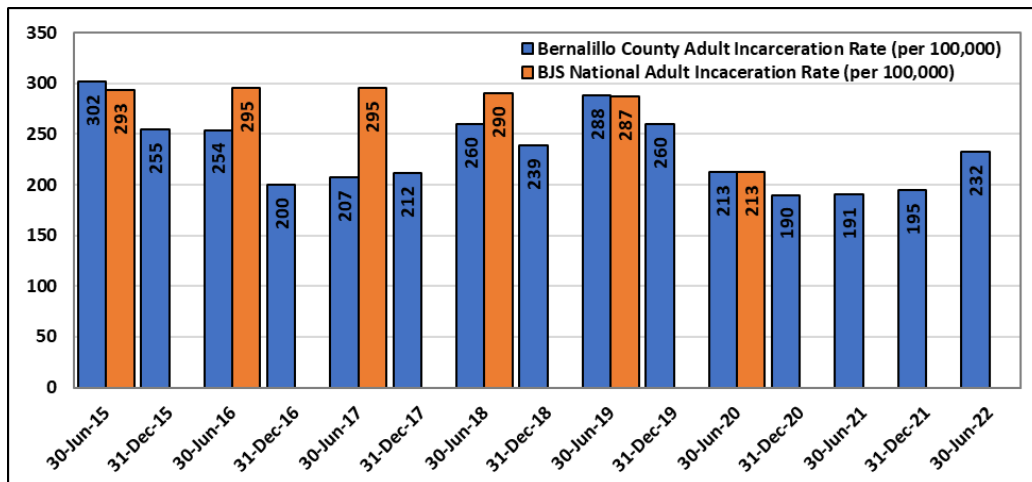
Table 5. MDC Recidivism by Fiscal Year

	FY15	FY16	FY17	FY18	FY19	FY20	FY21
Unique Releases per FY	19,495	17,705	17,472	17,280	16,964	15,269	11,733
No Subsequent Bookings	5,776	3,848	2,985	3,715	3,044	1,678	1,075
Within 1 Year	38.8%	40.3%	39.3%	40.5%	40.9%	36.5%	33.5%
> 1 Year to 2 Years	10.2%	10.7%	10.5%	10.3%	7.9%	8.5%	
> 2 Years to 3 Years	5.2%	5.2%	5.2%	4.0%	3.9%		
> 3 Years to 4 Years	3.1%	3.3%	2.5%	2.1%			
> 4 Years to 5 Years	2.2%	1.6%	1.5%				
> 5 Years to 6 Years	1.3%	1.1%					
> 6 Years to 7 Years	0.9%						
Total by Fiscal Year	61.7%	62.1%	59.1%	56.9%	52.8%	45.0%	33.5%

Incarceration Rate

Figure 3 shows the adult incarceration rate per 100,000 in Bernalillo County⁶. The incarceration rate in Bernalillo County at mid-year 2022 was approximately 232 per 100,000 residents. While national data from 2021 and 2022 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, although currently Bernalillo County Adult Incarceration Rate is higher than the last reported BJS National Adult Incarceration Rate (213 per 100,000 in 2020). Bernalillo County Adult Incarceration rates have gone up 37 (per 100,000) between December 31, 2021 (195), and June 30, 2022 (232).

