Bernalillo County Metropolitan Detention Center

December Monthly Report

Report Date: February 14, 2018

Prepared for the Bernalillo County Health and Public Safety Division by the Institute for Social Research
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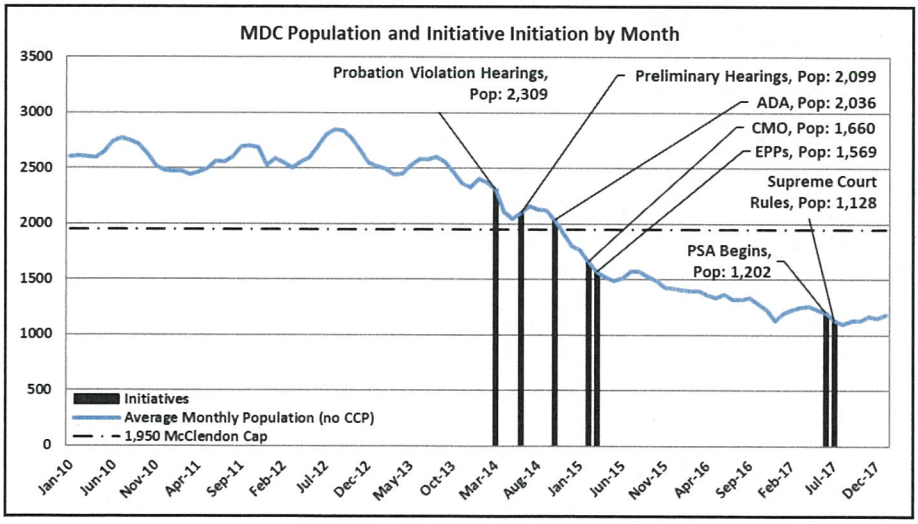
Criminal Justice Reforms and the Jail Population

Quick Population Figures	Jan-17	Dec-17	Jan-18
On-Site Average Daily Population	1,200*	1,157*	1,184*
On-Site Average Male Population	996	934	955
On-Site Average Female Population	194	215	221
On-Site Average Infirmary	10	8	8
Average Housed for NMCD	22	21	19
Average Community Custody Program	101	100	90
Average Total Jail Population (w/OOC & CCP)	1,301*	1,257*	1,274*
Monthly Bookings	2,109	1,902	2,283
Monthly Releases	1,929	1,934	2,275
Total Consecutive Days 1,950 or Less			1,177

Report Highlights

- From December 2017 to January 2018:
  - The total MDC population decreased from 1,274 to 1,257
  - Bookings increased 20%
  - Releases increased 17.6%
- Of the inmates in custody on a hold, 181 had a preventive detention motion granted or pending.
- The number of inmates who could be released from custody if all bonds were paid increased from 59 on December 31, 2017 to January 31, 2018.

- Jail population is a result of two factors: how many people are booked and how long they stay.
- Bookings decreased annually from 2009 through 2015 followed by a slight increase in 2016 and a slight decrease in 2017.



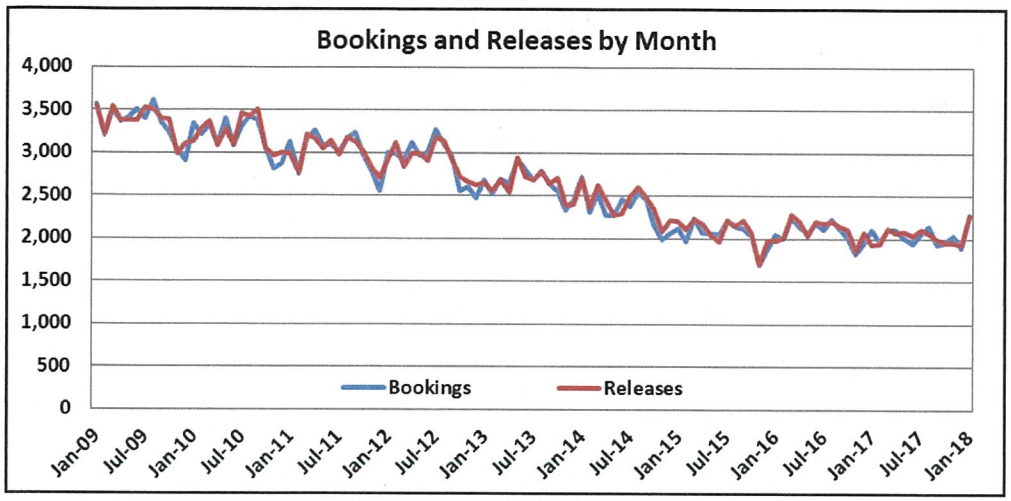
- Population reduction initiatives have helped to reduced the length of stay which, combined with reduced bookings, decreased the jail population.
- The MDC population decreased slightly during December of 2017.

