

# Metropolitan Detention Center

## End of Fiscal Year 2014 Report

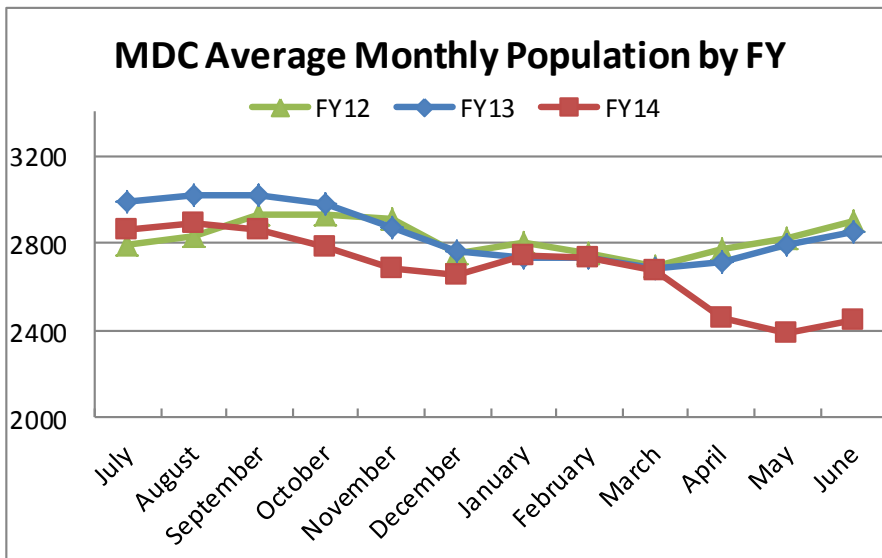
Report Date: September 15, 2014

### Report Highlights:

- While there were periodic increases in the MDC population, at the end of the fiscal year the overall population remained lower than in previous fiscal years.
- During FY14, the use of CCP increased and there have been decreases in the number of individuals housed out of county (OOC), particularly in recent months.
- In FY14, bookings were nearly 10% lower and releases just over 9% lower than in FY13.
- For the week of June 23<sup>rd</sup>, the weekly turnover rate\* was 44.6%. This is on track with the national average as reported Mid-Year 2013 by the Bureau of Justice Statistics.

\* The weekly jail turnover rate is a function of the bookings, releases and average daily population. This figure demonstrates how many people exit and enter MDC compared to the daily population. Changes in this figure can reflect changes in bookings and releases as well as length of stay.

### Overall Population



The total population for MDC is comprised of all individuals in custody at the facility—including those in HSU and the infirmary—but excludes individuals who are in Receiving-Discharge-Transfer (RDT) and those who are out of the facility at the hospital or on furlough. Inmates in the Community Custody Program (CCP) and those housed Out of County (OOC) are included in this figure as well.

The total population for MDC had been relatively consistent with prior years, particularly in the 3rd quarter of FY14. However, in the fourth quarter there was a significant decrease in the average daily population (ADP) beginning in April of 2014.

The ADP remains below that seen in recent years. The ADP for June 2013 was 2,851. In June 2014 the ADP was 2,448, approximately 14% lower than the prior fiscal year.

Figure 1

The marked decrease in FY14 can be at least attributed to recently implemented initiatives designed to improve efficiency in several aspects of the criminal justice system including reducing pretrial remdand, case processing improvements and other initiatives impacting the length of stay (LOS) of inmates.

### Population Goals and Progress

In May of 2014, Bernalillo County elected to develop a population plan to keep the number of inmates below 1,950 in the facility without utilizing out of county beds. *Figure 2* shows the daily MDC population without those who are in RDT, in the hospital, on furlough, or on CCP. Individuals on CCP are excluded because, while they are still considered in the custody of MDC, they are not physically in the facility.