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

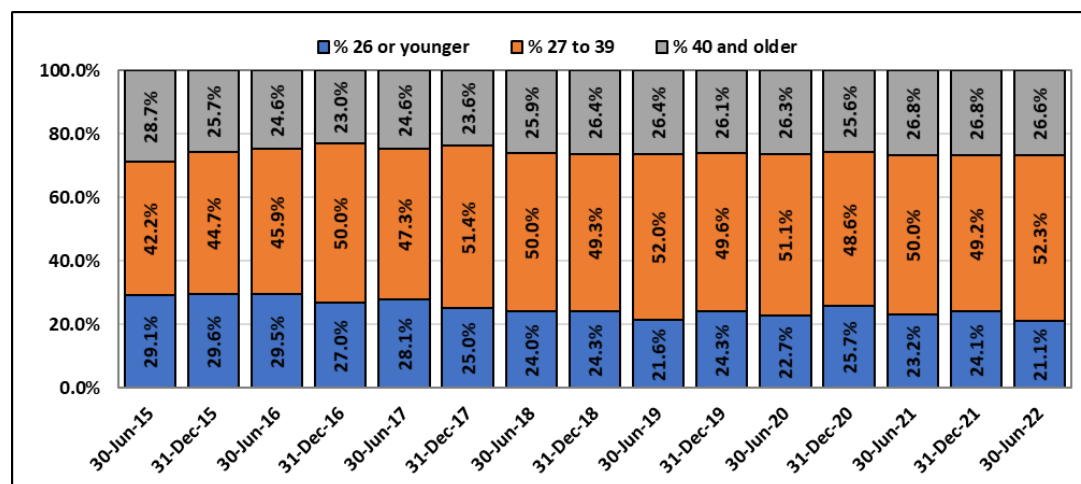


Demographics

Age Group

Figure 4 reports the age of inmates in custody at the MDC. The percent of inmates in custody aged 26 or younger decreased from 24.1% on 31 December 2021, to 21.1% on June 30, 2022, a 3% change. Inmates aged 27 to 39 increased 3.1% (from 49.2% to 52.3%). Lastly, the percent of inmates 40 or older decreased slightly, from 26.8% on December 31, 2021, to 26.6% on June 30, 2022.

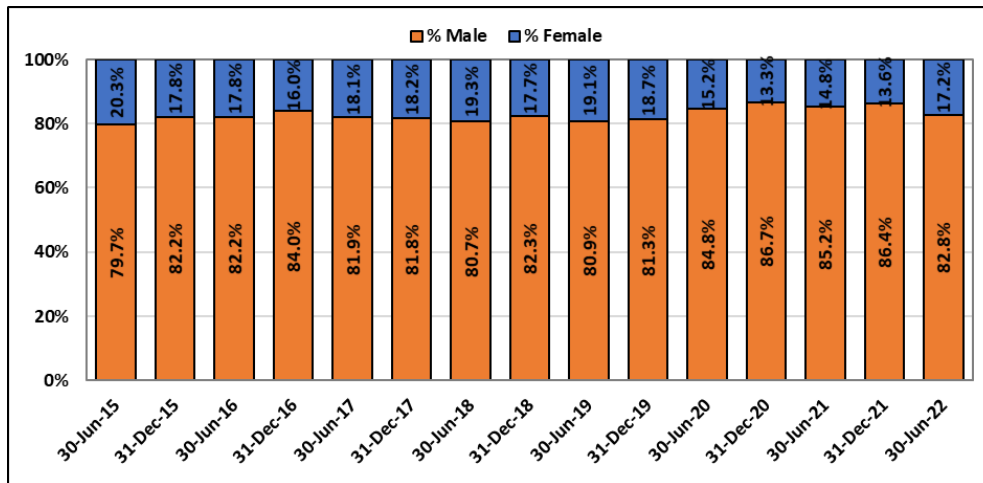
Figure 4. *Percent of Inmates in Custody by Age Group*



Gender

The portion of the jail population comprised of males has been far greater than the female population historically (see Figure 5). At mid-year 2015, males accounted for 79.7% of the MDC population with the female population accounting for 20.3%. By mid-year 2022, male inmates comprised 82.8% of the population (a decrease of 3.6% since December 31, 2021). Female inmates comprised 17.2% of the population, which is the highest it has been in recent years. 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 that the increasing portion of felons among the jail population over the years has contributed to the increased disproportion between male and female inmates.

