

ACTION PLAN

Submitted by agency?	Yes
Timeline assigned?	No
Responsibility assigned?	No

Corrections Department

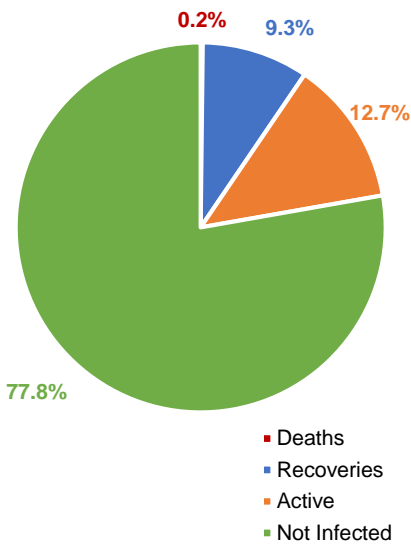
In the first quarter of FY21, the Corrections Department (NMCD) reported significant improvements in prison violence and vacancy rates among correctional officers and probation and parole officers. Unfortunately, historical issues in performance reporting for several significant measures, including overall recidivism, make it difficult to compare this quarter’s performance with that of previous years or quarters.

About 22 percent of New Mexico’s prison population has been infected with Covid-19, with 13 percent of the population actively infected in November. Every one of the state’s 11 prisons has had at least one case, six have had more than 10 percent of their population infected, and 11 inmates have died. Otero County Prison Facility, which saw the system’s first outbreak, currently has no active cases but almost 90 percent of the population was infected and four men died as a result. At Roswell Correctional Center, 94 percent of the population is currently infected and one man has died.

NMCD conducts surveillance Covid-19 testing of a minimum of 5 percent of inmates and 50 percent of staff members each week inmates, tests all inmates at intake and prior to release, conducts daily screenings of inmates for Covid-19 symptoms (such as fever), and tests all symptomatic inmates. The agency conducts contact tracing, testing, and separation for positive cases, including rapid response testing for close contacts. When contact with a positive case is close, rapid response testing is initiated. Troublingly, the performance of the department’s medical vendor has dropped significantly during this crisis, and the vendor failed to meet six of its performance measures in the first quarter of FY21, including three directly linked to respiratory health.

New Mexico’s prisons held an average of 6,175 inmates in October, including 5,594 men and 581 women, a decrease of 0.6 percent over September but 11.6 percent compared with October 2019. Since December 2018, the total prison population has fallen 15.2 percent.

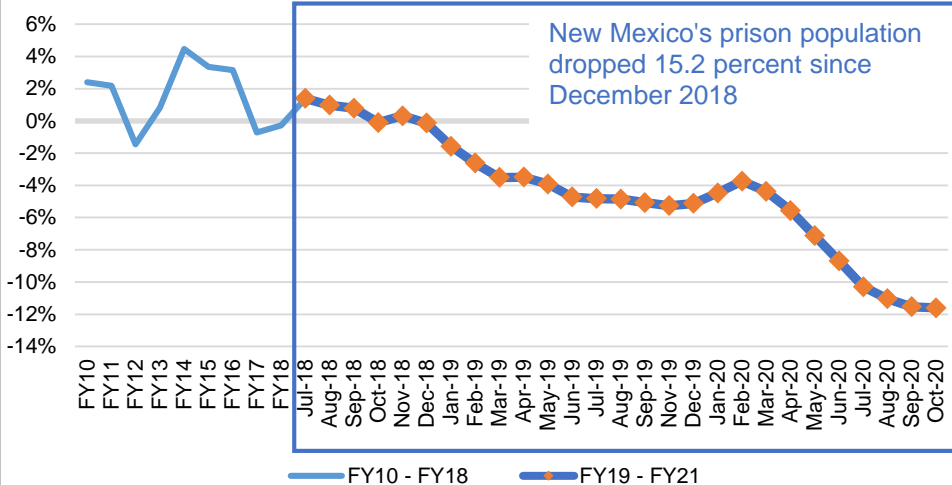
NM Prison Population Covid-19 Infection Status