Criminal Justice Reform Initiatives

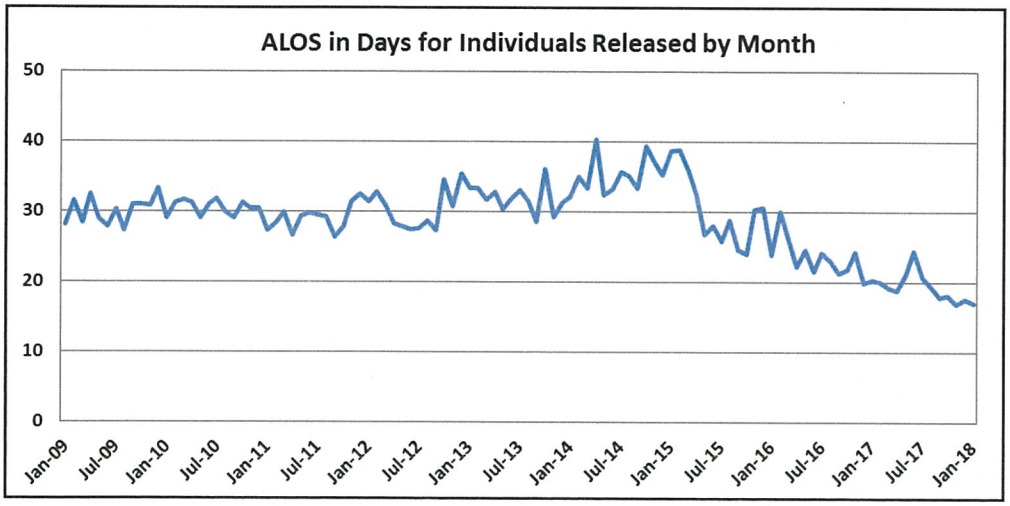
Since mid-March 2014, the County has collaborated with criminal justice stakeholders to implement an array of initiatives that improve the efficiency and fairness of the system and move our jurisdiction closer to best practices. Ongoing efforts include:

- The New Mexico Supreme Court revised the Rules of Criminal Procedure (effective July 1, 2017) affecting individuals who remain incarcerated on a financial bond. Second Judicial District Court has a procedure to review the cases of those incarcerated on prior bond orders. Metro Court is hearing those cases as motions are filed.
- Construction has started on Bernalillo County's Transition Planning and Reentry Resource Center and has welcomed its new Reentry project coordinator, Bill Mosteller.
- The State Corrections Department, Bernalillo County and the Public Defender's Office teamed up on an application to the SAMHSA's GAINS center to hold a "Train-the-Trainer" event for trauma-informed criminal justice system responses. New Mexico was among only 8 awarded jurisdictions out of 50 applicants from around the county. The training event is scheduled for mid-March 2018.
- The New Mexico Supreme Court adjusted requirements in the Case Management Order based on recommendations of local criminal justice partners. The revised CMO rules took in January 2018.
- Metro Court has discontinued first appearances on Sundays. The Chief Judge is reviewing felony PSA reports and criminal complaints for possible release on own recognizance.
- Pursuant to the new rules, Metropolitan and District Court will hold a preliminary hearing within 10 days (in custody) or 60 days (not in custody).
- Bernalillo County is applying for two federal SAMHSA grants. The first is to support an Offender Reentry Program targeting sentenced inmates with substance use disorders. The other application is to support a law enforcement assisted diversion program (LEAD).
- The County is working internally and with the two courts to improve the releasing process so that more individuals are released during business hours.

