



Bernalillo County Metropolitan Detention Center

Prepared for Bernalillo County by the Institute for Social Research
 by: E. Ferguson and H. De La Cerda with S. Laird and A. O'Connell

The MDC Population and Criminal Justice Reforms

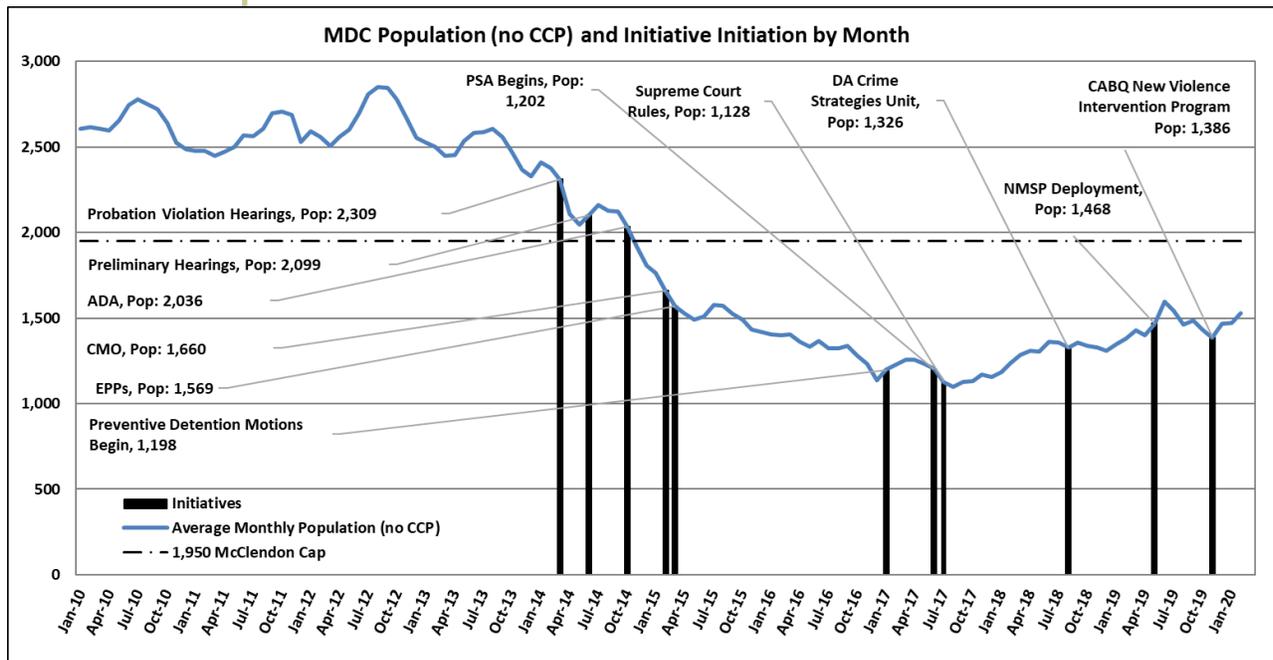
- Jail population is a result of two factors: how many people are booked and how long they stay.
- Population reduction initiatives have helped to reduce the length of stay which, combined with reduced bookings, has decreased the jail population.

Quick Population Figures	Feb-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20
On-Site Average Male Population	1,129	1,166	1,131	1,189	1,194	1,242
On-Site Average Female Population	244	259	248	270	273	282
On-Site Average Infirmarary	8	9	8	7	7	7
On-Site Average Daily Population (ADP)	1,381	1,434	1,387	1,466	1,474	1,531
Average Community Custody Program	88	76	71	67	59	69
Average Total Jail Population (w/CCP)	1,469	1,510	1,458	1,527	1,533	1,600
Monthly Bookings	1,880	1,921	1,755	1,872	2,039	2,094
Monthly Releases	1,802	2,078	1,684	1,849	2,018	2,026
Average Length of Stay (in Days)	22.3	27.7	23.6	21.1	24.8	22.4
Total Consecutive Days 1,950 or Less						1,943

Report Highlights

- The MDC average on-site ADP increased 3.9% from 1,474 in January 2020 to 1,531 in February 2020.
- From January 2020 to February 2020, there was an increase in both bookings (2.7%) and releases (.4%).
- The average length of stay decreased 9.7% from 24.8 days in January 2020 to 22.4 days in February 2020.