Data as of 11/19/2020

Source: NMCD

NMCD Inmate Population, Year-over-Year Percent Change FY10 through October 2020 (FY21)



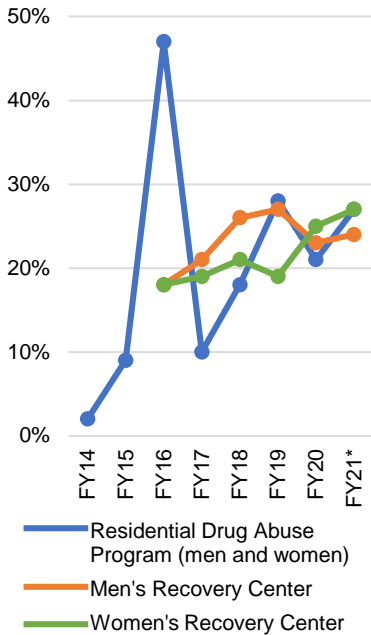
Source: Sentencing Commission

Inmate Management and Control

In its first report for FY21, NMCD clarified that several of its most significant measures had been calculated incorrectly for years and revised these calculations. Unfortunately, failure to provide historic data for the department’s overall three-year recidivism rate and measures related to release-eligible inmates and inmate education render these long-term measures effectively useless, as there is nothing to compare them to.

This quarter, NMCD reported its overall three-year recidivism rate had been reported incorrectly since 2016, due to a database error that erroneously counted all intakes to the parole system as prison

Recidivism Rates of NMCD Drug Treatment Programs



*as of FY21 Q1

Source: LFC files, NMCD

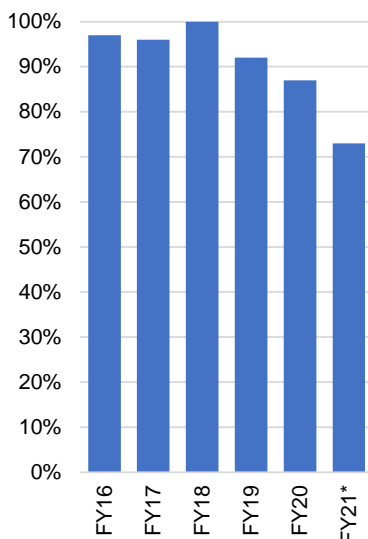
admissions for purposes of calculating reincarceration rates. The agency has corrected this issue, and reported a recidivism rate of 42 percent for the first quarter of FY21. Unfortunately, because the department has not yet been able to provide corrected historical data on this measure, it is not clear if this quarter's result represents an increase or decrease from previous recidivism levels. However, measures of recidivism due to new or pending charges and due to technical violations (which were not impacted by this error) did increase this quarter compared with FY20, suggesting overall recidivism is likely increasing as well.

The recidivism rate of RDAP graduates is extremely volatile (ranging between 2 percent and 47 percent since FY14), prompting data quality concerns and making it difficult to judge the program's efficacy. Although the program is evidence based, it is not known how well it has been implemented. This quarter, the department reported RDAP's recidivism rate rose 3 percentage points over the last quarter of FY20.

Inmate-on-inmate and inmate-on-staff assaults requiring outside medical treatment (previously referred to as assaults resulting in serious injury) showed significant improvements this quarter, with just one inmate-on-inmate assault and no inmate-on-staff assaults. NMCD could not provide an explanation for these significant changes.

NMCD saw huge improvements in vacancy rates among public correctional officers (which dropped 8 percentage points since last quarter) and private correctional officers (which dropped 13 percentage points). NMCD did not provide an explanation for these significant quarter-over-quarter changes, but has been focused on improving vacancies in the long term through changes to recruitment, screening, and training techniques.