Bookings, Releases, and Length of Stay

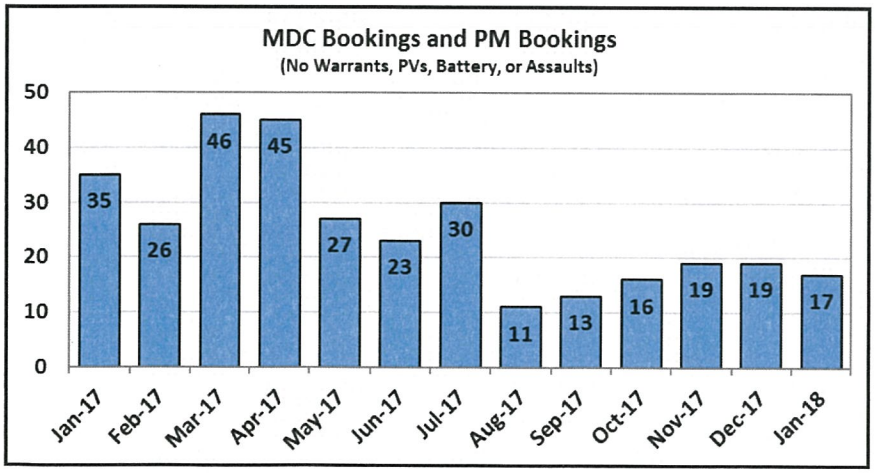


- Until a slight increase in 2016, annual bookings had decreased since 2009.
- From December of 2017 to January of 2018, bookings increased by 20% and releases increased by approximately 17.6%.



- The LOS for January of 2018 was 17 days, 3 days lower than January of 2016 and approximately 29.2% lower than the LOS in January of 2015 of 24 days.
- Criminal justice initiatives have reduced the LOS, improved efficiency, and increased the rate at which inmates turnover at the jail.

Petty Misdemeanor Bookings



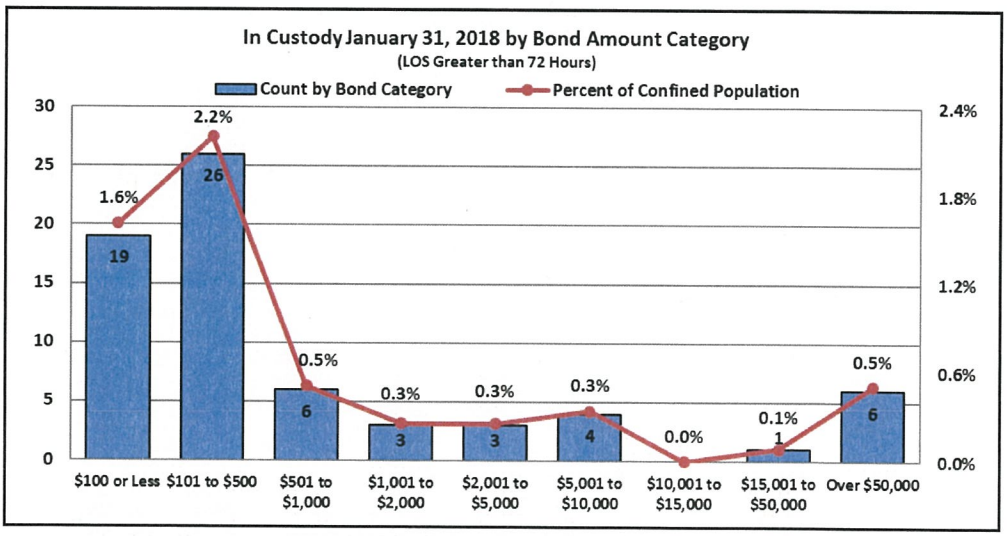
- Bookings at the MDC were reviewed for new charges that included petty misdemeanors[4] and did not include warrants, probation violations, or battery or assault charges.
- In January of 2018 there were 17 petty misdemeanor bookings compared to 35 in January of 2017.
- In the last year the number of these types of bookings peaked at 46 in March of 2017 and averaged 25 per month over the last 12 months.

- Petty misdemeanor bookings can include charges such as larceny, shoplifting, traffic violations, criminal trespass, or public intoxication.