*Figure 2* includes the population estimate for FY15 is based on an average of daily population changes that have occurred in the MDC population for the last several years without any additional population reduction initiatives and uses the June 16<sup>th</sup> population as a starting point. This does not represent an official forecast, merely a graphic representation of how the population would fluctuate if the

## Population Goals and Progress—Continued

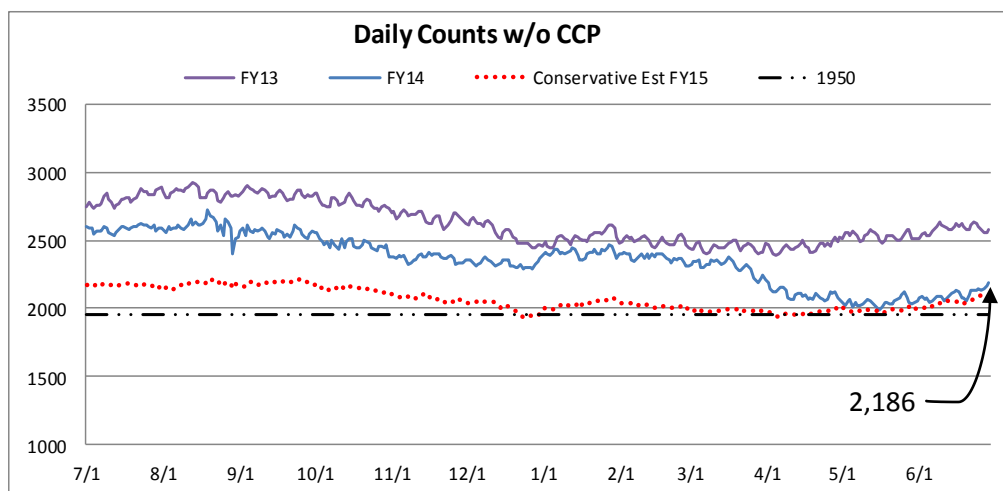


Figure 2

trend seen in previous years occurred. For these calculations CCP is held at 345 participants.

As of June 29<sup>th</sup>, the count was 2,168. Based on population trends, there is a potential for the population to further decrease.

As of June 29<sup>th</sup>, the count was 2,168. To better address the 1,950 goal, the continuation, implementation, and refinement of various criminal justice system initiatives may have an effect on the MDC population.

## Criminal Justice Initiatives

A complete listing of the criminal justice initiatives and current status are listed in the following table. They impact the MDC population in a number of ways: the use of CCP, the timeliness of hearings, length of stay, the number of bookings, and the number of releases. It is difficult to estimate precisely when and to what extent a given court initiative has had or will have an impact due to the many contributing factors to population changes and the limitations of data sources. However, the drop in population has coincided with implementation of these initiatives. Some of the recently implemented and upcoming initiatives include:

### January Initiatives

- Automatic hearings for FTA warrants
- Improve process to get accurate defendant address
- County begins providing Courts, DA and PD list of pending felony cases where defendant in custody longer than 365 days.

### February Initiatives

- Begin use of objective RAI on all defendants set for Felony Arrg.
- Revise orders with PTS & bond
- MDC notifies DA, PD and Courts when J&S is not received 10 days from date of sentencing

### March Initiatives

- Expansion of Early Plea Program.
- PTS adds additional staff to use RAI in MDC
- PTS uses RAI on backlog of defendants with PTS & bond orders.

### April Initiatives

- CCP Metro default
- Inmates provided COR upon release
- Revision of District Court MOU
- PVs are set 20 days from arrest rather than 40 days from arrest.
- 7 Day PV custody hearings
- PTS begins use of RAI to assist in determining supervision level

### May Initiatives

- DA file 10 day nolle on community crimes cases.
- MDC Unit Case Managers screen and refer inmates to CCP Case Managers.

### June Initiatives

- Preliminary hearings
- New rule to ensure pleas heard in 30 days
- Unlinking conditions of release
- MOU for County funded supportive housing beds
- Process for reducing hearings on PTS remands

### July Initiatives

- PTS waiver
- Process for completing medical screenings for inmates waiting for release to treatment
- Process for identifying Metro communication issues on releases
- PTS supervision levels fully utilized

### August-September Initiatives

- New OSCR
- ADA in Metro
- Elimination of additional Grand Jury Panels

- *District Court in collaboration with the Criminal Justice Review Commission have drafted a Case Management Rule. The Rule will be presented to the Supreme Court in June for consideration and proposed implementation schedule.*
- *The backlog of cases will be addressed by designated judges as part of the implementation of the new rule.*

## Mental Health Services

A critical long-term solution to jail population management is the development of community based behavioral health services. The population within the jail on the psychiatric services caseload (PSU) is shown in Table 1. The percentage on the caseload increased when the use of out of county beds began as most facilities will not accept individuals with mental health needs.