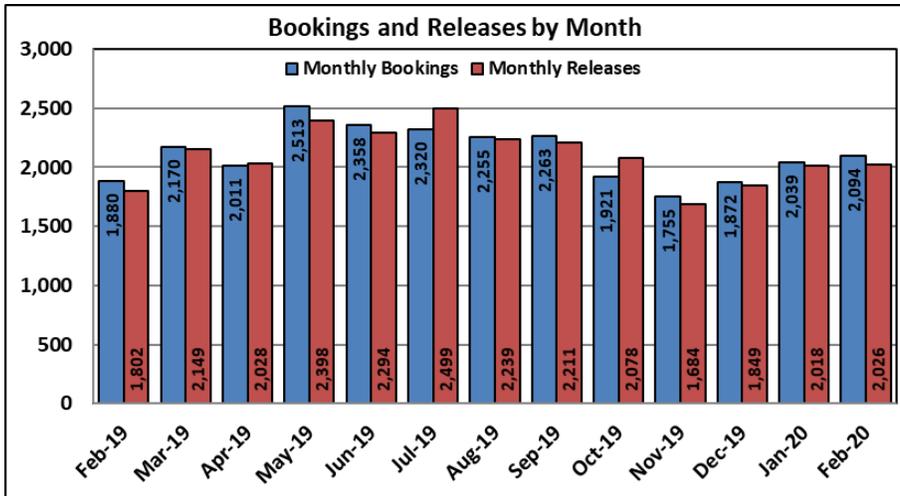
* Monthly averages slightly higher due to rounding.



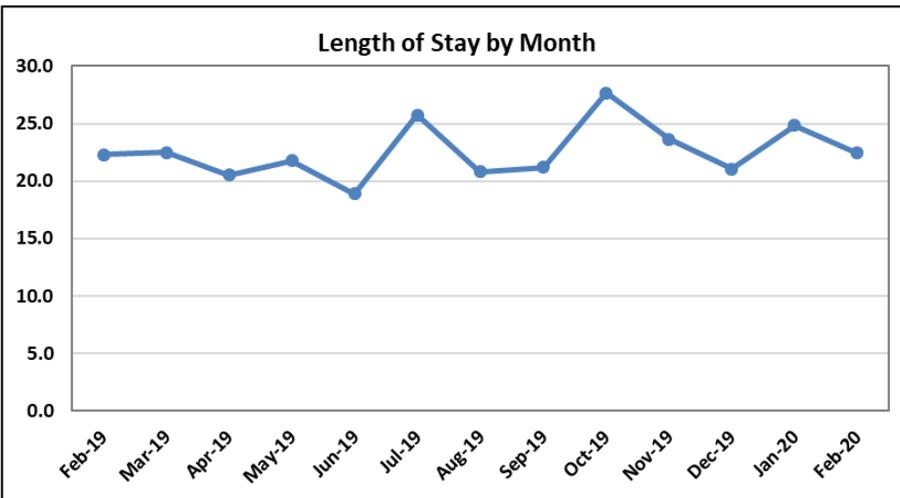
- After large decreases in the population in 2014, 2015, and 2016, the MDC population began increasing in late 2017. This increase has continued into 2020. Over the last year, the MDC population has increased 10.9% from 1,381 to 1,531.

Bookings, Releases, and Length of Stay

Jail population is affected by two factors: how many people are booked and how long they stay.