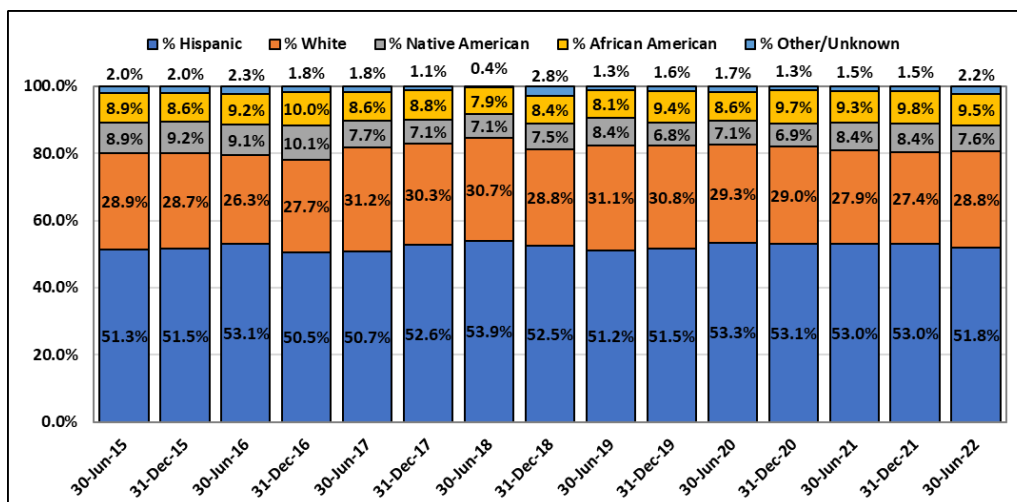
Figure 5. Percent of Inmates in Custody by Gender



Race/Ethnicity

Across all snapshot dates from mid-2015 to mid-year 2022, a little over half of the population (50.5% to 53.9%) was Hispanic (see Figure 6)⁷. 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 mid-year 2022, Hispanic inmates accounted for 51.8% of inmates, Native American inmates accounted for 7.6% and Other/Unknown at 2.2% of the population, respectively. White inmates accounted for 28.8% and African American inmates accounted for 9.5%. All racial groups besides White and Other/Unknown decreased from December 31, 2021, to June 30, 2022.

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)⁸. “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 0.75. All other groups are overrepresented, with an inmate population ratio greater than or equal to one, ranging from 1.12 for Hispanic adults, 1.70 for Native American adults, and 3.07 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	718	51.8%	46.2%	1.12
White	399	28.8%	38.3%	0.75
Native American	106	7.6%	4.5%	1.70
African American	132	9.5%	3.1%	3.07

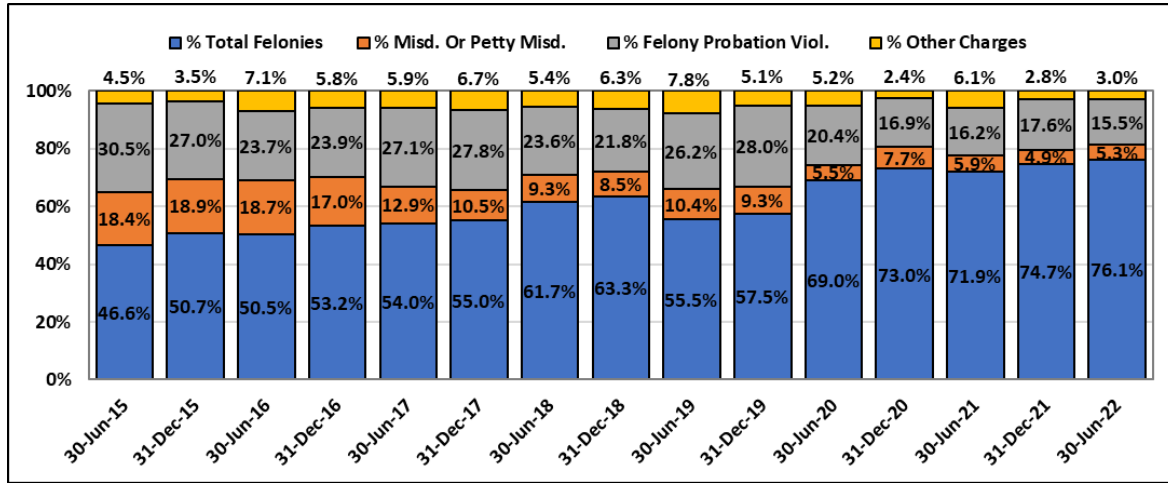
Highest Charge and Sentencing Status

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 custody⁹. 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 June 30, 2022, 76.1% of the 1,386 inmates in custody had at least one felony charge, which was up 1.4% from December 31, 2021. Of the remaining inmates in custody on June 30, 2022, 5.3% had a misdemeanor or petty misdemeanor as their highest charge. The percent of individuals in the MDC on a felony probation violation was 15.5% (215).

