



Inmate Classification at NMCD

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Summary: LFC Classification Report, July 2020

- Classification is the backbone of the prison system.
- NMCD has yet to implement several industry standard practices to ensure its classification system works.
- Inmates are frequently classified at higher security levels than indicated by NMCD's scoring tool.

60%

Portion of new inmates scoring at minimum security, 2014-2016.

29%

Portion of the population currently housed in minimum security.

Critical Outstanding Questions

- Are the deviations from the scoring tool justified by safety concerns?
- Or is the system unnecessarily limiting access to minimum security?

\$28 million

Annual cost to taxpayers of the deviations from the scoring tool, according to LFC estimates

Background: The Consequences of Inadequate Classification

- 1980: A riot at the Penitentiary of New Mexico left 33 inmates dead.
- 1999: Violence at the Guadalupe County Correctional Center in Santa Rosa included assaults, a riot, and the murders of an inmate and a correctional officer.
- The primary goal of the classification system today is to prevent these events and to place inmates at a security level where they won't pose a safety threat.
- Misclassification in either direction should be avoided.

NMCD's Current Population

- Most inmates are housed in medium security
- Costs generally go up with security level

Table 1: NMCD Inmates by Custody Level, FY19

Custody Level		Average Population	Estimated Annual Cost-Per-Inmate
Level I	Minimum Security	146	\$38,191
Level II		2,000	\$27,443
Level III	Medium Security	3,691	\$37,135
Level IV	Maximum Security	719	\$82,624

Note: All Springer inmates are assumed to be Level II; all Western New Mexico inmates are assumed to be Level III