	Jan-14	Feb-14	Mar-14	Apr-14	May-14
Average Daily Population*	2410	2376	2308	2107	2045
ADP non-PSU	1407	1491	1472	1287	1232
PSU Caseload	1003	885	836	820	813
Number of SMI on PSU Caseload	261	257	235	181	163
% of MDC Population, PSU	42%	37%	36%	39%	40%
% of SMI on PSU Caseload	26%	29%	28%	22%	20%
% of MDC Population, SMI	11%	11%	10%	9%	8%

Table 1

National data suggests that persons with mental health needs are often under-identified and that the rate shown above might be much higher. The majority of individuals in jail with mental health needs also have a co-occurring substance disorder. Two service gaps that have been repeatedly identified are being pursued as part of the jail population management initiatives: a crisis triage center and supportive housing. The County has allocated \$1.1 million for a supportive housing program and is in the process of hiring a project director. The County is actively working with other interested individuals to locate funding and develop a crisis triage center.

## Preliminary Hearings

Preliminary hearings were instituted on the 23<sup>rd</sup> of June and are held every Monday. This strategy aims to resolve cases earlier in the court process.

During the first two weeks, a total of 15 hearings took place. Of the fifteen hearings, one resulted in a failure to appear, four were bound over, and nine (60%) resulted in resolution through dismissal, nolle, credit time served, a suspended sentence, or conditional discharge.

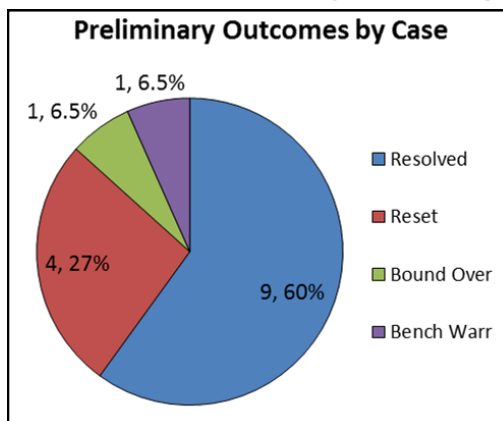


Chart 1

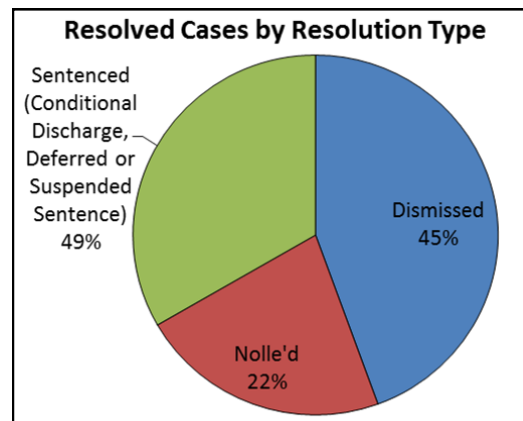


Chart 2

While these results are for a small number of cases, due to the early success of the preliminary hearings at resolving cases, the courts have decided to reduce the number of grand jury panels held starting in September 2014.

## 7 Day Probation Violation Custody Hearings

Beginning April 22, 2014, 7 day custody hearings for Probation Violations (PV) began to be included as part of the pro tem docket. Prior to March 24th, initial PV hearings were typically scheduled 30 days from the filing of the motion to revoke. Beginning March 24th, hearings were scheduled 20 days from the date of arrest (see the Probation Violation Hearings section for additional information on this initiative). To further improve case processing, some probation violation cases that do not include new charges are identified for the 7 day custody hearings, decreasing the time to the initial hearing for these cases.

From April to the end of June (there are several days where there were no hearings or for which the docket information could not be located) there were approximately 83 hearings for 64 individuals with 81 different cases (2 cases had 2 separate violations that went to the 7 day custody hearings in the timeframe).

There were 40 cases that were resolved, and for 27, the case was resolved but the individual was not released because the defendants received jail sentences or had to remain at MDC pending completion of or acceptance into a program. 13 individuals were released *and* had cases resolved at the 7 day custody hearings.