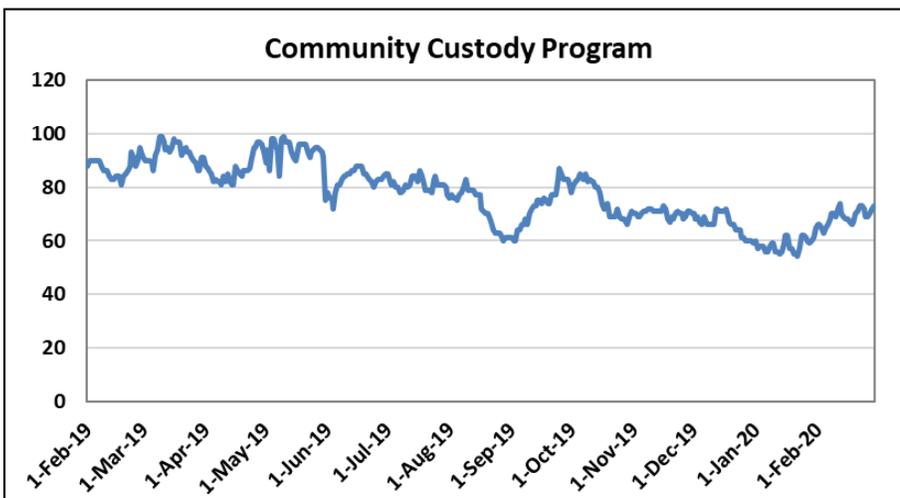


- Bookings increased from 2,039 in January 2020 to 2,094 in February 2020.
- Releases also increased, from 2,018 to 2,026 in February 2020.
- The number of bookings and releases were higher in February 2020 than in February 2019. There were 11.4% (214) more bookings in 2020 and 12.4% (224) more releases.



- The LOS in February 2020 was 22.4 days, 2.4 days (9.7%) lower than the LOS of 24.8 days in January 2020.
- The LOS in February 2020 was 0.1 days higher than in February 2019. The LOS increased from 22.3 to 22.4.

Community Custody Program

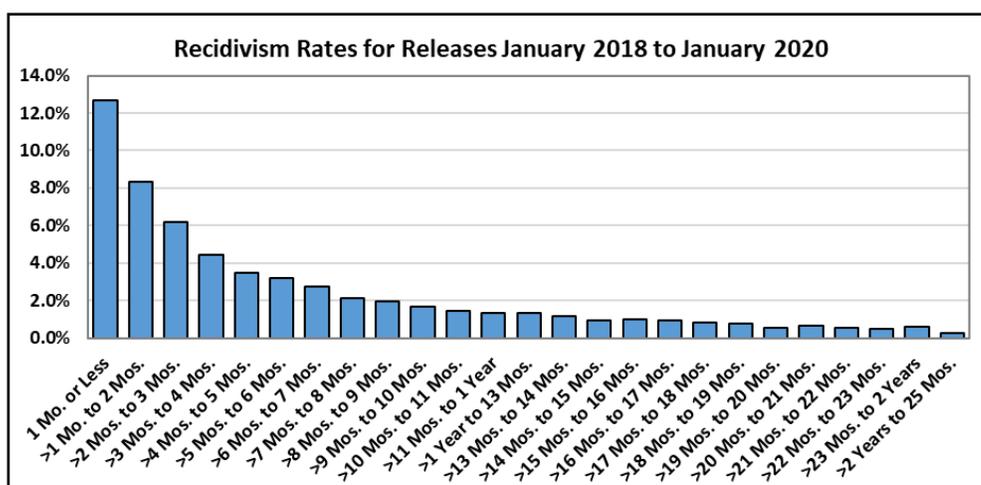


- CCP increased 21.7% from 60 on January 1, 2020 to 73 on February 29, 2020.
- At the end of February 2020, CCP accounted for 4.6% of the total MDC population. This is 25.8% lower than the portion of the population on CCP at the end of February 2019 (6.2%).

