

**ACTION PLAN**

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

**49%** of New Mexico's prison population has contracted Covid-19, compared with **30%** across other state correctional systems and the federal Bureau of Prisons.

**Corrections Department**

Covid-19 has ravaged New Mexico's prison population, but results from the Corrections Department's (NMCD) vaccine rollout are somewhat encouraging. The pandemic continues to severely impact NMCD's performance, resulting in decreased prison violence but also reduced opportunities for inmate education. The prison population continues to fall as admissions drop, but increased parole revocations for technical violations have resulted in a much larger share of admissions off parole than in prior years. NMCD is facing the possibility of significant changes to its facilities as it prepares to transition Springer Correctional Center.

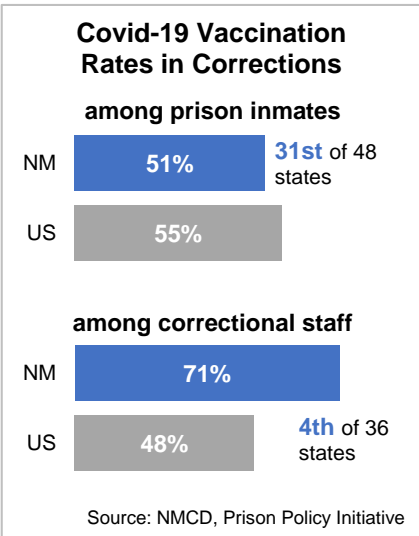
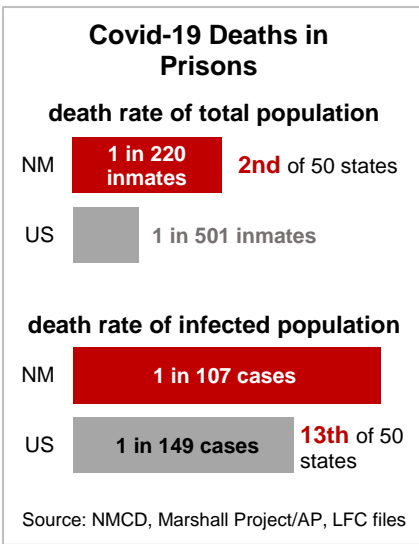
New Mexico's prisons have seen much higher rates of infection and death during the Covid-19 pandemic than most other states' prison systems. Covid-19 infection has been so widespread throughout the state's prison system that an inmate in New Mexico was more than twice as likely to die from Covid-19 than the national average. Covid-19 was also 40 percent more likely to be fatal in New Mexico's prisons compared with the U.S. prison system as a whole.

However, New Mexico is making progress rolling out vaccines within the correctional system. NMCD reports 51 percent of inmates (2,920 individuals) and 83 percent of staff working in prison facilities have received at least one dose of the Covid-19 vaccine. Compared against an analysis of staff vaccinations by the Prison Policy Initiative in April, New Mexico had the fourth-highest overall rate of vaccinations of correctional staff out of 36 states and the federal Bureau of Prisons at 71 percent (inclusive of staff inside and outside prison facilities). Unfortunately, NMCD's vaccination rate among inmates lags behind the national average. NMCD continues to encourage vaccinations among staff and inmates to allow it to safely resume normal operations and aims to vaccinate all interested inmates by June 1 before embarking on a field campaign to facilities with the lowest vaccination rates. Overall, the department aims to vaccinate at least 70 percent of inmates. Currently, there is only one active Covid-19 case.

New Mexico's prisons held an average of 5,876 inmates in April, including 5,332 men and 544 women, a decrease of 0.5 percent compared with March and 12.1 percent lower than April 2020. Notably, the women's population increased month-over-month by 10 inmates, or 1.9 percent, after increasing by six inmates for the first time in over a year in March. Since December 2018, the total prison population has fallen by 19.3 percent. As a result of sharply declining prison populations, NMCD has had an average of almost 1,600 beds unoccupied in FY21 to date.

Population declines are driven by reductions in prison admissions. A total of 561 individuals were admitted to prison in the third quarter of FY21, a decrease of 3.3 percent compared with the second quarter. In the first three quarters of the year, 1,749 people were admitted to prison, a 24 percent reduction compared with the first three quarters of FY20. The majority of this reduction is a result of decreased admissions of individuals for new offenses, which have fallen 30 percent year-to-date compared with FY20, but admissions due to parole revocations only fell 5 percent.

