



**Bernalillo County  
Metropolitan Detention  
Center:**

**Analysis of the Jail  
Population,  
December 31, 2022**

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The population of a jail is driven by two factors: 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 necessary 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), preventive detention (PTD) holds, and the Public Safety Assessment (PSA).

The MDC population has decreased over the last decade, from up to 2,900 in 2012 down to 1,442 in 2022. 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, contributed to a marked decrease in the jail population during 2020 and 2021, although was an uptick in jail population in 2022 (see Table 1).

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

Calendar Year	Annual Admissions	LOS	Average 1,950 Population <sup>1</sup>	Confined Inmates <sup>2</sup>
2015	24,583	30.1	1,544	1,342
2016	24,926	23.4	1,325	1,063
2017	24,289	19.2	1,183	1,138
2018	24,898	19.7	1,302	1,301
2019	25,405	22.8	1,421	1,451
2020	17,726	26.7	1,246	1,080
2021	14,440	27.9	1,112	1,147
2022	15,323	30.0	1,353	1,442

<sup>1</sup> The Average Daily Population is the sum of all inmates in jail each day for 1 year, divided by the number of days in the year

<sup>2</sup> Number of inmates confined at end of year

The current rated capacity<sup>1</sup> of the beds available in the MDC 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 end-of-year 2022, 65.8% of the rated capacity at the MDC was occupied, which is higher than recent years and similar to pre-COVID-19 rates. As of December 31, 2022, the MDC population was 1,442 (see Table 2)<sup>3</sup>. This was 4.0% more than on June 30, 2022, and 25.7% more than on December 31, 2021. According to the latest jail inmates report by the Bureau of Justice Statistics, the

national percent occupied capacity for jail jurisdictions at midyear 2021 was 71.6% (Zeng, 2022, p. 13), which is 5.8% higher than the percent of the MDC occupied (65.8%)<sup>4</sup>.

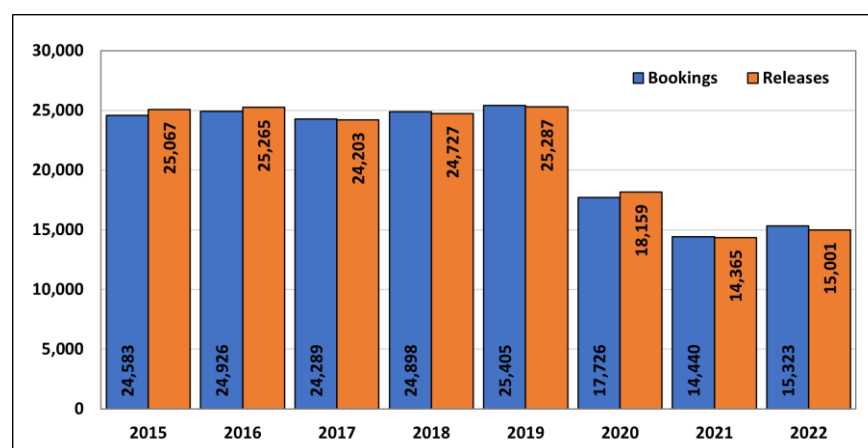
**Table 2.** *Biannual Population Counts and Capacity (In Custody, On Site)*

Date	Population	% Capacity Occupied	Date	Population	% Capacity Occupied
30-Jun-15	1,584	72.3%	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%	31-Dec-22	1,442	65.8%

### Annual Bookings/Releases

Figure 1 shows the bookings and releases by calendar year from 2015 to 2022. While bookings and releases remained relatively consistent from 2015 to 2019, there was a noticeable decrease in bookings and releases in 2020 followed by a decrease in 2021 and a subsequent increase in 2022. In 2022, there were 15,323 bookings, an increase of 6.2% from the prior calendar year, and a 39.7% decrease from 2019. Similarly, in 2022 there were 15,001 releases, an increase of 4.4% from 2021, and a 40.7% 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 2022. The ALOS decreased from 2015 to 2017 and only rose slightly in 2018. 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 2019 and has continued to increase through 2022. These increases are 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 2022, the ALOS for MDC was 30.0 days, an increase of 2.1 days from 2021. Compared to the 2021 national annual length of stay of 32.8 days for jail jurisdictions of a comparable size in, the 2022 MDC ALOS is lower by 2.8 days (Zeng and Minton, 2021, p. 14).

The median LOS in 2022 was 3.6 days, meaning that half of all inmates in MDC were released in 3.6 days or less and the other half were released in 3.6 or more. The large difference between the median and mean indicates that the ALOS is skewed. The LOS was positively skewed, meaning there was a disproportionate number of releases with shorter lengths of stay.

