



Bernalillo County

Report Highlights:

- The COVID-19 Stay-at-home order began in March 2020.
- Prior to the Stay-at-home order, the MDC population was 1,525 on March 1, 2020. After the Stay-at-home order, the population was 1,183 on June 1, 2020, a decrease of 22.4%.
- The average LOS at the MDC decreased 19.3% from April to June 2020 (6.5 days).
- Bookings decreased in June 2020, from 1,265 in May to 1,125, an 11.1% decrease (140 bookings).

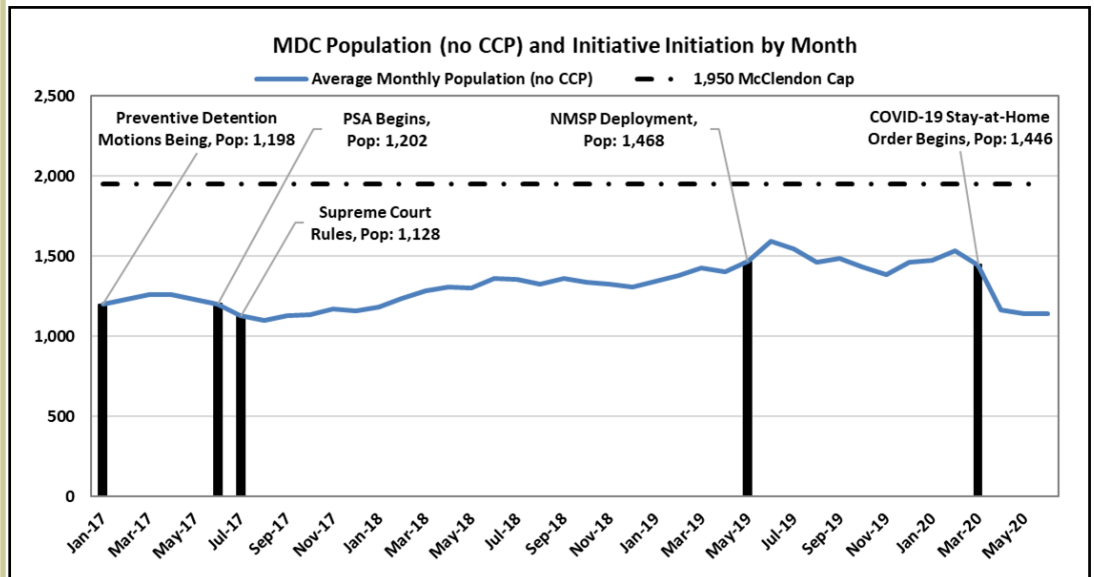
Prepared for Bernalillo County by the Institute for Social Research
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Quick Population Figures	Jun-19	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20
On-Site Average Male Population	1,300	1,194	1,242	1,181	962	958	995
On-Site Average Female Population	288	273	282	259	195	178	174
On-Site Average Infirmary	9	7	7	7	6	5	4
On-Site Average Daily Population (ADP)	1,597	1,474	1,531	1,447	1,163	1,141	1,173
Average Community Custody Program	83	59	69	68	70	65	53
Average Total Jail Population (w/CCP)	1,680	1,533	1,600	1,515	1,233	1,206	1,226
Monthly Bookings	2,358	2,039	2,094	1,634	1,121	1,265	1,125
Monthly Releases	2,294	2,018	2,026	1,885	1,314	1,193	1,101
Average Length of Stay (in Days)	18.9	24.8	22.4	24.8	33.7	30.6	27.2
Total Consecutive Days 1,950 or Less							2,058