The percent of inmates with a felony has increased at nearly every biannual snapshot. Just over 3 in 4 inmates in the MDC on June 30, 2022, had a felony for the highest charge. *During the same time, misdemeanors and petty misdemeanors decreased from 18.4% at midyear 2015 to 5.3% at mid-year 2022. Felony probation violations decreased from 30.5% In June 2015 to 15.5% in June 2022.* While some of these changes likely occurred due to changes in policy during COVID-19 – for example, probation violations decreased due to less face-to-face meetings for the pretrial population – 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 the 1,055 inmates with at least one felony charge, 28.1% had a fourth-degree felony¹⁰ as the highest charge. There were 21.2% had a third-degree felony as the highest charge (see Table 9). An additional 15.2% of inmates had a second-degree felony as the highest charge and 11.6% of inmates had a first-degree felony. Felonies have increased overall, as well as an increase in each felony degree level. This is another indication of the shift in the jail population, with more higher risk offenders compared to lower-level offenders (misdemeanor, petty misdemeanor, probation violation, etc.).

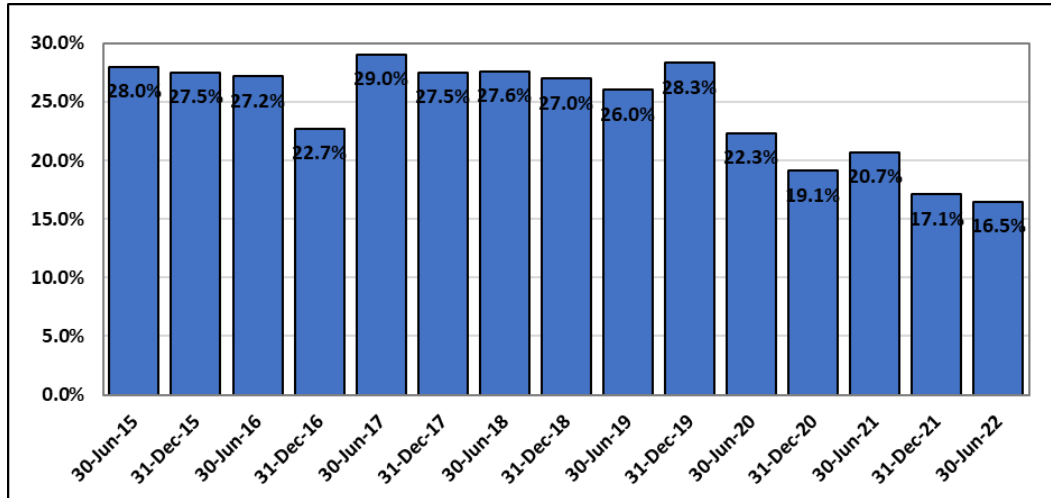
Table 9. In Custody by Highest Felony Charge

	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	1-Jan-21	31-Dec-21	30-Jun-22
F1	149	144	117	85	97	84	94	90	84	84	89	103	113	135	161
F2	156	143	152	131	141	140	153	149	181	158	159	143	144	187	211
F3	159	158	167	151	138	151	240	224	242	200	219	223	232	239	294
F4	274	235	244	199	221	251	379	361	381	393	355	319	303	296	389
Total in Custody	738	680	680	566	597	626	866	824	888	835	822	788	792	857	1,055
% 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%	10.3%	11.8%	11.6%
% 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%	13.1%	16.3%	15.2%
% 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%	21.1%	20.8%	21.2%
% 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%	27.5%	25.8%	28.1%
Total 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%	71.9%	74.7%	76.1%