**Inmate Management and Control**



In March, NMCD announced plans to cease using the Springer Correctional Center (SCC) as a prison in two to three years. Currently, 67 state employees and 22 contract employees serve the facility, which houses just over 200 minimum-security female inmates. Although NMCD reports there are both beds for SCC inmates and positions for SCC employees at its other facilities, concerns from the community regarding the potential economic impact of simply closing the prison have prompted an extended timeframe. NMCD reports that the executive does not intend to close the facility but rather expects to transition it to another use, such as a transitional living center or inpatient substance-use-disorder treatment.

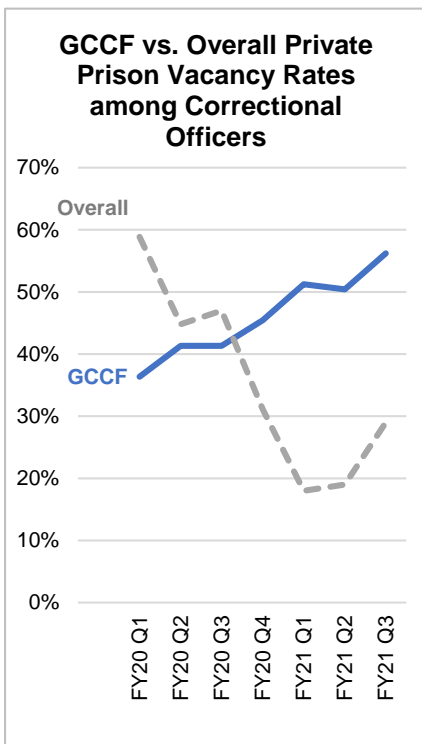
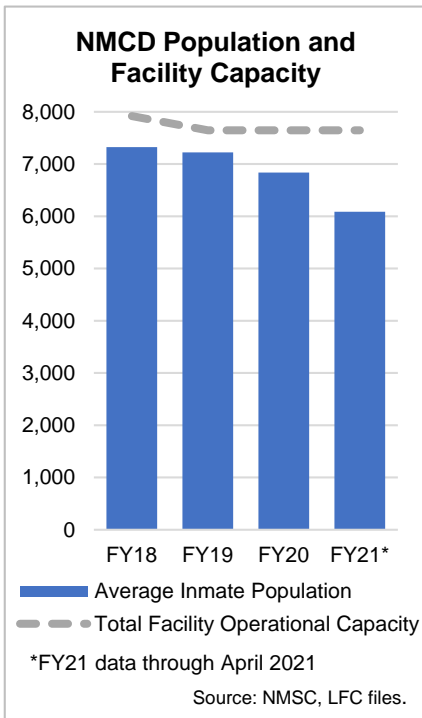
Vacancy rates among correctional officers employed by private facilities rose 10 percentage points between the second and third quarters, in part driven by the loss of 7 officers at the Guadalupe County Correctional Facility (GCCF), after NMCD staff and the local police department uncovered evidence that a significant number of officers were bringing contraband into the facility. Faced with a vacancy rate of 56 percent among correctional officers at the facility in the third quarter, NMCD began reducing the inmate population at the 590-bed facility to less than 300 inmates to ensure the prison could be operated safely. At the beginning of May, the Geo Group informed NMCD and Guadalupe County that it intends to close GCCF and terminate its agreement to operate the facility in August unless new terms can be negotiated, such as increasing its compensation per prisoner and reducing penalties for insufficient staffing. NMCD and Geo are currently engaged in negotiations over the continued operation of the facility.

NMCD reports just one inmate-on-inmate assault and two inmate-on-staff assaults requiring off-site medical treatment occurred in the third quarter, maintaining FY21's significant decrease in prison violence compared with prior years. While NMCD has previously cited drug deals between inmates as a primary cause of increasing or decreasing prison violence, analysis of prior years' assaults and rates of drug use among inmates casts doubt on this hypothesis. Restrictions on inmate activity and movement due to the Covid-19 pandemic, as well as a lack of large congregate groups of inmates due to reduced sizes of classes and other programs, may account for FY21's unusually low levels of violence; however, the fourth quarter of FY20 – the beginning of the pandemic – saw nine assaults, significantly exceeding any quarter in FY21.

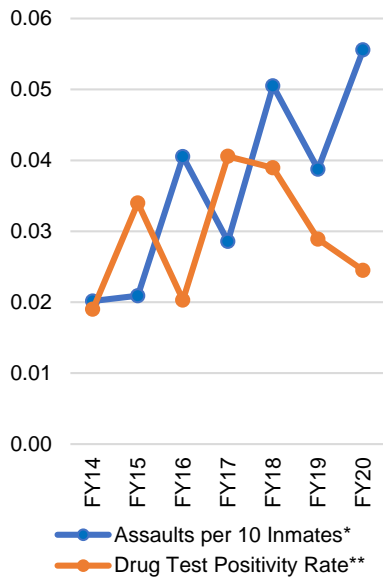
NMCD has made significant strides in addressing underperformance of its inmate healthcare provider, Wexford, over the course of FY21. Wexford improved from meeting just 73 percent of standard healthcare requirements in the first quarter of FY21 to 86 percent in the second quarter and 100 percent in the third. NMCD credits this improvement to frequent communication with the vendor and independent auditing of inmate medical records.