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

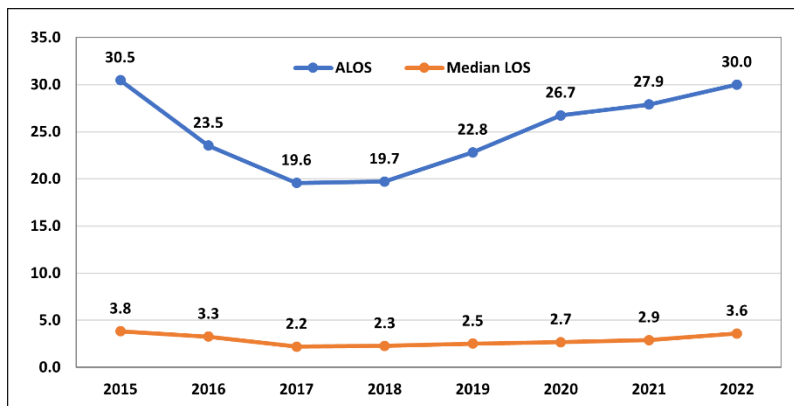


Table 3 shows the ALOS by race and year. Black inmates had the longest LOS in 2022 at 37.7 days followed by Hispanic inmates at 34.1 days. The LOS was shorter for both White inmates (24.9 days) and Native American inmates (25.3 days). Compared to 2021, the LOS increased for Hispanic, Native American, and Black inmates and decreased for White inmates.

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

	2015	2016	2017	2018	2019	2020	2021	2022
Hispanic	32.5	26.0	21.2	21.5	25.6	28.5	29.7	34.1
White	26.1	19.1	16.4	18.0	20.3	26.8	28.4	24.9
Native American	26.0	20.1	16.2	14.1	17.6	19.1	19.0	25.3
Black	39.4	29.6	24.0	24.8	26.3	30.8	32.4	37.7
Other/Unknown	23.7	18.6	17.0	12.7	10.0	11.8	11.4	14.0

Table 4 shows the ALOS by gender by year. Male inmates had a LOS of between 7.8 and 16.0 days higher than female inmates. The ALOS for male inmates in 2022 was the highest it had been since 2015. The LOS for female inmates in 2022 was the same as the prior year.

**Table 4. Average Length of Stay by Gender and Year**

	2015	2016	2017	2018	2019	2020	2021	2022
Male	33.5	26.0	21.4	21.8	24.7	29.5	31.1	34.1
Female	20.4	16.1	13.4	14.0	15.7	18.4	18.1	18.1

### 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 seven years when possible. The measure of failure was a new booking into the MDC. Subsequent years are added when a full year follow-up time period has passed for inmates released during that year.

Table 5 shows recidivism rates for each year through 2021. Inmates released in 2020 and 2021 had the lowest recidivism rate within one year of release at 34.0% with previous years ranging from 34.3% to 40.5%. Year two recidivism for inmates released in 2020 was 10.2% and the lowest year two recidivism rate was for inmates released in 2017 (7.7%). Recidivism during year three ranged from 3.6% (2018) to 5.1% (2015 and 2016). The recidivism rates during year four were lower than previous years (2.1% to 3.2%) and the rate continued to decrease during subsequent years.