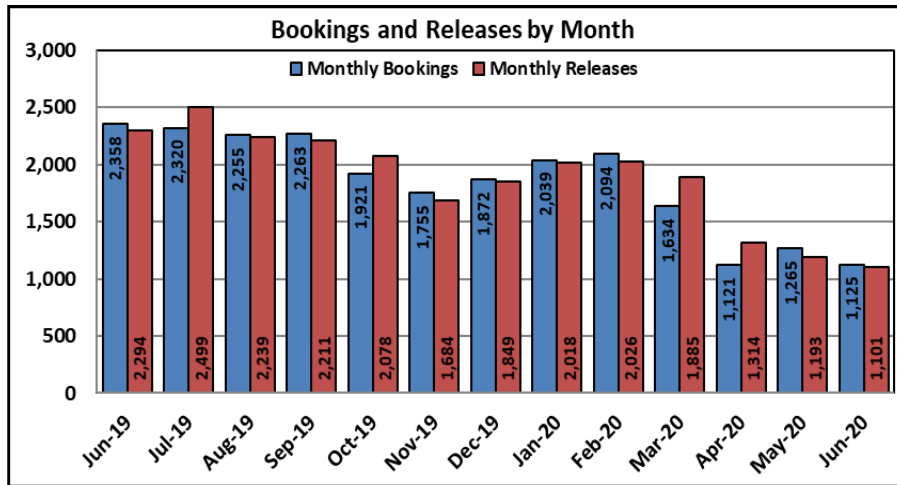
In response to COVID-19 in New Mexico, changes have occurred across the criminal justice system, including changes in how inmates are screened and housed, how hearings are scheduled and held, and what cases are indicted. There have been decreases in bookings and releases at the MDC and the population has decreased since March 2020. In March 2020, the on-site daily population was 1,446. In June 2020, the on-site daily population was 1,172, a decrease of 18.9% or 274 inmates.

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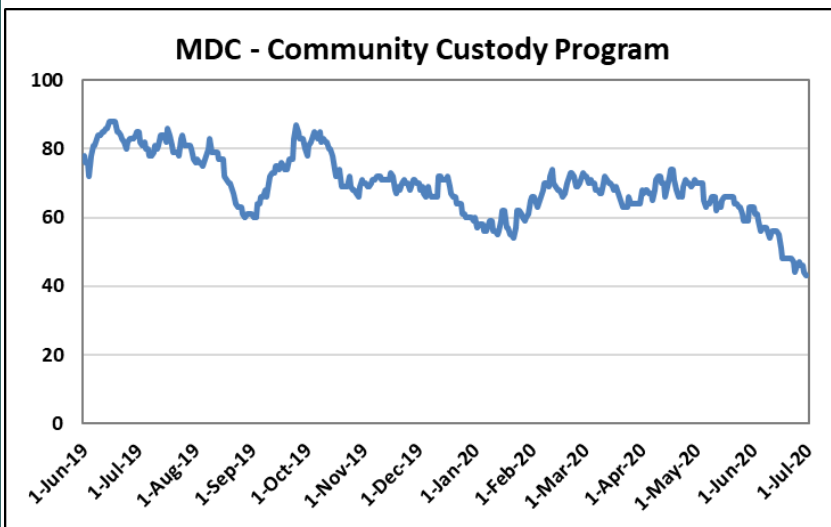


Bookings and Releases



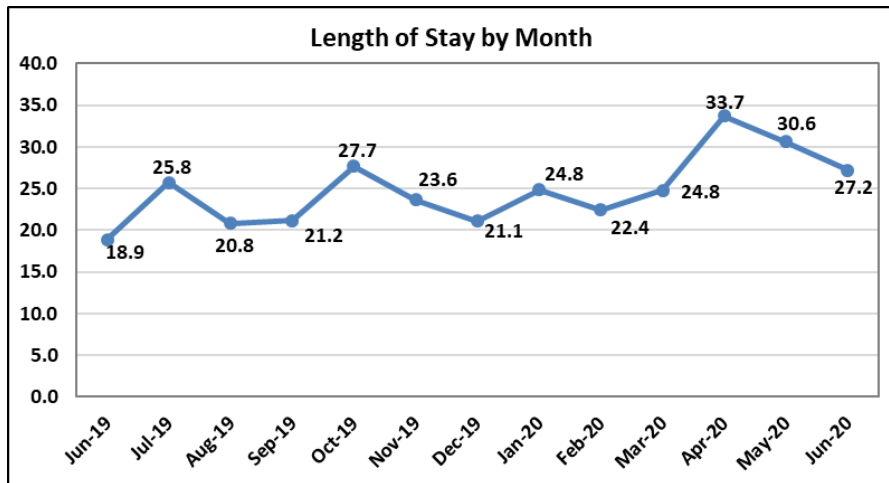
- As changes have occurred across the criminal justice system due to COVID-19, bookings and releases decreased beginning in March 2020.
- In February 2020, there were 2,094 bookings. In March 2020, there were 1,634 bookings, a decrease of 22.0% (460). In April, May, and June 2020, there have been between 1,121 and 1,265 bookings per month.
- In February 2020, there were 2,026 releases. In March 2020, there were 1,885 releases, a decrease of 7.0% (141). In April, May, and June 2020, there have been between 1,101 and 1,314 releases per month.