Sentenced and Unsented Inmates

Sentencing information was collected for all cases for which inmates were in custody on the snapshot dates¹¹. Inmates were considered partially sentenced if they were sentenced on at least one case. On June 30, 2022, approximately 228 (16.5%) of the 1,386 inmates in custody were sentenced on at least one case, an all-time low (see Figure 8). This was 3.5% decrease from December 30, 2021 (196 or 17.1%), 38.9% and a 41.1% decrease from June 30, 2015 (443 or 28%). *Of the 228 with any sentenced case, 162 (11.7%) 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 were inmates with a felony, a felony probation violation, and/or 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 are currently at their highest since reporting began in 2015. Unsentenced felony bookings on June 30, 2022, were at 89.6%, which is unchanged from December 31, 2021. On June 30, 2022, unsentenced misdemeanor and petty misdemeanor bookings were at 75.7%, 11.8% less than December 31, 2021. The percent of unsentenced felony probation violation bookings were at 56.3%, an increase of 2.8% from December 31, 2021.

Table 10. 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%
30-Jun-21	84.7%	69.2%	60.7%
31-Dec-21	89.6%	87.5%	53.5%
30-Jun-22	89.6%	75.7%	56.3%

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)¹². 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, such as: the courts in how hearings are held or in jails and how inmates can be transported. These delays, in addition to other inefficiencies, can inflate the jail population.

Beginning February 2, 2015, a new CMO¹³ was instituted in Bernalillo County, which provided rules and 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, with a timeline of 180 days, 270 days, or 365 days. The CMO timelines were suspended for a time during the COVID-19 pandemic and were reinstated as of September 12, 2022.

Table 11 is a visual representation of MDC's unsentenced felons, showcasing the total inmates in custody June 30, 2022, the total unsentenced inmates with felonies (945 people), and the portion of inmates with unsentenced cases (348). Again, the CMO timelines were not in effect during this time period, and with various issues related to inmate transportation and hearing scheduling, it is to be anticipated that the portion of unsentenced inmates would increase. On June 30, 2022, there were 1,055 felons in MDC. Out of the unsentenced felons, 348 (36.9%) had one or more unsentenced felony cases and had been in custody 180 days or more (see Figure 9). While 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 days¹⁴, this time standard would be difficult given the challenges of the pandemic.

Table 11. MDC Unsentenced Felons

	Count	Percent
Unsentenced Felony w/LOS >180 Days	348	36.9%
Total Unsentenced Inmates w/Felony as Highest Charge	945	100.0%

On June 30, 2022, there were 121 inmates in custody with a felony probation violation as their highest charge (see Figure 10). Of these inmates, 15 (12.4%) had been in custody 60 days or more and the felony probation violation had yet to be resolved.

Table 12 is a visual representation to MDC's unsentenced probation violators. It again shows the total population at MDC on June 30, 2022, 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, if these inmates were sentenced,

it would help to reduce the jail population and decrease jail bloating. On August 15, 2022, policy changes related to transportation and felony probation violation hearings occurred that should reduce the number of hearings rescheduled by the court and improve case processing times.

Table 12. MDC Unsentenced Probation Violators

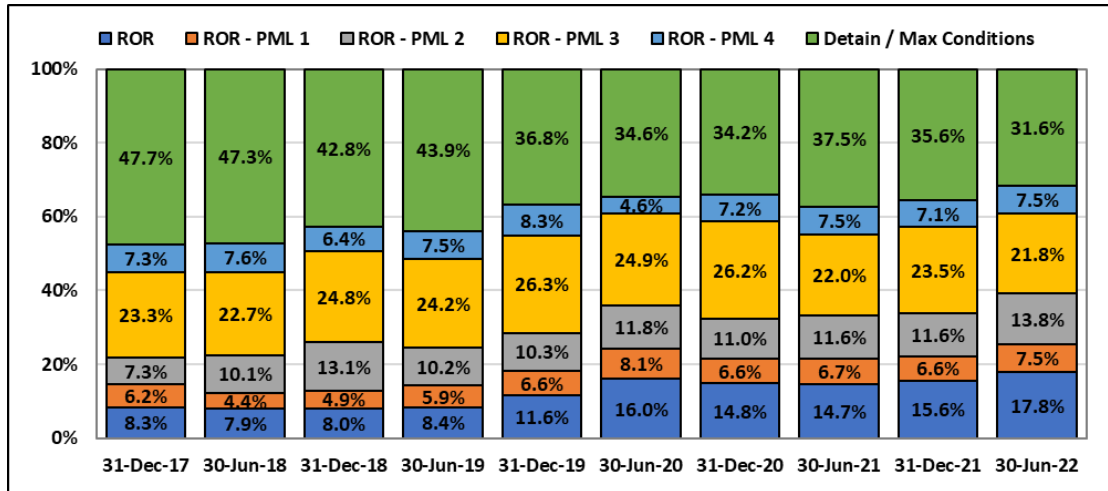
	Count	Percent
Unsentenced w/Probation Violation as Highest Charge and LOS >60 Days	15	12.4%
Total Inmates w/Probation Violation as Highest Charge	121	100.0%