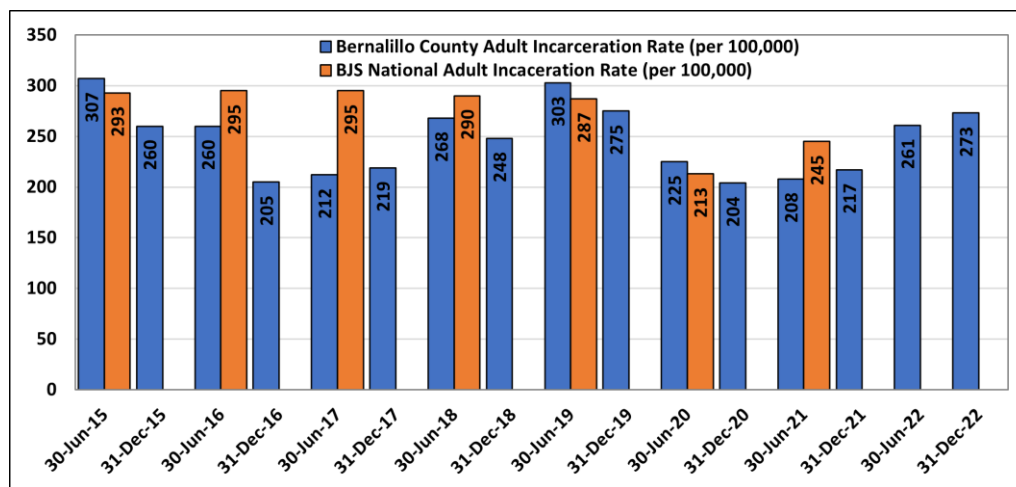
**Table 5. MDC Recidivism by Year**

	2015	2016	2017	2018	2019	2020	2021
Unique Releases per	17,947	17,650	17,038	17,014	17,189	13,067	10,931
No Subsequent Bookings	6,718	6,749	6,986	7,464	8,422	7,255	7,209
Within 1 Year	39.8%	40.1%	40.2%	40.5%	39.1%	34.3%	34.0%
> 1 Year to 2 Years	10.5%	10.8%	10.2%	9.6%	7.7%	10.2%	
> 2 Years to 3 Years	5.1%	5.1%	4.8%	3.6%	4.1%		
> 3 Years to 4 Years	3.2%	3.0%	2.1%	2.4%			
> 4 Years to 5 Years	2.0%	1.5%	1.7%				
> 5 Years to 6 Years	1.1%	1.3%					
> 6 Years to 7 Years	0.8%						
<b>Total by Year</b>	62.6%	61.8%	59.0%	56.1%	51.0%	44.5%	34.0%

## Incarceration Rate

Figure 3 shows the adult incarceration rate per 100,000 in Bernalillo County. The incarceration rate in Bernalillo County<sup>6</sup> at end of year 2022 was approximately 273 per 100,000 residents. 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 (245 per 100,000 in 2021). Bernalillo County Adult Incarceration rates have gone up 56 (per 100,000) from December 31, 2021 (217) to December 31, 2022 (273).

**Figure 3.** *Biannual Incarceration Rates (Adults Only, per 100,000)*<sup>1</sup>



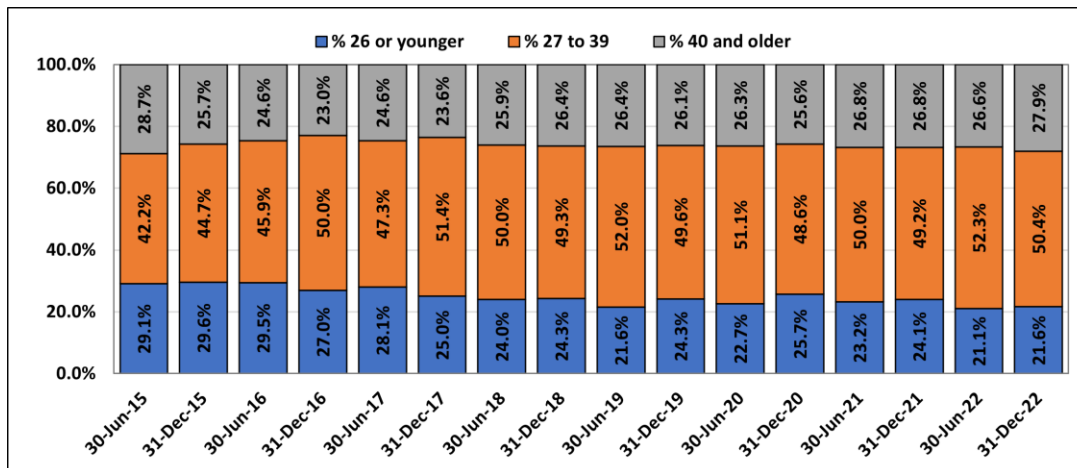
## Demographics

### Age Group

Figure 4 reports the age of inmates in custody at the MDC. The percent of inmates in custody aged 26 or younger increased slightly from 21.1% on June 30, 2022 to 21.6% on December 31, 2022 a 0.5% change. Inmates aged 27 to 39 decreased 1.9% (from 52.3% to 50.4%). Lastly, the percent of inmates 40 or older increased slightly, from 26.6% on June 30, 2022 to 27.9% on December 31, 2022.

Overall this demonstrates that there has been a decrease in the proportion of younger inmates booked and an increase in older inmates.