Community Custody Program



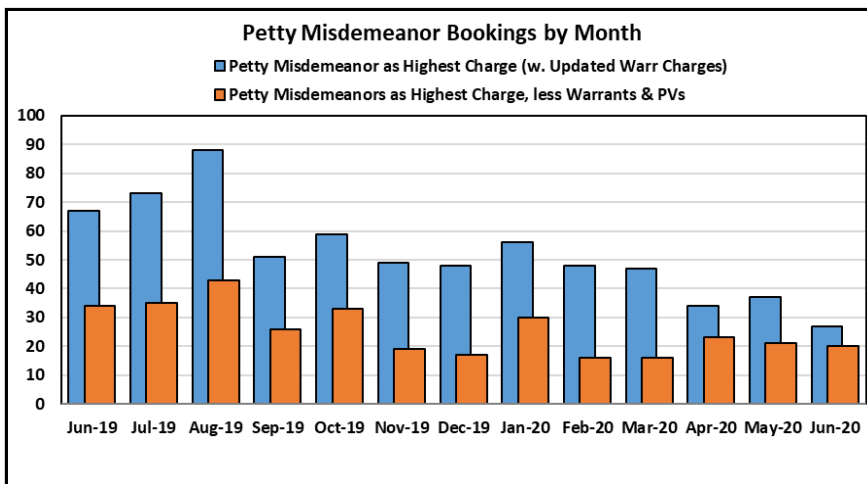
- The number of inmates on CCP remained steady from February 2020 to May 2020.
- In June 2020, the monthly average of inmates on CCP slightly decreased to 53 inmates on CCP.
- At the end of June 2019, the CCP population accounted for 5.0% of the total MDC population. On June 30, 2020, 3.4% of the MDC population were on CCP.

Length of Stay



- The average LOS increased from 24.8 days in March 2020 up to 33.7 days in April 2020, an increase of 35.9%. The LOS decreased 3.1 days (9.2%) from April to May 2020 and decreased 3.4 days (11.1%) from May to June 2020.
- The LOS in June 2020 was 27.2 days, 8.3 days (43.9%) higher than the LOS in June 2019.

Petty Misdemeanor Bookings



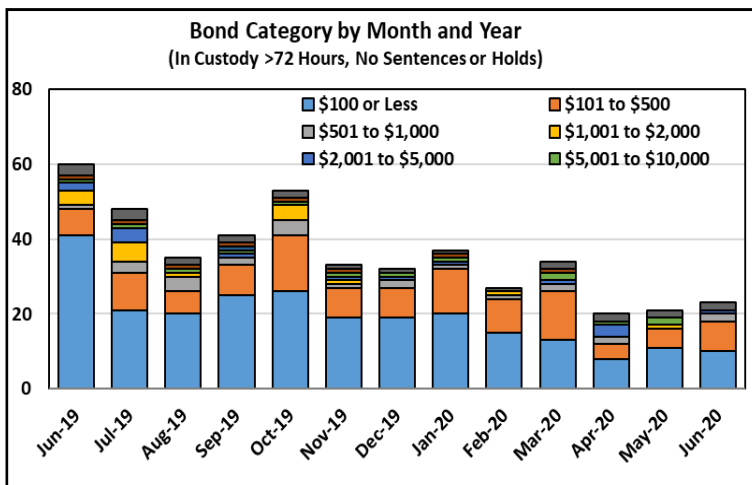
- Bookings at the MDC were reviewed to determine the highest charge on each booking. Recent improvements to data processing have improved data quality to provide more accurate counts of bookings without a warrant or probation violation.¹ Bookings are sorted by their highest charge and petty misdemeanors are analyzed separately, as described herein.