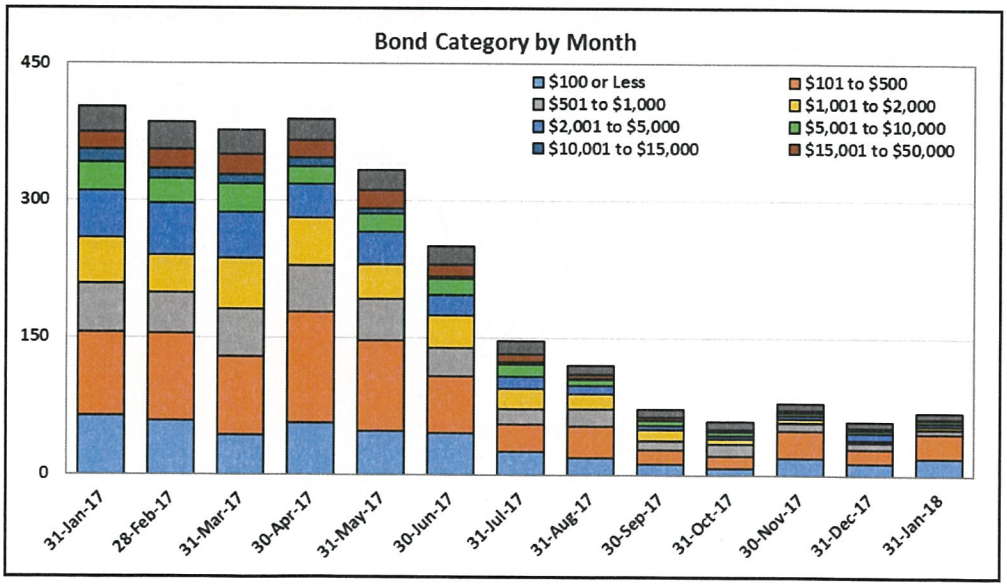
In Custody Bond Amounts

- On January 31, 2018, there were 68 individuals who could be released from custody if all bonds were paid. This accounted for 5.8% of the confined population.
- This excludes anyone who had a hold or who were serving a sentence that would otherwise keep them in custody. The preventive detention outcomes were reviewed and compared to those in custody on a no bond hold. Of those still in custody on a hold, approximately 181 either had a preventive detention motion granted or still pending.
- This excludes those who had the option to bond out or release to a third party.
- These are individuals who had been in custody longer than 72 hours.
- Those with $100 or less in unpaid bonds[2] represented approximately 27.9% (19) of the 68 inmates who could be released if all bonds were paid and 1.6% of the confined population. Those individuals with bonds requiring payment of between $101 and $500 accounted for 38.2% (26) of those in on a bond and 2.2% of the confined population.
- Overall, 51 inmates out of 68 were in custody with bonds requiring payment of $1,000 or less.

Over time, the number of individuals in custody who could be released if all bonds were paid has decreased. The decrease in the higher categories in particular may have decreased in part due to the implementation of preventive detention. Lower bond amounts in particular have been addressed by special hearings set by the courts in order to help ensure that financial conditions are not the sole reason low-risk inmates are detained at MDC.

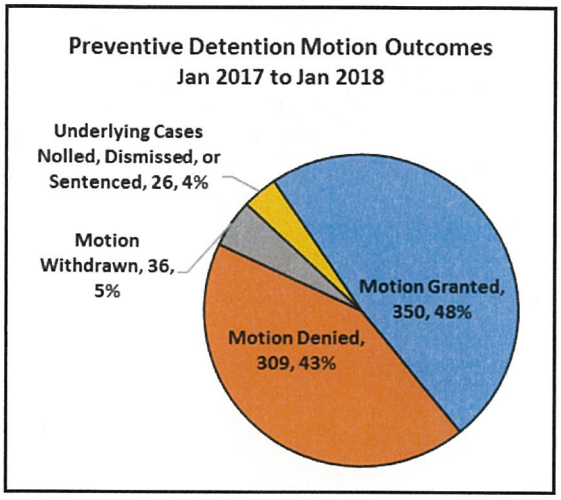


The number of inmates in custody on a bond increased from 59 to 68 from December 31, 2017 to January 31, 2018. The number of inmates in custody with bonds of $100 or less increased 46.2% from 13 to 19 inmates and the number of inmates with bonds between $101 and $500 increased 62.5% from 16 to 26. There were decreases in other bond amount categories.