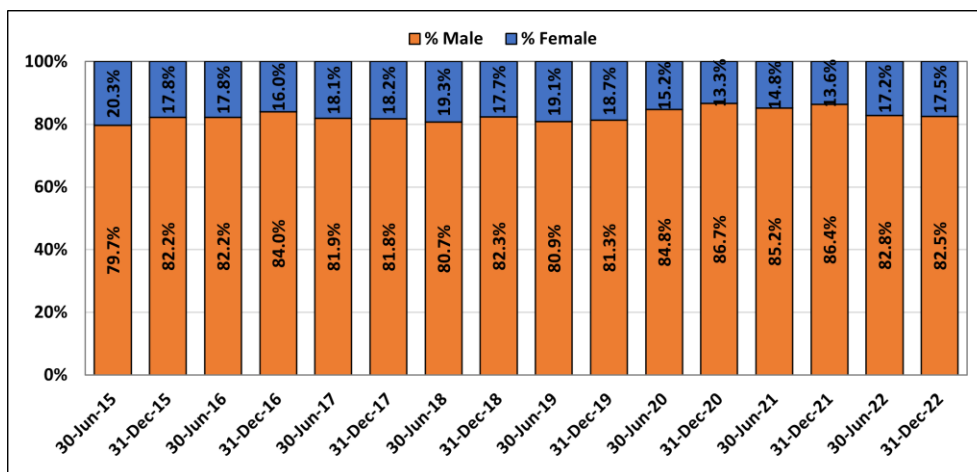
**Figure 4. Percent of Inmates in Custody by Age Group**



## 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%. At end-of-year 2022, male inmates comprised 82.5% of the MDC population, and female inmates comprised 17.5% of the MDC population. 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.

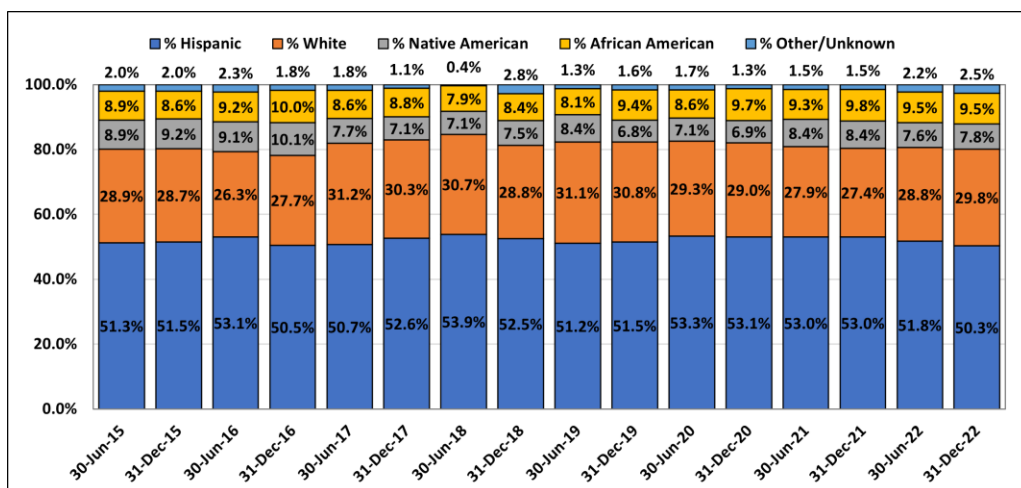
**Figure 5. Percent of Inmates in Custody by Gender**



## Race/Ethnicity

Across all snapshot dates from mid-2015 to end-of-year 2022, a little over half of the population (50.3% to 53.9%) were 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 Blacks accounted for between 7.9% and 10.0% of the MDC population. At the end-of-year 2022, Hispanic inmates accounted for 50.3% of inmates, Native American inmates accounted for 7.8%, and Other/Unknown at 2.5% of the population, respectively. White inmates accounted for 29.8% and Black inmates accounted for 9.5%. White, Native-American, and Other inmate categories increased, while Hispanic inmates decreased, and African-American did not change from mid-year, remaining at 9.5%.

**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>. Compared to the U.S. Census data for Bernalillo County, White inmates were underrepresented among MDC inmates (inmate to population ratio of 0.80, so a 20% underrepresentation). The portion of Hispanic inmates in the MDC (50.3%) is nearly the same as the portion of Hispanic individuals in Bernalillo County (50.9%). All other groups are overrepresented, with an inmate population ratio greater than or equal to one. Native American adults have a ratio of 1.16 (16% overrepresentation), and 2.57 for Black adults (157% overrepresentation). 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**