- The number of petty misdemeanor bookings (with and without warrants and probation violations) has decreased since March 2020 to June 2020.
- In June 2019, there were 67 bookings with a petty misdemeanor as the highest charge (with and without warrants and probation violations). In June 2020, there were 27, a 59.7% decrease from June 2019.
- In June 2019, there were 34 bookings with a petty misdemeanor as the highest charge without warrants or probation violations. In June 2020, there were 20, a 41.2% decrease from June 2019.
- Petty misdemeanor bookings can include charges such as larceny, shoplifting, traffic violations, criminal trespass, public intoxication, battery, or assault.

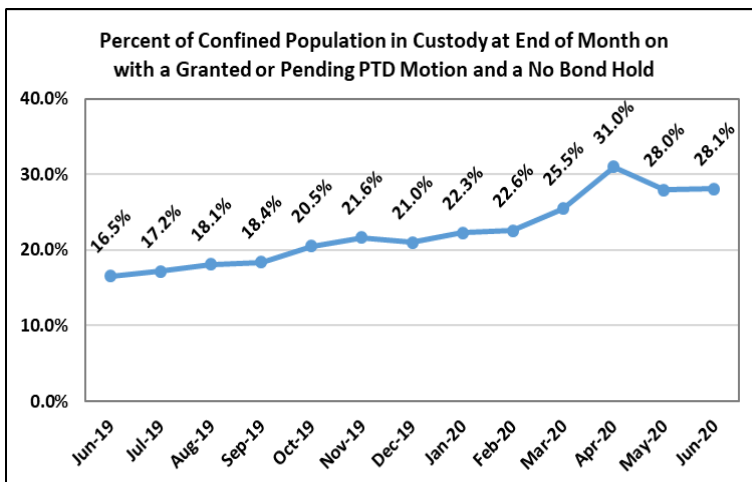
In Custody Bond Amounts

In Custody Bond Figures	Any LOS	LOS >72 Hours
\$100 or Less	13	10
\$101 to \$500	10	5
\$501 to \$1,000	2	1
\$1,001 to \$2,000	2	2
\$2,001 to \$5,000	1	1
\$5,001 to \$10,000	1	1
\$10,001 to \$15,000	0	0
\$15,001 to \$50,000	0	0
Over \$50,000	1	1
Total	30	21
Preventive Detention (Granted or Pending)	349	349
On-Site Population (End of Month)	1,243	

- Excluding inmates on hold or serving a sentence, there were 21 individuals in custody three days or more who could be released from custody if all bonds were paid. This accounted for 1.7% of the confined population at the end of June 2020.
- For those in custody for more than three days, and those with \$100 or less in unpaid bonds represented approximately 47.6% of the 21 inmates who could be released if all bonds were paid (<1% of the confined population).