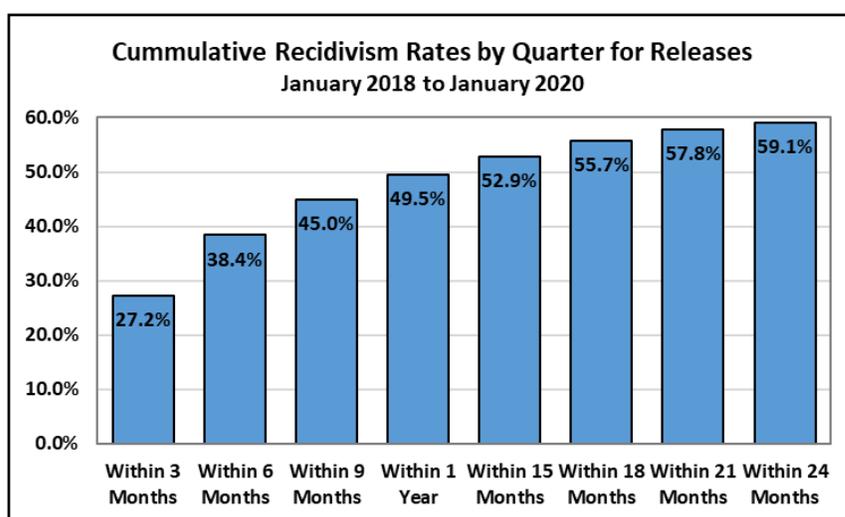
Monthly Recidivism

- According to the Bureau of Justice Statistics¹, a recidivism measure requires 3 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.
- Compared to prisons, jails have a much higher rate of turnover. Recidivism rates will vary depending on the length of the time period for the starting event and the follow-up time period.
- A preliminary recidivism rate was calculated for the MDC using the following:
 - Unique monthly releases for each month beginning in January 2018 and ending January 2020. The releases end the month prior to reporting to allow the same follow-up time period for each month.
 - Bookings in subsequent months within approximate 1 month intervals (365/12).
 - The current measure of failure used was any new booking into the MDC.

- Within the first month after release from the MDC, an average of 12.7% of inmates are booked back into the MDC. An additional 8.3% were booked back into the MDC between 1 and 2 months from release. 6.2% were booked between 2 and 3 months from release. After 8 months, the percent of inmates being rebooked into the MDC decreases by 2% or less per month.

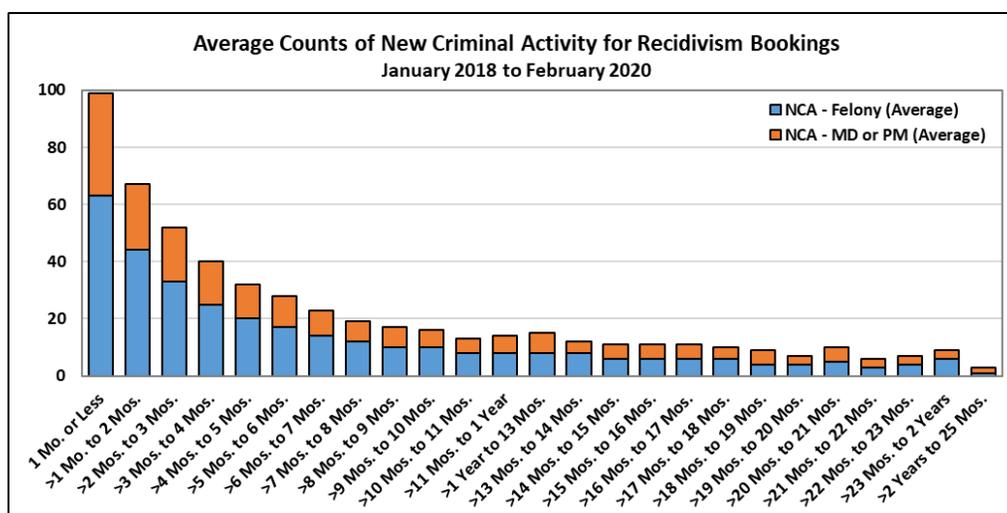


- During the first 3 months following release from the MDC, approximately 27.2% of inmates return to custody. Within 6 months, the rate increases to 38.4%. The recidivism rate increases over time, with 57.8% of inmates returning to custody for any booking within 21 months following release from the MDC.