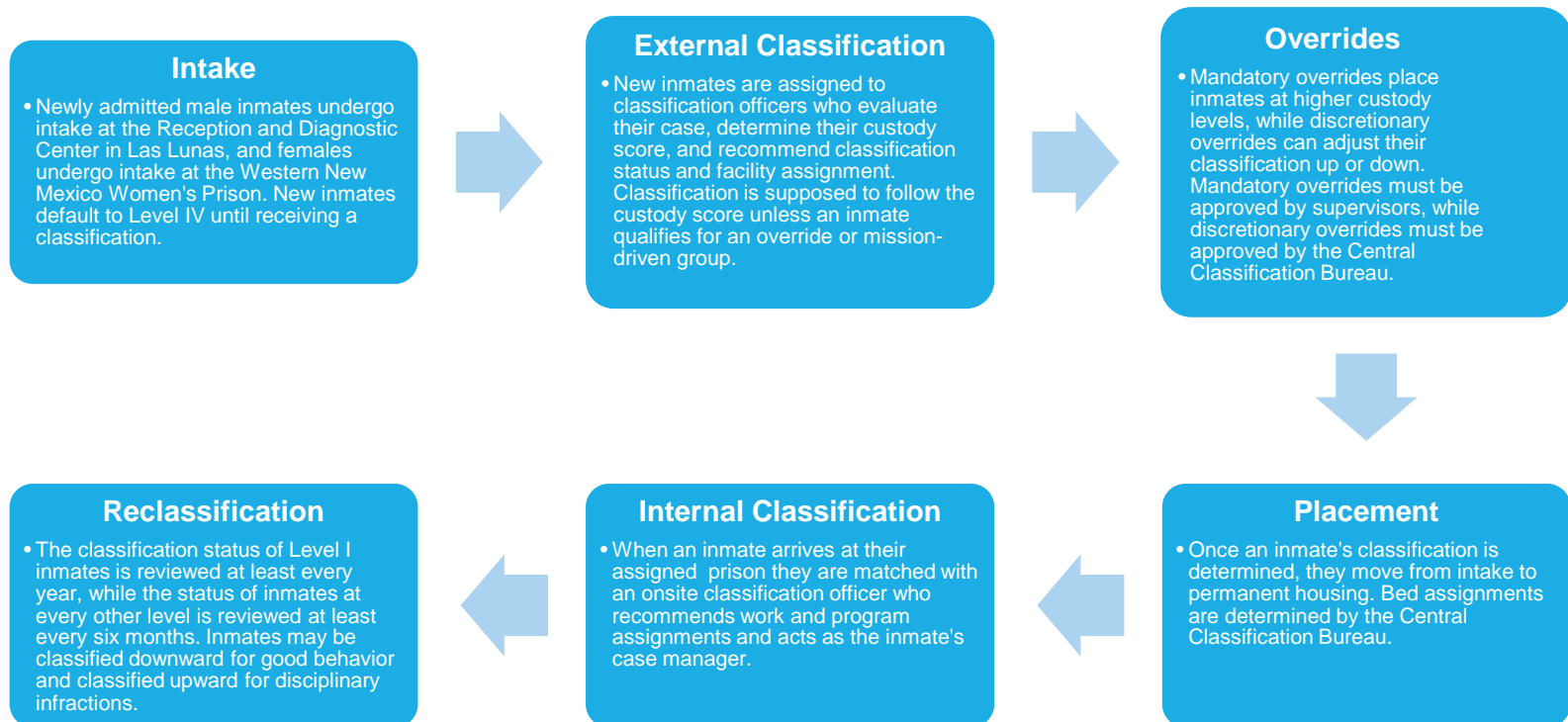
Source: LFC Analysis of NMCD data

Table 2: New Mexico State Prisons

Facility	Capacity	Occupancy, FY20	Custody Levels	Location
Publicly Operated				
Central New Mexico Correctional Facility	1221	70%	I, II, IV, Restricted Housing, Long Term Care Unit, Mental Health Treatment Center	Los Lunas
Northeast New Mexico Correctional Facility	628	73%	III	Clayton
Penitentiary of New Mexico	861	85%	II, IV, Restricted Housing, Predatory Behavior Management Unit	Santa Fe
Roswell Correctional Center	340	67%	II	Hagerman
Springer Women's Correctional Center	437	72%	I, II	Springer
Southern New Mexico Correctional Facility	768	85%	II, III, IV, Restricted Housing	Las Cruces
Western New Mexico Women's Correctional Facility	423	88%	III, IV	Grants
Privately Operated				
Guadalupe County Correctional Facility	590	98%	III, Restricted Housing	Santa Rosa
Lea County Correctional Facility	1293	96%	II, III, Restricted Housing	Hobbs
Northwest New Mexico Correctional Center	728	87%	II, III	Grants
Otero County Prison Facility	647	92%	III, Restricted Housing	Chaparral

Source: NMCD

NMCD's Classification Process



Best Practices

- NMCD's classification system is generally based on best practices, but it doesn't follow industry standards in several key areas:
 - Proven reliability and validity
 - Use of overrides
 - Monitoring and evaluation

NMCD's Custody Scoring Tool

- The custody score is the foundation of the classification system.
- Because the tool has never been validated, we don't know if it accurately assesses risk.
- NMCD's classification system is again under court oversight through *Duran*, requiring the department to validate its tools.

Table 5: NMCD's Custody Scoring Tool

Scoring Factor	Predictive?
History of institutional violence and discipline	✓
Severity of current conviction	✗
Escape history	✗
Prior felony convictions	✗
Severity of prior convictions	✗
History of alcohol or drug abuse	✗
Age	✓
Gang membership or activities	✓

Source: ISR

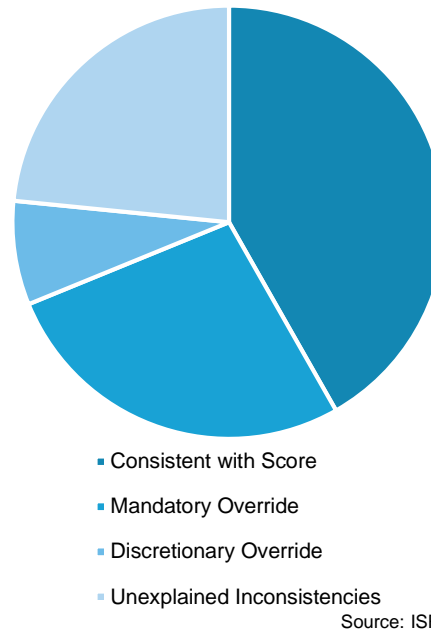
NMCD's Ongoing Classification Work with ISR at UNM

- Began in 2016 due to internal concerns about the efficacy of the system.
- To continue through 2022 in compliance with the 2019 *Duran* settlement.
- Will include additional modifications to the tool and development of gender-specific tools.

Key Finding: Most Classifications Don't Follow the Custody Score

- Nearly **60%** of classification decisions from 2014 to 2016 were either subject to overrides or inconsistent with custody scores for unknown reasons.