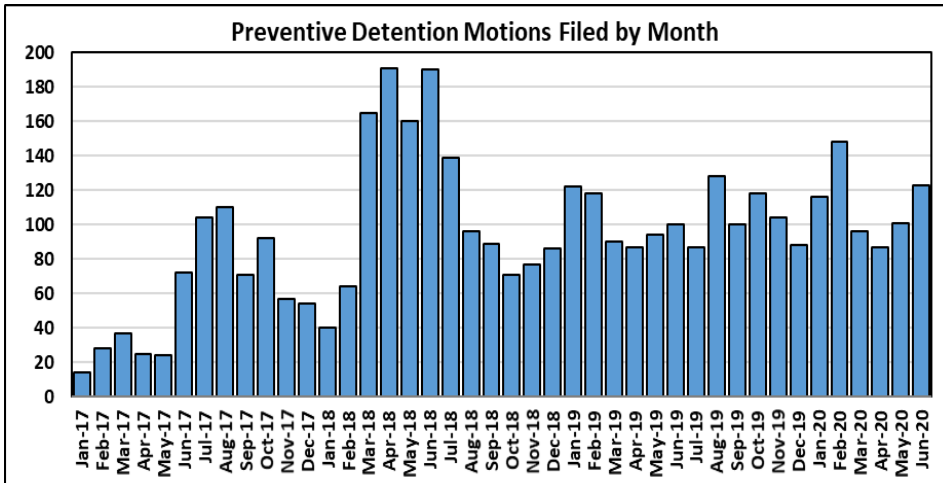


- For those in custody greater than three days, and those with bonds between \$101 and \$500, represented 23.9% (5) of the those in on a bond (<1% of the confined population).
- Overall, 15 inmates out of 21 inmates in custody longer than three days had total bonds requiring a payment of \$1,000 or less.



- On June 30, 2020, there were approximately 349 inmates in custody on a no bond hold that had a preventive detention motion either granted or still pending.²
- On May 31, 2020, 28.0% of the confined population were in custody with either or pending preventive detention motion. On June 30, 2020, the percent of those individuals slightly increased to 28.1%.
- On June 30, 2019, 16.5% of the confined population had a preventive detention motion granted or pending. On June 30, 2020, it was 28.1%, a 70.3% increase.³

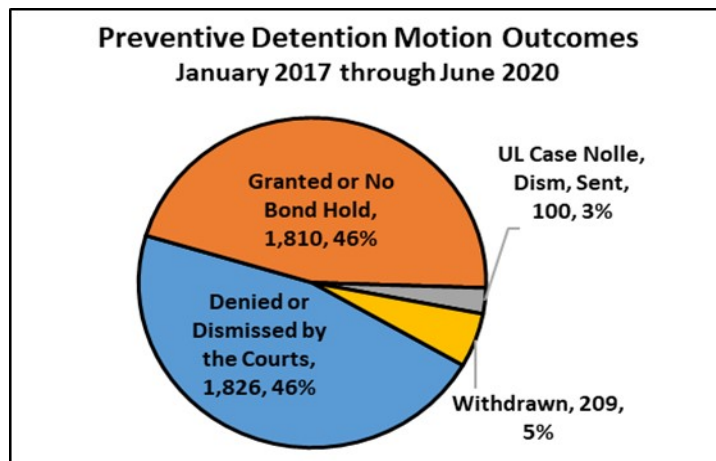
Preventive Detention Motions



From January 2017 through June 2020, there were approximately 3,968 motions for preventive detention filed for 3,329 individuals⁴. This includes motions filed in both Metro and District Court.

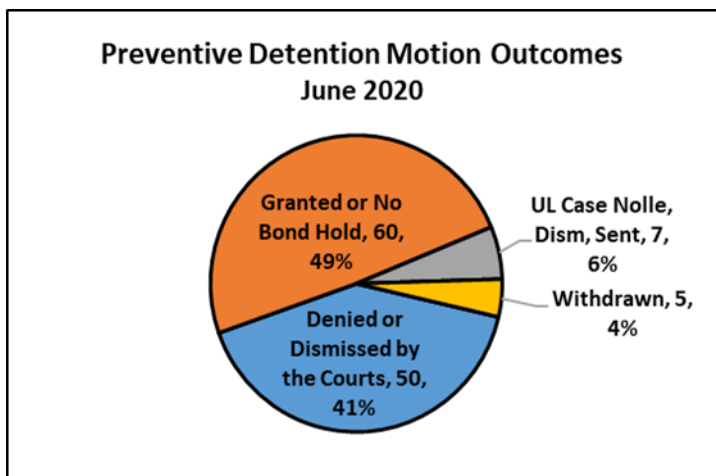
During 2019, the number of PTD motions filed ranged from 87 to 128. In 2020 the number of motions filed by month has

ranged from 87 to 148 with an average of 112 per month. There were 124 motions filed in June 2020.