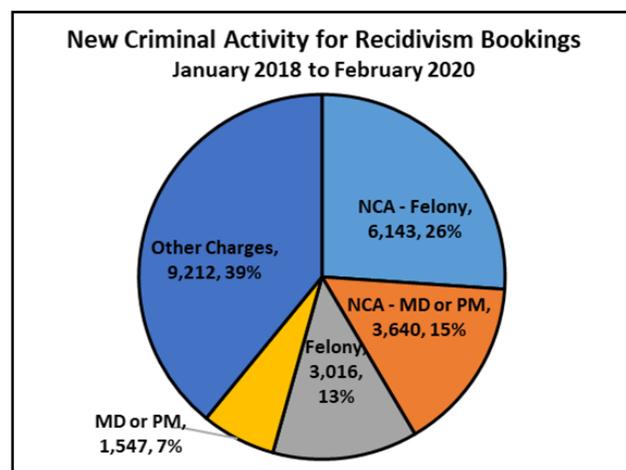


Monthly Recidivism, Continued

- Jail data was compiled and reviewed in order to assign a charge category to the recidivism bookings. While the jail and court data do not always match completely due to a variety of factors (such as the unavailability of codes for specific statutes, etc.) the jail data is still a good indicator of charge levels.
- The categories of charges created are intended to identify if an inmate is being booked on new criminal activity (NCA), being booked back into custody on a charge (such as an indictment), or coming into custody on something else.
 - There are five categories of charges available: NCA–Felony, NCA–MD or PM, Felony, MD or PM, and Other Charges.
- As the number of recidivism bookings decreases over time, the number of NCA–Felony and NCA–MD or PM declines. On average, within 1 month of release, 63 inmates were booked on a new felony and 36 inmates were booked on a new misdemeanor or petty misdemeanor. Between 1 and 2 months, 44 inmates were booked on a new felony and 23 on a new misdemeanor or petty misdemeanor. Between 7 to 8 months of releases, this decreases to 12 felony and 7 misdemeanor bookings and continues decreasing to 10 or less.



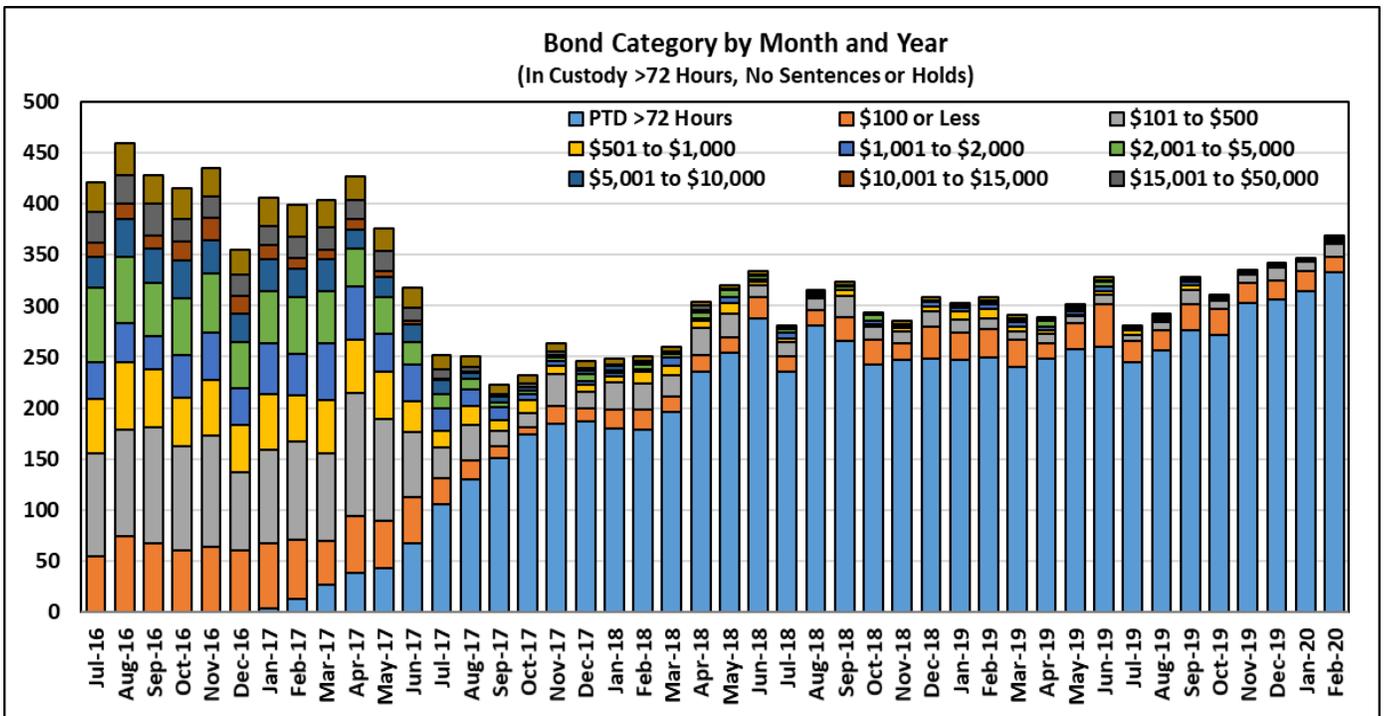
- Within the first 25 months of release from the MDC, there were 23,558 bookings for inmates released from custody. Of these bookings:
 - Just over 1 in 4 was for a new felony (26.1% or 6,143).
 - New misdemeanors and petty misdemeanors accounted for 15.5% (3,640) bookings.
 - Felony re-bookings accounted for 12.8% (3,016) bookings and misdemeanor or petty misdemeanor bookings accounted for 6.6% of bookings.
 - The largest category was for other charge types (39.1% or 9,212) which consist primarily of probation violations and warrants.