Figure 7: Most Classifications Deviated from Custody Score



Overrides and Inconsistent Classifications

- Inmates who score at minimum security are frequently housed at medium security instead.
- Why? High rates of mandatory overrides and classification that don't follow the custody score but without documented justification.

Table 6: Initial Custody Scores v. Final Housing Assignments

Custody Level	Percentage of Initial Custody Scores, 2014-16	Percentage of Total Population Housed, FY20	Average Number of Inmates, FY20
Level I	13.2%	2%	143
Level II	48.1%	27%	1780
Level III	34.4%	52%	3492
Level IV	4.4%	10%	695
Predatory Behavior Management Program	n/a	3%	213
Restrictive Housing	n/a	3%	229
Health Units	n/a	2%	104

Source: ISR, NMCD

Mandatory Overrides

- Mandatory overrides limit certain inmates' access to lower security levels as a matter of policy.
- They should only move inmates up in custody level relative to their score.
- Based primarily on the nature of the offense, escape risk, or medical and behavioral health limitations at prisons.

27%

*Portion of classifications
subject to mandatory
overrides, 2014-2016*

5% - 15%

*Industry standard rate for
both discretionary and
mandatory overrides*

Common Mandatory Overrides

Table 8: Leading Justifications for Mandatory Overrides

Override Type	Rate	Custody Implications
Medical / Mental Health Restriction	24%	Level I → II or Level II → III
Felony / Detainer / Under Criminal Investigation	14%	Level II → III
File Lacks Presentence or Police Reports	14%	Not an official override
More Than 2.5 Years to Projected Release	12%	Level I → II
Current or Previous Conviction Involving Sex Crime or Children	12%	Level I → II
Active Misdemeanor or ICE Detainer	10%	Level I → II
More than 4 Years to Projected Release	8%	Level II → III

Source: ISR, NMCD

Key Finding: Unexplained Departures from the Custody Score

- Nearly a quarter of classifications did not follow the inmate's custody score but without an override or other documented justification.
- 99% of these moved inmates to higher security levels.
- If the system is working as intended, you shouldn't have any classifications in this category much less such a large amount.

Minimum-Security Units are at Low Capacity Relative to Medium Security

Table 11: Medium-Security Units Are Near Capacity			
Custody Level	Capacity	Estimated Average Population, FY20	Occupancy
Level I	336	143	43%
Level II	2,196	1,780	81%
Level III	3,790	3,492	92%
Level IV	837	695	83%
Level VI	288	213	74%
Restrictive Housing	335	229	68%
Health Units	154	104	67%

Source: LFC analysis of NMCD CBC counts

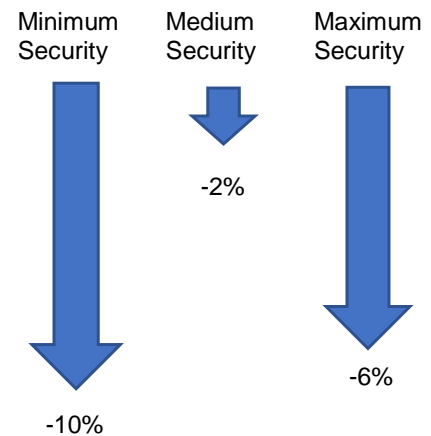
Key Questions for the Validation Study

- Is the current custody scoring tool an inadequate assessment of risk, thus necessitating the frequent use of mandatory overrides?
- Or, are overrides unnecessarily restricting access to minimum security and resulting in the overclassification of some portion of the population?
- NMCD should scrutinize overrides based on assumptions about escape risk in particular.
 - Escapes are very rare. Since 2009, NMCD has only reported one.
 - NMCD applies some of these overrides in a more blunt way than other states.

Why Do We Need Answers?

- Without confidence in its classification system, NMCD can't effectively plan for the future and minimize costs to taxpayers.
- Classification reform is happening in the context of a changing prison system.
 - Population declined 5% in FY20
 - Public prisons are aging and becoming increasingly expensive to operate and maintain.
 - Deferred maintenance expected to reach \$300 million in 2021.