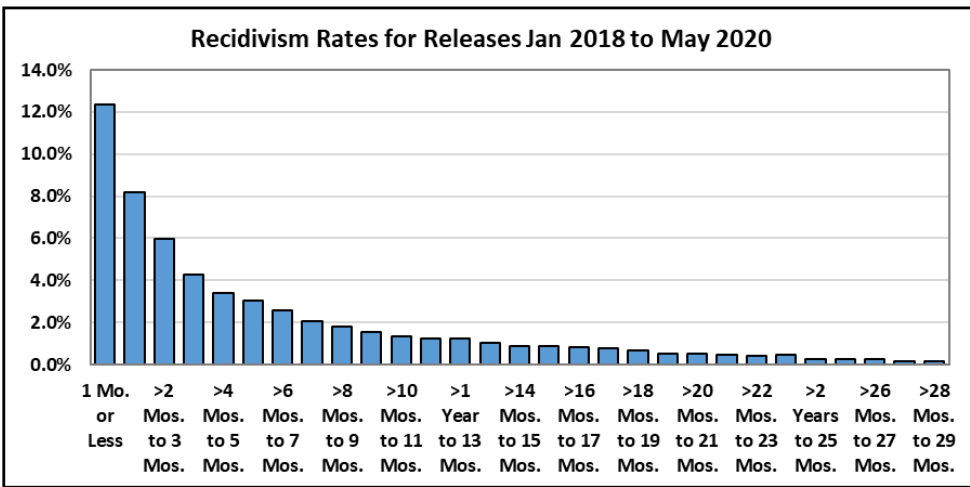
The preventive detention motions were filed for a variety of charge types, including shoplifting, burglary, auto theft, assault, and murder. On June 30, 2020, there were approximately 24 cases that had a motion still pending. These cases were removed from the monthly outcomes.

- From January 2017 through June 2020, there were an equal percentage of cases that were granted and that were denied or dismissed by the courts. (46%).
- During this same time frame, in 209 cases (5%) the motion was withdrawn, and in 100 (3%) the case was nolle'd, dismissed, or sentenced.
- In June 2020, more motions were granted than were denied 49% or 60 compared to 41% or 50. There were 5 motions that were withdrawn (4%) and 7 motions (6%) where the underlying case was nolle'd, dismissed, or sentenced.

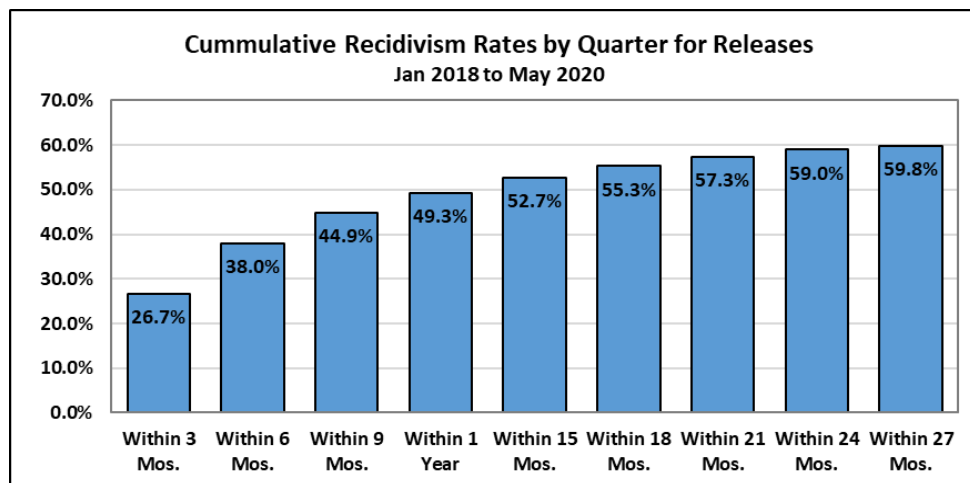


Monthly Recidivism

- According to the Bureau of Justice Statistics⁵, 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.
- 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 March 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 measure of failure is any new booking into the MDC.