Public Safety Assessment Recommendations

The Public Safety Assessment (PSA) was implemented in Bernalillo County in June 2017¹⁵. The PSA is a judicial decision-making tool for judges to help gauge the risk a defendant poses if they were released during pretrial 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)¹⁶. The recommendations provided on the PSA range from “low risk” to “high risk”: 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 PSA information for each inmate and the number of inmates in each category can indicate the number of higher risk offenders or lower risk offenders, based on the PSA recommendation.

The most common recommendation category was to detain or release with maximum conditions (see Figure 9), which has fluctuated from 47.7% (December 31, 2017) to 31.6% on June 30, 2022. The detain/max category has decreased 11.2% from December 31, 2021 (35.6%) to June 30, 2022 (31.6%). ROR with PML 3 was the second most common recommendation category and accounted for between 21.8% (June 30, 2022) and 26.3% (December 31, 2019) of inmates over the last ten census dates, decreasing 7.2% from December 31, 2021 (23.5%) to June 30, 2022 (21.8%). ROR with PML 2 accounted for between a low of 7.3% on December 31, 2017, and 13.8%, an all-time high, on June 30, 2022, of inmates. ROR with PML 1 accounted for between 4.4% and 8.1% of inmates, currently sitting at 7.5% on June 30, 2022, and ROR accounted for between 7.9% (June 30, 2018) and 17.8% (June 30, 2022) of inmates, over the last ten report dates. The increase in inmates with a low-risk recommendation and the simultaneous decrease in inmates with a high-risk recommendation may indicate a shift in the MDC population.

Figure 9. Percent PSA Recommendations for Felons by Date

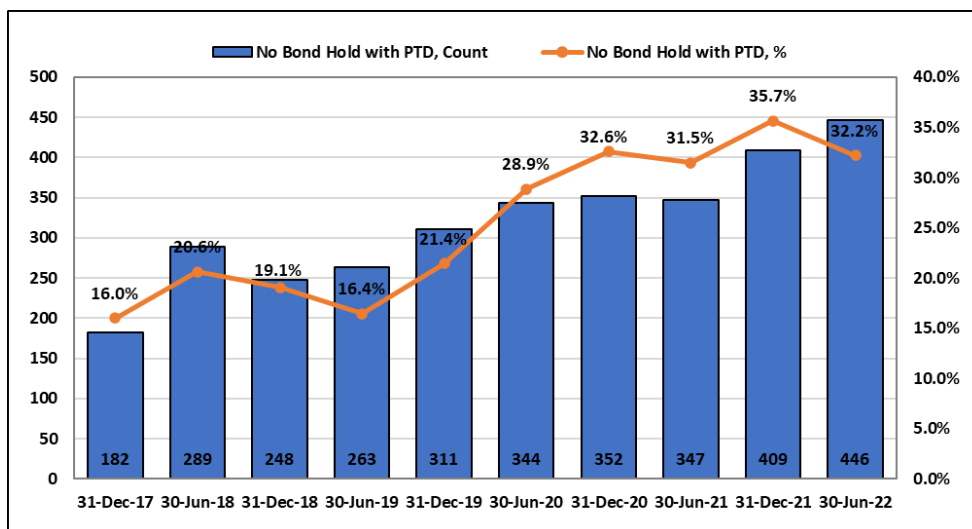


Preventive Detention Holds

Bernalillo County implemented preventive detention in January 2017, which allows a motion to be filed by the District Attorney’s Office for possible detention during the inmate’s pretrial period. 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 June 30, 2022, there were 446 bookings (an all-time high) with these circumstances accounting for 32.2% of the MDC population.