Since the initiation of NMCD's project to significantly increase hepatitis C treatment among inmates in the fourth quarter of FY20, 232 inmates were treated with an average success rate of 89 percent. During the third quarter of FY21, NMCD fully transitioned its procurement of hepatitis C treatment medication from its medical vendor, Wexford, to its newly established 340b drug pricing program. NMCD is in the process of renegotiating its contract with Wexford to increase the number of inmates treated for hepatitis C each year from 150 to 600.

In the first quarter of FY21, NMCD reported its overall three-year recidivism rate had been reported incorrectly since 2016, due to a database error that erroneously counted



**Prison Violence and Inmate Drug Use**



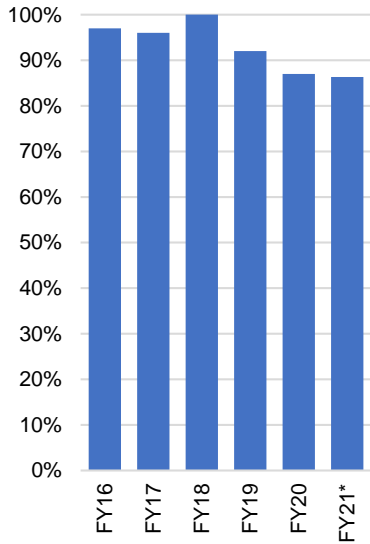
\*Includes both inmate-on-inmate and inmate-on-staff assaults requiring offsite medical treatment.  
\*\*Tests randomly given to 10 percent of the inmate population.

all intakes to the parole system as prison admissions for purposes of calculating reincarceration rates. The agency has corrected this issue, but because it has not provided corrected historical data on this measure, it is unclear if FY21's recidivism results represent an increase or decrease from previous years' recidivism levels. NMCD reports it is working on recalculating annual results for its three-year recidivism rate measure and expects to be able to provide those results by the end of the fiscal year.

	Budget: \$299,283.7	FTE: 2,044	FY19 Actual	FY20 Actual	FY21 Target	FY21 Q1	FY21 Q2	FY21 Q3	Rating
<b>Recidivism</b>									
Percent of prisoners reincarcerated within 36 months			54%	54%	45%	42% <sup>1</sup>	45% <sup>1</sup>	44% <sup>1</sup>	Y
Percent of prisoners reincarcerated within 36 months due to new charges or pending charges			15%	12%	17%	14%	14%	13%	G
Percent of sex offenders reincarcerated on a new sex offense conviction within 36 months of release on the previous sex offense conviction			1%	2%	15%	0%	10%	10%	G
Percent of residential drug abuse program graduates reincarcerated within 36 months of release*			28%	21%	N/A	27%	15%	22%	
<b>Prison Violence</b>									
Number of inmate-on-inmate assaults resulting in injury requiring off-site medical treatment			25	31	15	1	1	1	G
Number of inmate-on-staff assaults resulting in injury requiring off-site medical treatment.			3	7	0	0	0	2	Y
<b>In-House Parole</b>									
Percent of release-eligible female inmates still incarcerated past their scheduled release date			9.4%	7.7%	6%	0.1% <sup>2</sup>	0.8% <sup>2</sup>	0.4% <sup>2</sup>	Y
Percent of release-eligible male inmates still incarcerated past their scheduled release date			9.3%	6.4%	6%	1.5% <sup>2</sup>	1.4% <sup>2</sup>	1.3% <sup>2</sup>	Y
<b>Staffing</b>									
Vacancy rate of correctional officers in public facilities			25%	31%	20%	28%	26%	26%	R
Vacancy rate of correctional officers in private facilities			NEW	46%	20%	18%	19%	29%	R
<b>Education</b>									
Percent of eligible inmates enrolled in educational, cognitive, vocational and college programs			76%	62%	68%	35%	39%	43%	R
Percent of participating inmates who have completed adult basic education* <sup>3</sup>			78%	77%	N/A	6.3% <sup>3</sup>	5.8% <sup>3</sup>	2.2% <sup>3</sup>	
Percent of eligible inmates who earn a high school equivalency credential <sup>3</sup>			78%	77%	80%	6.3% <sup>3</sup>	5.8% <sup>3</sup>	2.2% <sup>3</sup>	Y
Number of inmates who earn a high school equivalency credential			139	134	150	43	34	10	Y
<b>Health</b>									
Percent of standard healthcare requirements met by medical contract vendor			92%	87%	100%	73%	86%	100%	Y
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%	2.8%	1.8%	
<b>Program Rating</b>			Y	R					Y