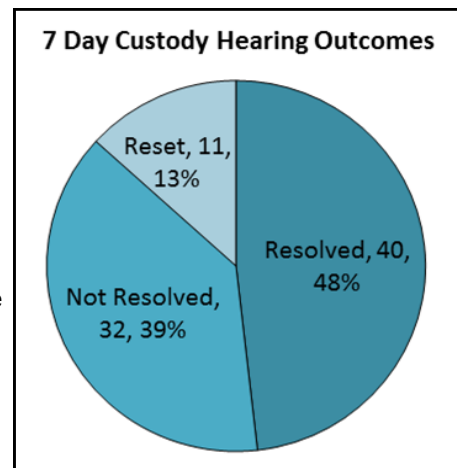


Chart 3

Out of the 83 hearings, 19 had conditions of release set as part of the hearing, although the case was not resolved. While release was available for these cases, it does not mean that the individual was actually released. Some defendants were assigned a bond as part of their conditions of release, requiring a posting of bond before release.

For 13 cases, the case was not resolved and release was not allowed.

## Probation Violation Hearings

Several initiatives have been implemented that intend to impact the Length of Stay (LOS) for probation violators. Starting March 24<sup>th</sup>, the scheduling of PV hearings was changed from 30 days from the filing of the motion to revoke probation to 20 days from arrest. As mentioned above, a PV custody hearing was then added for cases meeting specified criteria. These coincide with the large dip in population in April and May.

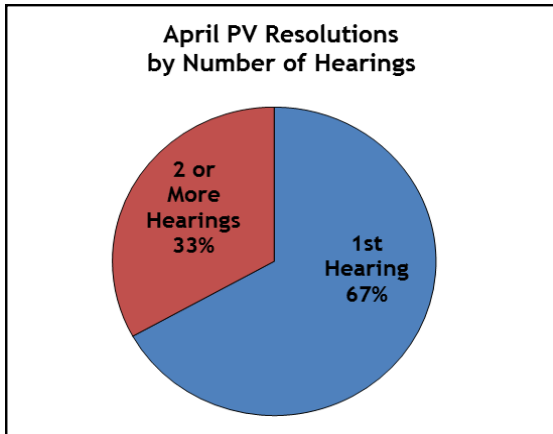


Chart 4

### For the April PV Hearings: (Chart 4)

- Between April 7, 2014 and April 24, 2014, 195 probation violation hearings were held in the regular probation violation (PV) docket.
- Approximately 108 of the April hearings were the initial hearing for the probation violation.
- Previous pro tem samples from 2013 of resolved cases had median days from arrest to disposition of 32 and 33 days. For the 127 cases that were resolved at their April hearing, the median number of days from arrest to disposition was 21.
- The majority of cases (83%) were resolved within 45 days or less with the large majority of these (72%) being resolved within 30 days.

There has been a significant decrease in the median number of days from arrest to disposition between the 2013 and 2014 PV samples. While additional review remains to be completed, initial analysis of a June sample of PV hearings demonstrates that the PV initiatives are still impacting case processing times.