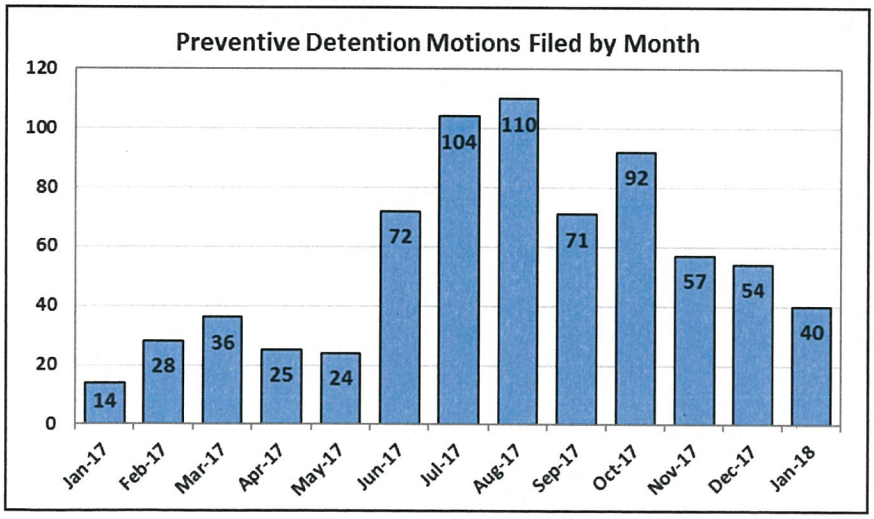
Preventive Detention

From the beginning of January 2017 through January 31, 2018, there were approximately 727 motions for preventive detention filed for 622 individuals. This includes motions filed in both Metro and District Court. During the review of these motions, outcomes were categorized based on each motion rather than the overall outcome per individual.

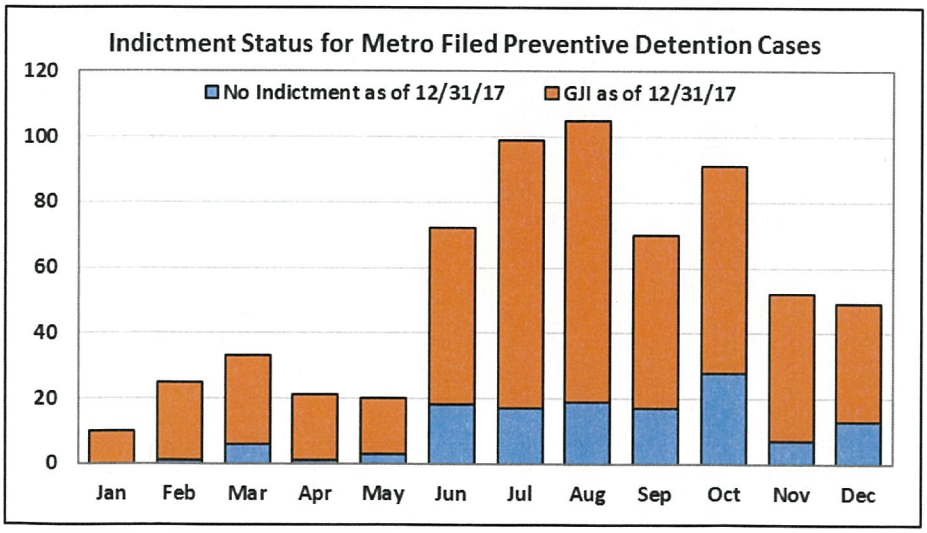


The preventive detention motions were filed for a variety of charge types, including shoplifting, burglary, auto theft, assault, and murder. As of January 31, 2018, there were approximately 6 cases that had a motion still pending. These cases were removed from the monthly outcomes.

- Approximately the same number of motions were granted as were denied (350 compared to 309).
- In 36 instances (5%) the motion was withdrawn, and in another 26 (4%) the case for which the motion was filed was nolle'd, dismissed, or sentenced.