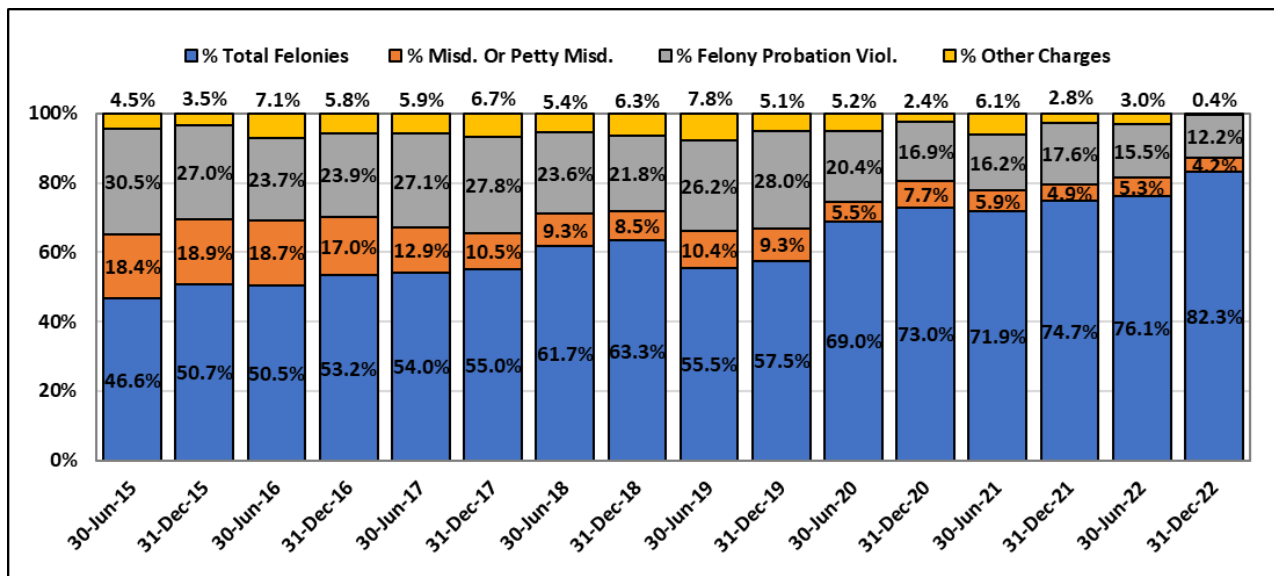
Race/Ethnicity	Count	Percent	2022 Census Estimate	Inmate to Population Ratio
Hispanic	726	50.3%	50.9%	0.99
White	430	29.8%	37.3%	0.80
Native American	113	7.8%	6.7%	1.16
Black	137	9.5%	3.7%	2.57

### 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 and a decrease in misdemeanors and petty misdemeanors and felony probation violations (see Figure 7). On December 31, 2022, 82.6% of the 1,442 inmates in custody had at least one felony charge, which is up from 76.1% on June 30, 2022, an increase of 6.5%. Of the remaining inmates in custody on December 31, 2022, 4.2% had a misdemeanor or petty misdemeanor as their highest charge (a decrease of .9% from June 30, 2022). The percent of individuals in the MDC on a felony probation violation was 12.2%, a decrease from June 30, 2022 of 3.3% and from June 30, 2015 a decrease of 18.3%. While some of these changes likely occurred due to changes in policy during COVID-19 – for example, probation violations decreased due to fewer 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 1,189 inmates with at least one felony charge, 33.3% had a fourth-degree felony<sup>10</sup> as the highest charge. There were 20.9% of inmates who had a third-degree felony as the highest charge (see Table 9). An additional 15.9% of inmates had a second-degree felony as the highest charge and 12.2% 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 a larger share of inmates with higher level charges compared to lower-level charges (misdemeanor, petty misdemeanor, probation violation, etc.).

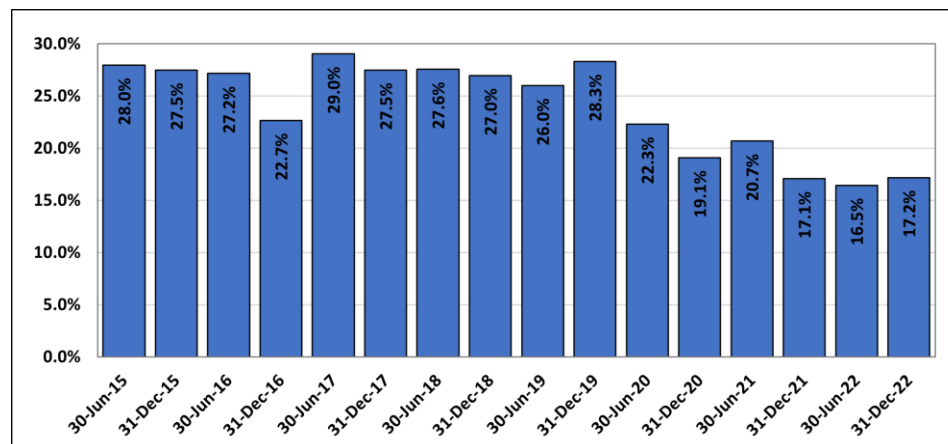
**Table 9. In Custody by Highest Felony Charge**