Figure 10. 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 7 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.

Percent of Inmates Serving a Sentence on One or More Cases status decreased 16.5% by midyear 2022, an all-time low. The composition of the population by charge has also changed over the last 7 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. The MDC population was comprised of primarily felons (76.1%), a small portion of misdemeanors and petty misdemeanors (5.3%), and a decreasing portion of felony probation violators (15.5%).

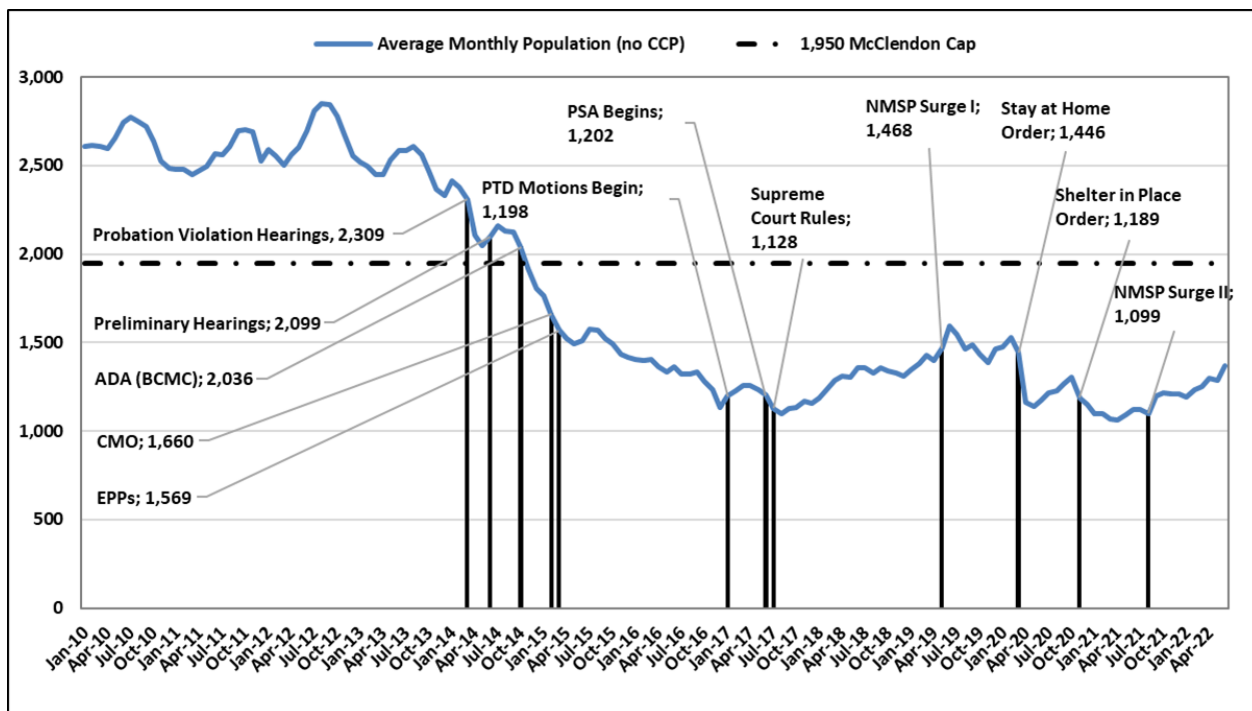
The change in composition of MDC inmates can affect the ALOS and may also indicate changes in the types of inmates being booked as well as shifts in how release decision-making occurs. Part of this may be due to the implementation of the PSA as well as the implementation of preventive detention. Additionally, 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 June 2022 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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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 2020*. Bureau of Justice Statistics (Report NCJ 303308). Retrieved from: <https://bjs.ojp.gov/content/pub/pdf/ji20st.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 2021 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 2021 and this percent was compared to the race of inmates at the jail.

⁹ 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.

¹⁰ 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.

¹¹ 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.

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

¹³ 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.

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 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.

¹⁶ 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.