

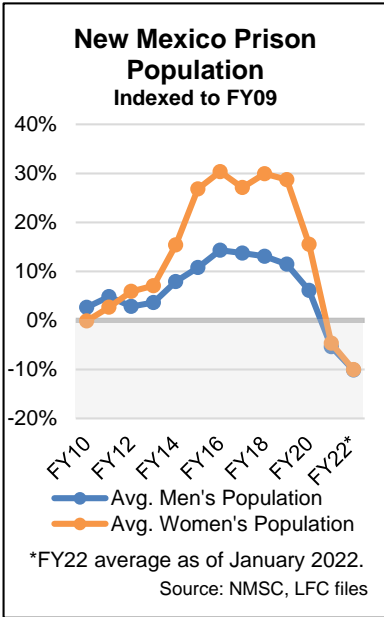
**ACTION PLAN**

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

**Corrections Department**

In the second quarter of FY22, the Corrections Department (NMCD) continued to see its inmate population fall, while reporting improvements in several areas, including offender recidivism, including recidivism due to technical parole violations. Although the agency reports vacancy rates among correctional officers also decreased this quarter, vacancies remain high and these declines do not appear to reflect an ongoing trend. Errors in the agency’s prior reporting and continued issues in reporting results in accordance with LFC and DFA direction create difficulties in analyzing some areas of NMCD’s performance.

Prison populations have fallen every month in FY22 to date, continuing downward trends that began in October 2018. In January 2022, New Mexico’s prisons held an average of 5,667 inmates (5,141 men and 526 women), a decrease of 0.3 percent compared with December 2021 and 5.6 percent lower than January 2021. Total population in January fell 4.2 percent below the Sentencing Commission’s most recent population projection. Since September 2018, prison populations have fallen 23.4 percent, a reduction of 1,730 inmates.



**Inmate Management and Control**

NMCD reported improved vacancies among correctional officers in both public and private prisons in the second quarter of FY22, with vacancy rates in public facilities dropping 5 percentage points compared with last quarter and falling 13 percentage points in private facilities. However, the decrease in public correctional officer vacancies appears largely due to the timing at which these data were collected, while monthly reports from the State Personnel Office show correctional officer vacancies show little change in overall trends. Over the first half of FY22, correctional officer vacancies averaged about 28 percent across all public facilities.

The transition of Northwest New Mexico Correctional Facility, now called Western New Mexico Correctional Facility South (WNMCF-S) from private to public operation and its consolidation with the Western New Mexico Correctional Facility North (WNMCF-N) also allowed NMCD to eliminate a number of vacant, duplicative positions (primarily administrative roles) that can be fulfilled by staff at WNMCF-N, reducing overall vacancy rates at the facility, although these improvements were not fully realized during the second quarter. WNMCF-S ended the second quarter with a vacancy rate of 44 percent among noncustody

**Programming Spotlight: RDAP Mindfulness Pilot Project**

NMCD is partnering with the University of Colorado’s National Mental Health Innovation Center to develop a pilot project deploying virtual reality tools to teach inmates in the residential drug abuse program (RDAP) emotional regulation skills to improve wellbeing, mental health, reentry, and life skills. The agency hopes these skills will reduce offenders’ violent behavior towards themselves and others.

While mindfulness and meditation programs have been used in other residential treatment settings to address social anxiety and behavior modification, this would be the first pilot in a prison setting. The department has invited the University of New Mexico to join the project to convene an institutional review board to help define protocols for research and data collection to evaluate the pilot’s effectiveness.

Other states (including Alaska, Colorado, and Pennsylvania) have employed virtual reality tools to help inmates reenter the community by allowing them to ‘experience’ environments outside of prison prior to release, such as [halfway houses](#) and [grocery stores](#), as well as engage in [mock job interviews](#).

This effort is part of a larger initiative from NMCD to identify programs and practices that have shown success in noncorrectional settings, pilot them within prisons, and assess their effectiveness to identify which programs to expand and continue long term.

NMCD expects to begin its mindfulness pilot project this summer with about 10 to 15 inmates participating.

### Hepatitis C Treatment

This quarter NMCD treated 169 inmates for hepatitis C with an 86 percent treatment success rate, bringing the total number of inmates treated since the agency began its concentrated effort to eliminate the disease from prisons to 618, about 23 percent of the total infected population housed in New Mexico's prisons.