Percent of Standard Healthcare Requirements Met by Medical Contract Vendor

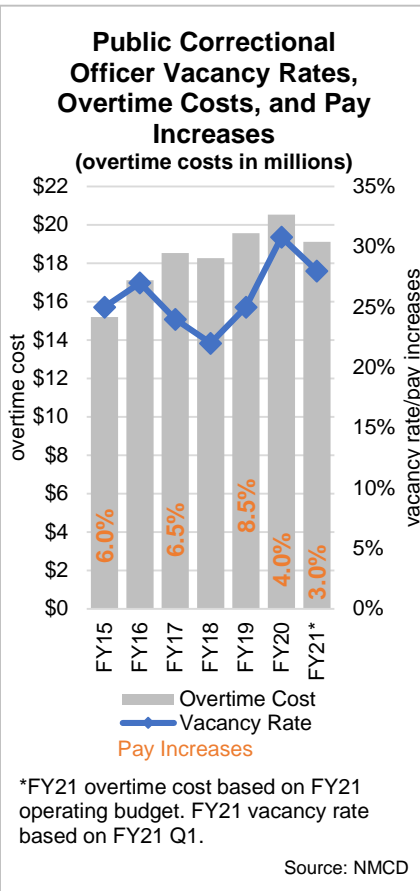
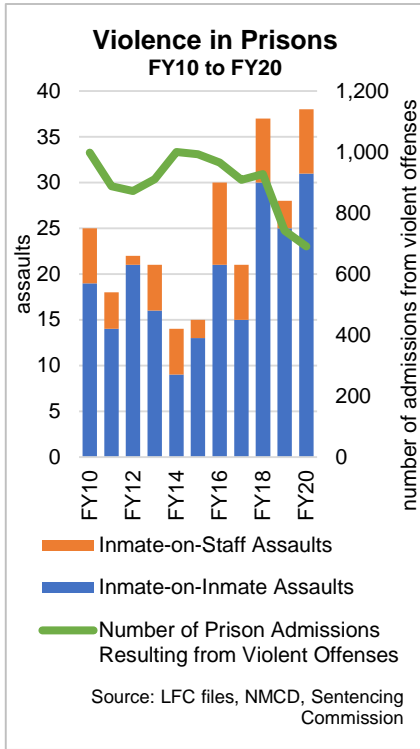


*as of FY21 Q1

Source: LFC files, NMCD

In mid-FY20, NMCD entered into a contract for inmate healthcare that increased its costs by about 20 percent (or approximately \$10 million annually) but appears to have resulted in significantly worse performance. In FY18 and FY19, the department's previous contractor met 100 percent and 92 percent of standard healthcare requirements. In the first quarter of FY21 (the first period for which data covering solely the new vendor is available), only 73 percent of standard healthcare requirements were met. The requirements the medical contractor failed to meet included measures related to flu vaccination, pneumococcal vaccination (pneumococcus is one of the most common causes of severe pneumonia), and asthma medication and adherence, failures that are especially troubling while prison facilities are overrun by a pandemic that targets the respiratory system.