In Custody Bond Amounts

- On February 29, 2020, there were approximately 316 inmates in custody on a no bond hold that had a preventive detention motion either granted or still pending.²
- There were 36 individuals in custody 3 days or more who could be released from custody if all bonds were paid. This accounted for 2.4% of the confined population.
- This excludes any inmate on a hold or who were serving a sentence that would otherwise keep them in custody. This excludes those who had the option to bond out or release to a third party.
- For those in custody more than 3 days, those with \$100 or less in unpaid bonds³ represented approximately 41.7% (15) of the 36 inmates who could be released if all bonds were paid and less than 1% of the confined population.
- For those in custody greater than 3 days, inmates with bonds requiring payment of between \$101 and \$500 accounted for 36.1% (13) of those in on a bond and 0.8% of the confined population.

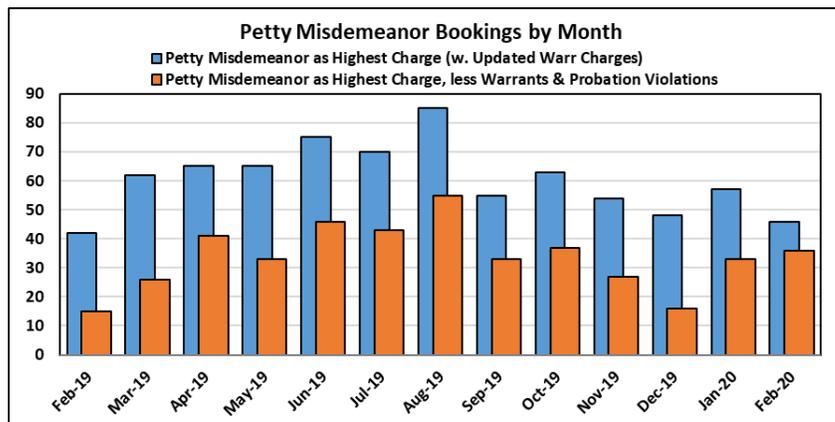
In Custody Bond Figures	Any LOS	LOS >72 Hours
\$100 or Less	23	15
\$101 to \$500	21	13
\$501 to \$1,000	4	2
\$1,001 to \$2,000	0	0
\$2,001 to \$5,000	3	1
\$5,001 to \$10,000	2	2
\$10,001 to \$15,000	0	0
\$15,001 to \$50,000	1	1
Over \$50,000	2	2
<i>Total</i>	56	36
Preventive Detention (Granted or Pending)	343	333
On-Site Population (End of Month)	1,519	