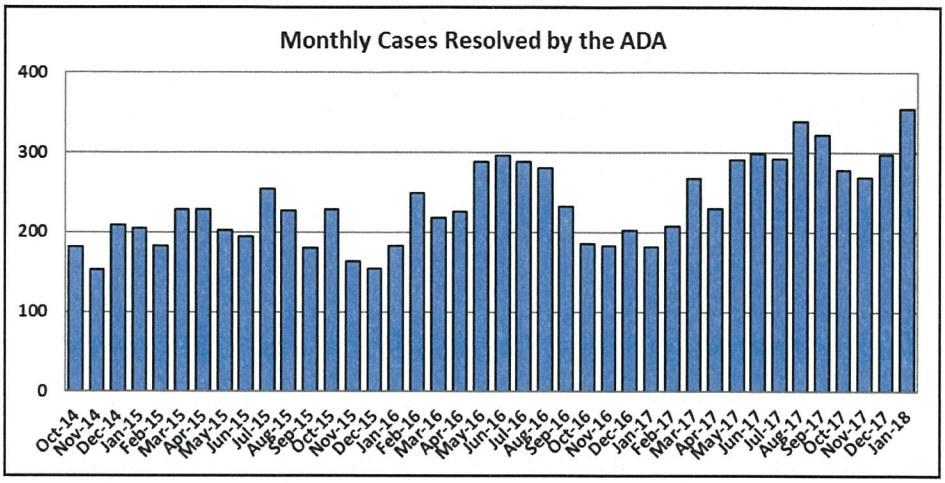
The number of preventive detention motions filed monthly[3] increased in June and July of 2017 and then decreased in late 2017. Over the last year there have been an average of 60 preventive detention motions filed per month.

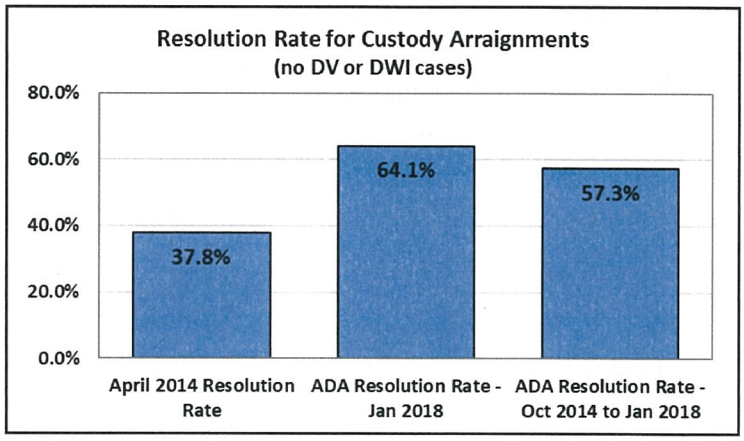


The majority of preventive detention motions were filed in Metro Court (684 out of 727). Of the 684, the majority (547or 80%) have been indicted since the preventive detention motion was filed. The portion of indicted Metro cases indicted for the last several months will continue to increase as more time passes.

ADA Case Resolution

- From October of 2014 through January of 2018, the ADA has resolved approximately 9,457 cases for 7,229 people.
- During January of 2018, the ADA resolved approximately 355 cases for 258 people. The resolution rate was 64.1%.
- Over the last 12 months, there are approximately 287 cases resolved by the ADA per month.
- A 16 week sample beginning April 2014 (one day per week) was previously collected for custody arraignments. For cases that were not domestic violence or DWI cases, the resolution rate was 37.8%.
- All available dockets and resolved cases for those dates were reviewed. From October 2014 through January of 2018, for cases that were not domestic violence or DWI, the resolution rate was 57.3%. There were 357 cases resolved by the ADA that were not on the first appearance dockets. **The ADA resolution rate for the entire reporting period was 19.5% higher than the 2014 sample of similar cases.**





Notes

* Monthly averages slightly higher due to rounding.

1. One potential reason for the decrease is that the MOU implemented in March 24, 2014, a new MOU which prohibits participation on CCP for individuals with certain charges.
2. Bond amounts reflect the financial requirement that would be needed to be released from MDC. Although cash surety bonds can vary in the percentage that may be required to post bond, if no percent is assigned, it is assumed that this amount would be approximately 10% of the bond amount. In instances where requirements must be met before the inmate can be released, such as the completion of ATP, the individual is considered on hold until that obligation is met. Bonds for the month of August of 2017 were updated in this report to fix a corrected error in removal of individuals in custody less than 72 hours. Bonds on multiple cases were combined to determine the total bond amount holding the individual.
3. Corrected filing dates or previously unlisted cases may result in slight changes in the figures from one month to the next.
4. The charges are classified based on the identified charges in EJS. There may be some variation between the charge information between EJS and Odyssey. This can occur for a number of reasons, including the use of city statutes versus County ordinances, lack of availability of the matching statute in EJS, or entry errors.

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