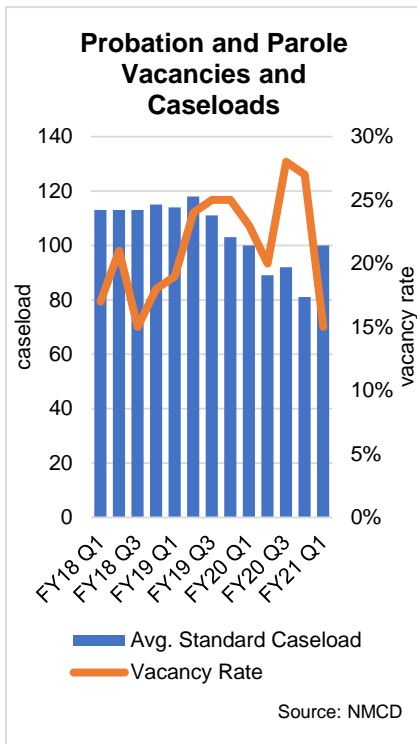
As of September 30, NMCD reports 2,670 inmates were infected with hepatitis c, about 43 percent of the total prison population. During the fourth quarter of FY20 and the first quarter of FY21, 65 inmates were treated for hepatitis c, and the department reports a cumulative treatment success rate of 69 percent. To date, NMCD has expended \$401 thousand of its \$22 million special appropriation for hepatitis c treatment on diagnostic equipment and on a memorandum of understanding with the Department of Health (DOH) to provide NMCD assistance setting up and implementing a 340b drug pricing program. The department has also spent \$2.1 million from other funding sources for hepatitis c drugs and the cost of hepatitis-c-related laboratory testing. Since the initiation of this project, NMCD has successfully quantified the number of infected inmates using laboratory test results, developed and approved clinical guidelines for the elimination of hepatitis c in prisons, and worked with DOH to qualify 10 of its 11 prison facilities as covered entities under the 340b drug pricing program.



	FY19 Actual	FY20 Actual	FY21 Target	FY21 Q1	FY21 Q2	FY21 Q3	Rating
Budget: \$299,283.7 FTE: 2,044							
Percent of prisoners reincarcerated within 36 months	54%	54%	45%	42% ¹			Y
Percent of prisoners reincarcerated within 36 months due to new charges or pending charges	15%	12%	17%	14%			G
Percent of sex offenders reincarcerated on a new sex offense conviction within 36 months of release on the previous sex offense conviction ²	1%	2%	15%	0%			G
Percent of residential drug abuse program graduates reincarcerated within 36 months of release*	28%	21%	N/A	27%			
Number of inmate-on-inmate assaults resulting in injury requiring off-site medical treatment	25	31	15	1			G
Number of inmate-on-staff assaults resulting in injury requiring off-site medical treatment.	3	7	0	0			G
Percent of release-eligible female inmates still incarcerated past their scheduled release date	9.4%	7.7%	6%	0.1% ³			R
Percent of release-eligible male inmates still incarcerated past their scheduled release date	9.3%	6.4%	6%	1.5% ³			R
Vacancy rate of correctional officers in public facilities	25%	31%	20%	28%			R
Vacancy rate of correctional officers in private facilities	NEW	46%	20%	18%			G
Percent of eligible inmates enrolled in educational, cognitive, vocational and college programs	76%	62%	68%	35%			
Percent of participating inmates who have completed adult basic education* ⁴	78%	77%	N/A	6.3% ⁴			R
Percent of eligible inmates who earn a high school equivalency credential ⁴	78%	77%	80%	6.3% ^{4,5}			R
Number of inmates who earn a high school equivalency credential	139	134	150	43			R
Percent of standard healthcare requirements met by medical contract vendor	92%	87%	100%	73%			R
Percent of random monthly drug tests administered to at least ten percent of the inmate population that test positive for drug use*	2.9%	2.5%	N/A	1.7%			
Program Rating							R

*Measures are classified as explanatory and do not have targets.

1. This quarter, NMCD reported its overall three-year recidivism rate had been reported incorrectly since 2016, due to a database error that erroneously counted all intakes to the parole system as prison, admissions for purposes of calculating reincarceration rates. The agency has corrected this issue but has not provided corrected historical data and this quarter's result cannot be compared to previous years. However, because recidivism is increasing in other measures that were not impacted by this error, it is likely this measure is increasing, and it is therefore rated red.
2. NMCD reported this measure had previously been miscalculated, changed the calculation for FY21, and provided corrections to FY19 and FY20 reports.
3. NMCD reported this measure had previously been miscalculated, changed the calculation for FY21, but did not provide corrected historic reports. LFC and DFA analysts believe NMCD's altered calculation is incorrect (the original calculation is correct), so these measures are currently rated red pending clarification or recalculation.
4. NMCD reported this measure had previously been miscalculated, changed the calculation for FY21, but did not provide corrected historic reports. Previously, these measures were both calculated as the pass rate of the high school equivalency test; now, they are both reported as the percent of inmates enrolled in adult basic education who pass the high school equivalency test and therefore earn the credential.

