



## WHAT YOU SHOULD KNOW ABOUT COUNTY JAILS

**Steve Kopelman, New Mexico Counties Executive Director  
For the Legislative Finance Committee  
July 10, 2019**

- Detention center issues are the most challenging ones facing NM counties today;
- New Mexico laws place full legal responsibility on counties to operate jails and to detain all individuals charged with crimes within the county or convicted and sentenced to less than a year (these statutes were originally adopted in 1865-1866 and have been only minimally changed since then);
- New Mexico counties operate 27 adult and eight juvenile detention facilities;
- Detention operations consume on average one of every three general fund dollars, and counties spend over \$250 million per annum on a recurring basis for detention operations alone and over \$40 million on medical costs alone (which does not include capital costs, liability claims, and reserve requirements);
- Bernalillo County has been under a federal court decree for nearly 25 years, and spends approximately \$70 million on an annual recurring basis for its detention operations, and another \$8 million for debt service;
- Counties spend well over \$50 million a year to house state inmates, e.g., probation and parole violations and individuals convicted of felonies and awaiting transport to the state penitentiary (reimbursement from the state is just over \$2 million);
- County jails are de facto mental health hospitals—counties are under an obligation to house and care for large numbers of mentally ill individuals and those with substance abuse problems; on August 28, 2018, there were 2,102 individuals in our jails receiving mental health services, and 1,621 on psychotropic medications;

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- In addition to mental illness, many inmates have co-occurring disorders such as drug and alcohol addiction, and on any given day there are several dozen people on suicide watch or detoxification protocols; those incarcerated in our jails also have a greater prevalence of chronic medical conditions than the general population;
- The overwhelming majority of the lawsuits against county governments with settlement/jury verdicts in excess of \$1 million have been detention center claims, and reinsurance for claims alleging failure to provide adequate medical or mental health services is very difficult to obtain;
- County jail population tends to be higher than in most other states because of the 364-day rule; for many years New Mexico was one of two states in the entire country that had more individuals in county jails than in the state prisons;
- There is virtually no municipal obligation for jails notwithstanding the fact that approximately half of all county inmates were arrested by municipal police within city boundaries;
- New Mexico Counties has adopted and implemented a statewide adult detention accreditation program, and to date Chaves, Curry, Dona Ana, Roosevelt, San Juan, San Miguel, Santa Fe, and Valencia Counties have achieved accreditation;
- The SJM 4 (2015) task force developed six interrelated recommendations regarding clinically appropriate housing options for individuals with serious mental illness who are in custody in county detention centers;
- HJM 17 (2011) created a task force to develop humane and effective strategies to serve people with mental health disorders and to provide alternatives to incarceration;
- HJM 4 (2011) identified 14 practices, programs, and policies that could increase efficiencies in the criminal justice system and reduce the burden on county jails;

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- New Mexico Counties has been working for several years with CYFD on juvenile detention training programs, including an MOU with CYFD and the Supreme Court to expand the JDAI program (juvenile detention alternatives initiative);
- NMC has provided a wide array of training programs for county detention staff including National Institute of Corrections programs, suicide prevention seminars with national experts, crisis intervention training, mental health first aid training, and comprehensive train the trainer program with the NM Corrections Department;
- Length of stay studies commissioned by New Mexico Counties and developed by the New Mexico Sentencing Commission found, among other things, that the median length of stay increased since the last study by 31% for arrestees who spent their entire stay in an unsentenced status (average 147 days); median length of stay increased by 2.8% (to 181 days); arrestees charged only with misdemeanors spent a median of 80 days in jail; those booked on probation violations in district court spent a median of 70 days in an unsentenced status; arrestees booked on warrants in district court spent a median of 114 days in an unsentenced status; and 123 arrestees in these seven jails had a median length of stay of 761 days;
- Further analysis showed that simply having a mental illness increases length of stay by 36 days and having a very serious mental health diagnosis increases median length of stay by 121 days when compared with inmates charged with the same crime who are the same age and gender; when competency is challenged the median length of stay is 332 days if found competent and 537 days if found incompetent.

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