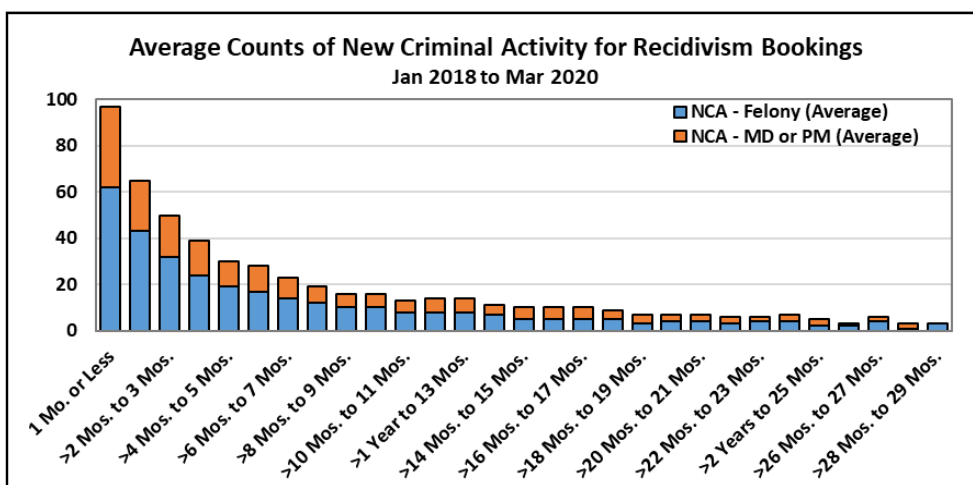


- Within the first month following release from the MDC, an average of 12.5% of inmates are booked again. An additional 8.2% were booked between 1 and 2 months from release, and 6.1% were booked between 2 and 3 months. After 8 months, the percent of inmates being rebooked into the MDC was 2% or less per month.



- During the first 3 months following release from the MDC, approximately 26.7% of inmates return to custody. Within 6 months, the rate increased to 38.0%. The recidivism rate increased over time, with 59.8% of inmates returning to custody for any booking within 27 months following release from the MDC.

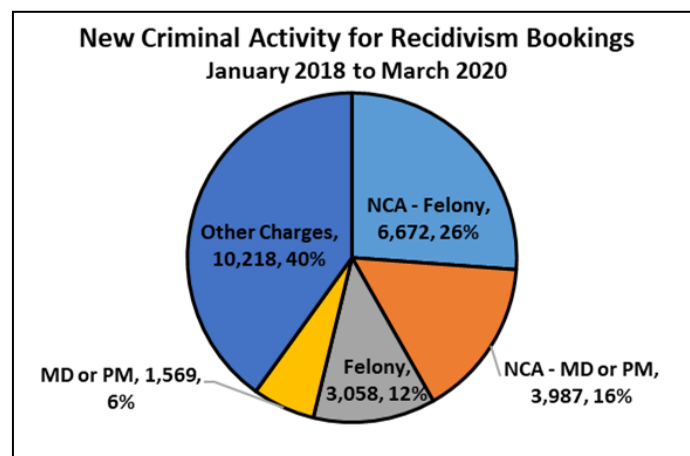
- Jail data was reviewed to assign a charge category to the recidivism bookings. While the jail and court data do not always match due to a variety of factors (such as the unavailability of codes for specific statutes, etc.) jail data is a good indicator of charge levels.
- The categories of charges are intended to identify if an inmate is being booked on new criminal activity (NCA), booked on a charge (such as a subsequent booking), or coming into custody on something else (such as a warrant or probation violation).
 - There are five categories of charges available: NCA—Felony, NCA—MD or PM, Felony, MD or PM, and Other Charges. If it is the first an individual is booked on the charge, it is considered NCA. Any subsequent bookings are not NCA.