	F1	F2	F3	F4	Total in Custody	% F1	% F2	% F3	% F4	Total in Custody
30-Jun-15	149	156	159	274	738	9.4%	9.8%	10.0%	17.3%	46.6%
31-Dec-15	144	143	158	235	680	10.7%	10.7%	11.8%	17.5%	50.7%
30-Jun-16	117	152	167	244	680	8.7%	11.3%	12.4%	18.1%	50.5%
31-Dec-16	85	131	151	199	566	8.0%	12.3%	14.2%	18.7%	53.2%
30-Jun-17	97	141	138	221	597	8.8%	12.8%	12.5%	20.0%	54.0%
31-Dec-17	84	140	151	251	626	7.4%	12.3%	13.3%	22.1%	55.0%
30-Jun-18	94	153	240	379	866	6.7%	10.9%	17.1%	27.0%	61.7%
31-Dec-18	90	149	224	361	824	6.9%	11.5%	17.2%	27.7%	63.3%
30-Jun-19	84	181	242	381	888	5.3%	11.3%	15.1%	23.8%	55.5%
31-Dec-19	84	158	200	393	835	5.8%	10.9%	13.8%	27.1%	57.5%
30-Jun-20	89	159	219	355	822	7.5%	13.3%	18.4%	29.8%	69.0%
31-Dec-20	103	143	223	319	788	9.5%	13.2%	20.6%	29.5%	73.0%
1-Jan-21	113	144	232	303	792	10.3%	13.1%	21.1%	27.5%	71.9%
31-Dec-21	135	187	239	296	857	11.8%	16.3%	20.8%	25.8%	74.7%
30-Jun-22	161	211	294	389	1,055	11.6%	15.2%	21.2%	28.1%	76.1%
31-Dec-22	177	229	302	481	1,189	12.2%	15.9%	20.9%	33.3%	82.5%

### 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 partially sentenced if they were sentenced on at least one case. On December 31, 2022, approximately 248 (17.2%) of the 1,442 inmates in custody were sentenced on one or more cases (see Figure 8).

**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 percentage of unsentenced felony bookings remained relatively stable over time, fluctuating between 82.0% and 89.6% (see Table 10). The percent of unsentenced felony bookings have fallen slightly from their highest (June 30, 2022) by 0.8%. Unsentedenced felony bookings on December 2022, were at 88.8%, which is down from December 31, 2021. On December, 2022, unsentenced misdemeanor and petty misdemeanor bookings were at 75.4%, 12.1% less than December 31, 2021. The percent of unsentenced felony probation violation bookings were 45.4%, a decrease of 8.1% from December 31, 2021.

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

	Unsentedenced Felony Bookings	Unsentedenced Misdemeanor and Petty Misdemeanor Bookings	Unsentedenced 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%
31-Dec-22	88.8%	75.4%	45.5%

## 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)<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, such as in 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 CMO<sup>13</sup> 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 December, 2022, the total unsentenced inmates with felonies (1,056 people), and the portion of inmates with unsentenced cases (423) is higher than what it was on June 30, 2022 (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 was expected that the portion of unsentenced inmates would increase. On December 31, 2022, there were 1,056 unsentenced felons in MDC. Out of the unsentenced felons, 423 (40.1%) had one or more unsentenced felony cases and had been in custody for 180 days or more (see Table 11). 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 days<sup>14</sup>, 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	423	40.1%
Total Unsentenced Inmates w/Felony as Highest Charge	1,056	100.0%

On December 31, 2022, there were 177 inmates in custody with a felony probation violation as their highest charge (see Table 12). Of these inmates, 10 (5.6%) had been in custody 60 days or more and the felony probation violation had yet to be resolved. This is a decrease from 12.2% on June 30, 2022. 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 Unsentedenced Probation Violators**