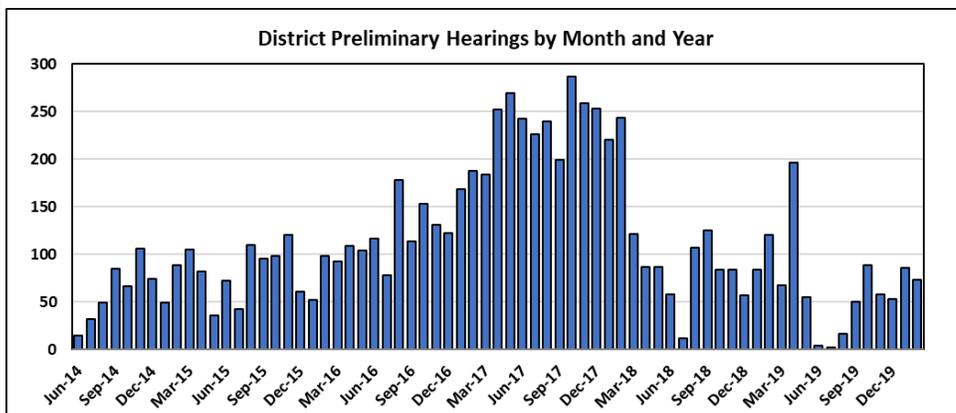
Over time, the number of individuals in custody who could be released if all bonds were paid, has decreased. The decrease in the higher categories, in particular, may have decreased due to the implementation of preventive detention. Lower bond amounts in particular, have been addressed by special hearings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

Petty Misdemeanor Bookings

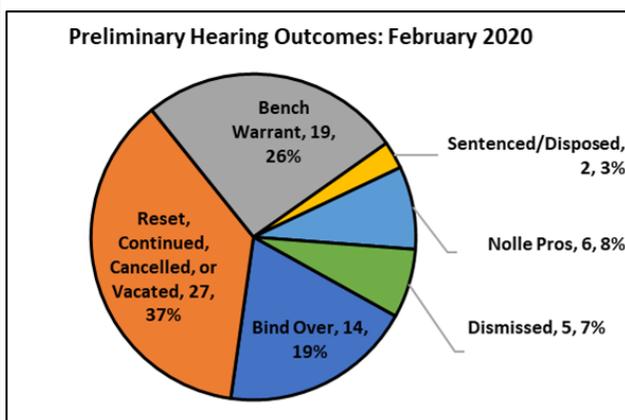
- Bookings at the MDC were reviewed for new charges with petty misdemeanors as the highest charge. Prior reporting excluded assault and battery charges, but these have been included in the current report. In addition, recent improvements to data processing² have improved data quality to provide more accurate counts of bookings without a warrant of probation violation.
- In February 2020, there were 46 bookings with a petty misdemeanor as the highest charge new charge (with and without warrants and probation violations). In 2019, there were an average of 62.
- In February 2020, there were 36 petty misdemeanor bookings as the highest new charge with no warrants or probation violations. In 2019, there were an average of 34.
- Petty misdemeanor bookings can include charges such as larceny, shoplifting, traffic violations, criminal trespass, public intoxication, battery, or assault.



District Preliminary Hearings



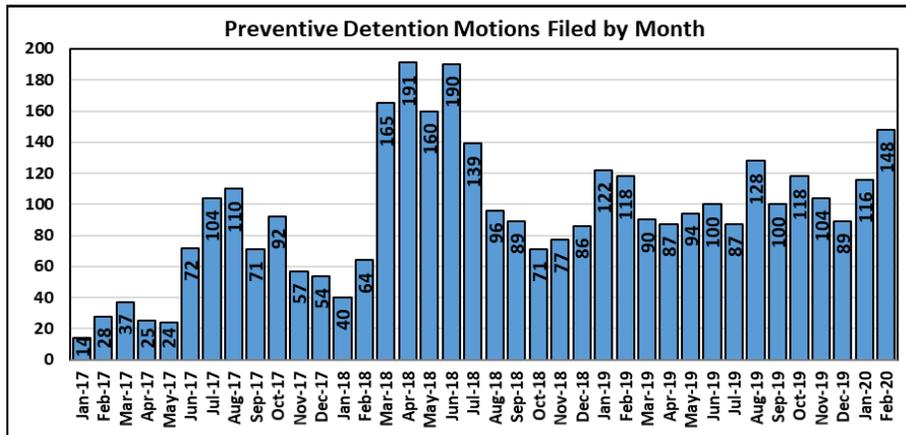
- During 2019, there were an average of 66 hearings per month. In January and February 2020, there have been an average of 80 per month.
- At the latest hearing for the 4,120 cases, approximately 51.7% (2,130) resulted in case resolution.