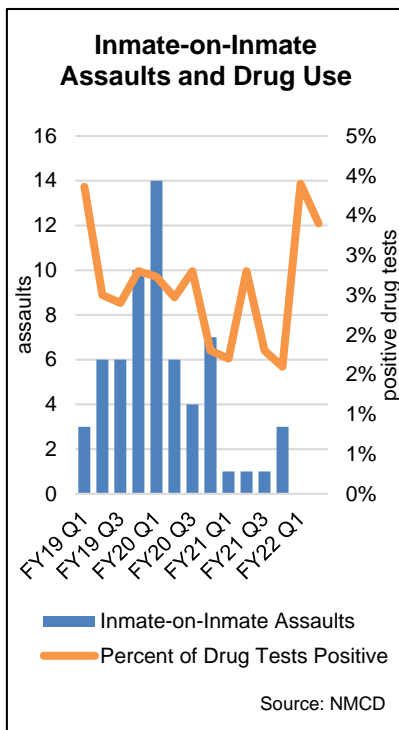
The department has expended \$8.6 million of the total \$22 million appropriated for this purpose, as well as \$5.2 million from its operating budget. During the 2022 legislative session, the special appropriation was extended through FY23. If treatment continues at current rates, NMCD is on track to treat about 73 percent of the infected population by the close of FY23; it may be necessary to extend the appropriation for an additional one to two years to fully complete the project.

positions and 25 percent among custody positions, but by March those rates had fallen to 28 percent and 11 percent, respectively.

Overall recidivism rates reached their FY22 target this quarter, falling 3 percentage points compared with the first quarter of FY22. Recidivism due to new offenses increased 1.7 percent this quarter after increasing 0.5 percentage points in the prior quarter, but recidivism due to technical parole violations fell an additional 3 percentage points after dropping 5 percentage points last quarter, reflecting significant and somewhat sustained improvement.

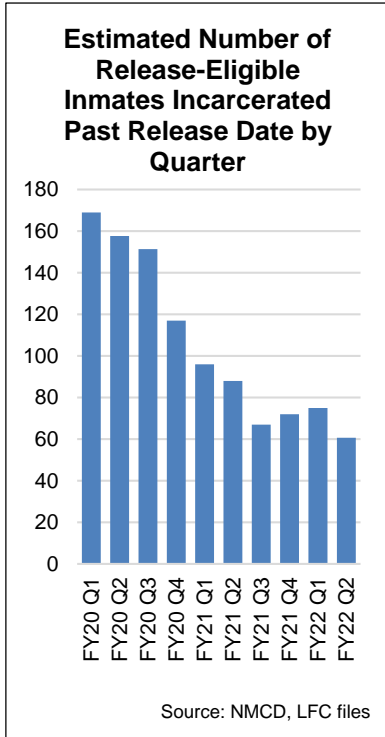
In the first quarter of FY21, NMCD reported its overall three-year recidivism rate had been reported incorrectly since 2016 due to a database error, and in August 2021 the agency further reported that several prior years' performance reports had excluded absconders when calculating recidivism rates for technical parole violations, although the measure is defined to include absconders. The agency corrected these issues in FY21 and FY22 reports, but has not yet been able to provide historical results for comparison. NMCD reports it is working to audit parole files and calculate corrected historical data, but has not provided an estimate of when it expects that audit to be complete.

NMCD reports one serious inmate-on-staff assault and no serious inmate-on-inmate assaults occurred this quarter, continuing a trend of record low assaults that began in FY21. Although NMCD attributes this improvement to reduced drugs in facilities as a result of Covid-19 mitigation efforts, drug use among inmates rose significantly in the first two quarters of FY22 compared with FY21, with the average positivity rate of randomly-administered drug tests averaging 3.7 percent in the first half of FY22 compared with 2 percent over the course of FY21. Prior analysis has also shown no obvious correlation between reported assaults and drug test positivity rates.



	Budget: \$278,234.1	FTE: 1,995	FY20 Actual	FY21 Actual	FY22 Target	FY22 Q1	FY22 Q2	FY22 Q3	Rating
<b>Recidivism</b>									
Prisoners reincarcerated within 36 months <sup>1</sup>			54%	44%	42%	42%	39%		Y
Prisoners reincarcerated within 36 months due to new charges or pending charges			12%	14%	15%	14%	15%		G
Sex offenders reincarcerated on a new sex offense conviction within 36 months of release on the previous sex offense conviction <sup>2</sup>			2%	6%	3%	0%	0%		G
Residential drug abuse program graduates reincarcerated within 36 months of release*			21%	22%	N/A	21%	23%		
<b>Prison Violence</b>									
Inmate-on-inmate assaults resulting in injury requiring off-site medical treatment			31	6	15	0	0		G
Inmate-on-staff assaults resulting in injury requiring off-site medical treatment.			7	3	0	0	1		Y
<b>In-House Parole</b>									
Release-eligible female inmates still incarcerated past their scheduled release date <sup>3</sup>			7.7%	0.6%	6%	0.9%	1.5%		Y
Release-eligible male inmates still incarcerated past their scheduled release date <sup>3</sup>			6.4%	1.4%	6%	1.4%	1.1%		Y

As of March 10, there were 115 active Covid-19 cases in New Mexico's prisons, the majority of which (68) were at Guadalupe County Correctional Facility.