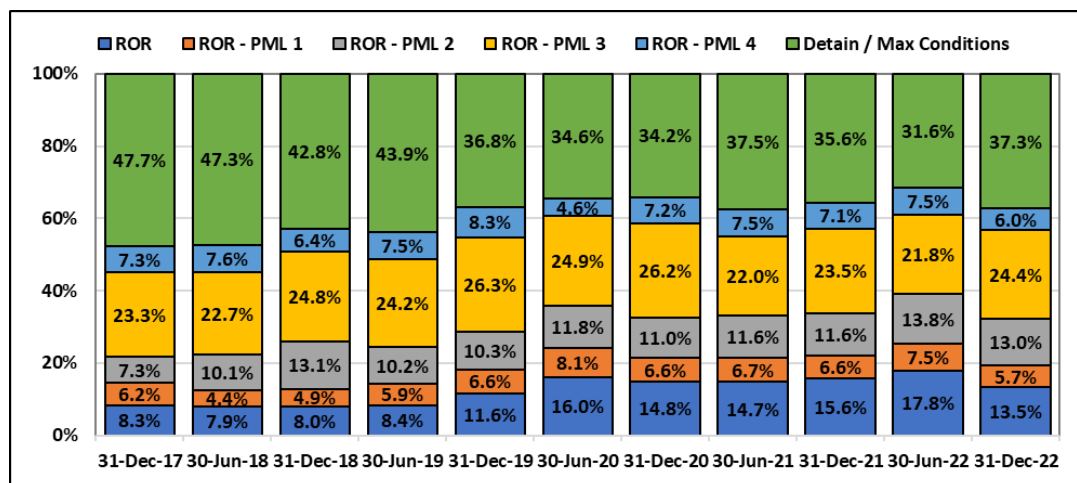
	Count	Percent
Unsentedenced w/ Felony Probation Violation as Highest Charge and LOS >60 Days	10	5.6%
Total Inmates w/Felony Probation Violation as Highest Charge	177	100.0%

### **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 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)<sup>16</sup>. 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.

There were a total of 905 bookings with a PSA administered to inmates during their stay at the MDC. 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 increased 5.7% from June 30, 2022 (31.6%) to December 31, 2022 (37.3%). 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. PML 3 increased 2.6% from June 30, 2022 (21.8%) to December 31, 2022 (24.4%). ROR with PML 2, the next most common category, accounted for between 7.3% on December 31, 2017, and 14.6%, on December 31, 2022. ROR with PML 1 accounted for between 4.4% and 8.1% of inmates, currently sitting at 5.7% on December 31, 2022, and ROR accounted for between 7.9% (June 30, 2018) and 17.8% (June 30, 2022) of inmates, over the last eleven report dates, at 13.5% on December 31, 2022, a decrease of 4.3% from June 30, 2022. 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, as the number of inmates with a felony charge has increased, and the number of inmates with minor charges has decreased.

**Figure 9. Percent PSA Recommendations for Felons by Date**

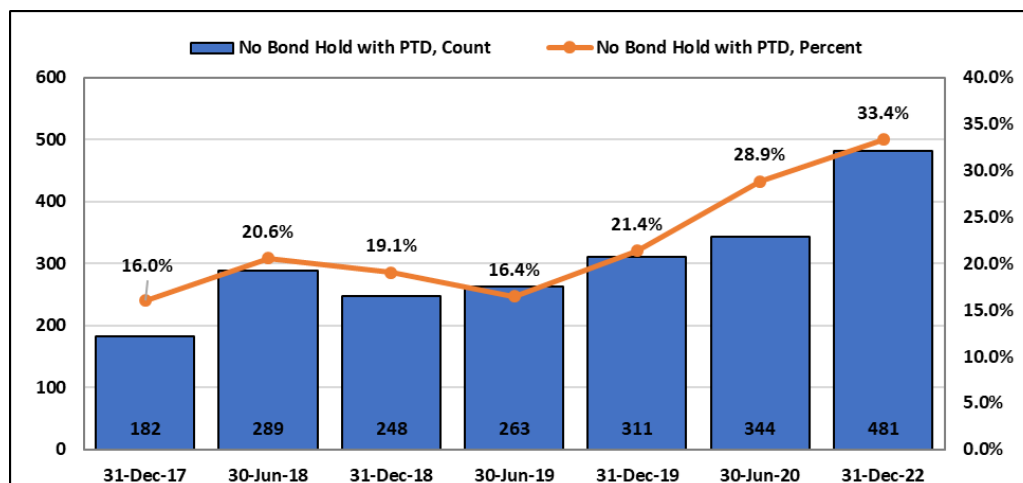


### Preventive Detention Holds

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 33.4% (see Figure 12). On December 31, 2022, there were 481 persons with a no bond hold with PTD (an all-time high). This is likely partially due to a higher percentage of accused felons.