Metrics related to inmate education fell significantly in the third quarter, with the number of inmates who earned a high school equivalency (HSE) credential dropping from 34 in the second quarter to 10 this quarter. NMCD reports this quarter shows the full impact of educational disruption due to the Covid-19 pandemic on HSE credential attainment, which was not immediate. Additionally, personnel turnover among staff and proctors for HSE exams during the second and third quarters has impacted these measures, with insufficient proctors available to test all students who were ready to take the HSE exam. Due to the extenuating circumstances of the Covid-19 pandemic, these measures are rated yellow.

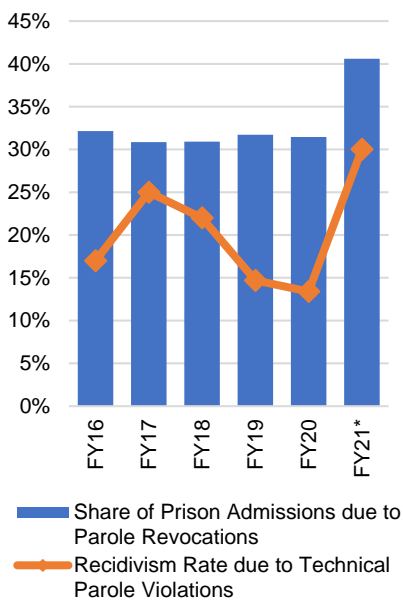
**Percent of Standard Healthcare Requirements Met by Medical Contract Vendor**



\*as of FY21 Q3

Source: LFC files, NMCD

**Parole Revocations and Recidivism for Technical Violations**



Source: NMCD, Sentencing Commission, LFC files

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

1. In the first quarter of FY21, 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. NMCD reports it is working on recalculating annual results for its three-year recidivism rate measure and expects to be able to provide those results by the end of the fiscal year. Because the FY21 target was set based on prior year results that have since been reported to be incorrect, it is difficult to properly rate this measure, and it is rated yellow at this time.

2. 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). NMCD has demonstrated that these recalculated measures represent significant improvements over prior years' results calculated in the same manner, meaning it is likely that the original calculation would also reflect improvement this quarter; for this reason, these measures are rated yellow.

3. 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 are attributed to substance abuse or technical parole violations. While technical violation revocations decreased in FY20, in the first quarter of FY21, the percent of prisoners reincarcerated within 36 months of release due to technical parole violations more than doubled, from 13 percent to 28 percent, and in the second quarter increased further, to 31 percent. In the third quarter, this reincarceration rate remained steady at 31 percent. To date in FY21, parole revocations make up 41 percent of total prison admissions, the largest share of prison admissions due to parole revocations in at least 15 years and almost 9 percentage points higher than the previous high of 32 percent in FY16. NMCD has not yet been able to identify the cause of these increases.

The Probation and Parole Division continues to maintain low vacancy rates and standard caseloads for probation and parole offices. The percent of contacts per month made with high-risk offenders in the community remains high but just below target; NMCD notes that new officers and vacancies impact this measure. The recidivism rates of the men's and women's recovery centers continue to fluctuate, and while both decreased this quarter, they are unlikely to reach their targets for the year.

	FY19 Actual	FY20 Actual	FY21 Target	FY21 Q1	FY21 Q2	FY21 Q3	Rating
<b>Budget:</b> \$40,010.2 <b>FTE:</b> 380							
Percent of prisoners reincarcerated within 36 months due to technical parole violations	15%	13%	14%	28%	31%	31%	<b>R</b>
Percent of graduates from the women's recovery center who are reincarcerated within 36 months	19%	25%	19%	27%	34%	25%	<b>R</b>
Percent of graduates from the men's recovery center who are reincarcerated within 36 months	27%	23%	23%	24%	28%	24%	<b>R</b>
Average standard caseload per probation and parole officer	110	91	103	100	86	84	<b>G</b>
Percent of contacts per month made with high-risk offenders in the community	98%	96%	97%	95%	91%	95%	<b>Y</b>
Vacancy rate of probation and parole officers	24%	25%	20%	15%	15%	16%	<b>G</b>
<b>Program Rating</b>	<b>Y</b>	<b>Y</b>					<b>Y</b>