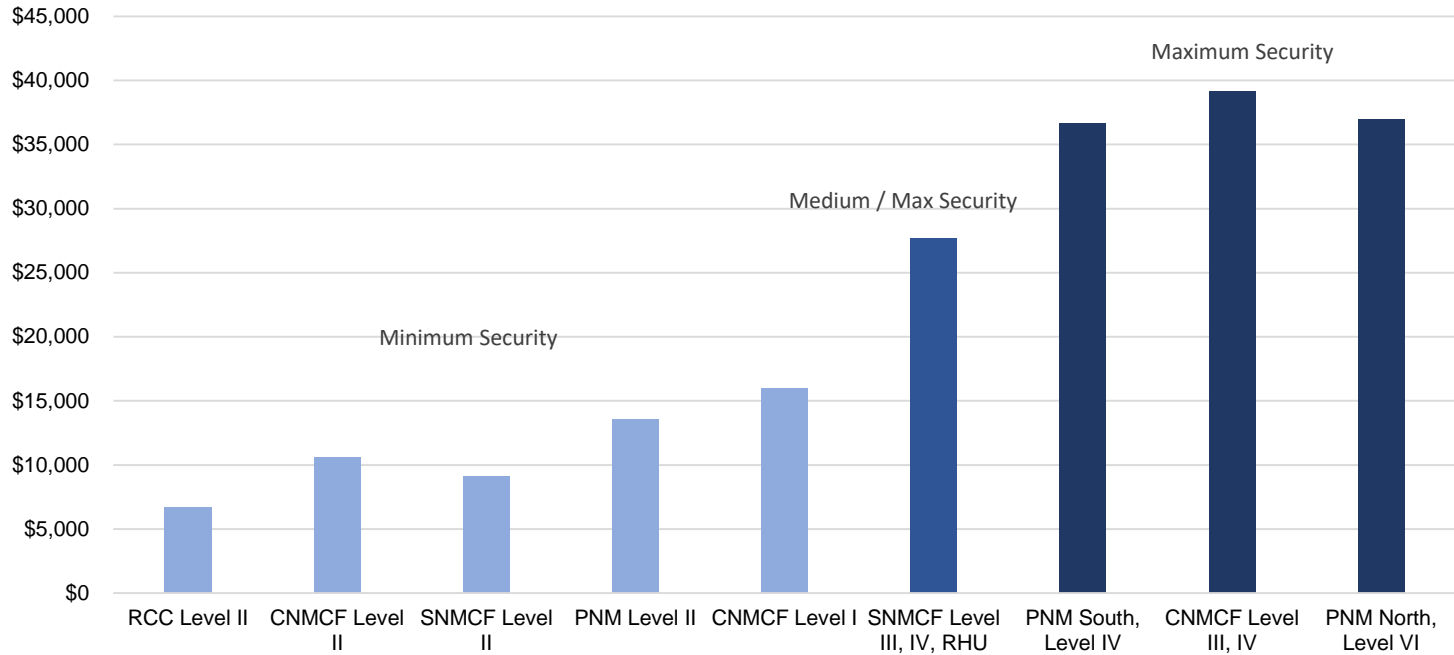
Figure 12: Decline in Inmate Population by Custody Level, FY19-FY20



Source: LFC analysis of NMCD data

The Costs of Classification Decisions are High

Figure 14: Public Prison Custody Cost-per-Inmate, FY19



Cost Implications, Cont.

Table 15: Potential Cost Savings of Expanding Access to Minimum-Security Units

Security Level	Avg. Annual Cost per Inmate	FY19 Avg. Population	Total Annual Cost	Population Adjusted for Initial Custody Score Rates	Total Annual Cost	Savings
Level I	\$38,191	146	\$5,575,836	852	\$32,549,135	-\$26,973,298
Level II	\$27,443	2000	\$54,886,060	3147	\$86,359,922	-\$31,473,862
Level III	\$37,135	3691	\$137,066,355	2229	\$82,776,047	\$54,290,309
Level IV	\$82,624	719	\$59,406,587	328	\$27,084,116	\$32,322,471
Total		6556	\$256,934,838	6556	\$228,769,219	\$28,165,619

Source: LFC analysis of NMCD population count and SHARE data

Recidivism

- Recidivism rates are high and costly in New Mexico.
 - 50% in FY18
 - 54% in FY19
- Expanding access to minimum security could help to reduce recidivism.
- Inmates in more secure facilities tend to engage in misconduct at higher rates and have higher recidivism rates.

Conclusion: Next Steps

- Determine whether access to minimum security can be safely expanded.
- Conduct more robust ongoing monitoring of the classification system to catch and correct issues.

Questions?