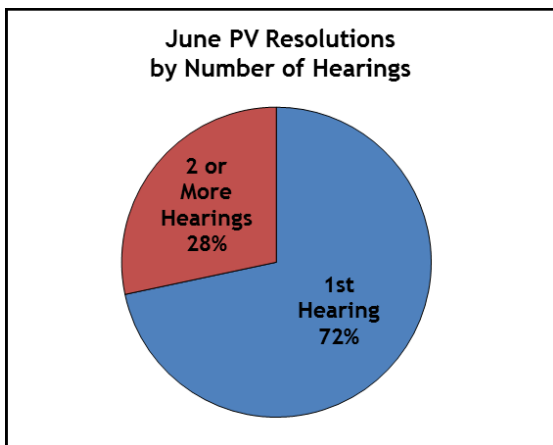


Chart 5

### For the June PV Hearings: (Chart 5)

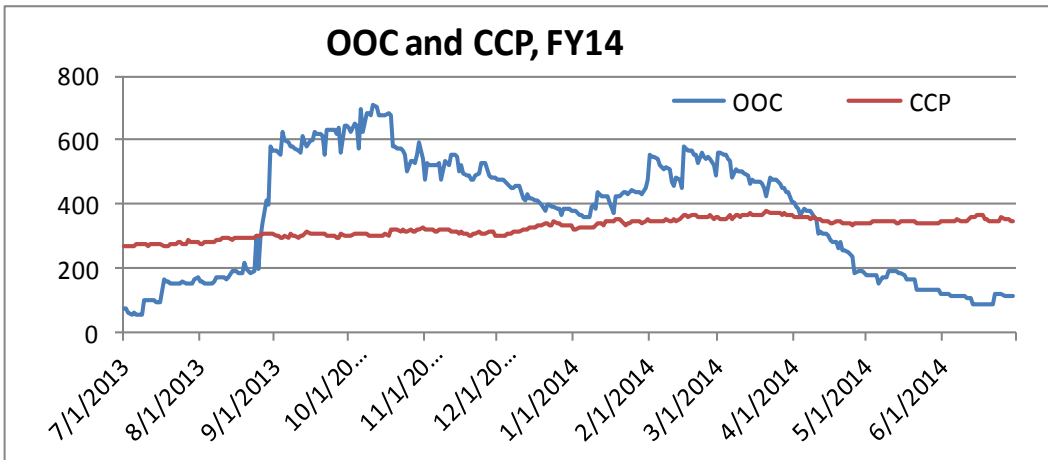
- For June of 2014 there were two days where hearings were not held and one for which the data was not collected.
- A total of 284 hearings for 246 cases (not including status, competency, rocket docket, and afternoon cases).
- 169 first hearings in the month of June.
- 120 cases resolved, 72% at the first hearings, approximately 5% higher than the percent resolved at first hearing for April.
- The median number of days from the arrest / arrival to the initial hearing for the June hearings was 20 days.

While there are a variety of factors that may have impacted this reduction, the court initiatives to reduce the number of days between arrest and hearing is driving at least part of this reduction in days. It is believed that the PV program is resulting in quicker processing of probation violation cases and may be unpinning the PV population at MDC.

## Updates on Initiatives

- **Metro District Attorney County / City Funded**—The DA Office has posted the position. Once filled, this position will assist in early resolution of officer prosecuted misdemeanor cases. Expected jail bed reduction is estimated up to 100 beds.
- **Supportive Housing Program**—The County has posted the Program Manager and Intake Coordinator positions. The program will provide 75 beds for individuals with mental health and co-occurring issues involved in the criminal justice system and in MDC. It will also reduce recidivism. If the City partners with the County, additional beds will be available.
- **Crisis Triage Center**—Criminal justice stakeholders and government officials are in discussions of a proposed Crisis Triage Center. A number of studies have identified a Crisis Triage Center as a missing critical need in Bernalillo County. If implemented, the center would reduce the number of bookings for people in mental health crisis and divert for stabilization, assessment, and referral services.
- **Preliminary Hearings**—Hearings began in June. This is a long term judicial strategy to resolve cases earlier in the process and divert cases from the criminal justice system. Initial findings indicate approximately 66% of cases set for preliminary hearings are resolved at this hearing. While these results are preliminary, due to the success of the preliminary hearings at resolving cases, beginning in September there will be a reduction in the number of grand jury panels held.

## Out of County and the Community Custody Program

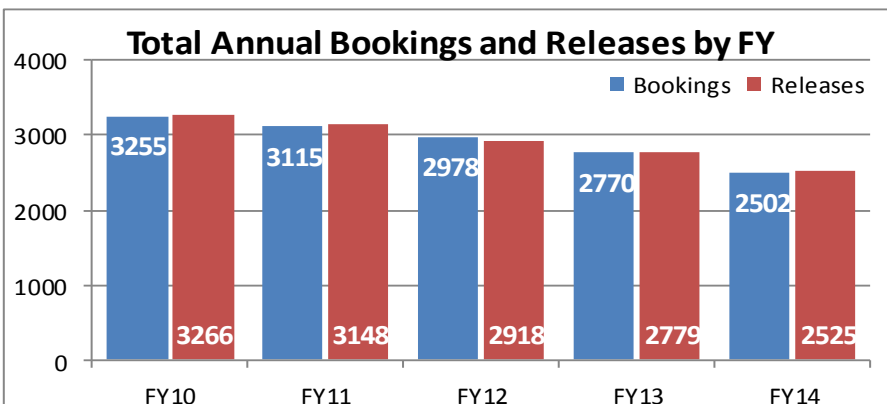


The recent use of out of county beds began June 8, 2013. The number of inmates housed OOC peaked in October 2013 at 707. This figure has decreased, particularly in the last several months. As of June 30<sup>th</sup>, there are 110 individuals OOC, a decrease of just over 84% from the October peak.