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



## Conclusion

The MDC population has generally decreased since over the last five years despite recent increases 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.

The percent of Inmates serving a sentence on one or more cases status rose slightly year-over-year from 17.1% in December 2021 to 17.2% in December 2022. 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 (82.5%), a small portion of misdemeanors and petty misdemeanors (4.2%), and a decreasing portion of felony probation violators (12.2%).

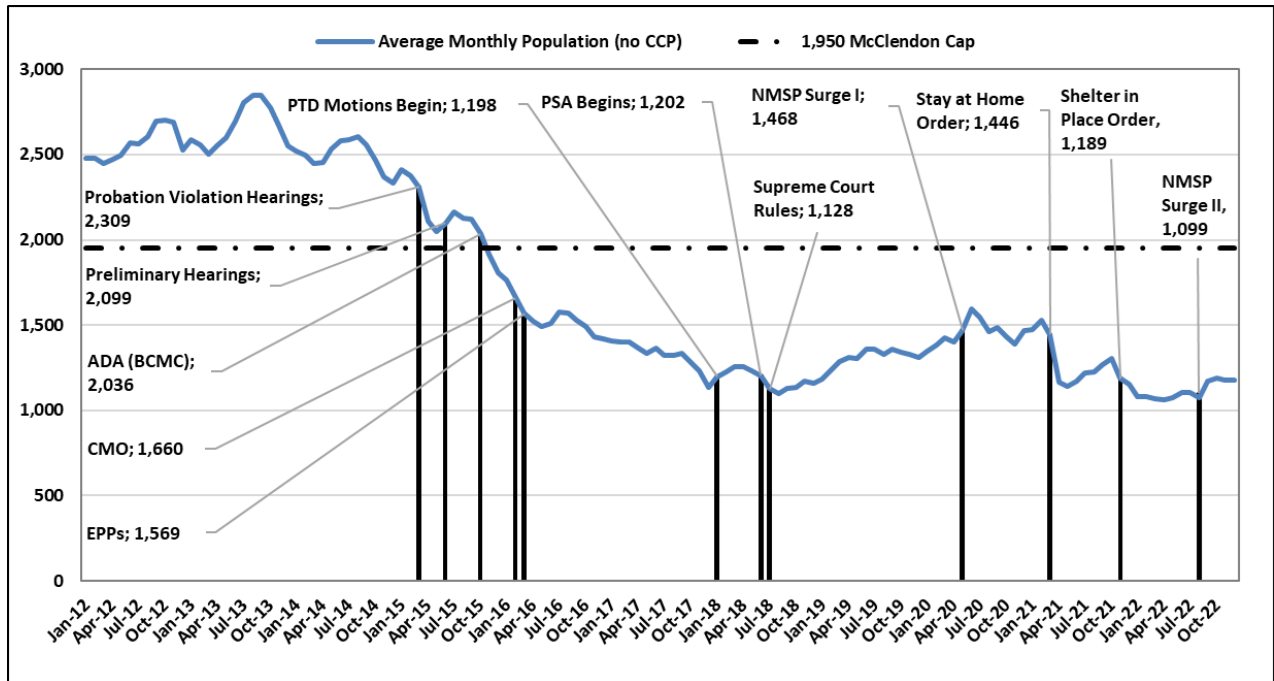
The change in the composition of MDC inmates can affect the ALOS and may also indicate changes in the types of inmates being booked as well as shifts in how release decision-making occurs. Part of this may be due to the implementation of the PSA as well as the implementation of preventive detention. 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. Finally, the larger proportion of inmates with a felony as the highest charge has also likely led to an increase in ALOS.

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 2012 to December 2022 and criminal justice initiatives and events that may have impacted the MDC population.

**Figure A1. MDC Population (no CCP or OOC) and Initiatives 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. (2022). Jail Inmates, 2021 - Statistical Tables (NCJ Number 304888). Retrieved from Bureau of Justice Statistics website: <https://bjs.ojp.gov/library/publications/jail-inmates-2021-statistical-tables>.

<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> The incarceration rate was calculated using ACS 5 Year Population Estimates and the July 1, 2022 U.S. Census population estimates. United States Census Bureau. (2022). U.S. Census Bureau quick facts: Bernalillo County, New Mexico. <https://www.census.gov/quickfacts/bernalillocountynewmexico>

<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> The mid-year estimate for 2022 was used to compare race in the MDC and race in Bernalillo County.

<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> 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>14</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>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.

<sup>16</sup> 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.