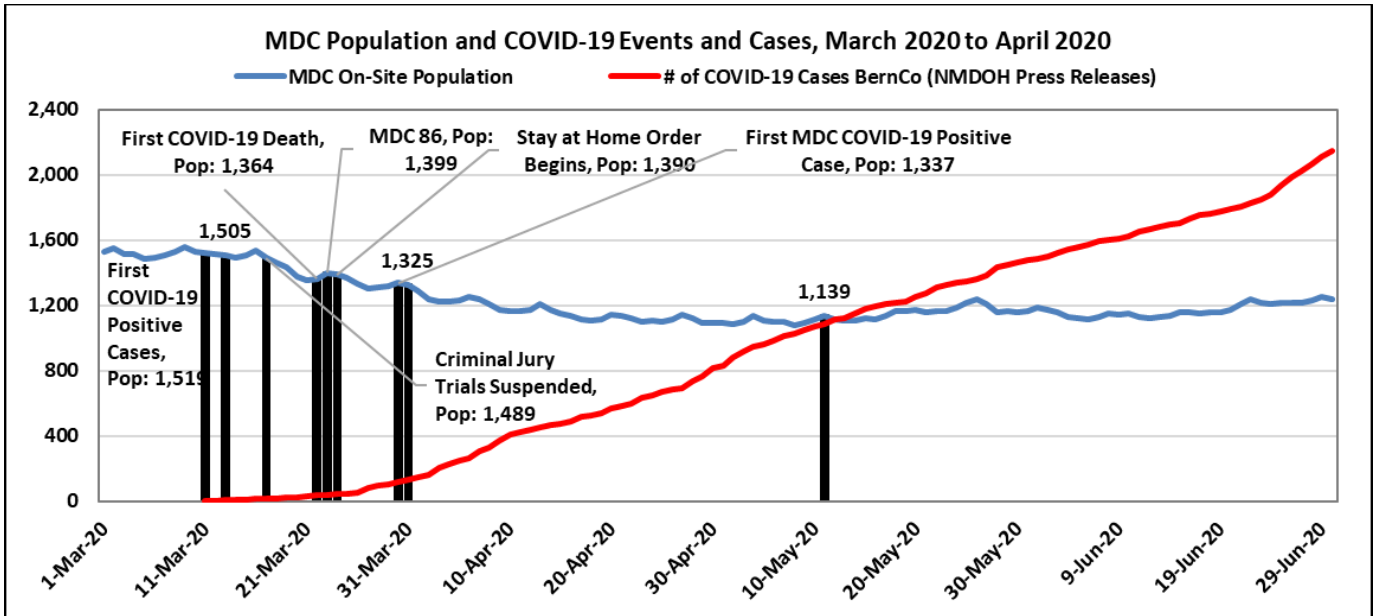
- As the number of recidivism bookings decreases over time, the number of NCA—Felony and NCA—MD or PM declines. On average, within 1 month of release, 63 inmates were booked on a new felony and 36 inmates were booked on a new misdemeanor or petty misdemeanor. Between 1

and 2 months, 43 inmates were booked on a new felony and 22 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 fewer per month.

- Within the first 27 months of release from the MDC, there were 25,504 bookings for inmates released from custody. Of these bookings:
- Just over 1 in 4 was for a new felony (26.2% or 6,672).
- New misdemeanors and petty misdemeanors accounted for 15.6% (3,987) bookings.
- Felony re-bookings accounted for 12.0% (3,058) bookings and misdemeanor or petty misdemeanor bookings accounted for 6.2% (1,569) of bookings.
- The largest category was for other charge types (40.1% or 10,218) which consist primarily of probation violations and warrants.



MDC Population and COVID-19



In Bernalillo County, the COVID-19 pandemic has affected the number of bookings and releases at the MDC. The number of bookings and releases have decreased since the stay-at-home order was issued. Additionally, the LOS has been affected, with an increase in April 2020, then decrease in LOS from April to June 2020.

The New Mexico Department of Health reports the number of positive COVID-19 cases, seen in the graph above. On March 1, 2020, the MDC on-site population was 1,525. On March 24, 2020, when the stay-at-home order was issued, the MDC on-site population decreased to 1,390. By April 30, 2020, the on-site population decreased once more to 1,095. The MDC population has slightly increased in May and June 2020. On June 30, 2020, the MDC on-site population was 1,238.

NOTES

1. 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.
2. 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.
3. 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.
4. Some individuals have been in custody at the MDC on more than one booking and had more than one unique motion filed.
5. 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.

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