**Staffing**

Vacancy rate of correctional officers in public facilities	31%	27%	20%	31%	26%	Y
Vacancy rate of correctional officers in private facilities	46%	25%	20%	44%	28%	R

**Education**

Eligible inmates enrolled in educational, cognitive, vocational and college programs	62%	41%	68%	29%	41%	R
Participating inmates who have completed adult basic education*4	77%	5%	N/A	3.5%	4.2%	
Percent of eligible inmates who earn a high school equivalency credential4	77%	5%	80%	3.5%	4.2%	R
Number of inmates who earn a high school equivalency credential	134	118	150	20	24	R

**Health**

Standard healthcare requirements met by medical contract vendor	87%	90%	100%	94%	95%	Y
Random monthly drug tests administered to at least 10 percent of the inmate population that tests positive for drug use*	2.5%	2%	N/A	3.9%	3.4%	

**Program Rating**

	R	R		Y
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\*Measure is classified as explanatory and does not have a target.

1. Measure's yellow rating reflects outstanding reporting issues; see Data Quality Concerns, below.
2. Result for FY22 Q1 was reported incorrectly on that quarter's report (as 9 percent) and was corrected in the FY22 Q2 report.
3. Measure's yellow ranking reflects outstanding reporting issues; see Data Quality Concerns, below.
4. NMCD reported this measure had previously been miscalculated and changed the calculation for FY21 but did not provide corrected historical reports. Previously, both measures were calculated as the pass rate of the high school equivalency (HSE) test; now, both are reported as the percent of inmates enrolled in adult basic education who pass the HSE test and therefore earn the credential.

**Community Offender Management**

**Data Quality Concerns**

A number of issues in NMCD's quarterly reporting lead to concerns regarding overall data quality in the reports that have been outstanding for several months. Specific issues are outlined below.

Measure(s)	Issue(s)
Prisoners reincarcerated within 36 months	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 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. NMCD reports it is working on recalculating annual results for its three-year recidivism rate measure but has not yet provided results.
Release eligible male and female inmates still incarcerated past their scheduled release date	NMCD reported this measure had previously been miscalculated and changed the calculation for FY21 but did not provide corrected historical reports. LFC and DFA analysts believe NMCD's altered calculation is incorrect (the original calculation is correct), but NMCD has not revised its reports for FY21 or FY22 despite explicit direction to do so.
Prisoners reincarcerated within 36 months due to technical parole violations	In August 2021, NMCD reported several prior years' performance reports had excluded absconders when calculating recidivism rates for technical parole violations, although the measure is defined to include absconders. The department included absconders in its FY21 reports but had not informed LFC of this change. As a result, it is not possible to compare FY21's 30 percent recidivism rate for technical violations to prior years' performance, and it is not clear if this an increase or decrease.

## FY22 Budget Adjustments

At the beginning of FY22, NMCD transferred \$9.5 million from the other category to personnel (\$9.4 million) and contracts (\$85 thousand) within its Inmate Management and Control Program to account for the transfers GCCF and WNMCF-S from private to public operation. In December 2021, the agency transferred \$12.5 million from the personal services and employee benefits category to the contractual services (\$2.7 million) and other (\$9.8 million) categories to reallocate vacancy savings, effectively reversing its earlier transfer. In March 2022, the department transferred an additional \$7.5 million from personnel due to vacancy savings, reallocating \$250 thousand to contractual services and \$7.2 million to the other category.

Vacancy rates among probation and parole officers rose an additional percentage point this quarter after increasing 2 percentage points in the first quarter of FY22, and in the second quarter these rates exceeded their FY22 target. This is the fourth quarter in a row in which NMCD has reported an increase in vacancies for these positions, which the agency attributes to retirements and attrition to other law enforcement agencies that offer significantly higher salaries, such as the Albuquerque Police Department and federal law enforcement agencies.

For the fourth quarter in a row, recidivism rates at the women’s recovery center improved, this quarter falling to its lowest rate (10 percent) since the agency began reporting on this measure in FY18. NMCD credits this improvement to the initiation of new, evidence-based programs, including trauma-informed programming specifically intended for women. Unfortunately, the men’s recovery center saw its recidivism rate rise this quarter, remaining relatively consistent with prior years.

	FY20 Actual	FY21 Actual	FY22 Target	FY22 Q1	FY22 Q2	FY22 Q3	Rating
<b>Budget: \$38,379.6 FTE: 363</b>							
Prisoners reincarcerated within 36 months due to technical parole violations <sup>1</sup>	13%	30%	15%	26%	23%		R
Graduates from the women’s recovery center who are reincarcerated within 36 months	25%	27%	20%	17%	10%		G
Graduates from the men’s recovery center who are reincarcerated within 36 months	23%	28%	20%	22%	25%		R
Average standard caseload per probation and parole officer	91	88	100	88	85		G
Contacts per month made with high-risk offenders in the community	96%	94%	97%	96%	98%		G
Vacancy rate of probation and parole officers	25%	16%	20%	20%	21%		Y
<b>Program Rating</b>							Y

1. Measure has outstanding reporting issues; see Data Quality Concerns, above.