The use of CCP has increased during FY14, increasing from 264 as of July 1, 2013 up to 344 at the end of FY14. (Figure 3)

Figure 3

## Bookings, Releases, and Length of Stay (LOS)

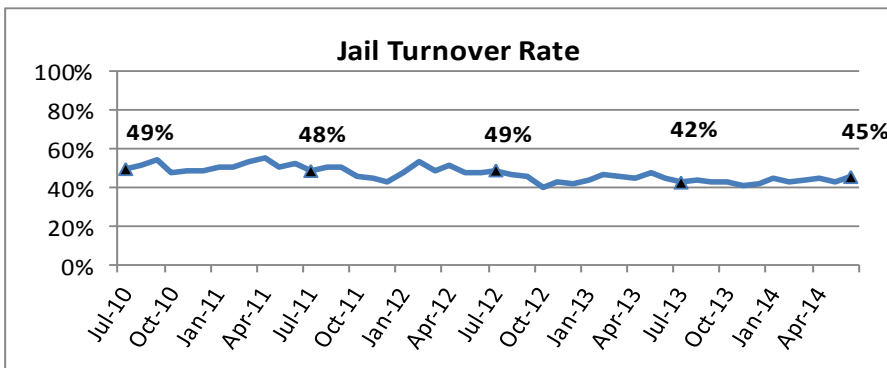


Bookings and releases have been declining over the last several years. The decreases from FY10 to FY11 and FY11 to FY12 were almost identical, at just over 4%. Bookings decreased by 7% from FY12 to FY13 and bookings have decreased by nearly 10% in the last year. (Figure 4)

The decreases in releases have varied more, but ranged from nearly 4%, just over 7%, almost 5%, and, in the last year, approximately 9%.

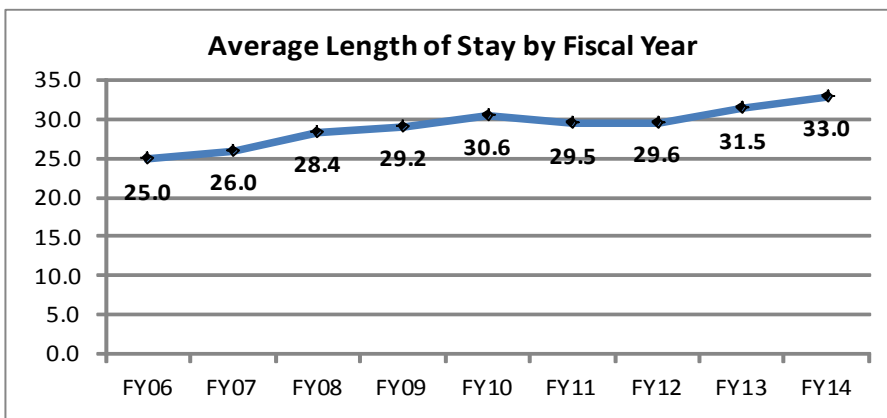
The number of bookings and releases for FY14 were nearly equal, at 2,502 and 2,525.

Figure 4



The jail turnover rate is calculated by adding the admissions and releases and then dividing by the average daily population. This figure is calculated weekly and figure the graph for the turnover rate shows the monthly averages. According to the Bureau of Justice Statistics (BJS) *Jail Inmates at Midyear 2013*, the weekly turnover rate for large jail jurisdictions (1,000 people or more) is 44.3%. Currently, the MDC have a weekly jail turnover rate that is on par with the national average. For the week of June 23<sup>rd</sup>, the weekly turnover rate was 44.6%. (Figure 5)

Figure 5



The Average Length of Stay (ALOS) was calculated by fiscal year. Since FY06, there have been increases nearly every year. In FY06, the ALOS was 25 days and in FY14 the ALOS was 33 days. It is important to note that the ALOS includes both time spent in MDC as well as time served on CCP. It will require additional analysis to determine what portion of this represents the usage of jail beds. (Figure 6)

Figure 6

For further information, contact the Public Safety Division at 505-468-7008.