- During February 2020 there were 73 hearings. There were 13 hearings (17.8%) that were resolved (2 sentenced/disposed, 5 dismissed, and 6 nolle pros).
- Of the 73 hearings that occurred in February 2020, 14 (19.2%) resulted in a bind over.
- An additional 27 cases (37.0%) were reset, continued, cancelled, or vacated.
- There were 19 cases (26.0%) that resulted in a bench warrant.

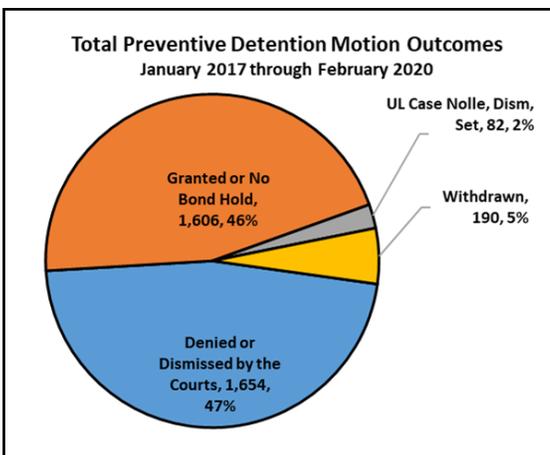
Preventive Detention Motions

From January 2017 through February 2020, there were approximately 3,557 motions for preventive detention filed for 2,959 individuals⁴. Some individuals have been in custody at the MDC on more than one booking and had more than one unique motion filed. This includes motions filed in both Metro and District Court. During the review of these



motions, the hearing outcomes were categorized based on the motion outcome.

The number of preventive detention motions filed by month during 2019 has ranged from 87 to 128. There were an average of 132 per month in 2020.



The preventive detention motions were filed for a variety of charge types, including shoplifting, burglary, auto theft, assault, and murder. On February 29, 2020, there were approximately 25 cases that had a motion still pending. These cases were removed from the monthly outcomes.

- Approximately 3% more motions were denied or dismissed by the courts than were granted (1,654 compared to 1,606).
- In 190 instances (5%) the motion was withdrawn, and in 82 (2%) the case for which the motion was filed was nolle'd, dismissed, or sentenced.

Notes

1. Bureau of Justice Statistics described recidivism in their *Recidivism of Sex Offenders Released from State Prison: A 9-Year Follow-Up (2005-14)* summary published May 2019. https://www.bjs.gov/content/pub/pdf/rsorsp9yfu0514_sum.pdf.
2. Recently data was processed for the jail bookings that included data located in a separate table in EJS, the jail management system used at the MDC. This helps to identify cases with warrants and probation violations that may not have been identified correctly with the more limited information previously available.
3. Cases were identified by the case number prefix as belonging to either BCMC cases or SJDC cases. Nearly all cases initiate in BCMC, so the first booking for a BCMC case is likely the first booking related to the criminal activity. However, subsequent bookings or bookings occurring in SJDC are unlikely to the first booking on a given case.
4. An inmate was considered in custody on a preventive detention motion if the motion had been granted or was pending on the last day of the month, the inmate had a hold on at least one case, and the inmate was not serving a sentence on any other case. 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 on multiple cases were combined to determine the total bond amount holding the individual.

The UNM - Institute for Social Research (ISR) is a leading provider of program evaluations and policy research in New Mexico. ISR staff members and faculty affiliates also have expertise in the fields of criminal justice, education, economics, substance abuse treatment programs, poverty and homelessness, domestic violence, employee workloads and staffing levels.

For more information on the ISR, please visit <http://isr.unm.edu/> or call