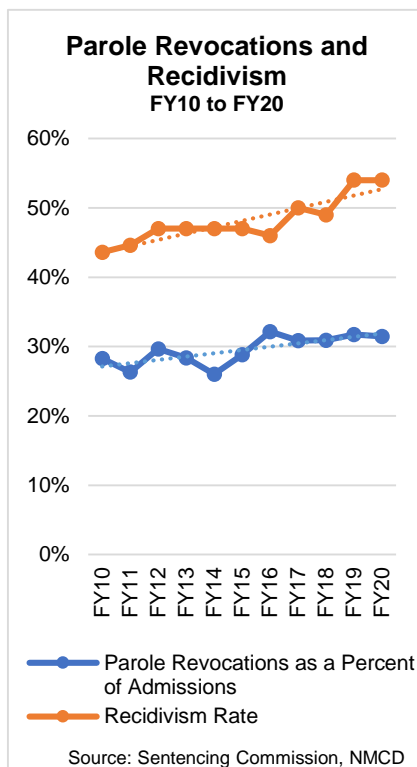


Community Offender Management

The vast majority of parole revocations can be attributed to substance abuse or technical parole violations. Between FY19 and FY20, the share of parole revocations resulting from technical violations declined, suggesting the department may be making some improvements in this area. In FY20, technical violations accounted for 72 percent of parole revocations, compared with 94 percent in FY19, and comprised 23 percent of overall prison admissions, compared with 30 percent in FY19. However, in the first quarter of FY21, the percent of prisoners reincarcerated within 36 months of release due to technical parole violations more than doubled compared with FY20, from 13 percent to 28 percent.

In the third quarter of FY20, the vacancy rate among probation and parole officers reached its highest rate since the department began reporting this measure, and remained similarly high in the fourth quarter. This quarter, however, the rate dropped 12 percentage points to the lowest level since the third quarter of FY18. The reasons for these volatile shifts in vacancies are unclear.

It is difficult to determine the effectiveness of NMCD's substance-abuse treatment services in the community because the department only reports recidivism rates for two programs: the men's and women's recovery centers, which serve only a small fraction of the offenders in need of such treatment. These programs use an inpatient therapeutic community model which the department's FY19 community corrections program inventory defined as research-based, but has experienced mixed results. Recidivism rates for these men and women graduating from these programs increased 5 percentage points and 7 percentage points, respectively, between FY16 and FY20. In the first quarter of FY21, male graduates' recidivism rate rose 2 percentage points over the last quarter of FY20 and was slightly above its FY21 target, while the recidivism rate of female graduates was steady with the fourth quarter of FY20 but well above the department's FY21 target for this measure.



	Budget: \$40,010.2	FTE: 380	FY19 Actual	FY20 Actual	FY21 Target	FY21 Q1	FY21 Q2	FY21 Q3	Rating
Percent of prisoners reincarcerated within 36 months due to technical parole violations			15%	13%	14%	28%			R
Percent of graduates from the women's recovery center who are reincarcerated within 36 months			19%	25%	19%	27%			R
Percent of graduates from the men's recovery center who are reincarcerated within 36 months			27%	23%	23%	24%			Y
Average standard caseload per probation and parole officer			110	91	103	100			G
Percent of contacts per month made with high-risk offenders in the community			98%	96%	97%	95%			Y
Vacancy rate of probation and parole officers			24%	25%	20%	15%			G
Program Rating			Y	Y					Y